

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – October 15, 2018

The Independence Township Land Use Board met for a regular meeting on Monday, October 15, 2018 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:30 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 and Express Times.

ROLL CALL:

Present: Muriel Walter Carmen Feula
Lucy Carvino Ricardo Fernandez
Michael Pennington Robert Best
Geoffrey Cullen George Ulmer
James Kelsey Mark Rafalko
Melissa Milano

Absent: Donald Engels Glen Cogle

Also Present: Eric Bernstein, Esq. Kevin Smith, PE
David Banisch, PP

MINUTES:

Mrs. Walter made the motion to adopt the minutes of August 20, 2018. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mrs. Walter, Mr. Feula, Ms. Carvino, Mr. Fernandez, Mr. Pennington,
Mr. Best, and Mr. Cullen.
Nays: None recorded
Abstain: Mr. Ulmer, Mr. Kelsey, Mr. Rafalko, and Ms. Milano, who were not
present at the August meeting.

Mr. Kelsey made the motion to adopt the executive session minutes of May 21, 2018. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Ms. Carvino, Mr. Ulmer, Mr.
Kelsey, Ms. Milano, and Mr. Fernandez
Nays: None recorded
Abstain: Mr. Best, Mr. Cullen, and Mr. Rafalko, who were not present at the May
meeting.

OPEN TO THE PUBLIC:

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

NEW BUSINESS:

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

Stephen Santola, Esq. was present on behalf of the Applicant and he reviewed their 12 month extension request. He provided an October 15, 2018 letter outlining a summary of the approvals and current submissions with attachments and their HMUA and Warren County approvals. He stated that they recently made a County submission, which he hopes will get approved, so that they can begin construction in the Spring, which was then discussed with the Board.

Mr. Ulmer made the motion to grant the requested extension. Motion seconded by Mr. Feula.
Roll call vote:

- Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Cullen, Mr. Ulmer, Mr. Kelsey, and Mr. Fernandez
- Nays: None recorded
- Abstain: Alternates-Ms. Carvino and Ms. Milano

NEW BUSINESS:

#18-001 Wireless EDGE Towers, LLC, Block 21, Lot 50-Deferred

Chairman Fernandez stated that this matter is being carried. Board Secretary Schemm stated that the Board has received an extension until the end of the year. She stated that she expects another submission to be submitted by next month.

OTHER BUSINESS:

Land Use Committee-Highlands/Affordable Housing

Board Planner Banisch provided an Affordable Housing update and he then addressed the Master Plan/Reexamination Report and Highlands. Mr. Feula stated his concerns, with a meeting he attended, with the new staff of the Highlands. He state that the Township is not in compliance and Chairman Fernandez had some recommendations.

EXECUTIVE SESSION:

Chairman Fernandez made the motion to go into Executive Session at 7:48 p.m. to discuss client attorney privilege. Motion seconded by Mrs. Walter. In a voice vote:

- Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Ulmer, Mr. Cullen, Mr. Kelsey, and Mr. Fernandez
- Nays: None recorded
- Abstain: Alternates-Ms. Carvino and Ms. Milano

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of Independence, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Client/Attorney Privilege
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: October 15, 2018

Mr. Ulmer made the motion to come out of Executive Session at 8:33 p.m. Motion made by Mr. Feula. In a voice vote:

- Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Ulmer, Mr. Cullen, Mr. Kelsey, and Mr. Fernandez
- Nays: None recorded
- Abstain: Alternates-Ms. Carvino and Ms. Milano

Board Attorney Bernstein announced that the Board has reconvened with all of the Board Members present, Board Professionals, and Board Secretary. He stated that the Board met in Executive Session to discuss a situation pertaining to the Master Plan.

Master Plan Discussion

The Board then went on to discuss preparing a Master Plan Reexamination Report.

Chairman Fernandez made the motion to proceed with the preparation of a Master Plan Reexamination Report, subject to funds from the Township, the Highlands, or a combination of both. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Ulmer, Mr. Cullen, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternates-Ms. Carvino and Ms. Milano

The Board then went on to discuss a possible procedure of corresponding with the Governing Body and meeting with the Highlands. The Board also discussed the cost of preparing a Plan. Board Planner Banisch suggested that he redistribute the documentation to everyone, identify the documents already prepared, and prepare a reexamination outline. Board Attorney Bernstein asked if Mr. Feula could prepare an outline of what was discussed, at the meeting he attended, with the Highlands. Board Planner Banisch stated that he could probably prepare a bare bones report for under \$5,000.00. The Board also discussed the scheduling of future discussions.

DISCUSSION:

Site Plan Subcommittee (Feula, Engels)

None

Ordinance Subcommittee (Feula, Cullen, Rafalko)

None

Redevelopment Subcommittee (Pennington, Feula, Engels)

None

Master Plan Subcommittee

None

BILLS:

Eric Bernstein, Esq.

Re: General	150.00
Re: Litigation	180.00
Re: Woodmont	720.00
Re: Wireless	45.00

Finelli Consultants

Re: Top of the Hill	460.00
Re: Wireless Edge	93.75
Re: Top of the Hill	115.00
Re: Top of the Hill	172.50

Mr. Kelsey made the motion to approve the vouchers. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Ulmer,
Mr. Cullen, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternates-Ms. Carvino and Ms. Milano

OTHER BUSINESS:

Marijuana Legislation

The Board discussed the evolving proposed marijuana legislation and the Township's position.

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 8:30 p.m. Voice vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Feula, Mr. Best, Mr. Rafalko, Mr. Ulmer,
Mr. Cullen, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternates-Ms. Carvino and Ms. Milano

Respectfully submitted,

Alfia Schemm
Board Secretary

1/7/19