

# INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – March 20, 2017

The Independence Township Land Use Board met for a regular meeting on Monday, March 20, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:34 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:** Board Attorney William Gold administered the oath of office to Mr. Rafalko.

## **ROLL CALL:**

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

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

## **MINUTES:**

The minutes from the February 13, 2017 meeting were distributed prior to the meeting. A minor correction was noted.

Mr. Cogle made the motion to adopt the minutes, as amended. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Mr. Norton, Mr. Rafalko, and Chairman Fernandez, who were not present at the February 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 meeting was closed to the public.

## **OTHER BUSINESS:**

### **Land Use Committee-Highlands/Affordable Housing**

Board Planner Banisch stated that he believes that the Township is close to an agreement.

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

Mr. Feula updated the Board on the meeting held with the AG Board. He stated that he will continue to keep the Board updated 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.

**NEW BUSINESS:**

**#17-001 Richard Miller, Block 9, Lot 87**

Board Engineer Smith reviewed his report of March 17, 2017, which was discussed with the Board and the Applicant, at great length. It was agreed that the Board can take action this evening, since no new building lot is being created.

Mr. Ulmer made the motion to grant the minor subdivision and to have the Applicant submit surveys. Motion seconded by Mrs. Walter. Discussion on the motion: The Board discussed the information that should be provided, at great length. It was agreed that the following items from Board Engineer Smith's 3-17-17 report, should be submitted as a condition of an approval: #10, #12, #18 and #25 and a copy of #23. Both Mr. Ulmer and Mrs. Walter agreed to amend their motion to approve the minor subdivision as conditioned and discussed this evening. Roll call

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

Nays: None recorded

Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter.

**DISCUSSION:**

**Site Plan Committee Report**

**None**

**Ordinance Subcommittee-Recommendation**

Mr. Cullen reviewed the discussion that was had at the Township Committee meeting and with Zoning Officer Diehl in regards to the proposed Ordinances.

Mr. Feula made the motion to recommend Ordinance Section #255-89, as proposed and presented. Motion seconded as Mr. Cogle. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Cogle, and Mr. Rafalko.

Nays: Mr. Norton and Mr. Ulmer

Abstain: Chairman Fernandez. Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

The Board then went on to discuss Ordinance Section #255-85.

Mr. Feula made the motion to recommend Ordinance Section #255-85 as proposed and presented. Motion seconded by Mr. Cogle. Roll call vote:

Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Cogle, Mr. Norton, Mr. Ulmer, and Mr. Rafalko.

Nays: None

Abstain: Chairman Fernandez. Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

Board Secretary Schemm then reviewed the minor clarifications/modifications being suggested by Board Planner Banisch.

Chairman Fernandez stated that it does not seem that the building height definition in the present Ordinance has ever been changed. The Board discussed the ordinance recommendation that they believe was made several years ago. It was agreed to research the matter.

Chairman Fernandez made the motion to refer that suggested recommendation back to the Governing Body once again. Motion seconded by Mr. Feula. Roll call vote:

- Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Cogle, Mr. Norton, Mr. Ulmer, Chairman Fernandez, and Mr. Rafalko.
- Nays: None
- Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

**Master Plan Subcommittee Update**

The Board discussed the issue and whether it is time for a reexamination report. Board Planner Banisch stated that he will need to discuss the funding with the Township Committee.

**Other**

Board Engineer Smith stated that there will be a courtesy application presented at the Board's April meeting for a proposed cellular tower on Township property. He also addressed the Board of Education Long Range Facility Plan.

**Memo from David Diehl, March 15, 2017**

The Board discussed the memo from the Zoning Officer Diehl, dated March 15, 2017. The Board went on to discuss what may be required from the Applicant. Board Planner Banish stated that the Applicant has contacted him to see if the Board would be willing to authorize Board Engineer Smith to work with the Applicant to streamline the process so that the Applicant is aware of what may be required by the Board. The Board agreed.

**EXECUTIVE SESSION:**

Mr. Norton made the motion to go into Executive Session at 9:23 p.m. to discuss pending litigation. Motion seconded by Mr. Ulmer. Voice Vote:

- Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Cogle, Mr. Norton, Mr. Ulmer, Chairman Fernandez, and Mr. Rafalko.
- Nays: None
- Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

**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: March 20, 2017

Mr. Norton made the motion to come out of Executive Session at 9:34 p.m. with no action taken. Motion seconded by Mr. Ulmer. Voice vote:

- Ayes: Mrs. Walter, Mr. Kelsey, Mr. Feula, Mr. Cullen, Mr. Cogle, Mr. Norton, Mr. Ulmer, Chairman Fernandez, and Mr. Rafalko.
- Nays: None
- Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

**BILLS:**

	<b><u>NJPO</u></b>	
Re: Class - Carvino		80.00
	<b><u>Finelli Consultants</u></b>	
Re: Top of the Hill		408.75
Re: General		287.50
	<b><u>William Gold</u></b>	
Re: General		701.25
Re: Top of the Hill		338.00
	<b><u>NJ Advanced</u></b>	
Re: Notices		483.56
	<b><u>Banisch Associates</u></b>	
Re: Top of the Hill		714.00
Re: General		434.00
Re: General		336.00

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

Nays: None

Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

**ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 9:36 p.m. Voice vote:

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

Nays: None

Abstain: Ms. Carvino who is Alternate #4 and is not eligible to vote on this matter

Respectfully submitted,

Alfia Schemm  
Board Secretary

4/11/17