

INDEPENDENCE TOWNSHIP LAND USE BOARD

Minutes – July 18, 2022

The Independence Township Land Use Board met for a regular meeting on Monday, July 18, 2022 at the Municipal Building. Chairman Fernandez called the meeting to order at 7:33 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
	Robert Neumann	Bonnie Kelsey
	Melissa Milano	Ricardo Fernandez
	Lucy Carvino	
Absent:	Robert Best	Geoffrey Cullen
Also Present:	Dominic DiYanni, Esq.	Michael Finelli, P.E.
	David Banisch, P.P.	

MINUTES:

The minutes from the June 20, 2022 meeting were distributed prior to the meeting. Mr. Cogle made the motion to adopt the minutes. Motion seconded by Mr. Ulmer. Roll call vote:

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

Nays: None recorded

Abstain: Mr. Fernandez, Ms. Carvino, and Ms. Milano, who were not present at the June meeting and abstained.

OPEN TO THE PUBLIC:

Mr. Fernandez 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

OLD BUSINESS:

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

Mike Selvaggi, Esq. was present on behalf of the Applicant. He reviewed where the Board left off at the June meeting. He summarized that they are trying to clean up the site, construct new buildings, define/delineate parking, and enhance the visual with landscaping. The Board reviewed the Board Members that are eligible to vote on this matter this evening, it was determined that there are 6 Board Members eligible to vote on this matter this evening (Mr. Cogle, Ms. Kelsey, and Ms. Milano recused themselves). The Applicants agreed to proceed this evening.

Paul Courvette acknowledged that he was still under oath. He went on to review the modifications to the plans, dated 7/7/2022: planters added for plantings, stripe for traffic

circulation, temporary trailer parking, wheel stops, barrier, reserve area, handicap area, drainage plan, etc... He then reviewed and discussed the 7/15/22 Finelli review letter. The Board discussed the fencing and it was agreed to a black vinyl coated fence with no slats. Mr. Courvette continued to review the Finelli report and the Board and the Applicants continued to discuss the operation/drop offs/emergency review and access/landscaping/parking.

The hearing was opened to the public:

Tom Bodolsky had several questions regarding setback requirements, wetlands/disturbance, and buffering.

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

Aaron Kardon, P.P. was sworn in and he testified to his qualifications. He went on to describe/addresses the area/zone, the present use and the proposal, the Highlands, the prior approval granted in 2016, conditional use D-3 variance (do not meet all of the conditions of the permitted conditional use requirements), the positive and negative criteria, the suitability of the site for the use, bulk variances, the improvements proposed, existing site conditions, and the planning proofs, which were reviewed and discussed with the Board at great length.

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

Tom Bodolsky had several questions regarding reducing impervious coverage, existing buffering, and if the wall is theirs and if it is a structure. Mr. Selvaggi stated that they will request relief for this existing condition.

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

The Board then discussed the rest of tonight's agenda. David Brady, Esq. was present on behalf of the other application and he stated that he needs at least an hour to present his case and he would prefer to be heard in one meeting in August.

In a motion made and seconded, the Board agreed to suspend the present hearing to briefly address the other application on the agenda. In a voice vote, all were in favor.

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

Nays: None recorded

Abstain: None recorded .

**#22-003 Jean M. Sargeant Heir to the Estate of Roy Sargeant, Block 22, Lot 26-
Completeness/Interpretation**

David Brady, Esq. was present on behalf of the Applicant and he asked that his matter be carried to the Board's August meeting. It was announced that this matter is being carried to the Board's August 15th meeting, without further public notice.

In a motion made by Mr. Ulmer and seconded by Mr. Kelsey this matter is being carried to Board's August 15th meeting. In a voice vote, all were in favor.

Ayes: Mr. Engels, Mr. Neumann, Mr. Feula, Mr. Rafalko, Mr. Ulmer, Mr. Kelsey,

Mr. Fernandez, and Ms. Carvino.

Nays: None recorded
Abstain: None recorded .

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

Michael Selvaggi, Esq. acknowledged that he is still present representing his client and the hearing resumed.

The hearing was opened to the public for comments/testimony.

Tom Bodolsky stated he is concerned with the environmental impact as he owns the property adjacent to the subject property. He stated that he contacted DEP and he provided a 4 page document pertaining to flood mapping. Mr. Selvaggi stated his objection. Mr. Bodolsky continued to address the flood mapping and getting clearance from DEP.

Tom Bodolsky was then sworn in and he provided his qualifications as a Professional Engineer and the Board discussed the potential risks and the rules/enforcement.

With there being no further public questions, In a motion by Mr. Ulmer and seconded by Mr. Kelsey, the hearing was closed to the public. In a voice vote, all were in favor:

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

Mr. Selvaggi stated that they will be applying to the DEP and he then provided his summation and the improvements being proposed. He stated that if they cannot meet the DEP regulations they will need to come back to the Board. He thanked the Board for their time. Mr. Finelli reviewed his recent experience with the DEP.

Mr. DiYanni reviewed the possible conditions of an approval, which were discussed with the Board. Mr. Selvaggi stated that they would proceed with the 6 Board Members present this evening. Mr. Feula asked that the Board approve the project.

Mr. Feula made the motion to approve the application, as outlined by the Mr. DiYanni. Motion seconded by Mr. Ulmer. Roll call vote:

Ayes: Mr. Engels, Mr. Feula, Mr. Rafalko, Mr. Ulmer, Mr. Neumann, and Mr. Kelsey
Nays: None recorded
Abstain: Mr. Fernandez and Alt. #3 Ms. Carvino who did not hear the June testimony
Recused: Ms. Kelsey, Mr. Cogle, and Ms. Milano

Ms. Milano, Ms. Kelsey and Mr. Cogle resumed their positions on the Board.

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

BILLS:

Finelli Consulting

Re: General	67.50
Re: NJDRP	472.50
Re: Veolia Water NJ	270.00
Re: Jean Sargeant	201.25

Eric Bernstein

Re: NJDRP	705.00
Re: Veolia Water NJ	210.00
Re: Jean Sargeant	75.00

Mr. Ulmer made the motion to approve the bills. Motion seconded by Mr. Cougle. Roll call vote: Ayes: Mr. Engels, Mr. Feula, Mr. Cougle, Mr. Rafalko, Mr. Fernandez, Mr. Ulmer, Mr. Kelsey, Ms. Milano, and Ms. Kelsey.
 Nays: None recorded
 Abstain: Alt #3 Ms. Carvino and Alt #4 Mr. Neumann

ADJOURNMENT

In a motion made and seconded the Board adjourned the meeting at 10:25 p.m. Voice vote:
 Ayes: Mr. Engels, Mr. Feula, Mr. Cougle, Mr. Rafalko, Mr. Fernandez, Mr. Ulmer, Mr. Kelsey, Ms. Milano, and Ms. Kelsey.
 Nays: None recorded
 Abstain: Alt #3 Ms. Carvino and Alt #4 Mr. Neumann

Respectfully submitted,

Alfia Schemm
 Board Secretary
 8/12/22