

Township of Lopatcong  
Planning Board Meeting  
Addendum

October 27, 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, Samson, Weeks, Mayor Mengucci, Chairman VanVliet. Also present were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

**Old Business:**

Chairman VanVliet – At this time we’ll move onto Old Business. At this juncture, I want to remind everyone in the audience since we seem to have a few people here tonight, that these applications are being heard under the old ordinance for the ROM Zone area. Council had passed the new ordinance preventing warehouses from being out there, however, we are under a superior court injunction to hear this under the old ordinance so, if you are trying to equate what the Township new ordinances with the old ordinance, we’re required to hear this under the old ordinance. That being said, has everyone on the Board received a copy of the minutes for August 18<sup>th</sup> and August 25<sup>th</sup>, 2021?

Members – Yes.

Chairman VanVliet – Are there any questions, comments, revisions you’d like to make? Hearing/seeing none, the minutes will stand as published. The first order of business that you have on your agendas there is the NFI Real Estate, LLC Block 99, Lot 3.1 and 6. I received an email from their attorney this afternoon, late, and it states “on behalf of the applicant, NFI, we are respectfully requesting an adjournment from tonight’s meeting. I believe there is a remaining site engineering issue to be resolved so, we do not believe our appearance would be productive to the Board. Accordingly, we are requesting the adjournment to November 29<sup>th</sup>, 2021 and consistent to extend of the time the Board to act at date as well”. I have emailed back the gentleman who sent this, or I should say their attorney Mr. Peck. November 29<sup>th</sup> is not convenient. We have scheduled another applicant to come in here; it’s actually the Township Redevelopment of the Master Plan and we have extensive notification of the people and the

property owners involved. I don't know exactly how long it would take but I would want to leave them enough time to, you know, be fully vetted at that point, so, I went back to him and also December doesn't look to good for them either. We have other problems with the Master Plan that we have to develop their also. So, I indicated to him that the only next available meeting would be for the January 2022 meeting. We haven't heard back from him yet Beth, have we? If he wants to accept that or not.

Attorney Peck – Excuse me, Mr. Chairman,

Chairman VanVliet – Yes.

Attorney Peck – May I be heard, Mark Peck.

Chairman VanVliet – Oh, I didn't realize you were here Mr. Peck.

Attorney Peck – Yes, sitting in the back row. For the record, Mark Peck, with the Florio, Perrucci Law Firm here on behalf of the applicant, NFI. Yes, everything that the Chairman relayed is accurate. Obviously, we're at the Board's mercy when it comes to scheduling so, you know, January, yeah, we'll consent to extend the time through there but we are hoping, you know, maybe we can, we can talk about the possibility of a special meeting but we can do that another time.

Chairman VanVliet – Thank you very much for agreeing to January.

Attorney Peck – Thank you for your time.

Chairman VanVliet – The only thing about, you know, between now and January, is a lot of holidays in there so it gets tough. So, thank you. That would be extended to January 26<sup>th</sup>, 2022. Is that okay with you, Mr. Peck?

Attorney Peck – It is, thank you.

Chairman VanVliet – All right in order to do that, we need a motion to make that extension to Member Pryor – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet – Roll call Beth, please.

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

NAYS: None

Attorney Bryce – Okay and this is the public's notice that if they're here for the NFI Real Estate application, that has been carried, it has been carried to January 26<sup>th</sup>, 2022, 7 pm., same room. No further notice will be required. This is your notice. You'll not be getting anything in the mail for that to remind you unless there is a special meeting that is agreed to but I suppose that there will be notice but as of right now, you are now noticed for January 26<sup>th</sup>, 2022.

Chairman VanVliet – Thank you. We'll move onto Bridge Development Partners – Block 99, Lot 6. This is a continuation of a hearing that's been ongoing.

See the Transcript.

Chairman VanVliet – The next order of business is the ordinance from the Dept. of Community Affairs. It's a model statewide municipal electric vehicle ordinance. I believe you all got a copy of that. We're being requested to review this and make our recommendation up to the Council who will actually adopt this as an ordinance. I don't know if you have all read the authorizing ordinance authorizing and encouraging electrical vehicle supply service equipment. The acronym is EVSE to make ready parking spaces. It goes into quite a bit of detail on what the size of the parking spots will be. Also goes on to direct us that for every one of these electric vehicles supply stations that parking spaces to be credited is two parking spaces to whatever application is before. They give percentages of parking spaces that are required right off the bat but lead up to the sky's the limit with what they want to have. Fifteen percent seems to be a standard going up but it has to be phased in over a number of years. I'd read it to you but it is like 27 pages long so, I don't think we need to get into that. Anyway, if you've all reviewed it and looked at it, it's basically the law right now. If you heard what this applicant, he's already agreed to put them in so, Paul you have any

Engineer Sterbenz – My understanding why this was directed to the Board was, the question was, should we do something with our own ordinance to incorporate this into the ordinance. I think we can actually make some tweaks to this. We do that and then we just want to rest on what the state has done.

Member Pryor – Half of it you can't tweak at all. I think it's two sections, you're not allowed to touch. You can tweak two, don't know if it matters. Can I borrow that for a second? I want to go right to the end. As I understand it, it became effective when it was published and it says at the end, effective date and it says "this ordinance shall take effect after final passage and publication as provided by law" and it's preceded, it says "this section is applicable if the municipality amends the ordinance to change reasonable standards. So, if you don't do anything, it's effective two weeks ago or whatever and my feeling is, I'm not knowledgeable to tweak it, it is the ultimate wisdom from Trenton. I have no comments. My own feeling, Council will look at it. My own feeling is, let it take effect. We come to the end of the year, it's tough for us to do anything anyway, so, unless somebody feels strongly about something that we're allowed to touch.

Chairman VanVliet – I have a letter from the Council's attorney. The reason that it was sent to us and I'll quote from this "at this time, the Township can do nothing and the model ordinance will remain. However, the Township does have the ability to make changes to the reasonable standard section". That's one of the few sections that we're allowed to make an update to. I agree with Joe completely that we don't have the technical or experience to really try to tinker with this. "It is for that reason; the Town Council has asked me to forward this model over to the Planning Board and ask that you review the reasonable standard section and make a recommendation to us whether the Township should adopt the ordinance that differs from the model ordinance". So,

basically, that's our charge on this one. Mr. Pryor has indicated that, I feel, the ordinance, a lot of research and planning went into looking at this. It goes into detail as to what kind of voltages that you have in the area would be required to power these things. There's four different models on that. I don't know if everyone's aware of the fact that the Tesla vehicles, that are electric powered, have a different standard of charging than just about everybody else's except, I think, the Chevy Volt was, you could go on 110 and I'm not really sure whether that application takes place at the charging station or there's standards that you can connect to anything to other than the Tesla and it will have its own balance on how it's going to charge, what the batteries are and stuff like that and the only concern that I would possibly have would be on the quick charges which are like an hour or two hours to bring you up to close to 100% charge. Tesla's had some problems with catching on fire and burning if you let them charge too long. So, that's just my opinion on this one. I don't think anything we can do to change that, so. Way beyond, above my pay grade, so

Attorney Bryce – Any suggestion on who's the enforcing officer?

Planner Ritter – There's several ways you can go in. They basically suggest in there either the zoning officer or the township engineer.

Chairman VanVliet – Yeah, several blanks the Council, we're only charged with looking at the one section of it. Yes, and also, if you look through it, one of the things that they allow you to supposedly change or modify is if you want to charge any fees in here and the bottom line is, the way I read this, is that the only way you would be involved in setting fees, is if you actually have municipal lots that put the actual kiosk in and then whether or not you're going to charge a fee to use the kiosk as well as the charge for the electricity you use which we don't have any so, at least at this time, setting fees is not an issue and the other thing they have in there, is anything that goes on private property like example, the warehouses volunteered to put it in, they set the regulations for use in here. They can say how long you can be plugged in, whether you can sit in it all day or not. That type of thing, which is again, something that's, since we have no public spaces, at least not yet, those kinds of inputs are not really required at this point. Today, they'll end up all on private property even if they're open to the public.

Chairman VanVliet – They went into quite a bit of detail on how it's to be charged; whether it be by kilowatt hour or by time

Planner Ritter – or free. I mean, they basically said well, I'm not saying it's free that we want to do it, but I'm saying it depends on whose property it's on. In other words, if a merchant wants to put these in and make them free, he can, okay, like in Philly, Whole Foods you can go in and park at their store and plug it in for free while you are there. You can't let it sit there all day.

Chairman VanVliet – Then that becomes a problem with the enforcement of the time limit to charge. Now, do you give him a specific amount of time they can be there or just depend on the vehicle is charged to 100%?

Planner Ritter – Well, I think what it comes down to is how you get experience. They basically, what I saw on this, the biggest abuser of these spaces, interestingly enough in a couple of studies

I looked at is actually electric cars because they tend to pull in the spaces and then either don't plug themselves in or they plug themselves in and sit there and so, many of the communities that are further ahead in this game, actually have signs mounted that specifically require that you can only be there from certain times for so long and then, and this in this ordinance, if the town eventually wants to do it, the town can enforce it just like the enforced parking meters. In other words, if somebodies sitting there and isn't plugged in, you can ticket them and fine them. If it is plugged in for longer than is permitted, you can ticket them in enforcement element; it is in here. Again, it's the kind of thing and as you get experience and more of these go in, you can decide how you want to do that but I don't think it's anything at this stage.

Chairman VanVliet – Could be like the parking meters; you have to put your credit card in

Planner Ritter – Well, that's what is and believe it or not, there's meters according to what I looked up. They're sophisticated enough that if you have on street parking, you can literally have a kiosk that you can build just like you would a normal parking meter and then on top of that, you can actually input a credit card or whatever and pay for your electricity. I mean they're actually set up like that so you can have both those functions.

Chairman VanVliet – And, if you stay too long, it also will impose a fine on you right there.

Planner Ritter – Well, probably. The other thing is, is that some of these are set up like gas pumps. You know, you said there's different kinds of vehicles, some of these are wired for all three, so that when you go up, you pick which one you want and they have different amps to plug into your cars or whatever so, I mean it's

Member Weeks – There's one up in Allentown and it's, this is a couple of years ago, actually and I'll say two years ago, and it was in a mall with a Home Depot and a couple other things and I stopped and asked the guy, all right, I was kind of interested in knowing how it all worked and everything and it worked on a credit card. He had all three ports you had to pick which one went to your car. It locks you out as your credit card locks you out in 20 minutes. That was your max that you were allowed to charge your car all right, so he was coming from Connecticut and from Connecticut he had to stop and charge his car three times, you know what I mean, coming down. So, as a change, I don't know, but it was controlled so you really couldn't sit there and just put the credit card in again; it wouldn't accept that, you know what I mean, so much time frame. So, it forced him to go on.

Chairman VanVliet – All right, well, anyway, not to belabor the point,

Attorney Bryce – So, we don't even need to find if it is consistent with the Master Plan. It's just, you know, this is it.

Planner Ritter – Yeah, and I think quite frankly, it would be considering our Master Plan has things in there that promote protection of the environment, air quality but I'm sure this furthers those goals and objectives. I don't have any problem either with consistency as far as that goes.

Member Pryor – I can't imagine you telling the Governor it's inconsistent with the Master Plan.

Planner Ritter – Well, it's already enacted in a way.

Attorney Bryce – So, can a governing, my question is really more of a procedural thing for the governing body to act on it, do they even need a consistency determination?

Member Pryor – I think this, it's not even requested here and I have no comment on the content. I think you throw it back up to Council and they'll decide whether they have to do it by ordinance now or just let it run.

Attorney Bryce – Is it even going into the zoning code?

Member Pryor – I don't know. Council

Planner Ritter – I think it eventually would have to because it's sets parking ratios and it sets handicapped ratios. The number that you have to provide

Member Pryor – But, so, do building codes relative to certain ADA requirements and so on. There's always another law that

Planner Ritter – Well, it could be. My own sense is that it does impact our parking requirements which could be under zoned.

Member Weeks – The only other thing he said he didn't like about it was kind of (inaudible).

Chairman VanVliet – All right, so, I think the recommendation we're going to make to go up to the Council is just to leave it the way it is. We're not going to tinker with anything in there. Okay, so, I'll entertain a motion to do that.

Member Pryor – I'll make that motion to send it to Council without comment.

Chairman VanVliet – Is there a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet – Roll call Beth, please.

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

NAYS: None

Chairman VanVliet – The next order of business is the Non-Condensation Area in Need of Redevelopment. The only thing I would like to remind the Board of is we been listening to this since April, I guess, when George came out with the report pretty much so. Beth, have all notifications gone out?

Secretary – Yes, and it is scheduled to go into the paper once a week for two weeks at least 10 days before the hearing.

Chairman VanVliet -I know we had twenty some properties that you had put in there

Planner Ritter -And, out of those 20, we will be discussing in detail 9.

Chairman VanVliet – Those are the ones that you recommended in need of some kind of

Planer Ritter -Yes, in need of possible, well, we recommended as possibly in need of redevelopment. Obviously, the Board is going to concur or not concur after a public hearing on that then it will be sent up to Council for their consideration.

Member Pryor – Whose public hearing is it George, ours?

Planner Ritter -Yes, it's yours.

Chairman VanVliet – The Planning Board's one.

Member Pryor -And, we scheduling that or doing it now?

Chairman VanVliet – It's scheduled for the 29<sup>th</sup>.

Member Pryor – I heard that, so, I mean, that really, you'll get to the beat of it then.

Chairman VanVliet – Yeah, just wanted to make the Board aware of it and don't forget that meeting is on November 29<sup>th</sup>, it's a Monday. In deference to the Thanksgiving holiday week.

Attorney Bryce – The 24<sup>th</sup>, I have question marks.

Chairman VanVliet – Okay, back when we published the calendar anyway, taking into consideration it's been a tradition and no surprise on anyone. Okay, we don't need to vote on that one so, that's where we are. I just wanted to check to make sure for the record that notifications have been sent out, so we got that on the record so, we're good. Now, we'll open it up to general public comment.

Donna Schneider – I know you can't discuss litigation but I really hope this Board is doing everything it can within its power to stop the warehouses that are potentially coming in. I know you can't discuss it and I'm not asking for any comment back but I really hope that you are doing all you can to really stop what's going to happen.

Member Pryor – Yeah, I'm going to answer that anyway. This Board really doesn't have a lot to do with that. You'd be better off to ask that to Council and

Chairman VanVliet – We were sued before we even got the application, in this Board, I mean, it's taking us from last December 28<sup>th</sup> to here and this is the first vote we've taken on anything. We tried to vet this as much as possibly can. I'd love to tell you a couple of things but the implication I can't

Donna Schneider – I know you can't. I understand that so, I'm just trying to understand how the process works. So, now any litigation is between the Council and the applicant?

Chairman VanVliet – Well, we're being sued from several different directions. The Council is named as a plaintiff. The Planning Board's been named as a plaintiff at one-point individuals were named as defendants.

Attorney Bryce – At one point, the Planning Board was a plaintiff.

Member Pryor – Well, yeah, and that's done right?

Attorney Bryce – That's done.

Chairman VanVliet – It's been (inaudible) for all of you. At times we don't look like good guys or bad guys or anything in between but you were on the Board, you knew the rules that we were working under.

Donna Schneider – Yeah, and it's tough for people who don't come to these meetings often or have never been on a Board to understand the legal aspect of it and how everything unfolds, so, I know, people has asked questions. It's hard when you don't know and you're trying to get answers from a Board who can't give you the answers and you think that hey if they're not giving me any answers, why aren't they giving answers, it's because of the litigation, I understand that but it is very frustrating for people who don't come to the meetings normally and then the last to understand that whole process. So, yeah, and you know, I really wish in a different time a few years ago, that this Master Plan could have been changed not under your, you were not here yet, Mr. Bryce but there were, you know.

Attorney Bryce – Attorneys have very little to do with it.

Donna Schneider – Well, it was there were complaints and then he said send it to the DCA and you know what happens with the DCA and everything else and nothing ever gets done so, it's really a shame because now here we are

Member Pryor – Donna I will say this, in fairness. Mr. Gural, the guy who was the chairman, he was a good guy, all right and he wanted to do something with asphalt plants and I told him in a meeting, I can help you get there if we do this in the right way and I honestly believe we went off in twelve different directions. On the warehouse, the first one was Ingersoll. It was a million square feet. That passed this Board. The one hold over; 8 people for Mayor McKay, that passed 9 nothing. So, I think at the time, everybody felt one is good. If there was probably, in hindsight, nobody saw the demand for these things and by the time we, it took the County by surprise. County put out of report said there were forty something sites which were being considered. It was going sink the road system and that's when Council tried to act but we were caught by surprise and I'm being as honest as I can.

Donna Schneider – Yeah, I get you, you know, it wasn't, I know, and there was a whole, maybe this asphalt plant that's currently there wouldn't be there because it was asphalt, it was concrete, it was making this not a ROM Zone. It was making Strykers Road not a ROM Zone so, you know, we were

Member Pryor – That's goes way back; it goes back before me and I have been on the Board eight years.

Donna Schneider – It does. Sure, sure and you know, personally, I think 22 is appropriate for a warehouse. You can't be anti-industry everywhere in your Township. You have to have some are where there is industry so I understand that and I thought I do think 22 is appropriate but I don't think anything out side of that in a residential area is appropriate.

Member Pryor – Well, the other thing, I'll just point out, we had a Master Plan before there was Municipal Land Use Law. I believe we were one of the first. It's been amended and amended and amended and this area was zoned for some sort of industry literally from the beginning.

Donna Schneider – It doesn't mean it had to be that way, so

Member Pryor – It's what happened.

Attorney Bryce – There's another problem though too, is that and in all fairness, just in a global look, that entire Overlook is there out of a court ruling. It was not zoned to be there. It was forced to be put into the ROM Zone District. That's, courts basically said you're putting a Residential District in the middle of a pre-existing ROM District for affordable housing purposes and the ROM pre-existing Overlook.

Donna Schneider – Houses and dirty industry are two different things.

Member Pryor – They don't even hook up to our sewer system. They have with Greenwich and there's nothing Greenwich could do about it.

Donna Schneider – What was hooked up to Greenwich?

Member Pryor -Overlook.

Donna Schneider – I gotcha okay, so, they're Greenwich.

Mayor Mengucci – No, they're Lopat.

Donna Schneider – I know but the sewer Greenwich, yes. So, does that mean that this warehouse is tapping in to Greenwich?

Member Pryor – No.

Donna Schneider -Okay, yeah, exactly. All right. That's all I needed to say. Thank you.

Chairman VanVliet – What we granted tonight isn't the final step yet, so,

Member Pryor -Yeah, that's the other thing

Chairman VanVliet – There's things to do yet.

Member Pryor – They got a lot of hurdles before they get the final approval.

Donna Schneider – Yeah, I thought it very interesting that they had an old sewer report after they were here and you talked to them about; you told it about it last time and they still came back with an old outdated sewer.

Member Pryor – We're back to P'burg. Our report gives them the name of the, the, the date of the contract. They get their own contract, but he writes a whole report on the old contract so, we're still on the record, I'm not saying anything I didn't say to him.

Donna Schneider – No, I understand. Yep, thank you.

Chairman VanVliet – Anyone else?

Patti This is my first time here and thank you all for what you do. It was really exciting to hear you talk about electric parking outlets. I've actually said, why aren't people talking about this and putting these in. Why aren't we seeing these yet but back to the matter at hand, first of all, I don't know if this makes you discuss litigation, but right now what are you doing to prevent warehouses from going in on the Belview side by the fairground of Strykers Road? That area.

Mayor Mengucci – Fairgrounds are in Harmony, yeah, but she's, I think, referring to

Patti – I think Belview is still in Lopatcong.

Member Pryor – Yeah, and the ordinance takes warehouses out of the ROM and that's what's in the court right now.

Attorney Bryce – It's kind of, it's difficult to follow the law especially from a legal perspective and they have to (inaudible) what I can tell you is basically a public record so, there's nothing that I am going to say that's going (inaudible).

Chairman n VanVliet – That area she's talking about on Belview Road, that's not the same ROM area

Planner Ritter – Yeah, it has a different set of standards.

Chairman VanVliet – different set of rules.

Planner Ritter- Different set of rules.

Attorney Bryce – But just generally, so you are aware, what happened was, there was an ordinance that was passed by the governing body to address warehouses. That was immediately appealed under a public meetings act concern. Basically, the court vacated. That ordinance isn't going to pass muster. There was a rush to get applications in under the Municipal Land Use Law. There was a subsequent enactment of that same ordinance. That's still in challenge. That's what's being challenged right now what's being litigated by the municipality I think is the future of the enforceability of that new ordinance, but the way that life works and with timing, that court restraint that the court notifying what the governing body did in its December meeting, and the effective dates of how they felt with applications coming in

Patti – Right, it was a timing thing.

Attorney Bryce – there are requirements, they've got protection.

Patti – Right, so, we have a much better chance of the ordinance being successful because no applications are even pending down at that end of the Township, right.

Attorney Bryce – Well, I'm just talking about for the future as well. I'm not talking about site specific.

Patti – Right.

Attorney Bryce – I'm just saying generally.

Patti – Well, is there anywhere else that a warehouse could go up in Lopatcong Township?

Member Pryor – Well, yeah, and I'm not talking out of turn here. There's been a proposal for the mall property.

Patti – The what property?

Member Pryor – The mall property.

Chairman VanVliet – The old Phillipsburg Mall.

Patti – No, that I know, yeah, again, I agree that 22 is where we need, we put warehouses in and it's going to suck to come down 22 but, you know, you have to add an hour to your commute time just between the bridge and Rt. 78, so, but I'm just wondering if there's anywhere else that we could put

Member Pryor – I don't know. I mean you need about 50 acres to get one of these things on. I don't know.

Engineer Sterbenz – Belview Road ROM District is very small and there is a lot of constraints there because of Lopatcong Creek. You have a 300 ft. riparian buffer, so, I don't see anybody going in there

Chairman VanVliet – With a 500,000 warehouse.

Engineer Sterbenz – Something goes in there; it's going to be fairly small and compact.

Patti – Okay.

Engineer Sterbenz – In my opinion. There's a small ROM District along the river, on-River Road. That's where Baker used to be. I don't think it's Baker anymore.

Member Clymer – It's not Baker but there is another company

Chairman VanVliet – Baker was a specialty very fine acid high quality

Members talking over each other

Patti – Are you considering whether we may or may not have other places to build warehouses?

Chairman VanVliet – I, having no information, I, were to guess, I've been on this Board for over 30 years and I've learned to say never say never so,

Patti – Well, you said we should go to Council but Council, I believe at one point, told us we needed to talk to the Planning Board about all this so we're kind of

Member Pryor – I don't, I'm on Council and I don't recall that. If, Council is the one that passed the ordinances and they're the ones being sued now and where that goes, that's in Council's lap.

Patti – And, I just feel like there's, you know, a lot of smart people on this Board and they're just, I just don't feel like we have the infrastructure to support these things. I don't understand how a judge can say yes, you are obligated on the backs of your taxpayers to support unending industry and your taxpayers are going to have to pave these roads for these thousands of trucks that are going to travel them and your telling me the court has the right to say your taxpayers

have to support this industry and have to build these roads so that these people can and continually repave them and repave them as they fall apart because of these hundreds and thousands of trucks that you can't actually find an argument in there somewhere to hey, we just can't afford the infrastructure to support this industry.

Attorney Bryce – I can, this, it's not that, that is the affect that is not how it happens. The court will apply laws to say that what the Council did, they're going to vacate it. They don't really care about what the sequala is from them saying were going to vacate what the Council did. So, they didn't say you have to do it but they said whatever happens, you have to abide by the prior law because (inaudible) court does have the ability to invalidate a law especially a municipal law. That's basically what it did here. So, it reverts back and then the Board is constrained not only to abide by court orders but it can't act in arbitrary and capricious manner, then it gets reversed. So, kind of yes, but not that way. It doesn't come out and say you, you have to put that call it a casino or something there. It doesn't come out and say you have to do that. It says, but if you pass this law and we didn't validate it, whatever they were allowed to do, they get to do and that's how this came to. Except, except

Patti – But, as a Planning Board, you are allowed to disapprove these because you don't have the infrastructure to support it.

Chairman VanVliet – No, we're not.

Member Pryor – No, it's a misconception.

Attorney Bryce – It is not true.

Chairman VanVliet – We have testimony that given that, when we go back to the original reason that we in established the Strykers Road area, I moved here when it used to be the Hensfoot Road and there was a farm there and it was a dirt road, gravel road that went down. It was nowhere near what it looks like now. The wisdom of the Council came to be that in our Master Plan it was always pointed out to us by the planners that not having enough industry in this Township was detrimental to the taxpayer because industry usually offsets a lot of the residential portion of

Patti- But not this industry?

Chairman VanVliet – No, this industry does, sorry, but when you,

Patti – Its destructive.

Chairman VanVliet – if you come up and you, the people coming in, one child is within that household, you're looking at a \$15,000 cost to the taxpayers. That's nowhere near what you're paying for that unit. It was always pointed out to us and in proper planning that we needed to have some type of industry going out there. At one time, just around the same time as 2010

when the asphalt plant was coming in, we were looking at bringing a data center in. We were trying our hardest to get them to come here and they dropped out at the last minute. That would have been low usage but high tax base that would come in and that's basically what we been looking for. We've always tried to isolate that. We've never wanted it to be a residential area but Overlook was forced upon us by the courts. I don't mean that in a derogatory way by any means. It actually was proposed back in the late 1960's and then I don't know if you remember, we had the sewer moratorium on for 20 years and the court ruled against us that that was too long to not have to revisit Overlook. They said it was approved by the Planning Board in 1967 or 68 something like that it would have been.

Mayor Mengucci – What's that?

Chairman VanVliet – The Overlook.

Mayor Mengucci – That I don't know. I know that, I can tell you the sewers when in in 67 when that development was, you know,

Chairman VanVliet – It was proposed a lot before that.

Mayor Mengucci – But Country Hills also got caught up in that sewer moratorium.

Patti – You said 1967?

Chairman VanVliet – 1967, that's when Overlook was proposed.

Patti – By Segal and Morel?

Chairman VanVliet – By Segal and Morel absolutely.

Patti – Interesting.

Chairman VanVliet – They were caught in the sewer moratorium that was probably went into effect 73 or 74 in that area and we could have no building with sewer connections for 20 years here because we didn't have the capacity.

Member Pryor – I think it was somewhere around 88

Chairman VanVliet – 88 when we finally got it. That's when most of the homes were built up there.

Attorney Byre- But then it was done as a developer's remedy, right?

Chairman VanVliet – Yes.

Attorney Bryce – So, this is the interesting thing; this is the counter point. There are times when courts will mandate a municipality to build certain things in certain places and affordable housing is one of them even if it's a small portion of the overall development. So, this is, you got to follow this. That was always ROM where the Overlook is. It is was always in that type of zone. It was never supposed to be residential there but a building came in and said we want to put high density residential in the middle of this Industrial Zone District and the courts forced that. I mean, that's what the court said. We don't care about your zone history. You're going to put residential here and they ordered the town to do it as a builder's remedy and the court/town get sued. The builder gets to build and then you have a development in the middle of a, I hate to say it, in an Industrial Zone District.

Mayor Mengucci – Just to give you something else that you may not realize, and it's kind of off the subject but the Country Hills Section of our Township, you know where the middle school is, well there were two baseball fields put in there by that developer, okay and my son was playing T-ball at the time; he's about to be 29 so that will give you an idea how far back it goes, there were a few ladies standing there and I happened to be overhearing their conversation cause at the time, I was on Council, the developer told them he donated the land, the fields, the whole nine yards, well, that wasn't true. The Lopatcong Township Board of Education owned that property for about 20 years, he did in fact put those baseball fields on there, but because of his development, we then needed to build the middle school. So, to Garry's point, for every child that comes in here and again, we've all had kids, a lot of us had kids, it's \$15,000 a pop to educate a kid. Now, do I necessarily want warehouses out there, it's not for me to decide but I have to look at what's in front of me tonight. That has always been our Industrial Zone out there. Would I want it behind my place, no I wouldn't? We had arguments over the years on Council with the, again I'm getting off the subject, but kind of give you some insight as to the way the Township's gone, Brass Rail, had people screaming at us about the bands. I live maybe about 1,000 feet from the Brass Rail. I've gone out in the middle of my street and heard the bands. Would I want that next to me, no, but that bar's been there forever and so people built their houses there so, some of it's on us and I've developed a phrase "we have become a victim of our own insatiable need for convenience". I'm sure you've had packages delivered to your house. I had one delivered to my place today.

Patti – But I'd be happy to wait for them.

Mayor Mengucci – And, maybe you would and you know what, but this is, when that mall was built back in 1989, I thought that was great. We all, you know, that's just not the way it's going. Now, as far as the warehouses go, the one good thing about the warehouses besides the tax ratables, if 30 years from now, that's just not what's in vogue, right now there's warehouses everywhere, it's not just here, it's everywhere.

Attorney Bryce – All the way out through Morris County

Mayor Mengucci – They could be easily torn down. They could be easily torn down and that land then reused. The Ingersoll property which we had, I think was it Joe, 130 acres we have over there maybe that's ours.

Member Pryor – I think it's a 103.

Mayor Mengucci – One hundred three whatever it is over there. That's now been cleaned up. So, if in 30 years those warehouses fail, they can easily be recycled and now you've got, you've got ground over there that you can build something else on. None of us knows, you know, if somebody would have talked to me thirty years about plugging a car in, I would have laughed at them but here we are. If somebody would have said something about, you know, being able to turn my lights on from my phone, its where were at right now and I don't think anybody likes it. As far as like traffic studies go in my opinion, you never know what you're going to get till you get it.

Patti – No, you know. You know it's going to take a half hour to get from Rt. 57 to Rt. 22 on 519 and these trucks making right turns off of Stryker Road to go down 519 and then making that, you have to know, that the more warehouses you put in, that you have to know, that that's going to be a complete nightmare.

Mayor Mengucci – The one thing we have forgotten, nobody's mentioned it and I've said to Joe several times it kind of went under the radar, is Autumn Ridge. There are a lot of cars in there and because of all this warehousing, people just, it's kind of been on the side burner. Nobody really knows but there's a lot of cars going out of there.

Patti – Yeah.

Mayor Mengucci – And, you know, if I'm coming out of Autumn Ridge

Patti – They move faster.

Mayor Mengucci – If I'm coming out of Autumn Ridge and I want to make a left to go up 57, I'm probably going to go out through that light out the back way to get to some control so I can make a left hand turn safely but you know, so, yeah, so I mean it's

Patti – Well, 57, I commute on 57 and 57 has just gotten worse, and worse, and worse and worse

Mayor Mengucci – All you need is one truck

Patti – So, yeah, but you're always behind them. I'm always behind one now and it's just but there's several usually, one will turn and there's one right in front of me, so. I think that was it. I thought there was one more thing. So, are you telling me that there's going to be enough tax revenue coming in the rebuild Strykers Road and 519 from Strykers Road down to?

Member Pryor – We have nothing to do with 519.

Mayor Mengucci – 519's a county road

Chairman VanVliet – Is a county road. 519 is out of our Township.

Mayor Mengucci – And, not all of Strykers Road is ours either. Some of it's in Greenwich.

Member Pryor – Below the creek is Greenwich.

Mayor Mengucci – Majority of it is ours.

Chairman VanVliet – I don't want to get too far into this but if there's anyone else who wants to have public comment, I'd like to cut off the public comment situation now. If you want to stay a little bit later and address us that be fine with me right now, so

Resident - I just had a question because this lady just mentioned and I guess that's the point I'm trying to get to is, is there, you know, she mentioned the traffic studies, we have the traffic studies. This is a big pie in the sky idea of what we think it's going to be and now that we're kind of stuck in the middle of it, it's very easy to see that whatever the theory was, it not holding up in practical reality. So, what redress is there for that and let me also say, I grew up in Secaucus down in Hudson County. Our taxes for our schools which are really good and a whole lot of community stuff and senior activities and what all, is paid for by the industrial park but that industrial park is at the outskirts of town in like the worst possible area where when you come into town, you don't see it, you don't know about it, people would end up on our residential streets looking for where the outlets when they were really outlets not like the outlet in Flemington. When they were really outlets and you walked into a warehouse for a sale, and it was just boxes and racks and no displays right, I'm going back a while now, you know, that's what the town pulls those ratables from but as residents we don't sit and looks at it all day long. This is a little different. This is, this is, well this is a lot to bring. I get that we need to support the area from taxes from business, I do but I feel like there was, what I'm hearing is there was a lot of discussion that things that how is it going to theoretically be even to say their elevation maps, that's great, looks good on paper and not I drive down Strykers Road 6:00 o'clock in the evening and can't see and damn thing. You don't know what you don't know sometimes and it seems unfair to leave people, you can't change what's there but it seems unfair that learning something from that, having seen the reality that there's not a way to say hold up this is not what you've sold us. I don't know.

Donna Schneider – Regarding NFI, I really hope this Board doesn't consider doing a special meeting and wasting tax dollars for a special meeting because they failed to perform at the last couple of meetings so, I really hope that we don't grant them, you don't grant them a special meeting.

Attorney Bryce – Well, we can't really address that here, but I can tell you this. Any cost that's associated with a special meeting has to be born by the developer that's requesting it.

Donna Schneider – Okay, so, he pays for all of the professionals, everyday that's here, okay.

Attorney Bryce – All of the

Charam VanVliet – Except the Board members.

Donna Schneider – Except you guys, I know, right. Even with that too, he hasn't brought to the table what he should have brought to the table, so, you know, that's all I'm going to say.  
Thanks.

Chairman VanVliet – Okay, barring any public comment, I'll entertain, I'll close the public portion of this and I'll entertain a motion to adjourn.

Member Pryor – Motion.

Member Coyle – Second

Meeting adjourned.

Respectfully submitted,

Margaret B. Dilts  
Planning Board Secretary