

INDEPENDENCE TOWNSHIP LAND USE BOARD
Minutes – May 21, 2018

The Independence Township Land Use Board met for a regular meeting on Monday, May 21, 2018 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Chairman Fernandez called the meeting to order at 7:31 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 and Express Times.

ROLL CALL:

Present:	Muriel Walter	Carmen Feula
	Donald Engels	James Kelsey
	Lucy Carvino	George Ulmer
	Ricardo Fernandez	Michael Pennington
	Glen Cogle	Melissa Milano

Absent:	Robert Best	Geoffrey Cullen
	Mark Rafalko	

Also Present:	Eric Bernstein, Esq.	David Banisch, PP
	Kevin Smith, PE	

MINUTES:

Mr. Feula made the motion to adopt the minutes of March 19, 2018. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula,
Ms. Carvino, Ms. Milano, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Mr. Cogle

OPEN TO THE PUBLIC:

Chairman Fernandez opened the meeting to the public, for non-agenda items.

Mr. Piasecki was present to address their application in Liberty. The Board noted that this matter is on the agenda and the meeting is now open for non-agenda items.

Joe Foglia brought up a concern that the Residents have on Rose Lane in regards to the construction of a motor track at 6 Rose Lane. He stated that they have brought this issue, to the attention of the Township Committee and Zoning Officer. He spoke about the mud, dust, noise, and runoff. He stated that they believe that the use is illegal. The issue was discussed by the Board and the Board Professionals. Board Planner Banisch stated that the use might not be a permitted accessory use and the matter should be referred back to the Zoning Officer. Board Engineer Smith stated that he will be speak with Zoning Officer Diehl to review the matter. It was noted that the Land Use Board is not the enforcement agency. Dominick Spukes arrived and he also stated his concerns over the matter, which was discussed with the Board and the Board Professionals.

With there being no further public comments, the hearing was closed to the public.

OTHER BUSINESS:

Land Use Committee-Highlands/Affordable Housing

None

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

None

Piasecki Subdivision

Board Attorney Bernstein reviewed the matter that was before Liberty Township. The Applicant was present and he addressed the subdivision granted by Liberty Township, of property located in Liberty Township, which does not impact Independence Township. He stated that Liberty is requesting a no interest letter from the Independence Land Use Board. The Board reviewed the proposal.

Mr. Cogle made the motion to issue a no interest/jurisdiction letter. Motion seconded by Mr. Kelsey. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula,
Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

Chairman Fernandez stated that he will sign the letter as soon as it is reviewed by Board Attorney Bernstein and then it will be sent to Liberty Township.

RESOLUTIONS:

Route 80 Rock Mitigation Project

The Board reviewed the action taken by the Board at its March meeting, supporting the Townships of Hardwick and Knowlton, opposing the Route 80 Rock Mitigation Project.

Mr. Ulmer made the motion to adopt the Resolution. Motion seconded by Mr. Feula. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula,
Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

NEW BUSINESS:

#18-001 Wireless EDGE Towers, LLC, Block 21, Lot 50-Deferred

The Board and the Board Professionals discussed the application submitted to the Board. It was noted that the application should be before the Board shortly.

DISCUSSION:

Site Plan Subcommittee (Feula, Engels)

Mr. Feula and Mr. Engels agreed to sit on this committee.

Ordinance Subcommittee (Feula, Cullen, Rafalko)

None

Redevelopment Subcommittee (Pennington, Feula, Engels)

None

Master Plan Subcommittee

Board Planner Banisch distributed maps and materials in regards to vacant land and redevelopment, to assist the Board in evaluating existing zoning and reexamine the assumptions/goals and objectives/policies. Chairman Fernandez stated that there has been a concern over the lack of economic development and the loss of property value, which was discussed by the Board. Chairman Fernandez stated that the next step is to get a build out analysis.

EXECUTIVE SESSION:

Mr. Cogle made the motion to go into Executive Session at 8:49 p.m. to discuss pending/anticipated litigation. Motion seconded by Mr. Pennington. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula, Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

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/Anticipated 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: May 21, 2018

Mr. Feula made the motion to come out of Executive Session at 9:05 p.m. with no action taken. Motion seconded by Mr. Cogle. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula, Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

Board Attorney Bernstein reviewed that all of the Board Members went into and came out of Executive Session, to discuss the status of the ongoing Baudini Litigation, with no formal action taken.

BILLS:

Banisch Associates

Re: General 2784.00

Re: General 485.75

Eric Bernstein, Esq.

Re: General 870.00

Re: Litigation 405.00

Re: General 210.00
Re: Wireless Edge 990.00

Finelli Consultants

Re: Woodmont 1121.25
Re: Wireless Edge 218.75
Re: Wireless Edge 546.25
Re: Wireless Edge 201.25
Re: Woodmont 431.25

Advanced Media

Re: Notice 24.34

Mr. Cogle made the motion to approve the vouchers. Motion seconded by Mr. Ulmer. Discussion on the motion: Mr. Cogle questioned the Wireless Edge vouchers. Board Secretary Schemm stated that there is an escrow account established to cover that expense. Roll call vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula,
Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

OTHER:

Board Engineer Smith gave an update on the status of the Woodmont application.

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 9:15 p.m. Voice vote:

Ayes: Mr. Pennington, Mrs. Walter, Mr. Engels, Mr. Ulmer, Mr. Feula,
Ms. Milano, Mr. Cogle, Mr. Kelsey, and Mr. Fernandez

Nays: None recorded

Abstain: Alternate #4 Ms. Carvino who is an Alternate this evening.

Respectfully submitted,

Alfia Schemm
Board Secretary
8/20/18