

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – May 15, 2017

The Independence Township Land Use Board met for a regular meeting on Monday, May 15, 2017 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Ricardo Fernandez called the meeting to order at 7:32 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.

ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	George Ulmer	Donald Engels
	Glen Cogle	James Kelsey
	Lucy Carvino	Ricardo Fernandez
	Geoffrey Cullen	Mark Rafalko
Absent:	Robert Best	Tim Norton
	Melissa Milano	
Also Present:	William Gold, Esq.	Kevin Smith, P.E.
	David Banisch, P.P.	

MINUTES:

The Regular Minutes of the April 17, 2017 meeting were distributed prior to the meeting.

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

Nays: None recorded

Abstain: Mr. Rafalko and Mr. Kelsey, who were not present at the April 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.

MEMORIALIZING RESOLUTIONS:

Independence Twp. Communications Tower, Block 21, Lot 50

Board Attorney Gold reviewed the Resolution and he stated that he did forward a draft of the Resolution directly to the Township.

Mr. Cogle made the motion to adopt the Resolution. Motion seconded by Mr. Feula. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Cullen, Mr. Fernandez, Mr. Engels, and Mr. Ulmer.

Nays: None recorded

Abstain: Mr. Rafalko and Mr. Kelsey, who were not present at the April meeting and are not eligible to vote on this matter and Ms. Carvino who was an Alternate at the April meeting and did not vote on this matter.

NEW BUSINESS:

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

Glen Kienz, Esq. was present on behalf of the Applicant. Board Attorney Gold stated that he reviewed the notice and felt that it was sufficient. Attorney Kienz stated that they are present this evening to present their re-development plan for 120 Units. He stated that the proposal is a conforming project and the only variance that may be needed is for signage. He noted the two reports received from the Board Professionals. Board Engineer Smith reviewed that the Board agreed to deal with both completeness and a possible hearing this evening. He reviewed his May 10th report and he stated that there are four waivers required: Item #30, #65, #67 and # 73 and he recommended that the application be deemed complete.

Mr. Cogle made the motion to grant the waivers and to deem the application complete. Motion seconded by Mr. Cullen. Roll call vote:

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

Nays: None recorded

Abstain: Ms. Carvino who is an Alternate this evening

Attorney Kienz reviewed that the property had received prior approvals. Chairman Fernandez stated that the present proposal, is not an amended proposal, but a separate and new proposal under the re-development plan. Both Board Attorney Gold and Attorney Kienz agreed. Attorney Kienz noted that he has several experts present this evening to testify.

Steven Santola, Executive Vice President and General Counsel to Woodmont Properties, was present and he was sworn in. Chairman Fernandez reviewed the hearing procedure with the public. The following was submitted and marked as an Exhibit:

A-1 Woodmont Properties, 8 pages,

Mr. Santola went on to describe Exhibit A-1 and the various projects that have been developed by Woodmont Properties. Chairman Fernandez stated his concern over the present proposal and the affordable units being so far removed from the rest of the development, which was discussed at great length. Board Planner Banisch reviewed his comment in regards to dispersing the affordable housing units within the project. Mr. Ulmer asked about emergency access to Old Bilby Road. A tot lot/playground was suggested if the building with the affordable units were to remain as proposed. Chairman Fernandez reviewed the income ranges for the affordable housing units. It was noted that out of the 120 units, 108 units would be market rate units, 12 units would affordable housing (8 moderate units, 3 low units, and 1 very low units). Board Planner Banisch addressed the tests/reason/criteria for any proposed deviation/exception, which was discussed. The units and amenities were described and the Board continued to discuss the proposal with the Applicants.

Chairman Fernandez then opened the hearing to the public.

Rick Lukac was sworn in and he questioned how this project will impact Oak Hill. Chairman Fernandez stated that there will additional testimony provided.

Joan Beddow was sworn in and she stated her many concerns with the proposal.

Mike Egan was sworn in and he provided comments in regards to whether there is a market for the units and he questioned the screening of potential residents.

