

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING
REORGANIZATION AND REGULAR MEETING
7:00 pm**

January 26, 2021

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, DiLeo, Palitto, Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet. Also present were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Swear in Members: Attorney Bryce swore in the following members:

Class II – Brian Weeks – 12/31/2022

Class III – James Palitto – 12/31/2022

Class IV – Garry VanVliet – 12/31/2025

Michael Sazonov – 12/31/2024 9 Unexpired Term

Susan DiLeo – 12/31/2024 Unexpired Term

Attorney Bryce swore in experts Planner George Ritter and Engineer Wisniewski.

Election of Officers:

Nomination for Chairman:

Mayor Mengucci nominated Garrett VanVliet, seconded by Member Palitto. No other nominations made.

Roll call vote:

AYES: Members Clymer, Coyle, DiLeo, Palitto, Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet

NAYS: None

Nomination for Vice-Chair:

Chairman VanVliet nominated Bob Samson, seconded by Mayor Mengucci. No other nominations made.

Roll call vote:

AYES: Members Clymer, Coyle, DiLeo, Palitto, Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet.

NAYS: None

Nomination for Secretary:

Chairman VanVliet nominated Beth Dilts, seconded by Mayor Mengucci. No other nominations made.

AYES: Members Clymer, Coyle, DiLeo, Palitto, Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet.

NAYS: None

Reorganization Resolutions:

All Resolutions adopted on motion by Mayor Mengucci, seconded by Member Palitto. Roll call vote:

AYES: Members Clymer, Coyle, DeLeo, Palitto, Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet.

NAYS: None

Resolution No. 22-01 – Annual Meeting Calendar.

R 22-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY ADOPTING THE ANNUAL MEETING CALENDAR FOR THE
PLANNING BOARD 2022 MEETINGS

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year.

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township **Planning Board** will be held every fourth Wednesday of each month for the year 2022, at 7:00 pm at the Municipal Building, located at 232 S. Third Street, Phillipsburg, New Jersey.

If the fourth Wednesday shall fall on a legal holiday, the meeting shall be held on the following day. The dates of such meetings are as follows:

January 26, 2022 (Reorganization Meeting)

February 23, 2022

March 23, 2022

April 27, 2022

August 24, 2022

September 28, 2022

October 26, 2022

May 25, 2022
June 22, 2022
July 27, 2022

November 30, 2022
December 28, 2022

January 25, 2023 (Reorganization Meeting)

The Township Clerk through 2022 will prominently post a copy of this Resolution in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey on the bulletin board and a copy shall be mailed to The Express-Times and The Star-Ledger, which are designated as the official newspapers for publication of legal notices for the Lopatcong Township Planning Board pursuant to Section 3 (d) of the Open Public Meetings Act Chapter 231 P.L. 1975.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Reorganization Meeting held on Wednesday, January 26, 2022.

Margaret B. Dilts

Resolution No. 22-02 – Reappoint James Bryce, Attorney.

R 22-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPOINTING JAMES T. BRYCE OF MURPHY MCKEON, P.C.
AS PLANNING BOARD ATTORNEY

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey follows:

James T. Bryce, Esq. is hereby retained as Planning Board Attorney for the year 2022 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 26, 2022.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 22-03 – Reappoint George Ritter, Planner.

R 22-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPOINTING GEORGE RITTER AS PLANNER OF RUGGIERO
PLANTE LAND DESIGN, LLC

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong,
County of Warren and State of New Jersey follows:

George Ritter of Ritter of Ruggiero Plante Land Design, LLC is hereby retained as Township
Planner for the year 2022 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Township of Lopatcong, County of Warren
and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a
Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday,
January 26, 2022.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 22-04 – Reappoint Paul Sterbenz/Adam Wisniewski as Engineers.

R 22-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPOINTING COLLIER ENGINEERING & DESIGN, INC., AS
TOWNSHIP PLANNING BOARD ENGINEERS

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey follows:

Paul Sterbenz and Adam Wisniewski are hereby retained as Planning Board Engineers for the year 2022 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary for the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Planning Board at the Reorganization Meeting held on Wednesday, January 26, 2022.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 22-05 – Adopt Rules and Procedures for the Governance of Meetings.

