

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – December 19, 2016

The Independence Township Land Use Board met for a regular meeting on Monday, December 19, 2016 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:34 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 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.

ROLL CALL:

Present:	Muriel Walter	George Ulmer
	Mark Rafalko	Geoffrey Cullen
	Carmen Feula	Ricardo Fernandez
	Donald Engels	James Kelsey
	Tim Norton	

Absent:	Robert Best	Glen Cogle
	Melissa Milano	

Also Present:	William Gold, Esq.	Kevin Smith, PE
	David Banisch, PP	

MINUTES:

The minutes from the November 21, 2016 meeting were distributed prior to the meeting. Mrs. Walter noted that the voucher amounts are missing from the minutes. Board Secretary Schemm stated that she will look it up and insert the correct information, if the Board still wishes to adopt them as modified.

Mrs. Walter made the motion to adopt the minutes as modified. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, and Chairman Fernandez.

Nays: None recorded

Abstain: Mr. Norton, Mr. Kelsey, Mr. Engels, and Mr. Feula, who were not present at the November meeting and they 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 meeting was closed to the public.

OLD BUSINESS:

#11-001 Woodmont Independence LLC (formerly Bilby Estates) Block 3, Lot 6.02

Board Attorney Gold stated that he spoke with the Applicant's Attorney and it was requested that the matter be continued to be carried. Mr. Feula also gave a brief status update and he thanked everyone involved in working on the matter.

NEW BUSINESS:

#16-005 Top of the Hill, Block 15.03, Lot 11.02-Variance and Preliminary Site Plan

Michael Selvaggi, Esq. was present on behalf of the Applicant and he briefly reviewed the application. Chairman Fernandez reviewed, for the public, the procedure for tonight.

Richard Rogers was sworn in and he provided testimony in regards to the proposal to lease out the subject property to Rogers Rentals, which will warehouse trailers for rent. He reviewed the operation and the proposed maintenance building to allow employees to be out of the weather. He stated that they are proposing to have 63 trailers. He reviewed that the hours of operation are normally 8-5 during the week and 8-12 on Saturday. He stated that they have one driver and 2 mechanics that will perform routine maintenance in the proposed maintenance building. He stated that they do not work with any hazardous material and he reviewed the proposed lighting. He stated that they will get routine deliveries for parts. He reviewed the operation, the ingress and egress, the traffic circulation, and the landscaping. The Board reviewed and discussed the proposal and use with the Board and the Board Professionals.

The hearing was opened up to the public, for questions of Mr. Rogers.

Paul Weisenstein was sworn in and he questioned: whether any solvents or hazardous materials will be used, the berm, and ingress and egress onto Johnson Road. Mr. Rogers stated that there are no hazardous materials and he addressed the berm, the Liberty Yard and the traffic that will be generated.

George Forte was sworn in and he questioned the Liberty facility and the operation of the proposed facility.

Tony Russack was sworn in and he questioned the traffic and the flow of traffic. He stated that he is concerned with safety.

Todd Pfeiffer was sworn in and he questioned the other businesses that run out of the area and the refrigerated trailers.

Treacy Stewart was sworn in and she commented on the proposal and she stated that her concerns are environmental in nature.

With there being no further public questions, the hearing was closed to the public for questions of Mr. Rogers.

James Glasson was sworn in and he was accepted as a Civil Engineer. The following was submitted and marked as an Exhibit:

A-1 Existing Conditions Plan

Engineer Glasson gave an overview of the property, the zoning, the existing site conditions and landscaping. The following was submitted and marked as an Exhibit:

A-2 Rendered Proposed Site Layout Plan, dated 12-19-16

Engineer Glasson described the proposal, the ingress and egress, sight distance, paved-gravel area and the parking, the septic system, and the bio retention basin. He stated that they can comply with Board Planner Banisch's comments in regards to removing some of the lighting. He addressed the landscaping and berm with the trees and he stated that the building will not be visible. He reviewed the outside agency permits and approvals. He addressed the variances being requested for parking, off street loading, and the buffer strip. The following was submitted and marked as an exhibit:

A-3 WB67 Turning Movements

Engineer Glasson then went on to describe the radius and turning movements. He described

the height of the proposed doors. The Applicant's then reviewed and addressed Board Engineer Smith's report of December 16th, which was discussed. The Board was polled in regards to the access and they were agreeable with the proposal as presented. The Applicant's continued to review Board Engineer Smith's report and they addressed the buffering and signage. The Applicants stated that they can email a digital copy of the Exhibits.

The hearing was opened to the public for questions of Mr. Glasson.

Paul Weinstein questioned the grades and trimming back the landscaping to provide the required site distance.

Todd Flager questioned the lighting. Mr. Glasson stated that some of the lights will be removed. Mr. Flager questioned the snow removal. He stated his concern over the condition of Johnson Road. Mr. Feula stated that they are aware of the road condition and it is on the list.

Attorney Selvaggi stated that they have concluded their presentation and he asked that the Board approve the proposal as conditioned and discussed this evening.

The hearing was then opened up to the public for general comments. With there being no comments, the hearing was closed to the public.

Mr. Feula commented on the proposal and he stated that he thinks that the proposal is a good plan. Mr. Ulmer also addressed the proposal.

Mr. Ulmer made the motion to grant Variance and Preliminary Site Plan Approval as discussed this evening. Motion seconded by Mr. Feula. Discussion on the motion: Chairman Fernandez reviewed the possible conditions of an approval. Roll call vote:

- Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Mr. Engels, Mr. Feula and Chairman Fernandez.
- Nays: None recorded
- Abstain: None recorded

At 10:10 p.m. the Board took a brief recess. The meeting resumed at 10:17 p.m., with the following Board Members present: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Mr. Engels, and Mr. Feula, and Chairman Fernandez.

OTHER BUSINESS:

Land Use Committee-Highlands/COAH Compliance Project

Board Planner Banisch stated that they are getting close to a settlement and he thinks that he will have an update for the next meeting.

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

Mr. Feula updated the Board on the status of the today's meeting in Trenton that was canceled and rescheduled for January 23rd.

DISCUSSION:

Site Plan Committee Report

None

Ordinance Subcommittee Update

Mr. Cullen addressed the subcommittee's review of the memo from Zoning Officer's Diehl, which was discussed. Mr. Cullen stated that he will email out the recommendations for discussion for the next meeting.

Master Plan Subcommittee Update

None

BILLS:

Finelli Consulting

Re: General	\$ 57.50
Re: Top of the Hill	1495.00
Re: Burd	287.50

William Gold

Re: General	165.00
Re: Top of the Hill	247.50

Mr. Ulmer made the motion to approve the vouchers. Motion seconded by Mrs. Walter. Roll call vote: Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Mr. Engels, Mr. Feula, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

OTHER:

Mr. Feula apologized for missing some meetings, as he had a family medical matter. He thanked the Board Professionals and the Board Secretary. He thanked Chairman Fernandez for all of his work with the Woodmont matter. He also thanked all of the Board Members for their commitment to the Board.

Mrs. Walter asked if Board Secretary Schemm had the dollar amounts for the November vouchers. Board Secretary Schemm stated that she does and the minutes will be corrected to reflect the following two vouchers:

William Gold

Re: General	\$618.75
Re: Top of the Hill	123.75

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:40 p.m. Voice vote:

Ayes: Mrs. Walter, Mr. Ulmer, Mr. Rafalko, Mr. Cullen, Mr. Norton, Mr. Kelsey, Mr. Engels, Mr. Feula, and Chairman Fernandez.

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Alfia Schemm
Board Secretary
2/9/17