

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – September 16, 2019

The Independence Township Land Use Board met for a regular meeting on Monday, September 16, 2019 in the Municipal Building on Rt. 46 in Great Meadows, NJ. Vice Chairman Engels 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 and Express Times. Attorney DiYanni provided the oath of office (Alternate Member to a Class IV Member) to Mr. Cullen.

ROLL CALL:

Present: Carmen Feula
Lucy Carvino
James Kelsey
Glen Cogle
George Ulmer
Geoffrey Cullen

Michael Pennington
Robert Best
Mark Rafalko
Robert Neumann
Donald Engels

Absent: Melissa Milano
Ricardo Fernandez

Also Present: Dominic P. DiYanni, Esq.
David Banisch, P.P.

Michael Finelli, P.E.

MINUTES:

The minutes from the June 17, 2019 meeting were distributed prior to the meeting. Mr. Cullen asked if he could vote on the minutes if he listened to the audio of the meeting. Attorney DiYanni stated that he could. Mr. Feula made the motion to adopt the minutes. Motion seconded by Mr. Kelsey. Roll call vote:

Ayes: Mr. Best, Ms. Carvino, Mr. Kelsey, Mr. Rafalko, Mr. Neumann, Mr. Pennington, Mr. Feula, and Mr. Cullen.

Nays: None recorded

Abstain: Mr. Cogle, Mr. Ulmer, and Mr. Engels.

OPEN TO THE PUBLIC:

The meeting was opened 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-Affordable Housing

Board Planner Banisch indicated that he had no update.

OLD BUSINESS:

#17-002 Woodmont Independence Urban Renewal, LLC, Block 6.021, Lot 3

The Board reviewed the request for an extension. Board Engineer Finelli reviewed the status of the project.

Mr. Feula made the motion to grant the extension as requested. Motion seconded by Mr. Ulmer.

Roll call vote: Ayes: Mr. Best, Mr. Kelsey, Mr. Rafalko, Mr. Feula, Mr. Pennington, Mr. Cogle, Mr. Ulmer, Mr. Engels, and Mr. Cullen

Nays: None recorded

Abstain: Alternate #3 Ms. Carvino and Alternate #4 Mr. Neumann

#19-001 Joe Coladarci Jr., Block 17, Lot 3

Attorney DiYanni stated that the application is for a use variance and Mr. Cougle and Mr. Pennington will need to recuse themselves. Mr. Cougle and Mr. Pennington removed themselves from the Board and sat in the audience. Attorney DiYanni acknowledged that Mr. Cullen and Mr. Engels have listened to the audio of the June 17th meeting and are eligible to act on the application.

Erik Hassing, Esq. was present on behalf of the applicant. Joseph S. Coladarci Jr. acknowledged that he was still under oath and he displayed the architectural drawing and described the proposed offices. Attorney Hassing addressed the letter that was sent out in regards to the possible office hours. Mr. Coladarci then went on to describe the proposed apartments. Mr. Engels stated that in listening to the audio of the June hearing it appeared that there were several outstanding questions. The Board discussed with the Applicant: the size/constraints of the lot, swapping out the location of the apartments, the number and configuration of parking spaces, the lack of visitor parking for the apartments, ingress/egress, and onsite circulation. Board Planner Banisch reviewed the variances being proposed.

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

Mr. Coladarci continued to review the configuration and design of the proposal with the Board.

Fred Stewart acknowledged that he was still under oath. He went on to address the parking layout/drive aisle, the easement, the TWA permit, the septic system/reserve area and the soil testing, which was discussed with the Board.

The hearing was opened to the public for questions of Mr. Stewart. With there being no public questions, the hearing was closed to the public.

Mr. Stewart continued to address the wall/berm/grading/stormwater/drainage/runoff, which was discussed with the Board.

The hearing was opened to the public for questions of Mr. Stewart. With there being no public questions, the hearing was closed to the public.

Mr. Engels addressed the time line for the remainder of the evening and he stated that he would like to wrap this hearing by 9:50 p.m., as there is other business on the agenda.

