

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – June 21, 2021

The Independence Township Land Use Board met for a regular meeting on Monday, June 21, 2021 via Zoom. Ricardo Fernandez called the meeting to order at 7:32 p.m. and he stated that the meeting is being held in accordance with the Open Public Meetings Act by posting said notice of this meeting on the bulletin board in the Municipal Building, posting on the Township Website, and notifying the Municipal Clerk. Advertisement of notice was placed in the NJ Herald and Express Times.

ROLL CALL:

Present:	Carmen Feula	James Kelsey
	Lucy Carvino	Donald Engels
	Geoffrey Cullen	Melissa Milano
	Ricardo Fernandez	Robert Neumann
	Glenn Cogle	Mark Rafalko
Absent:	Robert Best	George Ulmer
	Bonnie Kelsey	
Also Present:	Eric Bernstein, Esq.	Michael Finelli, P.E.
	David Banisch, P.P.	

OLD BUSINESS

#21-001 Joe Coladarci Jr., Block 17, Lot 3-Hearing

Erik Hassing Esq. was present on behalf of the Applicant. He stated that he would like to have Mr. Coladarci continue on with his testimony, which began last month.

Mr. Coladarci acknowledged that he was still under oath and he continued on with his description of the proposed 3 unit project, the right of way, the septic, the architecture, and the proposed residential lighting. Several Board Members had questions: regarding the number of variances, the residential lighting, modular housing, and the servicing of the well.

Chairman Fernandez reviewed the procedure in opening the hearing to the public for questions of Mr. Coladarci. With there being no public questions, the hearing was closed to the public.

Mr. Hassing stated that they have no further testimony and he provided his closing statements. He stated that the proposal has a lesser impact than what was previously approved. He stated that the project has been designed to be viable and will be an improvement and provide needed housing. He stated that the proposal will not be a substantial detriment to the Community and although the project requires variances it will have a low impact on the Community. He stated that last month someone had cursed at his client and he would request, that if it was a Board Member, that they recuse themselves. Chairman Fernandez stated that he can assure Mr. Hassing that it was not a Board Member that had the unfortunate outburst.

The hearing was opened to the public for any comments.

Victoria Collado stated that there is a need for apartments and she supports the application.

Chairman Fernandez and Board Secretary Schemm reviewed the Zoom instructions again for the public. With there being no further public comments, the hearing was closed to the public.

Mr. Finelli stated that he was disappointed that no revised plans were submitted to address the technical items in his April 15th report. He reviewed the well, septic, and the variances.

Mr. Hassing confirmed that they have concluded their testimony. Mr. Banisch then addressed the variances being sought, the proofs necessary to support both the D variances and the bulk variances, and the lack of testimony. Mr. Bernstein confirmed that he felt that appropriate notice was provided.

The hearing was opened to the public for questions of Mr. Finelli and Mr. Banisch. With there being no public comment, the hearing was closed to the public.

Chairman Fernandez asked Mr. Hassing if he had any questions of Mr. Finelli and Mr. Banisch. Mr. Hassing stated that he feels that there was testimony provided and properly presented to support the application.

Mr. Cullen made the motion to close the meeting to the public. Motion seconded by Mr. Feula. Roll call vote in favor:

- Ayes: Mr. Feula, Mr. Kelsey, Mr. Rafalko, Ms. Milano, Mr. Cullen, Mr. Engels, and Mr. Fernandez
- Nays: None recorded
- Abstain: Alt #3 Ms. Carvino and Alt #4 Mr. Neumann
- Recused: Mr. Cogle

Mr. Cullen thanked Mr. Banisch for providing the variance overview. He made the motion to deny the application. Motion seconded by Mr. Fernandez. Discussion on the motion: Board Secretary Schemm notified the Board that the Applicant's escrow is in arrears. Mr. Fernandez stated that he is voting in favor of the motion because of the lack of proofs on the record. He also stated that it is an overbuilt lot and there could have been a better attempt to comply with the standards. He stated that the proposal could be redesigned to be a better application and that the proposal strains the lot. Mr. Cullen voted in favor of the motion. Mr. Kelsey stated that it is a difficult property; however, he feels that the proposal would be a benefit and he voted to oppose the motion. Mr. Engels agreed with Mr. Kelsey and he also voted in opposition. Mr. Feula stated that he feels that the Applicant has demonstrated a willingness to address the issues and he thinks that he has heard positive testimony for the project and that the proposal is good for the Township. He voted to oppose the motion. Mr. Rafalko voted in favor of the motion. Ms. Milano stated that rental units are beneficial; however, she does not feel that they have provided the necessary proofs and she voted in favor of the Motion. Roll call vote:

- Ayes: Mr. Rafalko, Ms. Milano, Mr. Cullen, and Mr. Fernandez
- Nays: Mr. Feula, Mr. Engels, and Mr. Kelsey
- Abstain: Alt #3 Ms. Carvino and Alt #4 Mr. Neumann
- Recused: Mr. Cogle

Motion carries for the denial.

Chairman Fernandez urged Mr. Coladarci to come back to the Board with a redesigned proposal. Mr. Coladarci stated that he does not know if he will be back; however, he does have a problem with the Board Planner. Chairman Fernandez stated that there are methods to address concerns regarding the Professionals and this is not the proper forum. Mr. Hassing stated that they are disappointed and feel that the proposal is an improvement over the prior approval. Mr. Coladarci noted that there are additional funds in the other escrow account that can be used for any deficiency.

MINUTES:

The minutes from the May 17, 2021 meeting were distributed prior to the meeting. Mr. Cullen made the motion to adopt the minutes. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mr. Rafalko, Mr. Feula, Mr. Engels, Mr. Kelsey, Ms. Milano, Mr. Cullen, Mr. Cogle, Mr. Neumann, and Mr. Fernandez

Nayes: None

Abstain: Alt #3 Ms. Carvino

OTHER BUSINESS:

Resuming In-Person Meetings

Mr. Cogle suggested that the Board resume in person meetings. The Board was polled and they were in favor. The Board discussed whether there is a mask requirement and if there are any specific rules that need to be followed.

Mr. Cogle made the motion to begin in person meetings in July. Motion seconded by Ms. Carvino. Roll call vote:

Ayes: Mr. Rafalko, Mr. Feula, Mr. Engels, Mr. Kelsey, Ms. Milano, Mr. Cullen, Mr. Cogle, Ms. Carvino, and Mr. Fernandez

Nayes: None

Abstain: Alt #4 Mr. Neumann

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public for non-agenda items. With there being no public comment, in a motion made by Mr. Cogle and seconded by Mr. Feula, the meeting was closed to the public. Roll call vote:

Ayes: Mr. Rafalko, Mr. Feula, Mr. Engels, Mr. Kelsey, Ms. Milano, Mr. Cullen, Mr. Cogle, Ms. Carvino, and Mr. Fernandez

Nayes: None

Abstain: Alt #4 Mr. Neumann

OTHER BUSINESS-RESUMED

Land Use Committee-Highlands/Affordable Housing

Mr. Banisch stated that they have been working on mapping and hope to have an update for the July meeting.

Ordinance 2021-04

Mr. Banisch reviewed the Ordinance with the Board and the consistency review, which was discussed with the Board. He stated that in his opinion, the Ordinance is not inconsistent with the Master Plan.

Mr. Fernandez made the motion to determine that the Ordinance is not inconsistent with the Township Master Plan. Motion seconded by Mr. Engels. Roll call vote:

Ayes: Mr. Rafalko, Mr. Feula, Mr. Engels, Mr. Kelsey, Ms. Milano, Mr. Cullen, Ms. Carvino and Mr. Fernandez

Nayes: None

Abstain: Mr. Cogle and Alt #4 Mr. Neumann

The Board continued to discuss the future process and procedure.

DISCUSSION

Site Plan Subcommittee (Feula, Neumann, Engels)

None

Ordinance Subcommittee (Feula, Cullen, Rafalko)

None

Redevelopment Subcommittee (Feula, Neumann, Engels)

None

Master Plan Subcommittee Update (Ulmer, Feula, Rafalko)

None

BILLS:

Eric Bernstein

Re: General	75.00
Re: Coladarci	1260.00

Finelli Consulting

Re: Coladarci	1930.00
Re: General	97.50

Banisch

Re: General	184.50
Re: Highlands Assessment	554.40
Re: Coladarci	1755.60

Mr. Kelsey made the motion to approve the bills. Motion seconded by Mr. Cullen. Roll call vote: Ayes: Mr. Rafalko, Mr. Engels, Mr. Kelsey, Ms. Milano, Mr. Cullen, and Mr. Fernandez
 Nays: Mr. Cogle, Ms. Carvino, and Mr. Feula
 Abstain: Alt #4 Mr. Neumann

OTHER:

Mr. Cogle stated that the Board may have to come up with a game plan if there were to be a large meeting and they cannot accommodate a crowd at the Municipal Building.

ADJOURNMENT:

In a motion made and seconded the Board adjourned the meeting at 9:30 pm. Voice vote:
 Ayes: Mr. Feula, Mr. Kelsey, Mr. Cullen, Mr. Engels, Mr. Cogle, Mr. Rafalko, Ms. Milano, Ms. Carvino, and Mr. Fernandez
 Nays: None recorded
 Abstain: Alt #4 Mr. Neumann

Respectfully submitted,

Alfia Schemm
 Board Secretary
 7/15/21