

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – June 20, 2022

The Independence Township Land Use Board met for a regular meeting on Monday, June 20, 2022 at the Municipal Building. Mr. Engels 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 NJ Herald and the Express Times-NJ Zone Edition.

ROLL CALL:

Present:	Carmen Feula	Donald Engels
	Glenn Cogle	George Ulmer
	Mark Rafalko	James Kelsey (arriving at 7:35 p.m.)
	Robert Neumann	Bonnie Kelsey (arriving at 7:35 p.m.)
Absent:	Robert Best	Melissa Milano
	Geoffrey Cullen	Ricardo Fernandez
	Lucy Carvino	
Also Present:	Eric Bernstein, Esq.	Michael Finelli, P.E.
	David Banisch, P.P.	

MINUTES:

The minutes from the April 18, 2022 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. Engels, Mr. Feula, Mr. Rafalko, Mr. Ulmer, Mr. Kelsey and Ms. Kelsey.

Nays: None recorded

Abstain: Mr. Neumann and Mr. Cogle

OPEN TO THE PUBLIC:

Mr. Engels opened the meeting 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-Highlands/Affordable Housing-Deferred

Checklists Discussion-Deferred

NEW BUSINESS:

#22-001 NJDRP LLC, Block 30, Lot 1-Completeness

Mike Selvaggi, Esq. was present on behalf of the Applicant. Mr. Finelli reviewed his 5-13-22 report, which was discussed with the Applicants and the Board. Mr. Selvaggi stated that they did provide plans to the Fire Department; however, they have not gotten a response. They provided new notice as there was an error in the original notice. He stated that they do not have the Finelli report; however, they can provide the fee/escrow calculation. Mr. Finelli stated that his report was emailed out weeks ago and he reviewed the waivers being requested.

Mr. Kelsey made the motion to grant the waivers and to deem the application complete. Motion seconded by Mr. Feula. Discussion on the motion: Mr. Neumann questioned the site distance. Mr. Finelli stated that the matter will be discussed during the hearing. Roll call vote:

Ayes: Mr. Engels, Mr. Feula, Mr. Cogle, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, Mr. Kelsey and Ms. Kelsey.

Nays: None recorded

Abstain: None recorded

#22-001 NJDRP LLC, Block 30, Lot 1-Hearing

Mike Selvaggi, Esq. was present on behalf of the Applicant and he reviewed the prior approval granted by the Board and he summarized the present proposal.

Jacob Nunn was sworn in and he stated that he is one of the principles of NJDRP LLC. Mr. Nunn went on to give an overview of the NJDRP operation (service, repair, and maintenance of local light, medium, and heavy duty vehicles/equipment). He stated that they are open Monday through Friday from 8:00 a.m. - 5:30 p.m. and Saturday from 8:00 a.m.- 12:00 p.m., with 4 full time employees besides himself and his partner. He went on to describe their present facility/operation/number of deliveries and need for a larger facility/additional bays to streamline their current operation/volume. He commented on the loss of time moving vehicles. He stated that they plan on meeting the lighting standard and they have no intention of selling any vehicles on the property. He stated that they follow the industry guidelines in regards to hazardous materials. He continued to address scrap metal, the propane tank, new onsite septic, banner/signage, parking, and licensing.

The following Board Members had questions, which were addressed by Mr. Nunn: Mr. Ulmer questioned the snow removal. Mr. Cogle questioned the location of the waste oil. Mr. Kelsey questioned the construction schedule. Ms. Kelsey questioned the parking delineation. Mr. Engels questioned the volume of vehicles coming in and going out of the site on a daily basis.

Mr. Bernstein questioned the number of parking spaces needed and proposed access to the lot on off hours/security. Mr. Finelli asked about waste oil containment and removal and he stated his concern over the fact that the Applicants do not have his report and the number of items that need to be addressed. Mr. Banisch asked about the conditions of the prior approval, conditional use requirements/relief, and whether a "D" variance is required, which will require the recusal of the Class I and III Board Members. The notice that was provided was then reviewed and if planning testimony will be required. The Applicants spoke about the parking and the supply chain issues caused by Covid-19. Mr. Banisch reviewed his June 20, 2022 report and the compliance of the prior approval, which was discussed. He suggested that the parking be organized and that plans be revised to show the designation for over sized vehicle parking. The Board and the Applicant continued to discuss the operations of the business.

The hearing was opened to the public for questions of Mr. Nunn.

Tom Bodolsky stated that he was present during the prior site plan application and his concerns with the pile of debris.

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

At 9:05 p.m. the Board took a brief recess. The meeting resumed at 9:17 p.m. with all Board Members present.

Paul Couvrette was sworn in and he provided his qualifications as a Professional Engineer . The following were submitted and marked as Exhibits:

- A-1 Wetlands Survey, revised through 3-10-22
- A-2 Layout Plan, revised through 4-27-22
- A-3 Grading, Drainage, Utility Plan, revised through 4-27-22

A-4 Lighting Plan, revised through 4-27-22

Mr. Couvrette went on to display and describe the marked Exhibits. He described the existing area and current site conditions, the grandfathered access and possible letter of no interest from the DOT, and the proposal (removal of buildings and construction of new buildings).

Brian Graosall was sworn in and he stated that he is working with the County Health Department on getting the septic approval.

Mr. Couvrette continued to review and describe the Exhibits and the proposal (removal of buildings and new construction of buildings), which was discussed with the Board, including a reserved septic area, the proposed storage building, the parking/wheel stops, handicap parking, lot bulk requirements/standards, storm water and water quality, utilities, well, septic, entrance delineation, lighting, landscaping, signage, and grading. The Board suggested some landscaping to soften the visual view of the new building. Mr. Finelli stated that there are items (stormwater, etc.) in his May 13, 2022 report that need to be addressed.

Mr. Cogle made the motion to carry this matter to the Board's July 18, 2022 meeting, without further notice. Motion seconded by Mr. Ulmer. Roll call vote:

- Ayes: Mr. Engels, Mr. Feula, Mr. Cogle, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, Mr. Kelsey and Ms. Kelsey.
- Nays: None recorded
- Abstain: None recorded

#22-002 Veolia Water NJ, Inc., Block 1.01, Lot 57.01-Completeness

Mr. Finelli went on to review his report of June 16, 2022 and he is recommending that the application be deemed incomplete. He stated that he communicated with the Applicant and they are not present this evening as they are re that the application is incomplete.

Mr. Cogle made the motion to deem the application incomplete. Motion was seconded by Mr. Feula. Roll call vote:

- Ayes: Mr. Engels, Mr. Feula, Mr. Cogle, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, Mr. Kelsey and Ms. Kelsey.
- Nays: None recorded
- Abstain: None recorded

DISCUSSION:

Site Plan Subcommittee (Feula, Neumann, Engels)

None

Ordinance Subcommittee (Feula, Cullen, Rafalko)

None

Redevelopment Subcommittee (Feula, Neumann, Engels)

None

Master Plan Subcommittee Update (Ulmer, Feula, Rafalko)

None

Other:

Liberty Ordinance-Solar Ordinance

Mr. Cogle recommended that the Board take a look at the Liberty Ordinance when there is some free time.

BILLS:

Finelli Consulting

Re: General	337.50
Re: NJDRP	1668.75
Re: NJDRP	2366.25
Re: Veolia Water NJ	906.25
Re: General	67.50

Eric Bernstein

Re: General	690.00
Re: NJDRP	180.00

Mr. Cogle made the motion to approve the bills. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mr. Engels, Mr. Feula, Mr. Cogle, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, Mr. Kelsey and Ms. Kelsey.

Nays: None recorded

Abstain: None recorded

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:38 p.m. Voice vote:

Ayes: Mr. Engels, Mr. Feula, Mr. Cogle, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, Mr. Kelsey and Ms. Kelsey.

Nays: None recorded

Abstain: None recorded

Respectfully submitted,

Alfia Schemm
Board Secretary
7/8/22Final