In a motion made and seconded, the Board took a brief recess at 9:05 p.m. In a voice vote, all were in favor.

Mr. Engels announced that the regular meeting is back in session at 9:16 p.m., with all of the Board Members present.

Mr. Stewart went on to address the shared parking scenario and the standards/regulations. The Board then addressed the outstanding/unresolved items that are listed on the reports of Board Planner Banisch and Board Engineer Finelli, along with Mr. Stewart's response.

Mr. Coladarci stated that he had several conversations with the Board Engineer in regards to finishing their presentation and providing revisions/changes. The Applicants then addressed the Board Professional's comments, which was discussed with the Board. Attorney Hassing summarized the positive and negative criteria for the use variance request, which was discussed with the Board.

The hearing was opened up to the public for questions and/or comments. With there being none, the hearing was closed to the public.

Attorney Hassing then provided his summation and he reviewed the variances being requested.

Attorney DiYanni provided his legal review of the process/procedure. Board Planner Banisch addressed the evaluation of evidence/testimony, not of opinions, but of facts and the burden on the Applicant to provide that information for the record.

Mr. Feula stated that although the application was not the normal presentation, he would like to make a motion to approve the application, conditioned upon satisfying the Board Professionals. He asked that Attorney DiYanni address the motion. Attorney DiYanni asked if the Applicant would agree to the tolling of time, until the end of November, to memorialize the Resolution. The Applicant agreed. Attorney DiYanni went on to review the approval and the possible conditions, which was reviewed with the Board and the Applicant. Board Engineer Finelli asked if there were any discussions had with the concerned neighbors. Mr. Coladarci stated that he did provide the neighbors with his card and no one contacted him. The Board discussed the concerns that were raised by the adjacent neighbor and whether those concerns have been addressed. Board Planner Banisch suggested supplemental landscaping, if it was determined to be necessary. Mr. Feula was opposed to that suggestion as he is satisfied that the Applicant has made an attempt to address the issue. Motion seconded by Ms. Carvino. Roll call vote:

Ayes: Ms. Carvino, Mr. Kelsey, Mr. Rafalko, Mr. Cullen, Mr. Engels, and Mr. Feula.

Nays: Mr. Best

Abstain: Mr. Ulmer who did not hear all of the testimony and Alternate #4 Mr. Neumann.

The motion passes. Mr. Cogle and Mr. Pennington resumed their positions on the Board.

NEW BUSINESS:

Informal Discussion-Carmen Pio Costa, Block 21, Lot 38

Carmen Pio Costa was present with several other individuals and he displayed a drawing addressing a proposal for a solar farm. Board Planner Banisch stated that the proposal is not a permitted use. There was also discussion of a commercial building along Route 46. Mr. Pio Costa thanked the Board for their time.

DISCUSSION:

Site Plan Subcommittee

None

Ordinance Subcommittee

None

Redevelopment Subcommittee

None

Master Plan Subcommittee Update

None

BILLS:

Banisch Associates

Re: Coladarci	370.00
Re: Wireless Edge	799.20

Eric Bernstein

Re: Coladarci	795.00
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Finelli Consulting

Re: Coladarci	1567.50
Re: Coladarci	97.50
Re: Woodmont	532.50
Re: General	32.50
Re: General	156.26
Re: General	97.50
Re: Wireless Edge	31.25

Gebhardt & Kiefer

Re: Woodmont	51.83
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Mr. Ulmer made the motion to approve the vouchers. Motion seconded by Mr. Cogle. Roll call vote:

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

Nays: None recorded

Abstain: Alternate #3 Ms. Carvino and Alternate #4 Mr. Neumann

Mr. Engels suggested that the Board consider looking into the planning uses for properties in Vienna and Solar Farms.

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:45 p.m. Voice vote:

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

Nays: None recorded

Abstain: Alternate #3 Ms. Carvino and Alternate #4 Mr. Neumann

Respectfully submitted,

Alfia Schemm
Board Secretary
10/17/19