

LAND USE BOARD MINUTES

January 2, 2013

The Tewksbury Township Land Use Board met in a regularly scheduled meeting on the above date in the Municipal Meeting Hall, 60 Water Street, Mountainville, New Jersey. The meeting was called to order at 7:34 p.m.

Present: Blake Johnstone, Shaun Van Doren, Dana Desiderio, Mary Elizabeth Baird, Elizabeth Devlin, Bruce Mackie, Ed Kerwin, Michael Moriarty, Robert Becker, Alt. #1, Ed D'Armiento, Alt. #3 and Nancy Held, Alt. #4.

Also present: Shana L. Goodchild, Land Use Administrator.

Absent: Shirley Czajkowski and Eric Metzler, Alt. #2

There was no one in the audience.

OPEN PUBLIC MEETING ACT STATEMENT

Ms. Goodchild opened the meeting by announcing that adequate notice of the meeting had been provided by posting a copy thereof on the Police/Administration Building bulletin board, faxing a copy to the Hunterdon Review and the Hunterdon County Democrat, and filing with the Municipal Clerk, all on December 17, 2012.

PLEDGE OF ALLEGIANCE

Those present stood and pledged allegiance to the American flag.

REORGANIZATION

Ms. Goodchild announced the following appointments to the Land Use Board for the year 2013:

Shaun Van Doren	Class 1 Mayor Representative	1 year term
Dana Desiderio	Class 3 Township Committee	1 year term
Shirley Czajkowski	Class 2 Township Official	1 year term
Elizabeth Devlin	Class 4 Citizen	4 year term
Robert Becker	Class 4 Alt. #1	2 year term
Nancy Held	Class 4 Alt. #4	2 year term

NOMINATION OF OFFICERS

➤ Chairman

Ms. Goodchild opened the meeting up for nominations for the Office of Chairman.

Mr. Blake Johnstone received the single nomination by motion of Ms. Desiderio, seconded by Mrs. Devlin. There being no other nominations, Mrs. Baird moved that nominations be closed. Mr. Van Doren seconded the motion. Mrs. Baird moved that Ms. Goodchild cast a unanimous ballot electing Blake Johnstone as the 2013 Land Use Board Chairman. Mr. Van Doren seconded that motion. All were in favor.

➤ Vice Chairman

Mr. Johnstone opened the meeting up for nominations for the Office of Vice Chairman. Mrs. Mary Elizabeth Baird received the single nomination by motion of Mr. Johnstone, seconded by Mr. Van Doren. There being no other nominations, Mr. Johnstone moved that nominations be

closed. Mr. Van Doren seconded the motion. Mr. Johnstone cast a unanimous ballot electing Mary Elizabeth Baird as the 2013 Land Use Board Vice Chairman.

APPOINTMENTS

➤ Secretary

A motion was made by Mr. Johnstone and seconded by Mrs. Baird to appoint Shana Goodchild as Secretary. Mrs. Baird moved that nominations be closed. Mr. Becker seconded the motion. All were in favor. A unanimous ballot was cast appointing Shana Goodchild as the 2013 Land Use Board Secretary.

➤ Ordinance Reviewer

A motion was made by Ms. Desiderio appointing Bruce Mackie as the 2013 Ordinance Reviewer. Mr. Johnstone seconded the motion. All were in favor. There being no other nominations, Mr. Johnstone moved that nominations be closed. Ms. Desiderio seconded the motion. All were in favor. Mr. Johnstone cast a unanimous ballot electing Bruce Mackie as the 2013 Land Use Board Ordinance Reviewer.

RESOLUTIONS

Resolution No. 13-01 – Official Newspaper and Meeting Dates

Mrs. Baird made a motion to adopt the following resolution. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD TOWNSHIP OF TEWKSBURY RESOLUTION NO. 13-01

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings be submitted to the press and other interested persons.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Township of Tewksbury, County of Hunterdon, State of New Jersey, as follows:

1. The schedule of regular meetings of the Land Use Board for 2013 is hereby approved.
2. The Secretary is designated as the person responsible for the distribution of the following list of regular meetings and those other than regular meetings to those persons and newspapers that request same.

January 2 and 16	July 3 and 17
February 6 and 20	August 7 and 21
March 6 and 20	September 4 and 18
April 3 and 17	October 2 and 16
May 1 and 15	November 6 and 20
June 5 and 19	December 4 and 18

3. The Secretary is also designated as the person responsible for posting the list of regular meetings and notice of any other meetings on the bulletin board in the Municipal Building and filing same in the Municipal Office.

4. The Hunterdon Review, Hunterdon County Democrat, Star Ledger and Courier News are hereby designated to receive all notices of meetings as required under this Act, as it is determined that these are newspapers which would fulfill the requirements of the Act.

5. Requests for notice made by interested persons and news media shall be granted without cost.

6. This resolution shall take effect immediately.

ROLL CALL VOTE

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. D'Armiento, Ms. Held and Mr. Johnstone

Those Opposed: None

Resolution No. 13-02 – Professional Services Contract (Attorney/Engineer/Planner)

Mrs. Baird made a motion to adopt the following resolution. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD TOWNSHIP OF TEWKSBURY RESOLUTION NO. 13-02

WHEREAS, there exists a need for a (a) Land Use Board Attorney, (b) Land Use Board Engineer and (c) Land Use Board Planner

WHEREAS, the local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Tewksbury Township Land Use Board, County of Hunterdon, State of New Jersey, as follows:

1. The Land Use Board Chairman and Secretary are hereby authorized and directed to execute an agreement with the following:

- a. Daniel S. Bernstein of Bernstein & Hoffman, Land Use Board Attorney
- b. William Burr of Maser Consulting, Land Use Board Engineer
- c. Chuck McGroarty of Banisch Associates, Land Use Planner

2. These contracts are awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because these are recognized professionals licensed and regulated by law and it is not feasible to obtain competitive bids.

3. A copy of this resolution shall be published in the Hunterdon County Democrat as required by law within ten days of its passage.

ROLL CALL VOTE

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. D’Armiento, Ms. Held and Mr. Johnstone

Those Opposed: None

Resolution No. 13-03 – Appointment of Application Review Committee

Mrs. Baird made a motion to adopt the following resolution. Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

LAND USE BOARD TOWNSHIP OF TEWKSBURY RESOLUTION NO. 13-03

RESOLUTION

WHEREAS, the Land Use Board of the Township of Tewksbury has reviewed at public hearings the completeness of applications which have been submitted to the Board, and

WHEREAS, it is difficult to make a completeness review at a public hearing while applicants, interested residents, and their professionals are awaiting public hearings, and

WHEREAS, N.J.S.A. 40:55D-10.3 states that a municipal agency “or its authorized committee or designee” shall certify that an application is complete or that it lacks information required on a checklist, and

WHEREAS, the Land Use Board finds that it is appropriate for the Land Use Board Chairman to appoint an **Application Review Committee**, to determine completeness, comprised of two employees of either the Land Use Board or the Township.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Tewksbury on this 2nd day of January, 2013, that the Land Use Board Chairman be authorized to appoint an **Application Review Committee** for the Land Use Board and for the purposes of determining the completeness of application for development. The Application Review Committee shall be comprised of the Land Use Board Engineer, and two employees of either the Land Use Board or the Township.

Roll Call Vote

Those in Favor: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. D’Armiento, Ms. Held and Mr. Johnstone

Those Opposed: None

CLAIMS

Mr. Johnstone asked the Board if there were any questions or comments regarding the following claims to which the response was negative. Ms. Desiderio made a motion to approve the claims listed below and Mrs. Devlin seconded the motion. The motion carried by the following roll call vote:

1. New Jersey Planning Officials – 2013 Dues – invoice #MPJ-207262012 (\$315.00)
2. Bernstein & Hoffman – Attendance at 12-19-12 LUB meeting & preparation of policy statement – invoice dated December 18, 2012 (\$450.00)
3. Bernstein & Hoffman - Land Use Board Escrow – Meiterman (B14, L6), invoice dated December 13, 2012 (\$375.00)
4. Bernstein & Hoffman – Land Use Board Escrow – Thompson (B14, L13), invoice dated November 17, 2012 (\$2,655.00)

Roll Call Vote:

Ayes: Mrs. Baird, Mr. Van Doren, Ms. Desiderio, Mr. Mackie, Mrs. Devlin, Mr. Moriarty, Mr. Kerwin, Mr. Becker, Mr. D’Armiento, Ms. Held and Mr. Johnstone

Nays: None

CORRESPONDENCE

A motion was made by Mrs. Baird and seconded by Mrs. Devlin acknowledging receipt of the following items of correspondence. All were in favor.

1. Notice dated December 11, 2012 from Mark Sarubbi re: Block 12, Lot 17, general permit authorization.

PUBLIC PARTICIPATION

Mr. Johnstone asked the public if there were any questions or comments regarding anything not on the agenda. There being no comments or questions, Mr. Johnstone closed the public participation portion of the meeting.

LAND USE BOARD DISCUSSION

- Dan Bernstein to discuss Land Use Board jurisdiction and powers

Due to Mr. Bernstein’s absence this item will be rescheduled for a subsequent meeting.

MISCELLANEOUS

Mr. Johnstone welcomed the two (2) new Board members, Robert Becker and Nancy Held. Mr. Johnstone encouraged members to keep an open mind and vote for what’s best for Tewksbury. He noted that when Mr. Bernstein returns he will talk to the Board about the responsibilities of being a Board member.

Mr. Johnstone announced that Arnold Shapack was not reappointed to the Land Use Board but thanked him for his years of service and noted that he was an excellent member of the Board. Mr. Johnstone thanked Mr. Shapack for his years of service on the Land Use Board and Board of Adjustment. Mrs. Baird made a motion authorizing Ms. Goodchild to draft a resolution of appreciation. Mr. Johnstone seconded the motion. All were in favor.

Mr. Moriarty asked about any educational opportunities for experienced Board members. Ms. Goodchild explained that the new members will be required to participate in the mandatory

training offered by the NJ Planning Officials within 18 months of their appointment. She noted that not a lot of programs are offered for experienced members but agreed to research the issue to see what's available. Mr. Johnstone noted that there are ICLE continuing legal education seminars that cover land use topics; participants do not need to be attorneys to attend.

A discussion ensued about bringing in professionals to speak to the Board about various topics (with other municipalities invited to attend). Some topics that were discussed were:

- Floodplain issues
- Solar/Green Energy
- Highlands (how township's are dealing with Highlands regulations)
- Impervious Coverage
- Leading Edge Cell Towers

ADJOURNMENT

There being no further business, the meeting adjourned at 8:12 p.m. by motion of Mr. Van Doren and seconded by Ms. Desiderio.

Respectfully submitted,

Shana L. Goodchild
Land Use Administrator