Eugene Harney was sworn in and he stated his concerns with the proposal. The Board reviewed the hearing/application procedure and it was noted that there is still more testimony to be provided by the Applicant.

Leslie Wolfe questioned the location of the affordable housing units and the application/hearing procedure was reviewed again.

Jain Ding was sworn in and he questioned the rental amounts and the tax abatement.

Goselyn Lukac was sworn in and she commented and stated her concerns over the proposal.

Susan Cullen was sworn in and she questioned the demographics and the number of possible school children.

Christine King was sworn in and she questioned the prior approvals.

A member of the public commented that they were told that the subject property was not going to be developed.

Chairman Fernandez stated that he has given the public leeway in speaking tonight; however, from this point forward the public will be limited to questions of the remainder of the experts, until the hearing is opened to the public for general comments.

The Board took a brief recess at 9:34 p.m. The meeting resumed at 9:46 p.m. A roll call was taken of the Board Members present: Mrs. Walter, Mr. Feula, Mr. Cougle, Mr. Cullen, Mr. Fernandez, Mr. Engels, Mr. Rafalko, Mr. Kelsey, Mr. Ulmer, and Ms. Carvino.

Charles Thomas was sworn in and he provided his qualifications and experience as an Engineer and a Planner. The following were submitted and marked as Exhibits:

A-2 Rendering of Existing Conditions Map

A-3 Colored Rendering of proposal with landscaping

Mr. Thomas went on to describe the Exhibits and he addressed and reviewed: traffic circulation, boulevard entrance, pedestrian circulation, ADA compliance, garbage/refuse areas, phasing of the construction, signs, recreational features/amenities, loading areas for moving in/out, wetlands, utilities, drainage system, storm water, groundwater recharge, rate reduction, water quality, detention basin, infiltration basin, lighting, landscaping, buffering, and outside agency approvals, with the Board and the Board Professionals. Board Planner Banisch addressed additional buffering/landscaping.

Chairman Fernandez reviewed that it is 10:30 p.m. and he asked if this matter should be adjourned for this evening and carried to the next meeting.

Mr. Ulmer made the motion to adjourn this matter to the Board's June 19th meeting. Motion seconded by Mrs. Walter. In a roll call vote, all were in favor.

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

Nays: None recorded

Abstain: Ms. Carvino who is an Alternate this evening.

Chairman Fernandez announced that this matter is being carried to the Board's June 19th meeting, without further public notice.

BILLS:

Finelli Consultants

Re: Woodmont	3228.75
Re: General	57.50
Re: Top of the Hill	417.50

William Gold

Re: General	453.75
Re: Miller	62.00
Re: Woodmont	536.25

Mr. Cogle made the motion to approve the bills. Motion seconded by Mr. Feula. Roll call vote: Ayes: Mrs. Walter, Mr. Feula, Mr. Cogle, Mr. Cullen, Mr. Fernandez, Mr. Engels, Mr. Rafalko, Mr. Kelsey, and Mr. Ulmer.
 Nays: None recorded
 Abstain: Ms. Carvino who is an Alternate this evening.

OTHER BUSINESS:

Ordinance Discussion

Board Secretary Schemm advised the Board that the Township has introduced the Board Ordinance recommendation and an adoption/second reading is scheduled in June.

Mr. Cullen made the motion to recommended the adoption of the Ordinance. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mrs. Walter, Mr. Cogle, Mr. Cullen, Mr. Fernandez, Mr. Engels, Mr. Rafalko, Mr. Kelsey, and Mr. Ulmer.
 Nays: None recorded
 Abstain: Mr. Feula and Ms. Carvino who is an Alternate this evening.

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

No update

Land Use Committee-Highlands/Affordable Housing

No Update

DISCUSSION:

Site Plan Committee Report

None

Ordinance Subcommittee-Recommendation

None

Master Plan Subcommittee Update

None

ADJOURNMENT

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

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

Nays: None recorded
Abstain: Ms. Carvino who is an Alternate this evening

Respectfully submitted,

Alfia Schemm
Board Secretary
6/19/17