

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING**

7:00 pm

September 22, 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 were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Old Business:

Minutes – Approve July 28, 2021 minutes. Motion to approve the minutes by Mayor Mengucci, seconded by Member Pryor. All in favor. None opposed. No abstentions.

NFI, Real Estate, LLC – Preliminary and Final Major Site Plan Approval and Variance Relief Application Concerning Property Located at 188 Strykers Road and Designated as Block 99, Lots 3.01 & 6. Continuation of hearing. See separate transcript.

Bridge Development Partners Block 99, Lot 6 - Demand to remove members of the Planning Board.

Chairman VanVliet – Okay at this point, I’m going to ask the public to dismiss themselves. We’re going

Attorney Bryce – Bridge, they’re going to, in open session they requested an adjournment and have carried to, I guess, the October hearing.

Member Pryor – Well, I was going to, I didn’t mean to cut you off, but we’re going to talk a little bit about the Redevelopment Report and the folks would have to leave and come back, can we flop those two?

Attorney Bryce – But I just think that before the Board does that, just should move the Bridge matter to

Chairman VanVliet – The 27th of October also. They requested that in the letter and it kind of slipped my mind so, I need a motion to extend Bridge

Member Pryor – Their application or their objection?

Attorney Bryce – Their request

Chairman VanVliet – Their request.

Member Pryor – Which is?

Attorney Bryce – Well, they asked to appear tonight. It was on the agenda originally and they would like it carried to the October 27th meeting. So, it's just

Member Pryor – What do they get out of that?

Attorney Bryce -Nothing; it's curtesy.

Member Pryor – I mean they wrote the letter. They expect us to discuss it?

Attorney Bryce – Well, they're not presenting anything as to it tonight, so.

Member Pryor – They wrote the letter.

Mayor Mengucci – They presented the letter.

Chairman VanVliet – They did.

Member Pryor – I'd like to at least have a discussion in enclosed session, if that works for you.

Chairman VanVliet – We will have that.

Attorney Bryce – I think you can because that's Attorney/Client Privilege.

Chairman VanVliet – I think you have to grant them the extension; they did not complete their testimony here, so, we'll go with it, so. I'm just asking for amotion to extend, grant them an extension without renotification for the October 27th meeting.

Member Pryor – That will do. I'll make that motion.

Mayor Mengucci – I'll second it.

Chairman VanVliet – Roll call Beth, please.

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

NAYS: None

ABSTAIN: Member Clymer

Attorney Bryce – Okay, so, to the public, this is your notice that the Bridge Development matter is now being carried to your October 27th, 7:00 pm in this chamber so you will receive no further written notice, this is your notice that if you want to participate.

Chairman VanVliet – Okay, we're

John Betz – Chairman, I heard (inaudible) say something about the 31st of October.

Chairman VanVliet – That's not the date of the Planning Board meeting. We're extending it to the next Planning Board

John Betz – Okay.

Chairman VanVliet – So, I'm going to switch the Development Partners to go into Executive Session and I think the only other thing we need to do discussed about the Non-Condensation Area in Need of Redevelopment Report we've been doing that since last January we've been working on it. It's coming time now that we need a public hearing on it, so, I'm proposing that with the Board's permission, actually, that we do it at the November 29th. Is it, November 29th Planning Board meeting? We'll be advertising it, those invited will be especially those members whose properties are affected with the redevelopment. There is a little more extensive notification that we have to go through. Beth, we're set to do that?

Secretary Dilts – We will be.

Chairman VanVliet – Okay, thank you very much.

Member Pryor – I have a suggestion of the people who turned out, I wonder if George couldn't give the, a very short version for their benefit of what we're doing?

Planner Ritter – Sure. Basically, the Township Council requested that the Planning Board undertake a study to determine, and this is in an area, essentially along Rt. 22 that runs from Rt. 57 over to the Pohatcong/Greenwich Township border, that 22 corridor to do a study to see if there were any properties that were potentially in need of redevelopment and there's a formal process that we have to go through to make that determination and we undertook a study to look at approximately, if I remember right, 22 properties along that highway to see if they were in potentially in need of redevelopment and whether or not they met the state criteria to be deemed in need of redevelopment and then to bring it back before the Board, the Planning Board here to review and see if they agree. If they do, that recommendation would be forwarded to Council upon which they would then decide to make it into a formal redevelopment area in town. Our study went through and identified that out of the 22 properties there was about 8 properties that would fall into a category of possibly being in need of redevelopment along Rt. 22. Obviously, the one that most of you know is the Phillipsburg Mall which is essentially vacant today and

about half of that mall sits in Lopatcong Township. The remainder is in Pohatcong and the study identified that area as a potential area in need of redevelopment. It also included two of the properties in front of Rt. 22 because they control access into that area and that was the vacant Friendly's that's there today and also a portion of the Taco Bell property which is currently vacant. The restaurant itself is built on a piece of property that's primarily in Pohatcong and there's a vacant piece of it that we thought might be important to at least consider as in need of redevelopment because it controls access. We also identified four other properties directly across from the Bridge Development; the new Bridge warehouse on 22 and that's the old gas station which contains a trucking, a heavy trucking garage I guess is the best way to characterize it and then there's two other properties running that would be to the west, east, sorry, thank you Adam that we also thought were important to be included. They're an old industrial property that has been converted into various commercial warehousing and industrial uses in that area but appear to be fairly dated and inefficient. So again, out of our study area, we identified those two basic areas as potentially in need of development, in need of redevelopment. The purpose here would be to hold a public hearing to invite not only the public but the owners of those properties to come in and voice their opinion and ideas as to what they would like to see on the property and then the Board would consider whether or not they should be deemed or that they should recommend to Council to deem them in need of redevelopment and that's what the public hearings going to be for is to invite those impacted people in for their opinions as well as the public to offer their advice and insight as to any of those properties in that sense. So, that's the purpose of the public hearing and after that, the Planning Board, I assume they will approve something that will be recommended to the Township Council. Township Council would then decide whether or not they felt it was appropriate to deem them in need of redevelopment. If they find that it is, they would then basically be recommending Planning Board develop a Redevelopment Plan for those properties which is another whole separate step which would look at how the properties might be developed, what regulations would apply and again, that would be a whole other series of public hearings and events that would have to be separate from finding in the need of redevelopment. I don't know if that's enough of an overview but

Chairman VanVliet – Basically, what the process is going to be, I'm was just trying to set some time schedule, we're in a state of flux between the two applicants we've had going since January of last year on this and trying to get enough time and not get into the hassle of having special meetings and afternoon meetings and inconvenience the public any more than they have to be so, that's basically the plan we're looking at so. If, what I'd like to do now, have things set unless there's any questions from the Board or anyone, I'd like to switch and go to the public comment period now, so, I'll open on anything you want just come on up.

John Betz – My name is John Betz, I live at 225 Red School Lane, Brakeley Gardens. Just a question and a comment. Did the Planning Board, am I right to think that the piece of the property behind where the mall used to be that was zoned residential?

Chairman VanVliet – Are you asking if it was zoned residential?

John Betz – Yes.

Chairman VanVliet – It was age restricted residential

John Betz – Age restricted residential. I think that it should remain age restricted residential and I think it should be looked into for senior housing. That’s my comment.

Member Pryor – You know, if I can just respond just to reinforce what George said. The first half of this is just to decide what’s in the zone and then suggestions like yours, they’ll be considered in the next phase.

John Betz – At another date. That’s all I wanted to make sure I would have the opportunity to comment on that. Many people have asked me about that piece of property and suggested to that. Thank you, Joe. Thanks for making that, clarifying that for me and thanks Gary.

Chairman VanVliet – Donna.

Donna Schneider – I just wanted to ask, is that meeting for the public, is that before Thanksgiving? I don’t have the calendar.

Chairman VanVliet – That’s going to be the Monday after Thanksgiving.

Donna Schneider – Okay that’s good. All right, just didn’t want it to conflict and have

Chairman VanVliet – Normally, we’re scheduled for Wednesday but with the football game and all the rest of stuff and the holiday,

Donna Schneider – totally more important.

Chairman VanVliet – we know if wouldn’t work out to well so, we normally have this moved to the Monday afterwards.

Donna Schneider – Okay, perfect. Thank you and one more question. I know I ask it when I come to meetings, but has there been anything on any solar applications that have come into the Township?

Chairman VanVliet – Haven’t heard a word about anything

Member Pryor – No

Chairman VanVliet – other than the 100 phone calls every week I get about wanting to go to solar power.

Member Pryor – and you know, I think I’m going to bring this up at Council. There’s been some recent changes in the law; agrivoltaic and I think as a minimum we should all get up to date on what the changes to the law are. I’m going to ask Council to have Katrina summarize that for us and see where we are.

Donna Schneider – Okay.

Member Pryor – You know, it has a clouded history. Christie was really against it. Then it's been turned around.

Donna Schneider - Right.

Member Pryor – There's pilot projects going on, on all kinds of stuff.

Donna Schneider – Yeah and not to the scale of what the whatever I've heard being proposed in, on that field of 108 acres. It's more like 60 acres or 20 or 5; they're very small scaled pilots.

Member Pryor – I'll give you the same answer I gave you last month is they came in I think it was at our Reorg. Meeting, lasted 10 minutes, they disappeared, they've never been before this Board, right?

Chairman VanVliet – I haven't seen any application.

Member Pryor – I'm sure they're around but nothing has been filed.

Donna Schneider – Okay. I just always like to ask and see if there's any change from the month prior so, okay awesome, thank you.

Chairman VanVliet – Thank you. Anyone else from the public have anything they'd like to ask questions on? Seeing none, we'll close the public comment portion. I'm going to ask the public to recuse themselves; we are going to go into Executive Session. We'll be taking no action when we come back at of the session. You are welcome to come back in and see the closing if you'd like to stay around.

Attorney Bryce – Just need a motion.

Chairman VanVliet – Need a motion

Member Pryor – I'll make that motion.

Mayor Mengucci – I'll second it.

Attorney Bryce – The motion's going to be Executive Session per litigation discussion concerning in re of Ordinance 20-12 and 21-02 and also Attorney/Client Privilege conflict.

Secretary Dilts – Is that all in favor?

Chairman VanVliet – Yes, everyone in favor signify by saying yes.

All Members said yes, no nays or abstentions.

Chairman VanVliet – Okay, make a motion to adjourn.

Member Weeks – Second.

Chairman VanVliet - All in favor, no opposed or abstained. Okay, we are out of session.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary

Public Comment
Adjournment