

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – August 21, 2017

The Independence Township Land Use Board met for a regular meeting on Monday, August 21, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:32 p.m. and he stated that the meeting is being held in accordance to the Open Public Meetings Act by posting said notice of this meeting on the bulletin board in the Municipal Building and notifying the Municipal Clerk. Advertisement of notice was placed in the Star Gazette of Hackettstown, NJ and sent to the Express Times of Easton, PA. Chairman Fernandez then provided the procedure for this evening.

ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	George Ulmer	James Kelsey
	Ricardo Fernandez	Robert Best
	Lucy Carvino	Melissa Milano
	Geoffrey Cullen	Glen Cogle
	Donald Engels	

Absent:	Tim Norton	Mark Rafalko
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Also Present:	William Gold, Esq.	Kevin Smith, P.E.
	David Banisch, P.P.	

MINUTES:

The Regular Minutes of the July 17, 2017 meeting were distributed prior to the meeting. Mrs. Walter made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen, Ms. Milano, Ms. Carvino, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Best, Mr. Cogle, and Mr. Engels, who were not present at the July meeting and are not eligible to vote on the minutes.

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public, for non-agenda items. With there being no public comment, the hearing was closed to the public.

OLD BUSINESS:

#17-002 Woodmont Independence Urban Renewal, LLC, Block 6.02, Lot 3

Glen Kienz, Esq. was present on behalf of the Applicant. Both Attorney Kienz and Chairman Fernandez reviewed where they left off at the last meeting and the hearing process for this evening. Board Attorney Gold clarified the Board Members that would be eligible to vote on the matter. Board Secretary Schemm stated that she has certifications from the Board Members that are eligible to vote on the application. She noted that Mr. Best and Ms. Milano are not eligible to vote on the matter this evening.

Mr. Keller was present and he acknowledged that the was still under oath. The following was submitted and marked as an Exhibit:

A-7 Emergency Access Exhibit, dated 8-16-17

Mr. Keller reviewed the proposal for a grass paved emergency access, which was discussed with the Board. The Board continued to question and review fire protection and access.

Keith Aiello, Chief of Police, was sworn in and he commented on the proposal and the emergency access. He stated his concerns with the Boulevard Entrance. Board Engineer Smith also addressed his review of the emergency access and he recommended a second emergency access.

Clyde Snyder, past Chief of the Fire Department, was sworn in and he questioned and commented on water access and emergency access. He stated that he is not in favor of the Boulevard Entrance.

Board Planner Banisch provided his comments on the landscaping, marking the secondary access, and seasonal maintenance. He also commented on defining the main driveway. The Board continued to review the proposal.

The hearing was opened to the public for questions.

John King had a question in regards to the encroachment on the setbacks. Attorney Kienz stated that they comply with all setback requirements.

Santina Marquart questioned the fire access. Chairman Fernandez stated that testimony has been provided that there is adequate emergency access.

Debra Lukas questioned the submitted Exhibit and the maintenance of the access road and snow removal. Chairman Fernandez stated that all the Exhibits are available for public review. Attorney Kienz addressed the maintenance and snow plowing of the access road.

Leslie Wolfe questioned the grading, which was addressed by Mr. Keller.

Liz Larkin asked if the Board has already made a decision on this matter. Chairman Fernandez stated that the Board's parameters in regards to the use are very clear. He stated that the Board is reviewing the site conditions to make sure that the site can accommodate the proposal. Board Attorney Gold reviewed that the use is a permitted use and the Board is reviewing the site plan.

Erin Greer questioned the procedure. Board Attorney Gold stated again the use is a permitted use and the Board is now reviewing the site plan. Both Chairman Fernandez and Board Attorney Gold reviewed the process and the law.

With there being no further public questions, the hearing was closed to the public.

Attorney Kienz stated that he has no further witnesses to present and he would like to sum up at the end of the public session.

Both Board Attorney Gold and Chairman Fernandez reviewed the procedure for opening the hearing to the public for comments and statements. The hearing was then opened to the public for general comments.

John King was sworn in and he stated his concerns regarding traffic, blasting, flooding, noise and environmental pollution and the low income building. He stated that this development is being rushed through and he asked that the Board deny the application.

Santina Marquart was sworn in and she stated her concerns over the devaluing of her property, traffic, water drainage, snow removal, blasting, noise, crime, and the burden on the police and fire department.

Debra Lucas was sworn in and she stated that she has spoken to NJ Highlands Coalition and there were many questions that could not be answered. She was told that the subject property has critical wildlife, severe steep slopes, and a deficient watershed. She stated her concerns that the Board does not have sufficient information to make a decision. She went on to state her concern about the quality of life and looking out for the residents of the Township.

Tara Moloney was sworn in and she stated her concerns over the impact of the increased traffic and she questioned how this development will improve the Township.

Elizabeth Caruso was sworn in and she stated her concerns over the view, the atmosphere, the property taxes and the impact to the existing homes and traffic. She stated her concern over the height of the buildings and the sounds of construction.

Leslie Wolfe was sworn in and she stated that she has a computer generated display to present. Board Attorney Gold stated a concern over trying to create a record. Ms. Wolfe stated that she can send a copy of the computer file to the Engineer. She then described the 3D earthworks model. The following was also submitted and marked as an Exhibit.

O-1 Exhibit Cut and Fill Map/Plan View with profiles, dated 6/27/17

She asked that the Board not approve the proposal without a current geotechnical report. Board Attorney Gold asked that Ms. Wolfe provide a copy of computer file for the Board's records. Attorney Kienz clarified that the Board is accepting the presentation, for informational purposes, as Ms. Wolfe has not been qualified. Ms. Wolfe also stated that she requested and did not receive a PDF of the Utility Plan.

Mary Gladfelter was sworn in and she questioned the payment in lieu of taxes. She also commented on flooding, increased traffic, noise, and the impact to her property value. Chairman Fernandez address the PILOT program.

Karen Greer was sworn in and she stated her concerns about blasting, flooding, groundwater, the existing trees, and snow removal. She commented on the burden to the residents, the school, he water supply, and the fire and police departments.

Joe Vacca commented on the Woodmont development in Mt. Arlington and the visual impact.

Barbara Nitting stated that she was told that there would be no development on the subject property and she was concerned about flooding, privacy, and the impact on property values.

Chairman Fernandez asked if there was anyone else from the public wishing to comment. With there being none, he asked for a motion to close it to the public. Mr. Cogle made the motion to close the hearing to the public. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen, Ms. Milano,
Ms. Carvino, Mr. Best, Mr. Cogle, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: None recorded

Attorney Kienz thanked the Board for their time in hearing the application. He stated that they have tried to address and comply with the review letters, the Board, the County, Emergency Services, and the Public. He stated that the only variance relief being requested is for the sign. He stated that their Professionals have appeared and testified in regards to the project and they are requesting a favorable approval.

Mr. Kelsey commented on the past resistance to the Oak Hill development before it was constructed and he is happy to hear that the residents are happy living in Oak Hill. He stated that there is limited development area in Independence due to state government and the Highlands Act.

Mr. Feula commented that the Township and the Board have worked very hard for the benefit of Independence Township. He stated that the Highlands has restricted development within the Township. He also stated that the Applicant will need to comply with outside agency approvals and the project will be monitored.

Mr. Ulmer commented on his experience in Warren County and the growth in Independence Township. He stated that the Board has rules and laws that they need to comply with.

Ms. Carvino questioned the blasting. Chairman Fernandez stated that there are protocols that will need to be followed.

Ms. Milano questioned the outside agency approvals, which Board Attorney Gold addressed.

Mr. Cullen commented on the residents of Oak Hill documenting the status of their homes. Both Mr. Cullen and Mr. Feula questioned the status of the low income units in the discussion.

Mr. Engels asked if a list could be compiled of what needs to be addressed. Chairman Fernandez stated that notes have been taken. Mr. Banisch also addressed the items/conditions that the Applicant has already agreed to and storm water management.

Mr. Cogle. commented on the entrance of the project and the emergency access.

Chairman Fernandez made the motion to approve the application, conditioned upon: generator at the clubhouse; no white siding; secondary access and that it be open and visibly marked especially between October and April; deed restriction for amenities for all that live in the complex; landscaping committee to review landscaping and buffer; a roof for the garbage area; play area for the lower building; the developer will meet the requirements of the Board Engineer and all outside agencies; split rail around the detention basin; pockets of landscaping on the retaining wall; and that the affordable units be integrated with the market rate units. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen,
Ms. Carvino, Mr. Cogle, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Best and Ms. Milano, who are not eligible to vote on this matter.

The Board took a brief recess at 9:30 p.m. The meeting resumed at 9:39.

A roll call was taken of the Board Members present: Mrs. Walter, Mr. Feula, Mr. Milano, Ms. Carvino, Mr. Fernandez, Mr. Cullen, Mr. Ulmer, Mr. Cogle, Mr. Best, Mr. Engels, and Mr. Kelsey.

NEW BUSINESS:

#17-003 Rudy DelVecchio, Block 17, Lot 14-Certificate of Non-Conformity

Board Attorney Gold reviewed the Board Members eligible to vote on this matter. He stated that he spoke and reviewed the proposal with Mr. DelVecchio and in his opinion the utility work is not development; however, it is up to Mr. DelVecchio if he wishes to proceed. He confirmed that notice was provided.

Rudy DelVecchio was sworn in and he reviewed the zoning in the Township. He stated that he purchased a home recently and he has property cards that show that the house has been assessed as a two family house. The following was submitted and marked as an Exhibit:

A-1 Tax Property Record Card, 4 pages

Mr. DelVecchio continued to describe the home and it's uses.

Ed Wyker was sworn in and he testified to his knowledge of the two family use of the property.

Mr. DelVecchio provided a photograph of the 3 utility meters and he stated that the required inspections and permits were done. The Board continued to review the necessary proofs that need to be presented, the date comprehensive zoning went into effect, the past construction permits, and the current situation. Mr. Ulmer advised the Board that he is no longer an officer of the church.

Mr. Cogle made the motion to grant the certificate of non-conformity. Motion seconded by Mr. Kelsey. Roll call:

Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen, Mr. Best, Mr. Cogle, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Ms. Milano and Ms. Carvino, who are Alternates this evening.

Mr. DelVecchio asked if the Zoning Officer can be alerted of the Board's action. Board Attorney Gold will advise the Zoning Officer.

OTHER BUSINESS:

Land Use Committee-Highlands/Affordable Housing

Board Planner Banisch reviewed the Settlement Agreement that has been drafted and he stated that the Liberty units are not being recognized for credits.

Kittatinny Valley State Park, Kenco/Wetlands Mitigation, Block 29, Lot 28-Status

No formal update

Litigation

Board Attorney Gold noted the Roes Island appeal that was filed and the letter he wrote to the Appellate Division stating that the Board is relying on the brief supplied by Roes Island.

DISCUSSION:

Site Plan Committee Report

None

Ordinance Subcommittee-Recommendation

None

Master Plan Subcommittee Update

None

Woodmont Landscape Subcommittee

Chairman Fernandez stated that Mr. Best, Mr. Rafalko, and Ms. Carvino will be on the subcommittee.

BILLS:

Finelli Consultants

Re: Woodmont 607.50

Stephen Toth

Re: Woodmont-Interpreter 300.00

Banisch

Re: Woodmont 979.80

Re: General 56.80

William Gold

Re: Woodmont 948.75

Re: General 453.75

Re: Miller/Chang 82.50

NJ Advance Media

Re: Notice 12.34

Kathy Ferejohn

Re: Woodmont-Interpreter 350.00

Mrs. Walter made the motion to approve the bills. Motion seconded by Mr. Ulmer. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen, Mr. Best, Mr. Cogle, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Ms. Milano and Ms. Carvino, who are Alternates this evening

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:20 p.m. Voice vote:

Ayes: Mrs. Walter, Mr. Feula, Mr. Kelsey, Mr. Fernandez, Mr. Cullen, Mr. Best, Mr. Cogle, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Ms. Milano and Ms. Carvino, who are Alternates this evening

Respectfully submitted,

Alfia Schemm
Board Secretary

9/13/17