

**TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING MINUTES
7:00 pm**

June 22, 2022

Chairman VanVliet called the 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 Coyle, DiLeo, Palitto, Sazanov, Weeks, Mayor Mengucci, Vice-Chairman Samson, Chairman VanVliet. Also present were Attorney Ruitenberg, Engineer Wisniewski and Holt and Planner Ritter.

Minutes – April 27, 2022, May 17, 2022, May 25, 2022. Motion to approve the minutes by Mayor Mengucci, seconded by Member Palitto. All yes, no nays, abstention by Member Weeks.

Jessamine Minor Subdivision – Block 65, Lot 5.01– Minor Subdivision
Jessamine Minor Subdivision – Block 65, Lot 3

Chairman VanVliet – Is the applicant here?

Attorney Dornish – Good evening. Ryan Dornish on behalf of Mr. Jessamine and I have with me, Mr. Schreiter and Mr. Textores who are the professionals who drew the plans to answer any questions.

Chairman VanVliet – Are you putting on the first witness?

Attorney Ruitenberg – Stand and raise your right hand. Do you swear the testimony you’ll give tonight will be the whole truth, nothing but the truth?

Mr. Schreiter – I do.

Attorney Ruitenberg – All right. Thank you.

Attorney Dornish – So, Mr. Schreiter we're here for two sub-divisions for Lot 3 and Lot 5. You drew the plans on both of those properties. Is that correct?

Mr. Schreiter – That's correct.

Attorney Dornish – Okay, and last time, I was here at the Board meeting, the Board had a question as to Lot 5; why you were placing a home on a lot that was under 9,000 square feet and I believe you rectified that in your plan.

Mr. Schreiter – Yes.

Attorney Dornish – Okay. So, now you have a conforming lot on your plans.

Mr. Schreiter – Conforming lot.

Attorney Dornish – Okay, gotcha. So, that was the Board's question from last time. Does the Board have any additional questions for Mr. Schreiter?

Chairman VanVliet – The only procedural thing, would you state his qualifications?

Attorney Dornish – Sure. Mr. Schreiter, what are your qualifications?

Mr. Schreiter – I'm a professional licensed land surveyor in Pennsylvania, New Jersey and I've been working Warren County for almost 40 years.

Attorney Dornish – Do you have a license number?

Mr. Schreiter – My New Jersey license is 28527; Pennsylvania license 31430.

Chairman VanVliet – Thank you, that was for the record, okay?

Attorney Dornish – Does the Board have any questions for Mr. Schreiter, in addition to what he's testified to?

Chairman VanVliet – I'll defer to Adam; do you have anything that you want to go over with him?

Engineer Sterbenz – Sure, for Mr. Schreiter, I assume you have a chance to review my report, technical report on the subdivision plan?

Mr. Schreiter – Right.

Engineer Sterbenz – And, we don't have to go point by point but there are just some, I had, let's say, seven minor kind of plan cleanup comments. Have you had a chance to review those? Do you have any problems or objections or questions to any of those? Addressing them?

Mr. Schreiter – Are we looking at both plans?

Engineer Wisniewski – Well, I guess right now, we're looking at the plan for Lot 5.

Mr. Schriever – Okay, Lot 5 no, I met everything. I'm pretty sure. Did you review the last one?

Engineer Wisniewski – The revised, the last revised plan that I received was dated, revised through May 4, 2022. So, on that plan, we had a few minor revisions and corrections just to some dimensions and some of the zoning tables that are shown on the plan.

Mr. Schreiter – Right.

Engineer Wisniewski – So, we'll have to take care of those before the plans are recorded.

Mr. Schreiter – I took care of those, all right. On the other plan, the only thing that I did do, was, I believe you wanted the setbacks from the center of the alley. Is that a problem? The end of the right-of-way, because these alleys are only vacated; they're not abandoned and I normally took the setbacks from the right-of-way line instead of the center line of the vacated alley, so, you wanted it from the center line but I have to adjust that.

Engineer Wisniewski – That would be the only, yeah, I mean,

Mr. Schreiter – And, I think that was the only thing on that plan that had to be revised.

Engineer Wisniewski – Okay, so, we'll, we can review those, you know, if the Board approves the applications, we can review those as part of our final review before recording it. That's all I had.

Chairman VanVliet – George.

Planner Ritter – Yeah, I have a few comments. First of all, on Lot 5, the applicant has gone back and revised the subject plans so that it now requires no variances. He's eliminated the need for variance for lot area, lot width, frontage. They're completely conforming lots, so those have been taken care of on Lot 5. There's several minor questions on Lot 5 that I have. Most of them,

I call them administrative. It's just getting some of the numbering to match up between the grading plan and the survey document; very minor and can be taken care of as a condition of approval. The only thing I would ask is that the site plan be looked at. It is a very minor detail but there's no sidewalk shown connecting the driveway to the front of the house. I mean it's only a very small piece and it deals with the grade plan but I do think you ought to put a sidewalk in to get from your, basically, the driveway of the home to the front entrance of the dwelling and then just the calculations for lot coverage. Other than that, I think the plans are fine. They provided the appropriate number of street trees so, I believe this is, with the minor suggestions of making those minor corrections, I think it is ready to go and it could be improved subject to the applicant making those minor adjustments to the plan. I don't know, are we covering both lots, Chairman?

Chairman VanVliet – Yes.

Planner Ritter – On Lot 3, I would also say that the subdivision plan submitted for Lot 3 is a complying plan; it requires no variances in the proposed subdivision. In terms of comments, I had minor administrative comments making sure that the grading plan and subdivision match as to lot numbering, impervious cover, that type of thing. The only items that I had though is that they're based on the street frontage involved, the newly proposed lot, we will require several additional street trees to comply with town ordinances and appreciate it if the applicant would provide those on the plan and also there was one question on the grading plan that when you looked at the grades established for what appears to be an entrance to the basement area of the home, there appears to be an error that should be looked at there in terms of the height of that opening. It indicates a door, but the door would only be two or three feet high based on what's shown on the plan and I think it's just a minor change that can be addressed but other than that, that plan is also in good shape and I think all of the changes can be made administratively and be a condition of approval.

Attorney Dornish – Any other questions for Mr. Schreiter?

Chairman VanVliet – Does any of the Board members have a question for Mr. Schreiter?

Member Weeks – I have a question for George. Are we putting trees out at the curbing or we putting the trees in people's lots?

Planner Ritter – Well, they are street trees. They're required as street trees. Well, in this case, it's the number of trees that's required; they can be set one foot inside their property line but that's the intent, was to meet the Township's requirements for street trees. So, they can be spaced the same and just set one foot inside the property.

Member Weeks – I’m okay with that. It’s something that needs to be addressed here.

Planner Ritter – Well, that’s fine, as a condition. If it’s a concern of the Board and the policy of the Board, I see no reason why they couldn’t be planted one foot inside the property so it wouldn’t be the responsibility of the town.

Engineer Wisniewski – So, they’re currently proposed within the right-of-way so, outside of their property, currently.

Member Weeks – Inaudible.

Mr. Schreiter – So, one-foot in from the right-of-way.

Engineer Wisniewski – Correct.

Chairman VanVliet – Any further questions for the Board? If not, I’ll open it up to the public.

Attorney Dornish – I also have Mr. Textores here if anybody wanted to hear from him who did the grading.

Chairman VanVliet – Oh, okay I’m sorry. Well, no, we had the one witness already through with his, this witness now.

Attorney Dornish - Yes, we’re through with that witness provided there are no more questions from the Board for him.

Chairman VanVliet – We’ll open it up and

Mr. Ruitenbergh – We’re going to open it up to the public for any questions.

Chairman VanVliet – For this witness only and they would have to be pertinent to his testimony this evening. Anybody in the audience would like to ask any questions of this witness? Seeing none, the public portion is closed. Please proceed.

Attorney Dornish – Thank you. Mr. Textores can you please state your full name for the record?

Mr. Textores – Good evening. My name is Michael Textores – t-e-x-t-o-r-e-s and I’m a professional engineer, planner and certified municipal engineer. Licensed with the State of New Jersey. I’m employed by VanCleeef Engineering Associates. I’ve been practicing civil engineering for approximately 40 years and I’ve been testifying in front of numerous boards;

planning and zoning boards over the past 35 years. I've been accepted as a witness of civil engineering, plans planning and things of that nature. I have testified in front of this Board.

Attorney Ruitenbergh – Mr. Textores, do you swear and affirm that the testimony you'll give here this evening will be the truth, the whole truth so help you God?

Engineer Textores – I do.

Attorney Dornish – So, Mr. Textores, you heard some of the questions from the Board from Mr. Schreiter and you heard some of the comments. There was a question last time I was here before the Board about a home can't be on a lot under 9,000 square feet and I understand that you also corrected your plans with regards to that, correct?

Engineer Textores – Yes, it's the plan in front of you is the one that is in your package that was submitted as part of the application. It is the plot grading soil erosion plan and sediment control last date, last revised 5/4/2022. The plan is (inaudible) highlighted the dark areas show the area of Lot 5 and then there's two red lines; the dashed red line towards the center of the lot is where the original lot line was proposed. The dark line, or the heavier red line that's where the property line is now proposed. So, as stated, both lots now conform to the zone. Mr. Ritter stated and is correct, there are some bulk variances required as part of the existing house but those variances exist today and they're not going to be intensified as part of this application. As far as the review letters, we received two review letters; May 17, 2022 prepared by Mr. Ritter, your town planner, we also received a letter from Collier Engineering, Paul Sterbenz, that was dated May 22, 2022. As far as Mr. Ritter's letter, we intend to comply with all the items contained in his letter. Regarding Mr. Sterbenz letter, we intend to comply with all the items with the exception of Technical Comment No. 5 which requests that the applicant either install or request a waiver for the installation of sidewalks. I've been out to the site numerous times and I can testify that there is no sidewalks located in the vicinity of this lot. So, there is no sidewalks to the north, none to the south and none across the street to the west. So, we're asking for a waiver from supplying the sidewalk. There is also suggestion with curb, that curbing exists out there and this is going to remain, so.

Chairman VanVliet – And, your request is just for the sidewalk?

Engineer Textores – Yes, just for the sidewalk.

Attorney Dornish – There is a question from the Board about the basement entrance.

Engineer Textores – Yeah, we'll look into that. All the proposed dwellings are going to have basements. I'm not sure if all of them are going to have access to the basements; some of them

might have stairs and bilco doors. I'll work that out with Lenny and I'll detail the plans accordingly.

Lenny Jessamine – The two of them have basements. The other one I'll make a walkout and put steps down.

Engineer Textores – Okay. The only other, there was another issue with Paul Sterbenz letter regarding Lot 5. There was a vacated right-of-way located along the easterly property line. The right-of-way or should say the alleyway was vacated but the rights to install utilities still exists so, Paul requested that we approach the Town Council and to vacate the utility rights that remain as part of those vacated alleys and we agreed to do that as part of the application. So, that's nothing the Board can discuss, that's something we had to take to the Council.

Chairman VanVliet – Adam, any questions?

Engineer Wisniewski – No, I think Mr. Textores covered everything that we had commented on.

Chairman VanVliet – George.

Planner Ritter – No, further questions. He covered everything in our letter. He's agreed to all of the conditions, so.

Chairman VanVliet – Any member of the Board have any questions of this gentleman? Seeing none, I'll

Member Sazanov – In terms of No. 5 in Mr. Sterbenz letter, is there, I'm trying, I don't have the letter in front of me so, is there something in the vicinity on Third Street or (inaudible) what do you consider the original intent of having such a sidewalk (inaudible)?

Mr. Textores – You mean along the frontage of the property?

Member Sazanov – Yeah, is there something else in other lots east or west of it that we hook up, so to speak?

Mr. Textores – I didn't see any, you know, obviously we're involved with Lot 3 as well and I did not see any sidewalk in this area at all so, I mean, obviously if there was sidewalk on either side of us, maybe some sidewalk across the street, we would comply.

Member Sazanov – Down the street.

Mr. Textores – I didn't see it.

Member Sazanov – I was trying to get to intent with Mr. Sterbenz.

Chairman VanVliet – Yeah, determine (inaudible).

Member Weeks – I think the nearest sidewalk is up on Edward Street.

Engineer Wisniewski – Yeah, and I can speak to the comment that we put in just for the benefit of everyone, the ordinance itself has a requirement that, when you have a minor subdivision or land development application, that sidewalks and curbs be installed and other street improvements but typically those are required on new subdivisions when you have a new, you know, larger, multi-unit subdivision being constructed. If that subdivision throughout would have had sidewalks installed and then connect to other existing sidewalk networks. This is an existing neighborhood that has been in town for many, many years and there are no sidewalks, like there is no network existing so, as Mr. Textores explained, if there was something that they would connect to, maybe that this lot never had, they would add them in. There's nothing really to tie into here so that's sort of a formality but we're covering it just so we're covering, you know, all the rules on the books and indicating that that should be waived by the Board in this case.

Attorney Dornish – I guess before you're completely done, there was comment from the Board about official street trees.

Mr. Textores – Yeah, I'm moving up to Lot 3 now. Again, this is the map that was submitted as part of the application. Most recently revised on May 4, 2022. Again, this shows the perimeter of the lot in dark black and the red line in the middle is the subdivision proposed. Both lots conform to the zone. This is R-75 Zone; 9,000 square foot minimum. Both lots conform to the lot width requirements and currently on this site, Mr. Jessamine is now currently constructing the house under (inaudible) which is the lot further to the north. We got a building permit for that so he's already constructing that house. As far as the review letters we received, again, May 17, 2022 letter prepared by your Township Planner, Mr. Ritter and then again, May 22nd letter prepared by Paul Sterbenz, the Town Engineer. Again, with regards to Mr. Ritter's letter, we intend to comply with all the comments contained in his letter. The one comment he did bring up earlier, we proposed four street trees along Third Street and his suggestion or he was requesting an additional street tree along Dana Street which we agreed to do. We agreed to comply with his request. I think most of the other items in his letter, were technical and we agreed to address them. Again, with regards to Mr. Sterbenz letter, again, we're requesting a waiver for the installation of sidewalks for the same reason we requested the waiver for Lot 5. Mr. Sterbenz also mentioned in his letter that he wanted to place in the resolution that any utility connections or driveway accesses associated with both of these lots would be off of Third Street.

There will be no access and no utility connections on Dana Street. Mr. Sterbenz said that this road was previously overlaid and he would not allow any disturbances in that area so, again, that was in the review letter and we agreed to comply with that condition.

Member Weeks – So, I'm going to go back there because it affects the town. I want to know are we changing all the street trees to, well they're not street trees anymore, but are we going to bring this, the whole development into

Chairman VanVliet – These two lots.

Member Weeks – yes, are we going to change them or are we going to leave them out in the curb?

Engineer Wisniewski – I think they'll still be functionally street trees but they'll be within or outside of the town right-of-way.

Member Weeks – That's what I'm looking for.

Engineer Wisniewski – It will be, you know, planted on the lot rather than within

Chairman VanVliet – So, they're not your

Talking over each other.

Mr. Textores – I think outside of that, I think, you know, this is our second go around so, we addressed the comments that were in the original letter so there's not a whole lot to discuss with regards to the review letters. When we submit the revised plans, I'll specify exactly where the trees are and if it's not to the liking of the Township, we'll modify it.

Chairman VanVliet – Any other questions for this gentleman? Hearing none, in that case I will, again, open it up to the public to for any questions of this witness. Seeing none, we'll close the public portion.

Attorney Dornish – That concludes the testimony, I would just like to request of the Board that they approve the final approval for Lot 5 and final approval for Lot 3 so Mr. Jessamine can carry on with this project.

Chairman VanVliet – So, that concludes your presentation? Okay, very good. The first order will be to vote on the waiver of eliminating the sidewalks.

Attorney Ruitenbergh – Yes.

Chairman VanVliet – So, I’ll entertain a motion to grant the waiver eliminating the sidewalks on both of these lots.

Member Coyle – I’ll make a motion.

Mayor Mengucci – I’ll second it.

Chairman VanVliet – Beth, roll call please.

AYES: Members Coyle, DiLeo, Palitto, Sazanov, Weeks, Mayor Mengucci, Vice-Chairman Samson, Chairman VanVliet.

NAYS: None

Chairman VanVliet – We’ll move on to entertain another motion granting minor subdivisions to Mr. Jessamine on both lots subject to all of the conditions that will be contained in the resolution that will be coming forth clarifying this and do I hear a motion?

Member Coyle – I’ll make that motion.

Chairman VanVliet – Do I hear a second?

Member DiLeo – Second.

Chairman VanVliet – Beth, again, roll call vote.

AYES: Members Coyle, DiLeo, Palitto, Sazanov, Weeks, Mayor Mengucci, Vice-Chairman Samson, Chairman VanVliet.

NAYS: None

Chairman VanVliet – All right moving on, we’ll continue the preliminary major site plan application with NFI Real Estate, LLC.

See transcript.