

Township of Lopatcong

Planning Board Meeting

December 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.

Chairman VanVliet – Okay, under the limited business we have tonight, we have to approve the minutes of October 27th and the Addendum; Beth what was the addendum on that.

Secretary Dilts – George, talking about the Non-Condensation – did I not send it to you?

Chairman VanVliet – Yeah, I think you did.

Member Pryor – Do you mind if I just don’t remember

Secretary Dilts – It was just in general that

Chairman VanVliet – So, everybody, any comments on the minutes; questions? If not, I’ll entertain a motion to approve the minutes.

Member Pryor – I’ll make that motion.

Mayor Mengucci – I’ll second it.

Chairman VanVliet – All those in favor, indicate by saying Aye.

All said Aye.

Chairman VanVliet – Any opposed? Any negative? Okay, minutes will stand as published. Next order of business is Resolution, revised Resolution of the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey determining that Block 100, Lots 2.03, Lot 3, Lot 4, Lot 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 qualify as a Non-Condensation Area in Need of Redevelopment. Has everybody received a copy of the Resolution? Are there any questions on it? Hearing none, I’ll entertain a motion to approve the Resolution.

Mayor Mengucci – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Member Pryor – I will second it.

Chairman VanVliet – Beth, roll call that please.

Secretary Dilts – Yes.

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

NAYS: None

Chairman VanVliet – At that point, having no other business, we'll open it up to public comment. Is there anyone here from the public that would like to ask any questions of the Board? I'll remind them that our professionals are not here this evening because of the limited agenda that we have tonight.

Jim Belske – Good evening. I was just going to ask that question. So, Mr. Bryce won't be here this evening.

Chairman VanVliet – Mr. Bryce won't be here. Mr. Wisniewski won't be here and Mr. Ritter won't be here.

Jim Belske – Okay. Just rephrase a little bit differently than what I intended to do today. I've been in contact with the Township on a couple things. Particular about the Township's obligation to provide adequate notice to the public, specifically, the warehouse development. I've been going back and forth on two statutes in particular. The Open Public Meeting Act and the Municipal Land Use Law. My interpretation is both those apply to the Township.

Chairman VanVliet – Well, you'd have to take that up with Town Council then.

Jim Belske – So, that's a Town Council .. okay got it.

Chairman VanVliet – We have no jurisdiction on creating ordinances or anything like that, other than to review them if they're sent down to us by the Council.

Jim Belske- And, applicability as well to the Planning Board.

Chairman VanVliet – Yes.

Jim Belske – Okay. All right then, I'll save most of this for the Township Council meeting. Let me talk then just specifically about multiple Municipal Land Use Law and that's the one that I've been advised references directly what the Planning Board does as far as communicating their obligation to the public; specifically notice.

Chairman VanVliet – Let me just clarify that in the fact that we do not create that. That is created by the legislature by the State of New Jersey and we only follow it. So, there's nothing we can do to revise it as this level. Any, actual legal questions you'll have to carry it until Mr. Bryce is here for it.

Jim Belske- So, that is part of what I wanted to bring up to this Board was that if you go with that requirement which is notifying the public about a hearing in particular, Bridge Development hearing, we're in an area where according to that statute we were supposed to be notified directly that there was a hearing. The property, we're within 200 feet of that property. I have that statute here. I have the applicant, Bridge's, first page of their application which clearly shows our homes within that 200-foot perimeter. So, my question is, what happened to the notice?

Chairman VanVliet – They certified to us that they had sent the notices out to those people within 200 feet of the property line.

Secretary Dilts – The notice is created by the Tax Assessor and he provides that and notices were sent out.

Jim Belske – Nobody got the notices. I also checked with the Association President and the manager that runs it, the Association did not get a notice either.

Chairman VanVliet – Are our referring to when we were scheduling a hearing on that, that they would be individually noticed or that they were just going to have the hearing and they only need required to do it once unless they got extensions.

Jim Belske – It could have been at the beginning whenever there was an initial hearing. There had to be an initial notice and we have received that in the past

Chairman VanVliet – Yes.

Jim Belske – when they put the solar panels in. We have this notice for the solar panels that we were in 200-feet of that property and that they were notifying us that they were going to have a hearing that we'd be able to attend.

Secretary Dilts – And who notified you? It is on the return receipt. It's the applicant's responsibility.

Jim Belske – Yes, correct.

Chairman VanVliet – Well, that was Bridge's responsibility and certified to us that they did that, so.

Jim Belske – What's the next step?

Chairman VanVliet – I am not going to give you any advice on what to do but you might want to get your own attorney.

