

**TOWNSHIP OF LOPATCONG  
PLANNING BOARD MEETING**

**7:00 pm**

February 23, 2022

Chairman VanVliet called the Planning Board Meeting to order.

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, Palitto, Sazanov, Weeks, Vice-Chairman Samson, Chairman VanVliet. Also present was Attorney Bryce.

**Old Business:**

Chairman VanVliet asked for a motion to approve the Reorganization Meeting Minutes of January 26, 2022. Motion by Member Coyle, seconded by Member Weeks. All in favor. Abstention by Member Clymer; no Nays.

**Jessamine Minor Subdivision** – Block 65, Lot 5.01 – Minor Subdivision w/variances.

Chairman VanVliet announced this is for a minor subdivision with variances. Is the applicant here?

Attorney Dornish – Yes.

Chairman VanVliet – Unfortunately, I understand we have a revised set of plans coming in now which were not delivered in time for them to be examined by our professionals; the engineer and the planner so, we can't hear any testimony on this tonight. There is some other problems with the notification. Beth, do you have

Attorney Bryce – I actually have it here. Yeah, Counsel, I know that amended plans have been submitted. There's going to be some additional variances being triggered. The notice is deficient at this point in time and identifies the wrong Board. I can just give you a quick indication of the Municipal Land Use Law of what is required by statute in the notice to be published and served on the property owners and that's going to be found in 40:55D-; I guess, 10 and 12. If you take a look at the statutes that are, they're going to indicate to you what needs to be included in the

notice and I think you have the time right, the location right, wrong Board; it's not identifying the variances or relief being sought. So, the variances should be defined with some specificity. It doesn't mention in here a subdivision either so, you want to make sure that that's in your notice as well.

Attorney Dornish – Okay. All right, anything else?

Chairman VanVliet – It's basically, that you have to prenotice.

Attorney Dornish – Yeah, I know. I was just making sure there weren't any other issues.

Chairman VanVliet – The subdivision from what I, this is just a quick preview, this hasn't been examined in depth at all yet. You look like you're also asking to put a building on this lot at this point.

Attorney Dornish – There's going to be a building and we just, the amendment was for a patio in the back of the building that we, you know, added.

Chairman VanVliet – But is this, you're coming before the Planning Board for the building also at this point?

Attorney Dornish – Yes.

Chairman VanVliet – Because I don't think that was indicated on the subdivision application that came in, so, you may have to go through another full application and redo, re-submit it to the Board only because there's probably other questions with the building coming on there, so.

Attorney Dornish – Okay.

Chairman VanVliet – That's up to your determination but, you know, as far as the Board is concerned, and just a word of advice on how to maybe how you want to proceed with this, but if not, that's why.

Attorney Dornish – Okay.

Chairman VanVliet – Thank you very much. If anyone from the public here that was here for, anticipating a hearing on the Jessamine application, we're not going to hear it tonight. We have some problems with the submission of it so, if you want to leave, you're free to go. Okay, next order of business is NFI application extension. Mr. Peck, how are you doing?

Attorney Peck – Good evening, Mr. Chairman, Board. For the record, Mark Peck, Florio Perrucci on behalf of the applicant NFI. We didn't actually formally apply for an extension. I think the board needs an extension on the time allotted to

Attorney Bryce – Last time you were here Mr. Peck, you were going to carry to the March meeting and then as a courtesy, you asked us to carry you here.

Attorney Peck – That is correct, okay, so, I again ask for an extension to March 31.

Chairman VanVliet – The only question I have, is did you notice for this meeting to the public?

Attorney Peck – We did not notice for this knowing that it would have been

Chairman VanVliet – The last meeting you were talking about that you wanted to do it to the February meeting because you were going notice for February.

Attorney Peck – We were, we were thinking of that but not going till March so,

Attorney Bryce – You'll see that on the new business (inaudible)

Attorney Peck – I do see that, so we're scheduled for our hearing March 23<sup>rd</sup>?

Chairman VanVliet – We have the problem again you are aware of the conflict of interest with our engineer. Tonight, we are appointing a conflict engineer. Whether they're going to be able to be ready in time for the March meeting, I have no idea.

Attorney Peck – It's four weeks, Mr. Chairman. All right.

Chairman VanVliet – There's another aspect, I don't know, I want to talk about the easement, you know what I'm talking about, then okay. Then we're done.

Attorney Peck – Okay.

Attorney Bryce – Anything to do with the merits, we have to put off until we have an actual hearing.

Attorney Peck – Yeah, we'll see you next month.

Chairman VanVliet - We'll grant you an extension to the March meeting then or?

Attorney Peck - Yes, till uh, through March 30; keep it clean.

Chairman VanVliet – Thank you very much.

Attorney Peck – Thank you.

Chairman VanVliet – Again, I’ll, is anyone here for the NFI application, we will not be taking any action on it tonight again so, you are free to leave if you like. Okay, takes care of the Old Business. Under New Business we have come into a problem with conflicts of interest on the NFI application with our engineer group that does our reviews here, so, at this point, we have to appoint a conflict engineer that will take their place to do any reviews of the NFI application and extensions that are coming through here. We advertised. We had two responses for is; Suburban Engineering, the other is Ferriero Engineering. Both seem to be well qualified. I feel just based on their submission that Suburban probably has a deeper municipal experience and Municipal Land Use Law experience than Ferriero does. I would make a motion to hire Suburban Engineering to become the conflict engineer for this case. Does anyone have any questions or?

Michael Sazanov – My only question would be within the previous municipal experience of Suburban, is it primarily does it lean one way or the other in commercial or industrial or residential.

Chairman VanVliet – It has, I would say, probably 60/40 in favor of municipal of what I read just a ball park figure but they seem to have a, they’re from Morris County, they seem to be close to the area and they have other communities in Morristown area they do a lot of Planning Board or Board of Adjustment work and serve as town council to several municipalities, basically, what we were looking for to replace Colliers here and now. I don’t know who the individuals are yet. They haven’t named the actual person that we would contact if we decide to go with them tonight and have a meeting with our attorney, Collier’s Engineers, myself and just get to meet the personalities, go over the background of what’s going on here and then put them in touch with Collier’s. They indicate that they’ve worked with them before and they have a good relationship to come out of it so, that was one of the factors so

Attorney Bryce – Both firms are very good. They both do a lot of municipal work.

Chairman VanVliet – Any questions? Do I hear a second on my motion?

Member Weeks – Second.

Chairman VanVliet – Roll call Beth, please.

AYES: Members Clymer, Coyle, Palitto, Sazanov, Weeks, Vice-Chairman Samson, Chairman VanVliet.

NAYS: None

Chairman VanVliet – Thank you very much. So, we’ll proceed with that and try to have them review the previous technical reviews that we’ve had from Collier’s and come up with their own on this one which leaves a lot of questions so, that’s where we’re at so, we’ll proceed, hopefully, the March meeting. Other than that, I open it up to public moment. Does anybody have any questions or yes, Donna?

Donna Schneider – 26 Meadowview – I know there’s no hearing tonight with NFI. At the last meeting, Board meeting, I believe it was they, this is why we need a conflict engineer because of Collier’s and they want to purchase Berry in order to be able to get access to the property. I know there’s no testimony, I’m not sure if you can answer my questions tonight but is that, that’s a huge change to the original plan and that, in my opinion, not that I’m an expert but in my opinion, it seems to scream that it needs a reapplication. So, I hope this Board considers that, you know, that aspect of it because it’s a big site plan change.

Chairman VanVliet – I can’t voice an opinion on that however, those are some of the problems that we have to look at overall here, what’s happening mainly because we haven’t had any testimony on that yet as a Board to make a decision on that so I really don’t want to get into a discussion on it, if you understand.

Donna Schneider -Yeah, I wasn’t sure, I was assuming you couldn’t comment but I felt I needed to make a statement so, thank you, I appreciate it. Thank you.

Chairman VanVliet – Anyone else? Seeing no response from the public, we’re closing the public portion of the meeting and we have nothing else ready to go. We’ll adjourn it. So, do I have a motion to adjourn?

Member Clymer – So moved.

Member Coyle – Second it.

Chairman VanVliet – All those in favor signify by saying yes. All in favor. No objections, no abstentions. Hearing none, meeting adjourned.

Respectfully submitted,

Margaret B. Dilts  
Secretary