

# INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – January 14, 2019

The Independence Township Land Use Board met for a reorganization/regular meeting on Monday, January 14, 2019 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Eric Bernstein, Esq. called the meeting to order at 7:30 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.

**OATH OF OFFICE:** Attorney Eric Bernstein administered the oath of office to: Mr. Feula, Mr. Ulmer, Mr. Pennington, Mr. Cogle, Ms. Carvino, and Ms. Milano.

## **ROLL CALL:**

Present:	Carmen Feula	James Kelsey
	George Ulmer	Donald Engels
	Geoffrey Cullen	Lucy Carvino
	Robert Best	Ricardo Fernandez
	Mark Rafalko	Michael Pennington
	Glen Cogle	Melissa Milano

Absent: Murial Walter

Also Present:	Eric Bernstein, Esq.	Kevin Smith, P.E.
	David Banisch, P.P.	

## **REORGANIZATION:**

### **Nominations for Chairman**

Attorney Bernstein called for nominations for Chairman. Mr. Cullen made the motion to nominate Ricardo Fernandez as Chairman. Motion seconded by Mr. Ulmer. Mr. Feula made the motion to close the nominations. Motion seconded by Mr. Cogle. In a voice vote, the nominations were closed. Roll call vote:

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

### **Nominations for Vice Chairman**

Mr. Fernandez called for nominations for Vice Chairman. Mr. Feula made the motion to nominate Donald Engels as Vice-Chairman. Motion seconded by Mr. Ulmer. With there being no other nominations, Mr. Cogle made the motion to close the nominations. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

### **Appointment of Board Professionals:**

Mr. Cogle made the motion to appoint Eric Bernstein, as the Board Attorney; Kevin Smith, of Finelli Engineering as the Board Engineer; and David Banisch, of Banisch and Associates as the Board Planner. Motion seconded by Mr. Cullen.

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**Appointment of Board Secretary:**

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

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**Annual Meeting Resolution:**

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

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**Adoption of the Professionals Resolution:**

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

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**Rules and Regulations:**

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

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**MINUTES:**

The minutes from the October 15, 2018 meeting were distributed prior to the meeting. Mr. Best made the motion to adopt the minutes. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen,  
Mr. Rafalko, Ms. Milano, Ms. Carvino, and Mr. Fernandez

Nays: None recorded

Abstain: Absent at the October Meeting: Mr. Engels and Mr. Cogle.

**OPEN TO THE PUBLIC:**

Chairman Fernandez opened the meeting to the public, for non-agenda items. With there being no public, Chairman Fernandez made the motion to close meeting to the public. Motion seconded by Mr. Engels. Voice Vote:

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cogle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**MINUTES-Executive Session:**

The executive session minutes from the October 15, 2018 meeting were distributed prior to the meeting. Mr. Cullen made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll

call vote: Ayes: Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen,  
Mr. Rafalko, Ms. Milano, Ms. Carvino, and Mr. Fernandez

Nays: None recorded

Abstain: Absent at the October Meeting: Mr. Engels and Mr. Cogle

**OTHER BUSINESS:**

**Land Use Committee-Affordable Housing**

The Board reviewed the Banisch Highlands Update Memo of 1/14/19. Board Planner Banisch arrived and the discussion continued at great length. The Board discussed preparing an Analysis on a Preliminary Investigation of the Planning Area with a Build Out Analysis. It was agreed that the Board will adopt a Resolution at the February meeting supporting an Analysis along with pursuing any necessary grants as Board Planner Banisch is scheduled to meet with the Governing Body on February 12th.

Mr. Ulmer made the motion to adopt a Resolution at the February meeting supporting an Analysis on a Preliminary Investigation of the Planning Area with a Build Out Analysis, along with pursuing any necessary grants. Motion seconded by Mr. Cullen. Roll call vote:

Ayes: Mr. Engels, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen, and Mr.  
Fernandez

Nays: None recorded

Abstain: Mr. Pennington and Mr. Cogle. Not eligible - Alt #2 Mr. Rafalko, Alt #3  
Ms. Milano, and Alt #4 Ms. Carvino

**RESOLUTIONS:**

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

Mr. Ulmer made the motion to adopt the Resolution. Motion seconded by Mr. Kelsey. Roll call vote: Ayes: Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen, Mr.  
Rafalko, and Mr. Fernandez

Nays: None recorded

Abstain: Absent at the October Meeting: Mr. Engels and Mr. Cogle.  
Not voting at the October Meeting: Alt #4 Ms. Carvino and Alt #3 Ms.  
Milano

**NEW BUSINESS:**

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

Board Engineer Smith reviewed his completeness report, which was discussed with the Board. The Board reviewed the waivers and checklist items that need to be submitted.

Mr. Ulmer made the motion to grant the waivers and to deem the application conditionally complete, as long as the conditional items outlined by Board Engineer Smith, are submitted at least 10 days prior to the meeting. Motion seconded by Mr. Feula.

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cougle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

Board Attorney Bernstein stated that the Board has received an extension of time, from the Applicant, to the February 11th meeting. He suggested that because of possible inclement weather, that the Board Secretary request an extension to March 31st. The Board then went on to discuss who is eligible to hear the matter as the application is a Use Variance.

Mr. Cougle made the motion to request an extension of time to the March 31st meeting. Motion seconded by Mr. Kelsey. Roll call vote:

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cougle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**DISCUSSION:**

**Budget for 2019**

The Board reviewed the 2018 budgeted line items and they discussed whether there were any recommended changes for 2019.

Mr. Best made the motion to recommend, for 2019, the same budgeted line items, as approved for 2018. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey,  
Mr. Cullen, Mr. Cougle, and Mr. Fernandez

Nays: None recorded

Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**Site Plan Subcommittee**

None.

**Ordinance Subcommittee**

None.

**Redevelopment Subcommittee**

None

**Master Plan Subcommittee Update**

None

**BILLS:**

	<b><u>Banisch and Associates</u></b>	
Re: General		471.25
	<b><u>Eric Bernstein</u></b>	
Re: Wirelless Edge		180.00
Re: General		285.00
Re: Woodmont		60.00
Re: Woodmont		150.00
	<b><u>NJPO</u></b>	
Re: Dues		325.00

**Finelli Consulting**

Re: Woodmont	180.00
Re: Woodmont	115.00
Re: Woodmont	707.50
Re: Wireless Edge	1386.25
Re: Wireless Edge	57.50
Re: Wireless Edge	57.50
Re: Top of the Hill	57.50
Re: General	172.50

Mr. Ulmer made the motion to approve the bills. Motion seconded by Mr. Kelsey. Roll call vote: Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen, Mr. Cogle, and Mr. Fernandez  
 Nays: None recorded  
 Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

**ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 9:26 p.m. Voice vote:  
 Ayes: Mr. Engels, Mr. Pennington, Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Kelsey, Mr. Cullen, Mr. Cogle, and Mr. Fernandez  
 Nays: None recorded  
 Abstain: Not eligible - Alt #2 Mr. Rafalko, Alt #3 Ms. Milano, and Alt #4 Ms. Carvino

Respectfully submitted,

Alfia Schemm  
 Board Secretary  
 2/7/19