Jim Belske – I don't need an attorney at this point. I asking the Board, we've come across something that has not been done.

Chairman VanVliet – Well, first of all,

Member Pryor – Well, we don't know if it's been done or not.

Jim Belske – Well, I'm a resident. I did not get

Member Pryor – If you want to go on the record that he did not do it, be my guest.

Jim Belske – I can. Okay, so I'll go on the record. I live in that area. I did not get it. Peggy?

Margaret Taylor – I live next door to him. I did not get it.

Member Pryor – You live within 200-feet of the property line?

Jim Belske – We're next door. Correct. Yes, and it's on. Would you like this copy?

Member Pryor – No, no go on record and the attorney pursues it.

Chairman VanVliet – You know, questioning that it was a bad notification, then you are free to take whatever action you want to take.

Secretary Dilts – I have all the records. You're more than welcome to take a look at them. They have to hand that all over to me.

Jim Belske – Right, so we didn't get the notice so if they said they got the notice, it shouldn't be on the public to say we never go the notice Board or we never got the notice Town Council, it should be up to the Township to say hey applicant, what's going on here? You certified to us that you sent notices out to the residents. None of the residents got the notice. That's a significant violation.

Member Pryor – Do we get the receipts back?

Secretary Dilts – Well, there's proofs, right, so the Tax Assessor puts out the list. He's the one that says who's within the 200-feet. He has to determine that. Now, I have copies of all the certified, everybody that was served; I have all of that, so, you are more than welcome, you know, to take a look at my records to see if the applicant didn't, who they did in fact notify.

Jim Belske – So, you're saying.

Secretary Dilts – You didn't say that you weren't notified and it wasn't determined that you think you were within the 200-feet but that's the Tax Assessors job is to make that determination.

Jim Belske – This is on the applicant.

Secretary Dilts – He's the contact for the applicant for the certified list.

Margaret Taylor – Can I come in maybe tomorrow?

Secretary Dilts – I'm not in tomorrow. I'll be in next week; Monday, Wednesday and Thursday.

Jim Belske – This might be. This is right on the first page of the applicant for Bridge. On this page, it's on the very first page and that's when I picked it up. They have the 200-foot range. They have our homes right in there and they have box that says Block 99, Lots 206, 283 within 200-feet.

Chairman VanVliet – Which application is that, Bridge?

Jim Belske – This was Bridge’s warehouse application; very first page.

Chairman VanVliet – And, when was that applied?

Jim Belske – This is when I received the plan.

Chairman VanVliet – Our rules indicated it has to be, the tax map, that the Tax Assessor is the one who looks at it. That, what you see there, I mean, I don’t know if that’s the scale there. I don’t know if that’s the scale or not. Your best bet is to review the records to see who’s in there. If you were missed, we’re you an owner at that point? Are you listed as an owner then, I have no idea?

Jim Belske – I’m an owner. The property line hasn’t changed, right? This is the tax record right here. It has block 99, Lot 6. So, the property lines don’t change. I’m an owner for 15 years.

Chairman VanVliet – Okay.

Jim Belske – Everybody that’s this section, I can go knock on the door and say hey look did you get. Now, I understand what you’re saying right, but regardless, this shouldn’t be a production that has to, why doesn’t the Township say, we’re hearing from residents that they didn’t get notice. Why do I have to prove that?

Member Pryor – We’re not hearing, we’re hearing tonight and I can’t go over this enough, they get a list from the Assessor, they submit, the notice goes out, they get returned receipts and Beth has that. She is welcoming you to come in and check it. If there’s an error, we’ll go from there.

Chairman VanVliet – Return receipt plus the certified mail that you’re notified by.

Jim Belske – So, there would have to, so if I have the notice, whether I got the notice, they’re going to sign off on that, just like we did with the solar. So, next step for me or Peggy is to come in, ask for the verification that I was served or I was given a notice.

Secretary Dilts – So, you want to see my list that was certified by the Tax Assessor and those people who were notified.

Jim Belske – And, the Tax Assessor is sending the notice out based on I’m assuming the application that the developer gave him. That is public.

Member Pryor – No, he gives the list to the developer.

Secretary Dilts – The Tax Assessor gets the letter requesting a list, certified list for whatever it is he’s doing and then the Tax Assessor fulfills that. So, if you have a question if you’re not on that list, then you would talk to the Tax Assessor and he would go over that with you and explain you know, if you weren’t, why you weren’t notified.

Jim Belske – And, that would be for anybody else as well that would be in this area that that is showing as within 200-feet. So, next step is to get the list from you that shows people that were notified. If we’re not on that list, next step after that, is for us to go to the Tax Assessor and ask why we were not on that list and then from there what?

Secretary Dilts – Well, I don't know.

Member Pryor – If you weren't notified, that's when we'll get the attorney involved and see what happens after that. He submits a certification before his first hearing and that everybody was notified.

Jim Belske – And, let just make sure, we're talking about Block 99, Lot 6; this is Bridge warehouse where the solar field is.

Member Pryor – Any applicant does this. Any applicant. When you do a variance, you do it.

Jim Belske – All right, but I want to make sure I have the right property. Maybe I'm missing the property. This is Bridge warehouse is in this Block and Lot.

Member Pryor – They won't submit, to have a hearing, they have to submit this proof.

Jim Belske – Okay, perfect.

Member Pryor – Any applicant does.

Jim Belske – And, they would own the whole property that's referenced here in their application

Member Pryor – It's 200-feet around the project.

Chairman VanVliet – Bridge doesn't actually own that property.

Jim Belske – Where they want to develop it right but they're going to be obligated to notify, okay, I mean, because I understand what you are saying about the notice and I guess that makes sense that Peggy if I can't get there tomorrow.

Chairman VanVliet – Beth, information you have that we were notified by the solar farm, well, they own the property. They are the ones that have to notify you. Bridge doesn't do it; they don't own the property.

Jim Belske – But somebody does have to notify us.

Secretary Dilts – Bridge got permission to notify.

Jim Belske – Well, maybe he did it for them but it had to be under the solar property; that's who owned it right. They haven't transferred the title yet.

Secretary Dilts – No, but they do have, I believe there is a letter that allows him to come forth you know and go through this process.

Chairman VanVliet – Exactly, now is the letter you got from the solar people in regards to what was the date on that one?

Secretary Dilts – She just has it as an example of it.

Chairman VanVliet – I didn't know if it was you know, like I said to you, the owner puts his name on it. The Tax Assessor is going by who is the property owner at that point.

Jim Belske – And, the developer on the property is Bridge, obviously. Somebody has to notify the public according to the MLUL that hey something is going to go on this property, you're within 200-feet, you're entitled to be aware of that and to come to the hearing so we're going to verify why the notice wasn't given, once we have that,

Chairman VanVliet – We're not sure it wasn't given to you.

Jim Belske – I didn't get it.

Peggy Taylor – I didn't get it and none of my neighbors got it.

Jim Belske – And, you won't find my signature on any letter so, after that, then we go to the Tax Assessor and what specific, just curious, what would I be asking, why we weren't on?

Secretary Dilts – You can tell him that, you know, you're inquiring about the Bridge application and give that block and lot and you understand that he had to produce a 200-foot list and your property location is here and you think you were within that 200-feet and you believe that you were not notified and you'd like him to go over that, you know, with you as to why or why not after you see the list that you weren't notified.

Jim Belske – Out of the box, this sucks, sorry excuse, right. This whole experience, right. I get development. I get growth. I get economy. I mentioned this before, I'm part of, I buy stuff on Amazon. I get all this but from a public perspective, you feel this big. We're told yep go to the meetings, right. Mayor, with all do respect, I get it, right. You can come to the meetings. Not everybody can come to the meetings, right. Not everybody is going to have an interest until it's too late. Until they see tractor trailers going in reverse, today, this morning on 519 going through a red light on 22. Sitting in a parking lot at the mall. Sitting in a business on 519, right. The aftermath of all this and then to have the public come in to say hey look, it is so hard to get information. It's so hard to have a say in what's going on. It's so hard to bring something that in my opinion, black and white and I understand there is a process, and appreciate the direction, right, go get an attorney, right. I heard that from Mr. Bryce. I got an email from Mr. Bryce seek legal guidance and they clearly understand there's a cost involved to them. So, for the average person, right, I may be able to afford it, right if I have a will right and a desire to do it, most people won't, but this should not be this way. There should be a more of a collaborative understanding of the needs of the entire community. This is, in my opinion and again, I get what you say about social media, it's in all different directions but it absolutely is a free-fall with what's going on in this area with these warehouses and you factor in the public wants to get engaged, and you get pointed in all different directions, including tractor trailers. So, just that perspective, it really does stink and I don't know about you, this is the last thing I want to do around the holidays. I've got a lot of other things; I'm sure everyone else does, right but this should not be this difficult to have to go through and have common sense apply. Thank you.

Chairman VanVliet – Any other comments from the public? Hearing none, we'll close the public portion and at this point I'll entertain a motion to adjourn.

Member Pryor – Motion.

Chairman VanVliet – Do I hear a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet – All those in favor, signify by saying yes.

All said yes. None opposed, no abstentions. Meetings over.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary