

# INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – February 11, 2019

The Independence Township Land Use Board met for a regular meeting on Monday, February 11, 2019 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Vice Chairman Don Engels called the meeting to order at 7:35 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:	Carmen Feula	James Kelsey (arriving at 7:40 p.m. )
	George Ulmer	Donald Engels
	Geoffrey Cullen	Lucy Carvino
	Robert Best	Ricardo Fernandez (arriving at 7:47 p.m.)
	Mark Rafalko	Glen Cogle

Absent:	Muriel Walter	Michael Pennington
	Melissa Milano	

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

## **MINUTES:**

The minutes from the January 14, 2019 meeting were distributed prior to the meeting. Mr. Feula made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Cullen, Mr. Rafalko, Ms. Carvino, Mr. Engels, and Mr. Cogle.  
Nays: None recorded  
Abstain: None recorded

## **OPEN TO THE PUBLIC:**

Mr. Cogle made the motion to open the meeting to the public. Motion seconded by Mr. Feula. In a voice vote:

Ayes: Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Cullen, Mr. Rafalko, Ms. Carvino, Mr. Engels, and Mr. Cogle.  
Nays: None recorded  
Abstain: None recorded

With there being no public comment, Mr. Cogle made the motion to close the meeting to the public. Motion seconded by Mr. Feula. In a voice vote:

Ayes: Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Cullen, Mr. Rafalko, Ms. Carvino, Mr. Engels, and Mr. Cogle.  
Nays: None recorded  
Abstain: None recorded

## **OTHER BUSINESS:**

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

Deferred until later in the agenda.

### **Board Voting**

The Board discussed who would be eligible to vote on the application on tonight's agenda.

Board Attorney Bernstein reviewed his research and he stated that in order to provide a 7 member board for tonight's hearing, the Applicant's Attorney has to be willing to waive any procedural objection to having Alternates vote on the matter.

Richard Schkolnick stated that he does not object. Mr. Kelsey arrived.

**BILLS:**

**Eric Bernstein**

Re: Wireless Edge	240.00
Re: General	240.00
Re: General	345.00

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

Nays: None recorded

Abstain: None recorded

**NJ Advance Media**

Re: Notices 539.32

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

Nays: None recorded

Abstain: None recorded

**Finelli Consulting**

Re: General	172.50
Re: Wireless Edge	1975.00

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

Nays: None recorded

Abstain: None recorded

**NEW BUSINESS:**

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

Chairman Fernandez arrived and Board Attorney Bernstein reviewed the Board Members eligible to vote on the matter. Mr. Cogle recused himself and sat in the audience.

Richard Schkolnick Esq. was present on behalf of the Applicant and he went on to state that his client won the township bid and they have entered into a lease with the Township. He then provided a summary of the application.

Andrew Petersohn was present and he was sworn in and he provided his qualifications and experience as a Radio Frequency Emission/Design/ Engineer. Mr. Petersohn addressed the radio frequency emission Federal and State standards and the design/engineering of the proposed tower for co-locators, which the Board discussed. The following was submitted and marked as an Exhibit:

A-1 Area of Interest of Map

Mr. Petersohn addressed the two existing cellular facilities. The following was submitted and marked as an Exhibit:

A-2 Map of Existing Reliable Coverage

Mr. Petersohn addressed the present coverage and the gaps in coverage. The following was submitted and marked as an Exhibit:

A-3 Map of Proposed Reliable Coverage

Mr. Petersohn addressed the proposed coverage if the proposed facility were to be approved. He went on state that he also submitted four reports: Electromagnetic Exposure Analysis; Non interference Certification; Radio Frequency Design of a Proposed Communication Facility; and the FAA Determination. The Board discussed the possible conditions of an approval. Mr. Petersohn then summarized his findings in support of the project.

The hearing was opened to the public. With there being no public comment, the hearing was closed to the public.

David Karlebach was sworn in and he provided his qualifications as a Licensed Planner. He stated that he analyzed the proposal and the following was submitted and marked as an Exhibit:

A-4 Aerial Propagation Exhibit, dated January 2019

He described the existing site conditions and the relief being requested. He then provided testimony addressing the positive and negative criteria. Mr. Ulmer stated his concern with low flying planes. The Board discussed notifying and alerting the local airfields and the WC Mosquito Control Commission of the proposed cellular tower. Mr. Karlebach continued to provide his testimony on the proposal and the Use and Height Variance. He stated that he reviewed Board Planner Banisch's report and the proposal is based on the bid document. Board Planner Banisch recommended a galvanized steel finish color instead of "turkish coffee".

Joshua R. Cottrell, PE was sworn in and he provided his qualifications and experience as a Civil Engineer. Board Engineer Smith commented on his report and he questioned the screening/buffering and co-locators, which was addressed by Mr. Cottrell. Board Planner Banisch questioned whether reserved landscaping, for the existing homes, could be considered to provide a buffer. He also questioned the lack of compound setbacks on the plans, which the Applicant agreed to provide.

John Arthur, President of Wireless Edge Towers, was sworn in and he addressed the issues that they have with screening and copper theft.

The hearing was opened to the public. With there being no public questions, the hearing was closed to the public.

The Applicants agreed that they would work with the Board Professionals in regards to the screening issue. The Board and the Applicants continued to discuss the proposal.

The hearing was opened to the public for questions of the Engineer and Applicant. With there being no public questions, the hearing was closed to the public.

The hearing was opened to the public for general questions and comments. With there being no public questions or comments, the hearing was closed for the public.

Attorney Schkolnick stated that he has finished his presentation. The Board continued to discuss the proposal.

Mr. Feula made the motion to approve the application, as reviewed and discussed this evening. Discussion on the motion: Board Attorney Bernstein reviewed the possible conditions of an approval, which was discussed with the Board. Motion seconded by Mr. Ulmer. Roll call vote:

- Ayes: Mr. Ulmer, Mr. Best, Mr. Feula, Mr. Cullen, Mr. Engels, Mr. Kelsey, and Mr. Fernandez.
- Nays: None recorded
- Abstain: Alternate #2 Mr. Rafalko and Alternate #3 Ms. Carvino

Mr. Cogle resumed his position on the Board.

**MEMORIALIZING RESOLUTION:**

**Land Use Committee-Affordable Housing**

The Board reviewed the Resolution that was distributed, regarding the discussion had at last month's meeting, along with the modifications being suggested by Board Planner Banisch. Board Attorney Bernstein reviewed the following Resolution: RESOLUTION IN SUPPORT OF A PRELIMINARY INVESTIGATION OF HIGHLANDS PLAN CONFORMANCE AS IT PERTAINS TO THE PRESERVATION AREA AND PLANNING AREA WITH A BUILD OUT ANALYSIS TO IDENTIFY ECONOMIC DEVELOPEMENT PLANNING PRIORITIES FOR AMENDMENTS TO THE INDEPENDENCE TOWNSHIP MASTER PLAN AND SUPORTING INDEPENENCE TOWNSHIP’S PARTICIPATION IN THE HIGHLANDS PROCESS AND GRANT PROGRAM.

Mr. Ulmer made the motion to adopt the recommending Resolution and forward it to the Governing Body. Motion seconded by Mr. Cullen.

- Ayes: Mr. Ulmer, Mr. Best, Mr. Cullen, Mr. Cogle, Mr. Rafalko, Mr. Engels, Mr. Kelsey, and Mr. Fernandez.
- Nays: Mr. Feula
- Abstain: Alternate #3 Ms. Carvino

Mr. Feula stated his position on the matter and he hopes that a meeting is held before anything is agreed upon and signed. The Board discussed that at this point the Township would only be doing research to determine its options.

**DISCUSSION:**

**Site Plan Subcommittee**

None

**Ordinance Subcommittee**

None

**Redevelopment Subcommittee**

None

**Master Plan Subcommittee Update**

None

**ADJOURNMENT**

In a motion made and seconded the Board adjourned the meeting at 9:52 p.m. Voice vote:

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

Nays: None

Abstain: Alternate #3 Ms. Carvino

Respectfully submitted,

Alfia Schemm  
Board Secretary  
3/18/19