

**MINUTES OF A SPECIAL MEETING
MUNICIPAL COUNCIL - TOWNSHIP OF EDISON
NOVEMBER 3, 2011**

A Special Meeting of the Municipal Council was held in the Council Chambers of the Municipal Complex on Thursday, November 3, 2011. The meeting was called to order at 6:09 p.m. by Council Vice President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Karabinchak, Lankey, Mascola, Perilstein, and Prasad.
Councilmember Gomez entered at 6:17 p.m.
Council President Diehl was absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm and Cameraman Cologna.

The Township Clerk advised that adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by a Special Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on January 1, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

Council Vice President Karabinchak asked Mr. Kemm to explain the reason for this meeting.

Mr. Kemm said the purpose of this meeting is to receive public comment and documents regarding the amendment to the Township ROSI. The property involved is not an entire piece of property, just an easement to provide a roadway. This would be an extension of Alexis Lane to a piece of property owned by Ms. Visco. The easement is for one tenth of an acre. The Township property was not purchased with Green Acres money. It was acquired by a tax sale certificate. The condition of the easement is that it is only available to the Visco property for their purpose. It cannot be used for any other purpose. Ms. Visco would dedicate eight acres to Open Space and she would also sell ten acres to the County which would be adjoined as Open Space. He explained how the access to the property was cut off and noted the Township vacated the paper street. The Township property was not put on the ROSI until 2004. Because it is on this list, it cannot be used for any other purpose other than Open Space/Green Acres. Within two weeks from tonight, any member of the public has a right to submit written comments or additional documents. They must be submitted to the Township Clerk. He explained the notices that were sent and posted. Tonight there will not be any comments directed to the Council or questions and answers. Within sixty days the Council has to make a decision, which makes the deadline January 16, 2012. Green Acres then makes the final determination on the application.

Council Vice President Karabinchak thanked everyone for attending this evening. He said he will start calling speakers from the list, and then allow anyone else to speak if they wish. He will hold with the rules of Council meetings and allow everyone to speak for six minutes. If a speaker agrees with a previous speaker, please state that unless they have new points to be raised. There are a lot of speakers and he asked for courtesy. He will end the testimony at 10:30 p.m. this evening.

Council Vice President Karabinchak opened the meeting for public comment.

Robert Moss, 17 New St., Bloomfield, Green Acres Issue Coordinator for the Sierra Club, said he has some procedural remarks based on the information gathered. He felt this meeting should not be held because specific information has not been made available to the public. He did not find an application to Green Acres specifying there was a mistake on the ROSI and does not know how the public can comment intelligently on incomplete information. He has not seen a rebuttal that a mistake was made. He said the Planning Board does not decide what should be on Open Space and he does not have specific information on how many acres are being offered to the public.

Mr. Kemm said there is a letter from Mr. Smith of Green Acres in the file. He met with Green Acres in March 2011. On July 6, 2011 Mr. Smith approved the information. There is no application as such. He said this is not a diversion it is an amendment to the ROSI.

Mr. Moss said the decision from the Sierra Club would involve the dedicated Open Space.

Dave Wheeler, 12 Heathcote Avenue, introduced three items into the record. First is the management plan produced by the firm, Northeast Ecological. The second is the Dismal Swamp assessment. Both reports explain why this needs to be protected moving forward. Finally, a map of the Dismal Swamp is being submitted. This proposal undermines fifty years of Green Acres protections. He felt this is a national model for States across the Country. Taxpayers have contributed towards preserving Open Space. Anytime you do something like this you are inviting other people around the State to do the same thing. He spoke about a federal report on wetlands and noted that the Dismal Swamp was chosen for this report. He feels the Dismal Swamp is crucial as nature provides flood control and an enormous amount of benefits.

Council Vice President Karabinchak said this hearing is about the one tenth of an acre crossing the ROSI.

Jill Weislo, 206 Tyler Road, asked how this development will impact the Dismal Swamp. She spoke about the number of groups that the Edison Wetlands Association brings to the Dismal Swamp to learn about nature. She spoke about flooding and explained how much water one acre of wetlands can hold. She felt this water would be displaced if this is built. She said she also has the report on the wetlands.

Mr. Kemm said the issue is the one tenth of an acre and not the entire Dismal Swamp. He understands this is a great natural resource, however, this is just an amendment to the ROSI to allow the easement of the roadway. We are not talking about the entire Dismal Swamp.

Dana Patterson, 25 South Locust Avenue, said adding this section of land to the ROSI was not a mistake. She felt this was done intentionally. She displayed a map from the DEP website and presented this map as evidence. She felt, as a taxpayer, they should have this land even it is a small percent of an acre. She said there are animals nesting in this area. She also presented a map showing the groundwater recharge area.

Bob Spiegel Executive Director of Edison Wetlands Association, 206 Tyler Road, discussed procedures. He felt Mr. Kemm rebutted the first speaker. He felt even though this is only a small area it will damage the entire Dismal Swamp. He said Edison, Metuchen and South Plainfield signed onto the Dismal Swamp Preservation Commission. He gave the definition of the area, which includes forests also. This is not just wetlands. He felt the Council can look at alternatives and felt the Jehovah's Witnesses can build someplace else. He felt secret meetings were held regarding the Visco tract and this sets a bad precedent. He said Edison's first act will be to give away parkland. He said the County wants to purchase this land and he presented letters of support from Assemblyman Barnes.

Mr. Kemm said this is a night for testimony and submission of documents. He only spoke to clarify procedural issues. He felt if there is a misunderstanding it is better to correct it from the start.

Michelle Lawrence, 25 Sunshine Lane, does not feel the ROSI should be amended. She agreed with Mr. Spiegel. She feels this is a bad precedent and undermines trying to promote the environment and teach teenagers about ecology. She said she has students who are part of the Terra Nova Garden Club.

Tory Bingham, 206 Tyler Road, said her main concern is the future. She did not feel it would be a good example if protected Open Space is eliminated.

Thomas Mendez, 206 Tyler Road, said originally by his home there were forests. Now it is developed. He was concerned with shopping centers and developments.

Jane Tousman, 14 Butler Road, said she was one of the originators of the Save Our Swamp organization. She reminded the Council that they adopted the Riparian Ordinance which protects wetlands, particularly the Dismal Swamp. She also has an assessment of Edison Tyler Estates, which backs up what the other speakers said about the Dismal Swamp. These are PF01 wetlands. She said without the vacation of Tyler Road, this property could not have happened. She felt Nicholas Visco knew that he would be landlocked. She spoke about a letter from Dave Smith of Green Acres dated June 26, 2008 that speaks about the Departments policy on diversion of property. She felt this will promote flooding. She said this has been on the ROSI for years and felt this is more of a diversion than an amendment to the ROSI.

Bohdan Rudy, 1015 Park Avenue, said he appreciates everything that has been presented. He felt vacating this small portion of land will serve a community purpose. He said he received a call from the Elders of the congregation during hurricane Irene asking if he had enough food and water. He said he did not receive any phone calls from the Township. He said this shows the type of support they get from the community of neighbors. He explained the history of his family and said there is a freedom of worship in this country.

Ernest Docs, Metuchen, said a man in the hallway said the Mayor of Edison had nothing to do with this subject and he asked why the Mayor was not here.

Mr. Kemm said the hearing is just to take testimony and documents. The Mayor is not required by law to attend.

Mr. Docs felt the same as the Sierra Club. He also felt they are not getting the proper information. He asked the size of the worship hall and if it would be used for other purposes.

Mr. Kemm said it is the size of a large ranch house.

Council Vice President Karabinchak said people can make any statement but this case is strictly on the one tenth acre that crosses the ROSI.

Mr. Docs felt if the Master Plan was done properly we would not have this issue.

Tony Hoang, 1 Alexis Lane, said he is a resident living next to this proposal. He said his son likes nature but he is concerned with the traffic in the area. He felt the building of this would affect safety and the environment.

Meghan Brass, New Jersey Audubon Society, said she is a conservation advocate and she spoke about the Dismal Swamp being a large portion of preserved land in Middlesex County. She felt this decision would set a dangerous precedent for the entire State. She spoke about the habitat and explained the birds in the area.

Anthony Berardinello, 6 Stanley Place, said he has lived here for forty eight years and has seen a tremendous change in Edison. He appreciates the passion of everyone for wetlands and preservation and said the Jehovah's Witnesses feel the same way. He was concerned with the debris on the land. He felt the common thread is what benefits Edison residents. He spoke about the Bible training of members that go door to door and felt this is raising the quality of life of people.

Mark Hommer, 435 Otis Road, North Brunswick, felt the issue is clear and that ecologically in this area there cannot be any more compromises. He said we are on the edge of sustainability and no further intrusion of this area should be allowed. This project is worthy, but does not meet the highest standards.

Mitchell Migdat, 61 Freedom Avenue, Piscataway, said he has lived in Piscataway for many years and is a Minister of the Church. Their meeting times are not at peak travel hours. They would also use the Hall on weekends. They have two small congregations of eighty congregants each. There would be no more than thirty cars during peak times. This is a purely religious use and the property has State approval with stringent regulations. He said he went down to the area during the Hurricane and it was not flooded. He felt there is a responsibility to taxpayers and denying the egress to the property is not good.

Robert Takash, 27 Park Way, said he is in complete agreement with speakers who objected to the improper name of amendment. He felt there are other alternatives and this area does not have to be touched. He felt this could be done on the corner of Talmadge Road and he urged the Green Acres people to review this.

Walter Stochel, 2118 Oak Tree Road, said he is a former member of the Middlesex County Open Space Advisory Committee and member of the Edison Open Space Advisory Committee and member of the Edison Metuchen Historical Society. He presented information for the record. He said certain items were not submitted to Green Acres and that this should be a diversion and not an amendment. He said there is no correspondence between the developer and Township asking for access to this roadway. He spoke about the vacation of Tyler Road and said there were only two comments during the public hearing in the minutes. He felt the Township failed to provide how this block and lot were acquired. He said the parcel has been used by the public for passive recreation.

Robert Morrialla, 12 Bartha Avenue said he has been a Landscaper since 1989 and has done the landscaping at the Kingdom Halls and they have always been maintained. He felt the previous speakers may be overly concerned. He spoke about God having a garden and said the Jehovah's Witnesses believe that the world will be transformed. He said they have been a benefit to every neighborhood and clean the area around them.

William Lund, 3 Homestead Road, said he was the Engineer that prepared the plans for the proposed development site. He said this property is not in the swamp. The priority wetlands in the site drain to a swale or ditch before it gets to the Dismal Swamp. He presented the plan of the development site submitted to the Planning Board. He was told the applicant cannot develop in the priority wetlands and must stay within fifty feet of the priority wetlands. He spoke about the vacation of the roadway and said Mr. Visco objected to the vacation of the roadway. Mr. Visco withdrew his objection when Edison Tyler Estates said they would allow the access off of Alexis Lane. He said the project has the property requirements for storm water runoff.

Addella Lai, 2 Alexis Lane, said she has living in this area for eighteen years. She felt this area is very congested and the Church will create more traffic. She said the Wetland Association protects the wetlands. She felt God loves animals and they are being selfish and should think about other people. She is concerned with flooding and said the roadway flooded during the hurricane. She felt the residents pay the taxes and they are a non-profit organization.

Larry Boice, 607 Old Post Road, felt this will open a Pandora's box that once opened will pick away at the Dismal Swamp until there is nothing left. He asked that this not be allowed to happen. He felt it was not true that this is not wetlands.

Frank Greco, 12 Maida Road, resented the comments that morality is in religion. He said he was all over the world and never questioned anyone's religion. He said this is 4600 feet and asked if we will need a traffic light or patrol when the church has their programs. He agrees with the previous speakers. He also said everyone is an animal lover.

Jayadvan Aton, 160 Prestwick Way, said the new development is in his backyard. This is happening next to the ball park where everyone plays and he is concerned with the congestion.

Howard Eskin, 20 Boxwood Road, Piscataway, asked how we can respect the rights of everyone. He was impressed by the level of research of the environmentalists but felt there was a lot of misleading hyperbole that colored the perception. He said it was the State of New Jersey that made the statement that this is not wetlands. He said this is not sprawling it is just a small little building that will house two congregations. He said the traffic is not during peak times. He felt the decision should be based on the law and said it is illegal to landlock anyone's land. He did not feel this would destroy the swamp.

Paul Joyce, 81 Orange Street, said he is a member of the Congregation that meets in Metuchen and they manage to get in and out of Metuchen without excessive traffic. He said the property is well maintained and he looks forward to having a place in Edison. He felt this is a good opportunity for the Township.

Irene Wall, 205 Fleet Avenue, resident for 42 years, spoke about Woodbrook Farm that used to be in her area. She felt if this is opened up, more people will try to develop. She said the Swamp is finite and once it is disturbed and developed, it is no longer finite. She asked that the Hall be built on another piece of property. She is not against a religious entity. She felt the environmentalists do their research. She felt the property could be sold in the future. She spoke about dumping and felt Bob Spiegel has tried to clean the area up. She asked them not to amend the ROSI.

Michael Heenehan, 4 Azalea Way, Hamilton Square, said he is an environmental consultant and if he was still at Green Acres, he would look at every piece of information. He said after he was involved in this application he realized they had a right to cross the property. He said this is not a diversion. It is a right by the Visco's to hold the property.

Steve Barcan, Attorney at Wilentz, Goldman and Spitzer representing the Jehovah's Witnesses, said this is not a sprawling hall. He said Mrs. Visco is a member of the church and her desire is to donate the land to the church. He said they have overcome obstacles to get to this point and this is the final step in a long process. He said the Dismal Swamp Commission Act was designed to stop this project. He spoke about the application before the Planning Board and noted that one condition was for access to the property. He said the church cannot sell this or use this for anything else. He felt this was a mistake in the ROSI designation and spoke about the documents submitted to Green Acres. He said Mr. Smith from Green Acres wrote that this is a bona fide amendment.

Rich Sweeney, 313 Suttons Lane, said in America you can practice whatever faith you wish. He said this is a small structure but the environmental issue will affect more than eighty people.

Ron Costa, Piscataway, said in Edison no one is allowed to ride ATV's or dirt bikes but this is a constant feature in the Dismal Swamp. He asked why this is being allowed if this is an environmental area. He also spoke about the trash. He said Jehovah's Witnesses take care of their properties.

On a motion made by Councilmember Lankey, seconded by Councilmember Prasad and duly carried, the public hearing was closed.

Councilmember Karabinchak thanked everyone for attending and giving their opinion on this case.

On a motion made by Councilmember Gomez, seconded by Councilmember Perilstein, the meeting was adjourned at 8:14 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk