

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING**

7:00 pm

July 28, 2021

Chairman VanVliet called the Planning Board Meeting to order. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey.

A Prayer was offered followed by the Oath of Allegiance

Chairman VanVliet stated “Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Ledger and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Clymer, Coyle, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet. Also present was Planner Ritter.

Old Business:

Minutes – Approve May 26th, 2021 Regular and Executive Session meeting minutes.

Chairman VanVliet – Approve has everyone received a copy of that? Are there any corrections, comments? Hearing none, I’ll entertain a motion to approve the minutes.

Mayor Mengucci – So moved.

Member Coyle – I’ll second it.

Chairman VanVliet – All those in favor signify by saying yes. All said Yes. No nays or abstentions. Minutes will be published as written. Okay, I have a letter here. At this time, I am informing the public of this also that NFI Real Estate which was supposed to be here tonight in continuation of their hearing over the application has asked to be extended to I believe August 31st. I don’t know why they chose that date because our meeting is on August 25th I believe, so, anyway, anybody have any further questions on this or

Member Pryor – Was Bridge scheduled for that meeting?

Chairman VanVliet – Is scheduled for that meeting.

Member Pryor – So we would have to have two in one night then.

Chairman VanVliet – Well, that becomes the problem. Subsequent emails from Mr. Peck on that, they would want to have them both heard the same night and he's indicating that they're both at the same point in their hearings of having their planners testify and as he states here as one of the main issues facing both applications is the relationship to each other on the driveway access. "We think that this would be sensible and productive. Thank you again for the Board's consideration". I really don't want to be putting the Board in a position where they're going to be a referee here. What's going to happen because I would direct Mr. Peck back through our attorney that if they can work out a solution between themselves and they come up with some solution, the Board will be happy to entertain it, but we're not going to be in a position where we're just going to be refereeing something and try to come to a decision; that's not our function.

Member Pryor – I agree. I thought of the same thing. Our attorney's not here, but it's not going to be debated in front, we've already had testimony from each group. What are they going to do; rehash that and argue it on the floor. Doesn't make sense to me, so.

Chairman VanVliet – You know, we had a bit of a taste of that at the end of last meeting. I talked to our Attorney, Mr. Bryce today extensively on this and he is in agreement that we, you know, it's our call on what we want to do and how we want to schedule. That's why the date of August 31st that NFI is requesting, I don't know what the issue of that was or how they're going to maneuver that but our meeting is on the 25th and I would, based on our time restrictions, I think that we continue the way we were going and provide them with a complete their presentation and any audience response and questions on that, then we would come up with a, you know, debate it and see what the decision would be on both parties. As I say, I stated that both of these applicants have stated that they are independently making these applications, they're not a joint application in any way and as I say, I just see that's putting the Board in an almost untenable position if we're going to be acting as the referee for this. So, we already have a number of lawsuits coming down on us on this to begin with, so, who knows where it's going and we haven't really even settled the sewer problems and several other things that we haven't even gotten into yet with either one of the applicants so that they have to provide testimony on? We haven't heard a complete presentation yet, so, that's where we're at but I would, you know, entertain that we do grant his request to go to the 31st and we'll see where it is. If they can't handle it, either they have to re-notice or ask for another extension. All right, we have a motion on the floor. Beth, will you roll call please to grant the extension of time to NFI to 8/31/2021. Motion by Mayor Mengucci, seconded by Member Pryor.

Roll call vote:

AYES: Members Coyle, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet

NAYS: None

ABSTAIN: Member Clymer

Chairman VanVliet – Thank you. If any of the public is here for them, they'll be continued. I'm not going to say till the August 25th meeting. That will be determined, probably last minute 4:00 o'clock negotiations with Mr. Peck the day before, so. Okay, the next one is we have a review of

the Non-Condensation Area in Need of Redevelopment. This is a report we're looking at and I'll turn it over to George from here.

Planner Ritter – Thank you.

Chairman VanVliet – I appreciate this.

Planner Ritter – Well, I think just as an overview for tonight, obviously you are all aware that Council approved back in January, a resolution, in fact, it's a 2021-40 directly the Planning Board to conduct a study of 21 properties, basically, fronting on 22 basically between Rt. 57 and the Greenwich/Pohatcong border and try to decide if any of those properties where an area in need of non-condemnation redevelopment in accordance with the housing regulations. We undertook that study and put together a report here that essentially reviewed the road border, looked at the various regulations that pertain to that ordinance today; aerial photographs, the master plan, Highlands Regional Master Plan and Township Zoning Maps as well Greenwich/Pohatcong's zoning regulations as they pertain to the abutting properties and we put forth a series of recommendations on those properties as to whether or not they should be considered as properties in need of potential redevelopment. Now, what this does, is really it is nothing more than a recommendation to Council to consider the properties that have been identified here as a need of redevelopment to be included in a redevelopment zone and if Council would agree to that, then the next process would again come back to the Planning Board to actually develop a redevelopment plan and the regulations that would pertain to those affected properties. So, this is a process that is only beginning now and that this report and the properties that have listed in the need of redevelopment here are simply a listing of the properties and there are no proposed regulations. This is simply a recommendation identifying that we might want to consider and the redevelopment law in the State, lays out a specific process that we have to go through in identifying or rejecting these properties and the process would begin by Township Council basically, authorizing the Planning Board to do the study. The next step would be for us to when the Board feels that they have had adequate time to look at the report and put it together, would be to schedule a public hearing at which time the properties that would be directly affected by this regulation, in other words, those that would be found to be in need of redevelopment would be noticed and we'd hold a public hearing to allow the public and the property owners to come in and voice their, hopefully, agreement or concerns regarding the ordinance, not the ordinance, it's the recommendations in this report and then the Board would either approve or recommend those properties to Township Council for their consideration. At that point, Township Council would also hold their own public hearings and either agree, modify or amend the report as they see fit and if they do approve it would then be referred back again to the Planning Board to actually develop the redevelopment plan for the properties and at that point, we would go through a process of actually constructing the ordinances for regulations and the type of development that we would hope to encourage on the properties that are picked. So, it's a process as I said that we're beginning. This is really just a delineation. Just to give you a little background, the original request by Council was to look at 21 properties that ran along Rt. 22. That totaled around 150.9 across all of them combined. Of those, 144 acres, 144.57 acres are

privately owned. In doing the review, we did find one property that was owned by Warren County and it's 6.33 acres and it's our understanding in talking to the county, it is their intention to incorporate that into the Morris Canal protection and that's been identified in the mapping that we put together. The main, the redevelopment law lays out about 8 different criteria that's on Page 12, if you want to read them all in detail, regulatory criteria that if found anyone of these criteria or any combination of these criteria, if it is felt a property meets the criteria, could be found to be in need of redevelopment and there is also a final category just keep it in mind, that a property that is considered to be an integral part of a redevelopment plan, whether it meets one of these criteria outlined in the regulation or not, maybe included so that, what it does allow you to do is, if there's a critical piece of property or something that you think should be incorporated because it helps improve what would be the plan, even though it may not meet their specific criteria, you can include them so, that it's basically 8 criteria plus the ability to include a particular piece of property that is important to the redevelopment plan can also be included. I guess to make a long story short, out of the 21 properties, we went through and on Page 44, we identified 8 that we thought met the criteria to be considered as a property in need of redevelopment and there are basically two groups of them. We thought it actually may make sense if the Board agrees to develop redevelopment plans for actually two separate areas because they're not connected and they are separated. Obviously, the most important, as the most obvious area in need of redevelopment is clearly the Phillipsburg Mall. The mall itself is known as Lot 9.01 in Block 102. It contains 32.62 acres and clearly meets the criteria for being in need of redevelopment. It's had stores that have been vacant for more than two years. It's obviously beginning to fall into disrepair, in fact, obviously, as you know, areas have collapsed over the years and have been removed and also when you drive around the area, the landscaped areas are failing. Nobody's really maintaining those. The local landscapers I think have found it to become a dumping ground for their excess landscaping materials and piles are developing on the site. There's, believe it or not also, when I was out and made the pass, now abandoning vehicles are beginning to collect in the rear of the mall. So, it's on its way down and clearly it's a property that's in need of redevelopment and in addition to that, we're recommending that three properties that adjoin the mall area also be considered in need of redevelopment and two of those are being incorporated in need of redevelopment because we believe that there's, they should be considered as part of the redevelopment area because they control the access to Rt. 22 and we don't know whether in fact there would have to be improvements to access or not, but clearly they can go forward and develop it including then would give some flexibility and ability to discuss with them any improvements to the entrance to the mall area in Lopatcong and that's clearly a piece of the Taco Bell property. They develop about half of what they own. The other half is currently vacant and abuts the entrance to the mall and also the Friendly's which is now vacant and would qualify in need of redevelopment simply because it's been vacant for more than two years but it also controls part of the access entrance to it so we felt that those would be appropriate to incorporate at least at this time just to allow us some flexibility with the design of the mall or the design of the redevelopment plan for the rear. The other property that is probably one that would generate far more discussion is the large open fields to the rear of the mall. There's a parcel that lays directly behind the mall that is in Lopatcong Township and it's basically known as Lot 9 and it contains about 51 acres. Right now, that piece of property, the

sole access in Lopatcong Township to those 51 acres is, essentially, a 24-foot driveway connected to the private mall loop road and that's the only way that you can get in and out of that place today in Lopatcong Township. Now, if you look at Pohatcong Township, there are some streets that dead end on this property that go through various residential neighborhoods and come in on their side of the line, but it was felt that this is an integral part of that whole complex between the stream, the residential neighborhood properties in Pohatcong and the mall itself and that there's a tremendous environmental resource in that back 51 acres. There's almost $\frac{3}{4}$'s of a mile of Pohatcong's Creek borders that property as it runs through the back and there's a lot of steep slopes, woodlands; a good chunk of that is or could be considered very important for the protection of that stream corridor so that any development of that property should actually begin to respect the fact that there's a stream and then also its proximity to the mall. I think provides opportunity for various development types, clustering and that type of thing. That might provide a good balance between the need to protect the environmental resources and to provide the development opportunity for the property which clearly, someday, it will be developed. So that comprises those 4 properties which total the 87.1 acres that would be the one redevelopment area. The second redevelopment area is sort of a unique little group of buildings directly across from Bridge, the entrance to Bridge. There is 4 little properties that are caught between Rt. 22 and the dry run creek that is a tributary to the Lopatcong Creek and they're currently developed one has a heavy truck repair facility on it which seems to have grown over two lots and then there's the older group of buildings that I think at one time might have been a mall but now seems to be a mix of office uses and some might even be some warehouse storage in the area and they have some indoor recreational facilities there and then a very large empty parking lot that basically covers the bulk of the land out there and all of those properties have a very high lot coverage. They're basically of another era of design and they basically do not have well-planned worked out entrances or exits to 22. Quite frankly, those should be rethought of and they're also in decline. That's my sense at least at looking at them, they're not staying up to date and I think part of that is that they're working on a very old design model. So, we saw that as another area that those properties should be considered for possibly a need of being redevelopment. It's not a particularly large parcel. All of those properties together is about 12.3 acres. Those properties are heavily impacted environmentally by the dry run behind it. They are all overlapped with riparian corridor buffers, wetlands buffers so, that the development pattern for those lots, is pretty much the existing pattern that's out there. What I mean by that, is what we see as disturbed land is about all that can be developed. It's just a question of how it is developed, but I think it's a good opportunity and it probably represents some of the most run down because they're not but the bottom line is that they are the ones they couldn't use probably some of the most work to try to get those up to date and get them a little more to buy up. Also, interestingly enough, they are caught in our Industrial Zoning for out there. The lot size is not conducive to any type of lot development for industrial uses so that clearly a change of use might actually help encourage some development out there. It was more closely related to highly commercial or those types of development. So those are the two groups that we're thinking of. That's 8 properties out of 21 and the remainder of them, we think do not warrant being in need of redevelopment. Many of them are occupied by what look like very viable businesses that seem to be doing very well or they're just vacant land and so, those are the 8 that we thought was

important. I think you're all aware of it, the thing that really sets the development pattern between Pohatcong and Rt. 57 on 22 is really dry run in Lopatcong Creek because as you drive down the road, most of the areas you can see are undeveloped, tree covered, groupings are really areas that are in the regulatory area of the stream corridor so there's not a lot of undeveloped land even though when you drive down the street you get that impression. There isn't a lot of land out there to be developed and everything that has been developed is developed. It's only a question of redevelopment. If you want to get a feel of at least from my opinion as to what clutters most of that area is that you have a lot of billboards that are just sprinkled down that road which adds to the clutter and in fact, one or two of them are so large they actually block the view of the businesses; you can't find behind the signs they're so low so, although it doesn't have anything to really directly to do with the redevelopment plan, and I should point out there's a lot of billboards far smaller than what your ordinance allows which is good, but that also means that they can be replaced with much bigger billboards so, you might want to think about in the long run, your regulations on advertising boards and how big they are and how they're constructed because as I said one of them down there, one of the car repair facilities which to me was busy I could never pull in his parking lot to take a picture of his building it was so full of cars and busy, you can't find him; he's behind the billboard. The billboard is set so low to the ground that you can't even see him from the road. So, those type of things might be important but anyhow that's our recommendations. You should probably look through the report and if you have any questions, concerns, think we missed the point, let me know and we can discuss them and then get a final draft together let's say for the public hearing and go from there and at the public hearing and I can go through it tonight if you wish but, you know, I can go through all the maps in the back and some of the criteria we used to come up with our recommendations but that was our feeling that these 8 properties were probably the best to consider as being in need of redevelopment.

Member Pryor – Mr. Chairman, I had a couple of comments that may morph into questions, I don't know, but just to make sure I understand this, a number of the properties you mentioned do have environmental constraints and so on, but that's not the purpose of this report. This report is to identify those properties that meet the criteria in the statute. Is that correct, George?

Planner Ritter – That's correct. The environmental stuff is added in here just so that you have an overview of what was really available.

Member Pryor – I get it. So, that's all going to be hashed out, down the road.

Planner Ritter – Yes.

Member Pryor – Then there's actually two hearings; Council has to have a hearing as well?

Planner Ritter – That's correct.

Member Pryor – You know I; we often have hearings and people don't say anything and we open and close them. I mean, this is land use, this is our main entrance to the town. I'd like to see a little effort go into this hearing, you know, exhibits, good advertisement on the website, so on. I'd really love for people to show up and ask some substantive questions.

Planner Ritter – One of the things that, I agree with you, one of the things in terms of notice, Beth and I, well Beth actually looked it up today, from the Council actually holds their hearing and would say that the Planning Board too, in addition to the standard notice in the newspaper, you're regulations for the redevelopment plan would require that the individual property owners of the affected properties be notified, so they will be aware of the hearings going to come off and if they, obviously hope they'd show up quite frankly, and I will, as I will for the Planning Board, we'll do a full-blown presentation.

Member Pryor – Sounds good. My other comment is, I thought it was well presented, understandable, it's well documented with the exhibits. I thought it was easy to follow. I thought it was a good job so, thank you, George.

Planner Ritter – Thank you.

Chairman VanVliet – I'd like to echo that also. Best one I've ever seen.

Member Clymer – Very well-done George.

Chairman VanVliet – Especially each individual property and the reason it should be there was by statute it was there so

Member Coyle – It was very organized and very easy to understand.

Planner Ritter – Thank you. Now, the hard part is developing that.

Member Coyle – George, where's Birch Street? It's behind the mall, right?

Planner Ritter – Believe it or not, that's the address of the property behind the mall. I can't tell you why that's the address but that's the address that comes up for that property. I don't know where Birch Street is that's just the address that it's listed at.

Secretary Dilts – I think it's in Sycamore Landing.

Planner Ritter – Oh, that's the extension of the little street through Sycamore. Okay.

Chairman VanVliet - I have one question for your George, when it goes to the Planning Board for the first time here, goes back to Council, where does the redevelopment authority come in? If you have one, I think it's the Council, I believe.

Mayor Mengucci – We’re the redevelopment authority, if I’m not mistaken.

Member Pryor – I have to check that because it predated me but if one was put together for the Ingersoll property, and I’m pretty sure it’s Council and I know in the redevelopment plan we had to make some changes to the zoning and so on, to make all work, that all predated me but that’s where I recall it all happened.

Chairman VanVliet – You know, it was a new step that was in there and it precluded it from coming back to the Planning Board at that point as the redevelopment authority.

Planner Ritter – From what I understand, I could be wrong but I think it was basically the Council has taken the authority as the redevelopment.

Chairman VanVliet – Yes, they have. So, I mean, that’s my understanding of the way it functions but and it’s precluded from coming back to the Planning Board and the redevelopment authority’s is the one that is really basically trying to direct what was going to be developed on those properties.

Planner Ritter – Well, the redevelopment, the Council acting as the redevelopment authority will be including the redevelopment plans. It’s the same group, I mean, some towns have separate redevelopment authority.

Member Clymer – States that on Page 4; it’s the mayor and town council.

Chairman VanVliet – Town council.

Chairman VanVliet – Town council meanwhile, who was there on the town council with the pecking order of where we’re going to go here, what happens. Thank you very much. Any more questions of George on this one? Okay.

Planner Ritter – If you’re looking through the report and have any questions, concerns, give me call.

Member Pryor – George, I mentioned that one little wrinkle in the history and do a little more research there.

Planner Ritter – No, that’s fine. If you see something where we got the wrong name of the business or something is out of whack, let me know because you know the history of some of these parcels even better than I would.

Mayor Mengucci – The report was very thorough George, so, I think we’re in pretty good shape with it.

Planner Ritter – Thank you.

Chairman VanVliet – At this point the comment to the audience, at this point we don't invite audience participation because we really don't know all the facts concerned on this, so, but at the hearing it would be fully open to anything the public wants to know.

Mayor Mengucci- It will be as transparent as we can make it, trust me.

Chairman VanVliet – Absolutely.

Mayor Mengucci – The decisions we going to make now, going forward, it going to affect a lot of people long after I'm not here, so.

Chairman VanVliet – Okay, the next order of business is Block 102, Lot 6. This is a property located off Lock Street within the confines of the Morris Canal and the county, from what I understand, has purchased this entire lot including the home on it and they want to sell a partial, subdivided part off, not the entire property. Anyway, the county which is exempt from any actions that this Planning Board can take, asked us to put it on record that the subdivision is going to be perfected.

Member Weeks – Where does that sit exactly? I'm trying to figure out, in my head, where on Lock Street.

Planner Ritter – You can actually look, we have a picture on this, it's a property in our report that we said is owned by the county; that would be Block 102, Lot 2.02. I think we have a picture; it's the old stone house is what they want to cut out. Do I understand that right?

Chairman VanVliet – No, I don't think so. I think the proposed lot is 6.01.

Member Weeks – Yeah, it's 6.01, Block 102, Lot 6.01.

Chairman VanVliet – This is not down by 519. It is a different lot.

Planner Ritter – It's a different lot. My apologies. I thought we were talking about the lot we identified.

Chairman VanVliet – So, it's down on Lock Street bordering along Lopatcong Creek going through there and it's a trout stream. There's a cluster there on the corner. Go down, I think it's at the bottom of the hill down there. I believe, I didn't survey it myself, so.

Member Weeks – I didn't know if it was that or down by the steel bridge.

Mayor Mengucci – I'm just trying to picture it in my head where it's at because I'm you know,
(Members talking over each other – inaudible)

Member Weeks – That's our side.

Chairman VanVliet – It says line of Lopatcong and Phillipsburg concerning 102 Lot 6 it looks like and proposed, this whole area is proposing to be subdivided into these two lots.

Member Coyle – How many acres is that

Member Weeks – I think this gets better; this part here, maybe gets better. If you look at it, it comes down and bends it's right on the bend. It's right where it has those jagged stones that come up through wall.

Chairman VanVliet – 24,000 square feet proposed Block 102, Lot 6.01 and 24,770 square feet so they're not quite a little over ½ acre or just about ½ acre I should say.

Member Weeks – There was a little Christmas tree farm there right.

Mayor Mengucci – That I remember.

Member Coyle – Is there only one building on there?

Chairman VanVliet – I believe there' only one building on it. They, the county was forced to buy the entire, you know, lot, now they're getting ready to subdivide it so they can sell the house off. They just wanted the vacant property down there. So, basically, that's it, right here it is, Warren County has purchased Block 102, Lot 6 located on Lock Street from the Dias family and they're subdivision the property into two lots and actually what they want us to do, the county is really not seeking formal subdivision approval; that is not necessary. They're exempt from any action we take, however, as a courtesy to the Township, the county wanted to provide these plans to the Planning Board for its review prior to any subdivision in county clerk's office. I have no objection, we really have no control anyway, so, as a courtesy they provided this for us and I would just like to make it part of the record here. We have to take no formal action on anything. It was provided to us, send them our thanks for it and we were notified of it.

Planner Ritter – Yeah, if you could give me a copy, I'll put that on the map so that, obviously, I was thinking it was a different lot.

Secretary Dilts – I can give you my copy George.

Planner Ritter – Okay, that's fine. That would be great. I'll put it in my report then.

Chairman VanVliet – I talked to Mr. Bryce about it today and we don't have to take any action other than to acknowledge that it was submitted to us. Okay, I have one other piece of business here. It's not on this one but George, you provided me with a completeness review of the Precast Concrete on Strykers Road and I talked to Adam today. They're coming up with one also. We don't have to take any action on this or anything like that. This is just an informational

Planner Ritter – It's just to make sure that they met all the conditions of approval before Adam and the Township signs the drawings. As far as my review, they're fine. They're missing a sealed drawing and that's it.

Member Pryor – I have to retrace this in my own mind. The big hang up was we use the Best Practices or something they had to and that's been done now?

Chairman VanVliet – Yeah, the conditions we had put on it. I'd have to go back to the minutes and review what they were.

Member Pryor – You remember, he was supposed to work it out with the engineer.

Chairman VanVliet – Apparently, they have done that. Everything, you know, the landscaping, the impervious cover along with other changes. The conversation with Adam today, he kind of said they were still working on the final report but everything looked good, so, I just wanted to get that piece of business why we had a little lull in the action here. Okay, that's the end of old business. We had one bit of correspondence from Tia Steinhardt. She has resigned from the Board. I have an email from her. She'd written us "with this letter, please accept my formal resignation from the Lopatcong Township Land Use Board. Professional conflicts have prohibited me from performing my duties as an alternate member in the fullest capacity. For this reason, I wish to step down from the Board. Thank you for the memories, experiences and opportunities to serve the Board and wish you all the best. With kindest regards, Tia". I will accept her resignation from the Board. We don't have to take any formal action. Just note it in the minutes that she resigned. Okay, does the Board have any further questions about anything? I'll turn it over to the public. Okay, at this point I'll open it to the public. Does anyone from the public have a comment here?

John Betz – It's nothing really. Just a clarification on the meetings at the end of August, the Planning Board Meetings. Will there be two Planning Board Meetings?

Chairman VanVliet – No

John Betz – Just the one

Chairman VanVliet – There'll be one Planning Board Meeting schedule one which is the 25th of August that's the fourth Wednesday at 7:00 meeting time. The only reason I mentioned the other thing is that I was wondering why NFI requested it to be the extension where they wouldn't have

to re-notice and all that because of the August 31st date. I was hesitant to change that because of the legal situation we're in on this. So, I'm granting his extension to the August 31st date. Why he choose that, I don't know. Our scheduling for the last meeting is to be determined but as I said and stated before I really don't want to get into a referee position. I don't want to broker anything between two parties. I believe the proper method to go for would be to have the two parties get together and do their own negotiations and then come back to the Planning Board with a workable solution.

John Betz – So, that means the Planning Board Meeting on the 25th.

Chairman VanVliet – It's on the 25th.

John Betz – It's on the 25th and the 31st is not for anything.

Chairman VanVliet – I have no idea why he wanted to take it that way. That's what he requested to do and

John Betz – At this time the Planning Board meeting is on the 25th.

Chairman VanVliet – Exactly and the scheduled party for that will be Bridge.

John Betz – Bridge so, then NFI, that's what I thought Bridge on the 25th and NFI is just up in the air?

Chairman VanVliet – Their call.

John Betz – All right and if they want to, they could get together with Bridge, NFI and Bridge can get together with Bridge and NFI and Bridge could get together and do what they want to do if they

Chairman VanVliet – I believe that's the proper way for this to occur . We don't, once they get to a Planning Board application and they're coming through this all should have been completed before they came in and we've had certain assurances made that didn't come to fruition so.

John Betz – There'll be nothing on the 31st as of now.

Chairman VanVliet – There's no Planning Board activity.

John Betz – It could be something else then. It could be a Council Meeting (inaudible). Thank you.

Chairman VanVliet – Right now we don't know a whole lot of what's going to be happening. A lot of issues that we have to go through yet. Donna do you have anything.

Donna Schneider – Yes, I do. Just a couple things. I'm not sure if this is the right time to ask it. Donna Schneider 26 Meadowview. With the, regards to the application for the warehouse and I know the last time I was here, two meetings ago or maybe when we were virtual still, there was an issue that brought up with the sewer capacity so I guess a hypothetical question; if Lopatcong says no to the sewer because we've reached capacity, can they go to a Township nearby and ask them for their sewer and have it moved in through there?

Chairman VanVliet – I'll defer to Joe.

Member Pryor – Yeah, I'm going to say initially no because they would have to get the Wastewater Management Plan amended and so they'd have to face that. That's no small hurdle.

Donna Schneider – Okay, so that's huge to do, you can't just

Member Pryor – It's a large undertaking and now that it involves not only our approval, it would be the adjacent town and everything else so

Donna Schneider – Okay, so that's okay, so that's virtually almost impossible to do.

Member Pryor – I don't want to say impossible but it's no small thing. It's not sending an application out and getting it back.

Donna Schneider – Okay.

Chairman VanVliet – Under any circumstances it's not under the purview of the Planning Board. It's strictly would be Council.

Donna Schneider – Council okay.

Member Pryor – The Wastewater Management Plan is not supposed to just manage capacity; it's supposed to be a planning tool, so, if it was just question of scrounging up a few gallons, I mean, that's an easier task than determining where you want your growth, so.

Donna Schneider – Sure, okay and if Council were to say no to sewer, that would mean they would have to reapply if they wanted anything else. Would that be the case, would they have to reapply?

Member Pryor – Well, utilities are part of it. They've proposed the sewer connection and they would have no sewer connection.

Chairman VanVliet – They would have no sewer.

Member Pryor – They would have no sewer.

Chairman VanVliet – They could try and put in a septic system.

Member Pryor – They would have to amend the site plan.

Chairman VanVliet – They'd have to amend the site plan.

Donna Schneider – Right, so that, they'd have to reapply.

Chairman VanVliet – It's an integral part of the building itself and then you get into more with the health, the county health department and the Highlands on their provisions on what would be required. This is an afterthought. Berry looked into doing that also but the application, I should say, the actual constructability of a septic system that NFI is looking into is cost prohibited.

Donna Schneider – Okay, okay good to know okay. I know you can't give me definitive answers, I'm just trying to figure out what would happen if they did that, you know, what's the next plan, or you know, what's the next action that would happen.

Chairman VanVliet – It's an alternative but not a good one. So, that's where we're at. The Bridge application is in the sewer service area; NFI is not in the sewer service area. Another complication for the one applicant that the other one doesn't have.

Donna Schneider – Right okay and I know the website has changed. It looks like the whole Lopatcong Township Website has been changed but there's no agendas, or minutes or anything up from anything for the Planning Board at all.

Secretary Dilts – Our IT person is trying to work to get all that loaded on there. The agendas have been up. The agenda was up today.

Donna Schneider – Yeah, you have to drill into it though. If you hit agendas or for it nothing comes up but if you hit something else you can eventually you can get to it but it's very difficult the way it's set up right now because you can't just hit the agenda, minutes, blah, blah, blah tab and come up with anything. So, only today's agenda was up but last month's agenda's not so I don't know what happened last month here, you know, or if there's minutes, there's nothing up at all for you to look at. So, I don't know if that can maybe be

Chairman VanVliet – One of our problems is you see how fast, it's like it's a Tuesday before we're having the meeting, that the agenda changes. I don't get my email instantaneously for my, you know, Planning Board site so, I mean, we're making decisions sometimes up to 4:00 o'clock before, you know how it was

Donna Schneider – Absolutely and that's fine like just for, like I couldn't look at last month to see what happened till I could come here and know what happened last month, you know, so I'm

just trying to see when that will fix itself because if you're going to have public hearings for the redevelopment, you're not going to be able, no one's going to be able to see it if you don't do something about the website to get it up and running.

Member Pryor – I was going to ask you about the tapes. Are they posted Beth, or no? Not yet.

Donna Schneider – No, there's no agendas, no minutes, no videos, nothing.

Chairman VanVliet – One of the big problems we have when we were in the virtual situation, was transcription was a problem coming off Zoom. Didn't go quickly. We had to kind of listen to the tape, do a little bit and then go back and keep going back so it took a lot of time. Sometimes the audio on Zoom, both parties, either end was, you know,

Donna Schneider – Spotty, yeah, yep just even if it's the agenda from the last month could be put on so you can see what happened the last month and then for all of this redevelopment so if

Mayor Mengucci- It may change your questions, if you had more

Donna Schneider – Sure, exactly, yeah, I'm just trying to get, it takes a lot for me to come to these meetings too, so if I could see what happens so I know what to come prepared with so it's, you know, if that could be maybe something to be looked into.

Chairman VanVliet – I'm not a webmaster.

Donna Schneider – Sure, nope, well whoever wants to you know

Chairman VanVliet – Well, the Township has a webmaster, that's who we've been going through for everything, however, gets any information; it's only as good as she gets.

Donna Schneider – Sure, yep, okay, just letting

Chairman VanVliet – We're also, I guess, in some of these hearings we've had we've had court reporter taking some of the minutes so we usually refer to whatever, you know, certified court reporter is taking as opposed to trying to get it off the tape or

Donna Schneider – Yeah, and that's fine, even if it's just the agenda. I understand the minutes are an issue right now because of all that stuff and covid and everting, but even just the agendas, I mean, the agenda is the agenda so you had the agenda last month, and if it were up on the website, it would be very helpful to have the agendas up; it would just be helpful to have that especially if you want to advertise.

Secretary Dilts – I can't control when the agenda gets put up. You can always email and ask for it; you have my email.

Donna Schneider – Yeah, and you did last time. I think you for that. It's just for you know, for last month and I've got to call you and you know, two weeks after the meetings, and say hey Beth can you send me this and then it's going to be everything month and you get two and three emails from me asking you to send me stuff and so, but just for the redevelopment everybody should make it to where everybody's going to know but no one's going to know if it's not on the website so, just for those reasons too. For me, personally, for my own selfish reasons, and for those reasons as well and one last questions, I don't know if this is, have you heard anything or has any applications passed through for raised solar from Phebis?

Chairman VanVliet – The Board has seen none. I don't know if Council received anything so, I don't know

Member Pryor – No.

Chairman VanVliet – I don't know if they gave up on it or they will come up somewhere along the line, I guess.

Member Pryor – I think I told you, I didn't mean to interrupt you, last time they came in, I think it was January for five minutes and they left and that's been all our contact.

Donna Schneider – Okay. They were in my yard drilling. They were doing some deep drilling of holes in the field. They had a huge, I don't know what you call it columbine. There was something in my back year that had a big drill that came off the back and they were drilling holes so you know, my curiosity gets I'm going their drilling holes because what are they doing their testing the soil. What are they testing for? Is it prime soil? Is that what they're looking for? You know, I'm not, so, I'm just wondering did something, did something advance on that or

Chairman VanVliet - I don't know. The individual making the application is responsible for that. We won't know about it until it comes here. I thought I had it with me. I think I brought it, the County Agricultural Committee or Board, Board I believe it is coming out with, strongly against having that, so, but I don't know what weight that carries. There were objections to it things like you know a lot of parking lots we could put roofs over and put the solar panels on that as opposed to taking up farm land so,

Donna Schneider – Could you make that a stipulation on a say a warehouse or some other industrial building that were to be built here? Could you make a stipulation where they would have to put solar on their roof tops?

Chairman VanVliet – That would be tough for a local Planning Board to do. State's doing some stuff in that area as far as location of solar panels; they are it more prevalent to get in, pros and cons on both sides of what's happening. Even ideas that are being projected whether they ever come to fruition is your guess is as good as mine.

Member Pryor – I’m really not sure what our authority is either, I mean, we function under the Municipal Land Use Law. On the residential side it’s residential site improvements standards. I don’t know if we have the authority to just demand that they, there’s energy codes and so on from the state level. I don’t know, we haven’t had to do it before.

Donna Schneider – I just, yeah, I didn’t know if that were something that could be asked cause that would be, that would be awesome to have it on roof tops.

Chairman VanVliet – If would say that with any ordinance that we could possibly do at a local level would have to come from Council. We don’t usually get into trying to create law, we just try to enforce it and follow it.

Donna Schneider – Sure, well according to the farmer who does, who cultivates the land, he came up to us, I guess a few months ago and said basically very exploitive words to all of you people who own an acre of land on this block, yeah, pretty much, you know, screw all you people Falcone’s going to sell to the highest bidder and that’s going to be them so you have no room to complain. He wasn’t very nice. I say the drilling and I saw that stuff going on so I didn’t know if something else had happened. I just figured I’d ask you. Okay that’s it.

Chairman VanVliet – Anyone else? Good, okay. Anything else further for the Board. Okay, then in that case I’ll entertain a motion to adjourn.

Mayor Mengucci – So be it.

Chairman VanVliet – Is there a second?

Member Coyle – Second.

Chairman VanVliet – All those in favor signify by saying Aye.

Ayes: All said aye.

Opposed: None

Abstentions: None

Chairman VanVliet - We are finished for the evening.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary

