

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – February 13, 2017

The Independence Township Land Use Board met for a reorganization/regular meeting on Monday, February 13, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Don Engels called the meeting to order at 7:36 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.

OATH OF OFFICE: Attorney William Gold administered the oath of office to: Carmen Feula, George Ulmer, Glen Cogle, James Kelsey, Muriel Walter, and Lucy Carvino.

ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	George Ulmer	Donald Engels
	James Kelsey	Glen Cogle
	Geoffrey Cullen	Lucy Carvino

Absent:	Tim Norton	Melissa Milano
	Ricardo Fernandez	Robert Best
	Mark Rafalko	

Also Present: William Gold, Esq. Kevin Smith, P.E.

REORGANIZATION:

Nominations for Chairman

Attorney Gold called for nominations for Chairman. Mr. Feula stated that he spoke to Mr. Fernandez today and he is willing to serve as Chair of the Board again and he made the motion to nominate Mr. Fernandez. Motion seconded by Mr. Ulmer. With there being no other nominations, the nominations were closed. Roll call vote, in favor of nominating Mr. Fernandez as Chairman:

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

Nays: None recorded

Abstain: None recorded

Nominations for Vice Chairman

Attorney Gold called for nominations for Vice Chairman. Mr. Ulmer made the motion to nominate Mr. Engels. Motion seconded by Mr. Feula. With there being no other nominations, the nominations were closed. Roll call vote, in favor of nominating Mr. Engels as Vice Chairman:

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

Nays: None recorded

Abstain: None recorded

Appointment of Board Secretary:

Mrs. Walter made the motion to appoint Alfia Schemm as the Board Secretary. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Cogle, Mr. Engels, Mr. Kelsey, Mr. Feula, Mr. Cullen,

Ms. Carvino, and Mr. Ulmer.

Nays: None recorded

Abstain: None recorded

Annual Meeting Resolution:

Mr. Cogle made the motion to adopt the Annual Meeting Resolution. Motion seconded by Mrs. Walter. Roll call vote:

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

Nays: None recorded

Abstain: None recorded

Appointment of Board Professionals and Adoption of the Resolution:

Mr. Feula made the motion to appoint William Gold as the Board Attorney, Kevin Smith as the Board Engineer, and David Banisch as the Board Planner and adopt the Resolution. Motion seconded by Mrs. Walter.

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

Nays: None recorded

Abstain: None recorded

Rules and Regulations:

Mr. Feula made the motion to adopt the Rules and Regulations. Motion seconded by Mr. Cogle. Roll call vote:

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

Nays: None recorded

Abstain: Mr. Ulmer

Board Secretary Schemm can distribute the Rules and Regulations to the Board Members that wish to see them.

MINUTES:

The minutes from the December 19, 2016 meeting were distributed prior to the meeting.

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

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

Nays: None recorded

Abstain: Mr. Cogle and Ms. Carvino, who were not present at the December meeting and are not eligible to vote on the minutes.

OPEN TO THE PUBLIC:

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

OTHER BUSINESS:

Land Use Committee-Highlands/Affordable Housing

Mr. Feula updated the Board on the status of the Affordable Housing matter.

Minutes-Independence Land Use Board

February 13, 2017

Both Mr. Cogle and Mr. Feula updated the Board on the meetings that were held and the Board discussed the issues at great length. Mr. Cogle and Mr. Feula stated that they will continue to keep the Board up to date on the matter, when and if something were to come up.

MEMORIALIZING RESOLUTION:

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

Board Attorney Gold reviewed the proposed modifications to the draft Resolution, which was discussed with the Board.

Mr. Feula made the motion to adopt the Resolution as discussed and modified this evening. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Carvino and Mr. Cogle, who were not present at the December meeting and are not eligible to vote on the matter.

OLD BUSINESS:

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

This matter continues to be carried and the Board will most likely see an application soon.

DISCUSSION:

Budget for 2017

The Board reviewed the budget figures from 2016; however, it was noted that the Budget is close to being introduced and there were no specific recommendations to make.

Site Plan Committee Report

None

Ordinance Subcommittee Update-Recommendation

Mr. Cullen reviewed the subcommittee's review and recommendation of Mr. Diehl's memo. Board Secretary Schemm also reviewed the Board recommendation made at the November meeting. Mr. Feula stated that the Township is prepared to introduce Ordinances and he would like to recommend that the Board defer any recommendations, at this time, until the Board receives the Township's Ordinance, between the first and second reading.

Mr. Feula made the motion to have the Board defer any recommendations at this time. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: None recorded

Master Plan Subcommittee Update

None

EXECUTIVE SESSION:

Mr. Feula made the motion to go into Executive Session at 9:10 p.m. to discuss pending litigation. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Cogle, Mr. Engels, Mr. Kelsey, Mr. Feula, Mr. Cullen,

Ms. Carvino, and Mr. Ulmer.

Nays: None recorded

Abstain: None recorded

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: Pending Litigation.
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: February 13, 2017

Mr. Ulmer made the motion to come out of Executive Session at 10:02 p.m. with no action taken. Motion seconded by Mr. Cullen. Voice vote:

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

Nays: None recorded

Abstain: None recorded

BILLS:

NJPO

Re: Dues 325.00

Finelli Consultants

Re: Top of the Hill 1638.75

Re: Top of the Hill 971.25

William Gold

Re: General 247.50

Re: Top of the Hill 1485.00

Star Gazette/Express Times

Re: Notices 11.67

Re: Notices 81.20

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

Nays: None recorded

Abstain: None recorded

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:04 44 p.m. Voice vote:

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

Nays: None recorded

Abstain: None recorded

Minutes-Independence Land Use Board
Respectfully submitted,

February 13, 2017

Alfia Schemm
Board Secretary
3/20/17