R 22-05

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING RULES FOR THE PLANNING BOARD'S PROCEDURE AND GOVERNANCE

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey to adopt rules and regulations for the Board's governance.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary, in the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 26, 2022.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 22-06 – Establish Standard Procedures for Remote Meetings for 2022.

R 22-06

RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF LOPATCONG, WARREN TOWNSHIP, NEW JERSEY, ESTABLISHING STANDARD PROCEDURES FOR REMOTE MEETINGS REGARDING ACCESS TO PRESENTATIONS AND DOCUMENTS VIEWED OR MADE AVAILABLE TO ATTENDEES AND MAKING PUBLIC COMMENT AT MEETINGS OR BY ELECTRONIC MAIL OR WRITTEN LETTER IN ADVANCE OF THE MEETING IN ACCORDANCE WITH N.J.A.C. 5:39-1 et seq.

WHEREAS, Section 8 of P.L. 2020 c. 34 approved May 15, 2020 confirms that a local public body is permitted to conduct a public meeting by electronic means under certain emergency conditions as therein defined, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, said statute authorizes the Director of the Division of Local Government Services (“DLGS”) in the Department of Community Affairs (“DCA”) to adopt emergency regulations pursuant to N.J.S.A. 52:14B-4; and

WHEREAS, the Director has adopted such emergency regulations as N.J.A.C. 5:39-1 et seq.; and

WHEREAS, N.J.A.C. 5:39-1.4(h) directs the adoption of a resolution establishing standard procedures and requirements: (i) for access to presentations and documents viewed or made available to attendees; (ii) for the making of public comments during a remote public meeting; (iii) for the making of public comments submitted in writing ahead of a remote meeting; and (iv) for establishing standards of conduct to be followed by members of the public when making comments; and

WHEREAS, the Lopatcong Township Council desires to adopt such a resolution in compliance with the emergency regulations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, as follows:

1. In conducting a remote public meeting as permitted under Section 8 of P.L. 2020 c. 34, the following standard procedures and requirements shall be applicable:

a. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a public meeting shall be made visible on a video broadcast of the remote public meeting, or shall be made available on the Township website. If a document would be made available to individual members of the public in a hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice or near the posting of the meeting notice, both on the website and at the building where the meeting would have otherwise been held.

b. The Council shall allow members of the public to make public comment by audio or by audio and video, depending upon the manner in which the member of the public has accessed the remote meeting. Prior to providing public comment, the individuals shall be required to identify themselves by name and address. The procedure that will be followed to make public comment will be announced at the beginning of the meeting.

c. Except for comments at public hearing on applications for development (for which no public comment will be accepted by electronic mail or in written letter form), the Council will accept comments by electronic mail or in written letter form on matters on which the Council is required to otherwise accept audio and/or audio and video comment, **PROVIDED, HOWEVER**, that comment by electronic mail or in written letter form is received by the Municipal Clerk by 4:00 p.m., not less than 48 hours prior to the meeting. The Council will not accept any text-based comment at any time, nor will the Council consider any comment by electronic mail or in written letter form if received beyond the deadline established above.

d. To the extent that public comment is permitted to be submitted before the remote public meeting through electronic mail or by written letter, it shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. Unless waived by the Council at its discretion, a five-minute time limit on public comments of each member of the public is hereby established and shall be similarly applicable on the reading of written comments. Such reading shall be terminated at the expiration of the five-minute period. No member of the public shall have the right to cede or transfer their allocated time to another member of the public. The Council may pass over duplicate written comments, provided that each duplicate comment shall be noted for the record, with its content summarized. No duplicative comments summarized by the Council shall otherwise be read individually.

e. The public attending the remote meeting and/or offering comment shall conduct themselves in a courteous manner and shall follow the decorum in the same

fashion as if the meeting were being conducted in-person. If a member of the public disrupts a virtual meeting, the following procedures shall be followed:

(i) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic platform being utilized;

(ii) If a member of the public becomes disruptive during the remote public meeting, including, but not limited to, any period for public comment, the disruptive member of the public shall be muted and shall continue to be muted and shall be warned that continued disruption may result in their being prevented from speaking during the remote public meeting, or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

(iii) A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions and/or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

2. This resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Secretary of the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 26, 2022.

Margaret B. Dilts, CMC

Old Business:

Minutes – Approve November 29th and December 22nd, 2021 on motion by Mayor Mengucci, seconded by Member Coyle. All in favor. None opposed. Abstained by Member Palitto, Member DiLeo, Member Sazonov.

NFI – Block 99, Lots 3.01 & 6 – Application update.

Attorney Peck – Good evening, Mr. Chairman. For the record, my name is Mark Peck. I'm an attorney with Florio, Perrucci law firm here on behalf of the applicant NFI. Congratulations to the new Board members and the professionals in their appointments, Chairman VanVliet. We were scheduled to continue our hearing tonight but as I communicated to Ms. Dilts, we are looking to move that to February. We are going to be submitting some revised plans within the next couple of days; certainly, by next week. We have heard the Boards comments in a prior appearance here and we did take note of them so the revised plans will hopefully, hopefully address those. You'll see them and we will be re-noticing for the February hearing because not only because of the passage of time, but also because the revised plans will involve adjacent Lot 2. Access is proposed through that lot so, that would expand the (inaudible) would take care of that and I also wanted to clarify that we are only going to be seeking preliminary approval and not final and we're just hopeful that, you know, we understand the conflict has been generated because of our use of Lot 21 so, we are very hopeful that a conflict engineer can be appointed soon so we can proceed.

Chairman VanVliet – I agree with you then in that application, we should put an RFP out for an engineering firm to take over from Collier's. There appears to be a conflict between, I won't go into details or anything like that, but there's a conflict that has arisen between our current engineer and the Lot 2 which is the Berry Plastic lot so, once we get the engineer on board, we'll have them review the plans back to where it goes and take it from there so

Attorney Peck – We hope for that process to move fast.

Chairman VanVliet – Well, February being a short month, it might be a little, it would actually probably take us to another meeting to appoint another engineering firm to come in here so, that kind of cuts it down pretty close, so, I'm not overly optimistic that we'll be seeing, having everything in place to do with the rules and regulations of the time, differentials that we have to withstand.

Attorney Peck – No, I understand. I understand. You know, it is disappointing this conflict has

Chairman VanVliet – I don't want to

Attorney Peck – No, because I do understand that you know, that there are processes that have to be followed and probably unlikely that we'll be before ...

Chairman VanVliet – More than likely because of the notification. I don't want the notification out there stating February to the public and then knowing the time schedule I know now that we probably won't be able to get there, but hopefully for March.

Attorney Peck – Okay, I'll stay in touch

Attorney Bryce – For a point of clarity, I know that we’re going to do a motion, I’m going to make a recommend a motion to carry it. Do you want the Board to carry to the February meeting or to the March meeting?

Attorney Peck – If you could, you know, even though it’s probably an exercise in somewhat futility, if you could just carry it to February.

Attorney Bryce – And, there will be further notice requirements so, it will just be a motion to carry.

Chairman VanVliet – All right, I’ll entertain a motion to carry the application without notification

Attorney Bryce- They are going to re-notice.

Chairman VanVliet – for February. This is what I want to

Attorney Bryce – We’re going to carry it. They may not be heard. We’ll see how it goes. There will be further notice required to all affected property owners.

Chairman VanVliet – Okay.

Attorney Peck – I’ll work that out with Mr. Bryce.

Attorney Bryce – Yeah, carrying it to February is just kind of a place holder. That’s all it is.

Mayor Mengucci – Do we really need to do that?

Attorney Bryce – Yes.

Mayor Mengucci – You can’t just punt it ahead to March because, let’s be realistic, we all know how government moves. It’s not going to get done in February.

Chairman VanVliet – More than likely, but the property owners

Mayor Mengucci – We’ll do what we got to do but I mean, we’re just, we’re kidding ourselves.

Attorney Peck – I understand but if, you know, can grant me this one indulgence and carry it to February and then more than likelihood it will need to be carried to March at which time we’ll provide

Mayor Mengucci – I know that you’re not one for wasting time and neither am I but

Attorney Peck – Thank you.

Chairman VanVliet – I'll entertain a motion to carry it to the February meeting and then we'll have to re-notice all the property owners involved because a, including this extra lot probably property owners weren't notified the first time around so, as we're going in this direction. Do I hear a motion?

Member Palitto – Motion.

Chairman VanVliet – Do I hear a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet – Beth, roll call please.

AYES: Members Coyle, DiLeo, Palitto,

Sazonov – Actually I need a clarification on the motion itself.

Attorney Bryce – The motion is simply to carry the matter to the next meeting.

AYES: Sazonov, Weeks, Mayor Mengucci, Chairman VanVliet.

Chairman VanVliet – Okay, the next people up and this is again, an application update is the Bridge Development partners Block 99, Lot 6. I don't think there's anyone here representing them tonight and I just wanted to, they are going to have to re-notice when they come in for the next one.

Attorney Bryce – They are not coming back in. They didn't have approval.

Chairman VanVliet – Only for preliminary.

Attorney Bryce – Yes, they have received preliminary but we don't have an application for final.

Engineer Wisniewski – I know they're, they're probably, inaudible, sewer service. I don't think they have appeared before the Mayor and Council at this point. To move that ball, down the field, I don't think they have.

Mayor Mengucci – They have not.

Attorney Bryce – So, there's no action before the Board at this point.

Chairman VanVliet – Okay. Well, that brings that up to date. Our next update is on the Non-Condemnation Area in Need of Redevelopment Study. I guess we have a little difference with Council on, we sent that up to Council to

Planner Ritter – Yeah, I don't know if we have a difference. The Council, we sent up the recommendations to support the designation of those properties as a non-condemnation in need of redevelopment area. Council has acted on that and approved those properties to be in need of redevelopment. The Council has prepared a resolution and sent it back to the Board indicating that they were authorizing the Board to proceed with the development of the redevelopment plans. I guess if there's any conflict anywhere, there seems to be some confusion over whether the Council's intent was to have the Planning Board develop the redevelopment plan or if they were going to keep that as part of the redevelopment authority. That just came up this evening. So, it will stay with Council.

Mayor Mengucci – Yes.

Planner Ritter – Okay, that's fine. That clarifies that.

Chairman VanVliet – So, we really don't have to take any action on anything.

Attorney Bryce – Yeah, the way that the process will work is that once the redevelopment plan is introduced at Council level, it will be referred back for a consistency review of the master plan just like an ordinance would be and then it will be referred back to the Council for final action.

Chairman VanVliet – Okay. Beth, will you be in contact with Council to clarify that situation?

Secretary Dilts – Yes, I will.

Chairman VanVliet – Okay. At this point, I'll open it up to public comment.

Audience participation is not word for word --

Lauren Buhowski – Powderhorn Drive – Discussed the Strykers Road situation with trucks entering and exiting the warehouse facility. She reported that the trucks are not using the designated driveways properly. She asked for an explanation.

Chairman VanVliet – This is something that is more in the Police Department for enforcement.

Lauren Buhowski – Thought it was the design wherein the engineers testified to this.

Engineer Wisniewski – He said the problem is that they are crossing over the striped islands and this was discussed with the developer. Engineer Wisniewski will address this issue.

Donna Schneider – 26 Meadowview – reported a lot of trash along Strykers Road.

Engineer Wisniewski – Indicated they have brought this up to the developer many times. Will continue to address this with them.

Donna Schneider – Asked if a developer (inaudible) was received with regard to the Belvidere Road farm.

Chairman VanVliet – Said nothing has been received.

Donna Schneider – Asked if the redevelopment ordinance areas if this was throughout the entire Township or is it in only ROM Zone?

Attorney Bryce – It is town wide but under a redevelopment agreement, that is almost specific zoning that can be provided for. This falls outside the zoning. The process allows the municipality greater flexibility in planning and designing site specific zoning. Zoning powers are with the Township.

Judy Liptak – Kyle Drive – Read a document to the Planning Board regarding the development of the Township over the years and asked to work on smart growth and preservation of open space.

Doug Liptak – Addressed the Board regarding truck traffic around the Township including those parking areas within businesses on Rt. 22.

Attorney Bryce – Notified him that there was notice of violation served to the businesses affected and there is a time period in which they have to abate or a summons to appear in court would be next.

Doug Liptak – Asked about sewer capacity as well.

Mayor Mengucci – If there is no capacity, then there is no capacity.

Recording system reported a data error.

Motion to adjourn the meeting by Mayor Mengucci, seconded by Member Palitto. All in favor.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary