

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

September 28, 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 Clymer, DiLeo, Palitto, Sazanov, Weeks, Mayor Mengucci, Vice-Chairman Samson, Chairman VanVliet. Also present were Attorney Bryce, Engineer Wisniewski, and Planner Ritter.

**New Business:**

Resolution – Denying the Amended Application of NFI Real Estate, LLC for Preliminary Site Plan Approval and Variance Relief concerning Property located at 188 Strykers Road and Designated as Block 99, Lot 3.01. Page 17 and Page 3 correction to be made by Attorney Bryce.

Motion to adopt by Mayor Mengucci, seconded by Member Palitto. Roll call vote:

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

NAYS: None

ABSTAIN: Members Clymer and DiLeo

Avantor Solar Project – Block 5, Lot 4 – Completeness only.

Attorney Peck – Good evening, everybody. For the record, Mark Peck with the Florio, Perrucci Law Firm on behalf of the applicant Avantor Performance Materials. As the Chairman indicated, just here for completeness only for property located at Lot 4 in Block 5 which is 1071 Rt. 1085 River Road. We received both Mr. Ritter’s and the Colliers review letters dated the 23<sup>rd</sup> and the 24<sup>th</sup> respectively and we have our engineer, Project Engineer Michael Thomas from T&M Associates who can address, you know, some of the questions that were raised in those so,

without belaboring the point, I will call Mr. Thomas up. Michael, did you have the opportunity to a, are you the project engineer for us, correct?

Michael Thomas – I am.

Attorney Peck – Can you explain to the Board actually, briefly what we are proposing here?

Michael Thomas – Sure. So, Advantor is looking to install new solar rays at their existing facility. The facility is kind of unique in a way in that there is a portion of it that is located within Lopatcong Township as well as Phillipsburg so we actually have two portions of the project; one that's in Phillipsburg and one that's within Lopatcong is over an existing landfill that was approved by the DEP several years ago. It's actively monitored through NJDEP. We are proposing a ground mounted ballasted solar array over the existing landfill that's there today.

Attorney Peck - So, by ballasted, that means you are not going to be drilling into the ground with an auger and anything; it's going to be supported on the surface.

Michael Thomas – That's correct and one of our main goals with this project was not to disrupt the existing landfill it was to leave it essentially operating the way it is today so, we have these blocks essentially, that are resting on top of the landfill, concrete blocks, and then the solar is going to be located pretty much right on top of that. Typically, with these types of arrays, we do have underground existing electric utilities but because there is an existing landfill at this particular location, we are proposing a specific type of product which allows the electrical conduit to be located on top and rest on top of the surface of the landfill.

Attorney Bryce – Thanks. I know that this is not sworn testimony; this is in a hearing. If we can just try to get to the completeness items.

Attorney Peck – We're doing that. I know that some members of the public had some concerns so we wanted to do a quick overview of what we're doing. As Attorney Bryce indicated, you had the opportunity to review Mr. Ritter's September 23<sup>rd</sup> planning report.

Michael Thomas- Yes.

Attorney Peck – Do you see anything in there that we can agree to for completeness purposes?

Michael Thomas – Yes. So, yeah with regard to the completeness items and most of them that we did receive came from the Colliers engineer, engineering and design report but I don't know if Mr. Ritter would like to ask any questions or if he has any.

Planner Ritter – Well, the report I put together was more for, more than instead of addressing completeness, it was more directed to just let the applicant know what variances he might have to deal with when he comes in front of the Board and then I also made a few general comments about landscaping and that sort of thing but just for the Board's purposes, the application, at least the way it is submitted today, I believe will require two variances; one of them will be the

ordinance requires that all electrical lines, wiring be placed underground. Obviously, he is going to offer testimony because he can't but that will be a variance. The other one is the applicant is proposing no landscaping for the project which is also one of the requirements that he's going to have to address during his actual hearing. The only other thing that we hand talked about with the applicant and just so the Board knows, this is being reviewed as an accessory use. Our ordinance has two types of uses for solar fields; one of them is essentially sells or is built to sell its generated electricity back to the grid. The other is a set of standards for those who are involved in providing electricity for their sole use, accessory to an existing structure. Based on the information I have been provided with, this is an accessory use to the current manufacturing facility and that's how it will be.

Attorney Peck – And then, moving on to the Collier's September 24 letter.

Michael Thomas - So, the completeness items that were identified were composed of, I guess, three pieces, if you will. The first was the preliminary site plan checklist requirements, final site plan and checklist requirements and the last was the variance checklist requirements. Many of the comments that are, checklist items that were associated with those three pieces are similar in nature to each other so we can address them one by one, if you guys like if that works. So, regarding the preliminary site plan checklist; Checklist Item 15 – proposed grading must be provided on the site plans. We know that the existing topography depicts the depression on the southern corner of the proposed solar field which appears to be a stormwater management facility. This must be clarified. So, what is so unique about what we're proposing here, because we don't want to actually disrupt the existing land fill and what it is operating at today. We are not proposing any rating changes to what we have there today. More or less, these blocks are just going to rest on top of the existing grades that are there. We are proposing an emergency access; vegetated emergency access around the perimeter in case an emergency vehicle, fire truck, or other type of maintenance vehicle can make its way around the circumference of the facility and you know, should there be a fire or something else, we can address those types of situations. So, we're not proposing any grades

Attorney Peck – So, we're asking for a waiver from

Michael Thomas – So, we're respectively ask for a waiver from that, correct.

Engineer Wisniewski – Yeah, I guess the only clarification I was asking for, Mr. Thomas, which totally makes sense about what you're proposing within the field, you know, the only reason I was asking about the, you know, my question would be, how would the depression that's located; I think it's about five feet deep in that location, how would that impact the arrangement of those solar panels? It's more of a technical comment, I guess, that we can kind of address during, during when we do prepare a technical report but I guess in terms of completeness, excuse me, if we don't have the proposed grading, we can't really evaluate that. So, that's why I

just asking for some clarification and maybe it's something you provide in the future prior to construction, so.

Michael Thomas – So, and um, again, we are trying to maintain the existing stormwater as it is out there today, so we're not trying to change anything but we're not proposing any of the arrays or Belgium block over any existing, I'll call it stormwater-based features that are on any existing landfills; we're not trying to change any of those pieces, so.

Attorney Peck – And, then for the next Item, 57, that's more administrative matter; the W-9, so I would ask for a waiver for completeness purposes only and we'll get that paperwork out.

Secretary Dilts -I have it.

Attorney Peck – Oh, you do have it.

Secretary Dilts- I do.

Attorney Peck – So, we're okay.

Engineer Wisniewski – Okay, that's fine.

Michael Thomas – The final checklist also talked about the W-9 as well. Proposed landscape and planting plan, we'd like to provide, we'd like to have our professional planner provide testimony at the forthcoming hearing regarding that matter as to why we are not proposing landscaping because this is an existing landfill so, we're hoping that we can sort of divert that, if you will, to that testimony.

Attorney Peck – And, how about, on Page 2 the waivers; if you could just bust through those and those checklist items and just provide the Board some justification while we're making those requests.

Michael Thomas – Sure, Item No. 2 – Check List Item No. 34 – estimated average number of automobiles that will enter the site each day during peak hours. It's just due to the nature of this facility, it is not generating any new traffic. There will be some maintenance vehicles that will be on site, so, that usually happens on the order of a frequency of around once or twice per month at most. So, there's really no new traffic that's being generated.

Attorney Peck – So, we're asking for a waiver from that?

Michael Thomas- Correct. Checklist Item No. 35 – again, this is kind of in continuous with that analysis of the existing road system to accept additional traffic volumes, again, we're not really disrupting or changing any of those things. We're requesting a waiver for that. Checklist Item No. 38 – plant and profiles of streets adjoining the property, again, we're not changing any of those things as part of this project. Checklist Item No. 40 – landscaping plan; same reason we're requesting it; we're hoping that our professional planner can provide the testimony at the

forthcoming hearing. Checklist Item No. 42 – location of all existing proposed buffer areas on site. We are providing all the existing buffer areas on the site. We aren't proposing an additional proposed buffer areas, again, hopefully, we can provide the testimony at a forthcoming hearing. Checklist Item No. 52 – details of proposed devices and measures for stormwater management. We are not proposing any additional stormwater management; although this is more technical and we can offer during the actual hearing. We're going to be allowing this existing landfill to essentially, be grass to grow to a meadow type condition so that's going to help reduce the stormwater runoff on site so we are not proposing any additional stormwater measures. Checklist Item No. 59 – The limestone geologic studies; again, the same thing, we're under an existing landfill; it's disturbed use and there is other material other than natural materials.

Attorney Peck – And, also the DEP, nothing is moving forward unless the DEP signs off on all the plans.

Michael Thomas – Yeah, and just as a housekeeping item, we got (inaudible) for agency applications right now which include a solid waste with NJDEP at Warren County Planning Board, Soil Conservation District and I think that might be it and obviously, with the Phillipsburg as well. Checklist Item No. 59, I'm sorry 62, consistency determination with NJ Highland's Council, we submitted in our application package the justification as to why we think this is not applicable for the planning area for what we are proposing so, that information was included in the application package which we hope is acceptable.

Engineer Wisniewski – And, for the Board's clarification, you know, frequently we speak to the fact that the Board is unable to waive consistency determinations based on the Township's approved petition with the Highlands Council, in this case as Mr. Thomas has indicated, there has been an application made for an exemption from the Highlands and I speak to that in our letter later here that we, you know, we believe that the application would be accepted under an exemption four under the Highlands Exemption application that the Township has.

Attorney Bryce – That's just a submission waiver.

Engineer Wisniewski – Correct.

Michael Thomas – To just also provide clarity, our project is located in the planning area and not the preservation area, just for clarity. Will you also mark the, call it the non-applicable items,

Attorney Peck – Yeah, absolutely, go through those and explain briefly why each of those items is not applicable.

Michael Thomas – Sure, so, Checklist Item 15 proposed grading and two for intervals, we do have our existing grades at those intervals but we're not proposing any real changes to the landfill so that's why we are requesting that. Checklist Item 16 approximate floor area as well as

buildings, we're not proposing any of those. Checklist Item 17 same thing; finished grade elevations for the front of buildings. Checklist Item No. 19 elevations at property corners. We are, we have provided the existing rates on site for where our proposed improvements are located. So, we're just requesting that. No impact to the existing property owner; property corners I should say. Checklist Item 23 the analysis of the facility into which the stormwater will flow. Again, we're not proposing any new stormwater management on the site so we're asking this. So, a waiver, not applicable for that one. Checklist Item No. 33 location and dimensions of all existing and proposed off-street loading areas. We aren't proposing, again, there is no traffic volumes. We're changing parking for these facilities. We're not changing any of those pieces. The number 37 location, size and description of any lands to be dedicated to the Township or county, (inaudible) in this particular case. Item No. 45 – location, submissions and construction details of solid waste disposable receptacles. We're not generating any refuse as a result of this project so it's not really applicable. Item No. 46 – architectural plans and once again, we talked about it before. Item No. 47 – location of all storage facilities; we're not proposing any as a result of this. Item No. 49 – sanitary disposable facilities again, no new sanitary sewer to be proposed for this project. Item No. 61 – major development stormwater summary sheet. I can't remember; we may have submitted that. I'm not 100% sure. We, I know we did it for Phillipsburg so, if necessary, we can certainly provide it.

Engineer Wisniewski – It maybe attached to the stormwater statement but I sort of read through the narrative but I didn't go through all the attachments so.

Michael Thomas – If it is necessary, we can provide that. Although we're not proposing it.

Engineer Wisniewski - Right. It might be included in there.

Michael Thomas – Checklist Item 63 – verification from the Township's consulting sewer engineer – again we're not obtaining the sewerage on site so.

Attorney Peck – Okay, then the final site plan checklist.

Michael Thomas – So the waivers of requested Checklist Item No. 6 – again we talked about the W-9, landscaping plan for No. 28 Item No. 60 – Tax Collector – the whole taxes have been paid to date which I believe has been provided. Checklist Item 64 – consistency determination again from Highlands Council which we just discussed and there were the variance checklist items.

Attorney Peck – Which will, you know, have taken care of; certification of taxes, W-9, statement and proof of service for the publication. So, we would ask that, unless you have any questions of Mr. Thomas, we'd ask that you deem the application complete and schedule us for our public hearing.

Chairman VanVliet – George.

Planner Ritter – No.

Member Sazanov – Can you go over; I do have a question in terms of (inaudible) I think it's Section A, Checklist No. 38 – actual section

Michael Thomas – The plans and profiles of streets adjoining the property. Is that the

Member Sazanov – It is actually 35 - traffic study– is that the one that

Michael Thomas – Yeah, I think 38; well, at least on a report it's the

Engineer Wisniewski – Yeah, that's what it was - plans and profiles of adjoining streets.

Member Sazanov – Because they have access, this is an accessory use to something adjacent; right adjacent to it and they own both pieces. This is what essentially

Attorney Peck – Yeah, there's an existing industrial plant.

Engineer Wisniewski – It's on the same parcel. It's all one big; it's like Avantor Chemical owns this whole property.

Member Sazanov – Okay, so it's not the adjoining property but they in fact own it.

Attorney Peck – Yeah, yeah.

Michael Thomas – There's a portion of the landfill that is that there's an easement on which Avantor has rights to for the landfill and that's the adjoining property owner; there's a small portion that they have rights to but everything else is contiguous property even as it crosses into Phillipsburg it's also a contiguous property; contiguous ownership.

Member Sazanov – In terms of the base for these proposed; I mean I'm sure, has it ever been done on top of a raised, I mean a landfill? I mean in terms of erosion and the weight of such .. or whatever types of

Michael Thomas – Yeah and this is a, the ballasted blocks are not light, you know, they're heavy blocks and they have to be able to withstand enforces and also overturning and (inaudible) as well. So, all those things have been taken into account when we made a submission to solid waste DEP about a month and a half ago. So, all those things are factored into it. They will let us know if there is any issues, but you know, with regard to the weight of the actual solar arrays and the ballasted system as well as the weight that's associated with any emergency vehicles, all those things are in affect and if there's any concern from the DEP with that matter, they will let us know if there's any issues on that; any recommendations that they might make.

Member Sazanov – Oh, and that one's still as well as, I mean it was solid waste, it's Warren County Soil Conversation District; those exact things are still out but

Michael Thomas - Yeah, we submitted those already.

Member Sazanov – Okay, and in terms of our No. 62 it's a little fast for me, the Highlands Council not being applicable in this case. Can someone go over that here?

Engineer Wisniewski – So, the Highlands Consistency determination that basically most development applications are required to submit to the Highlands Council and the Highlands Council reviews the project against the Highlands Master Plan - Highlands Regulations; there's a number of different documents they review for consistency with the Highlands Master Plan. In this case, the application is exempt in that there's certain exemptions that were granted to the Township, the Township is permitted to grant. In this case, there's I don't know, I think there's eight exemptions potentially. I don't have the application in front of me here, but

Michael Thomas – Yes, I was paging through it myself earlier.

Engineer Wisniewski – Yeah. So, in this project it would be applicable under Exemption 4 and the Highlands had created these exemptions, these sort of cut outs allowing development to continue within, on parcels that were previously developed. So, in this case, the exemption that the applicant is seeking is Exemption 4 which permits an increase in impervious surface basically less than 125% of the lawfully existing impervious surface at the time that the Highlands Council regulations went into effect which is back to 2004, I believe for the Preservation Area and 2012 or 13 for the Planning Area. In this case, Avantor Performance Chemical, yeah, I reviewed the exemption application and reviewing all the aerial photography that's been there for a very long time, over 20 years, so, they're well, you know, well in advance of the Highlands Council regulations coming into effect. Additionally, the entire parcel, not the entire parcel, but a large majority of the parcel is developed as part of the industrial use so at 25% increase in impervious surface would need a lot of area and the area that's proposed to be developed as part of the solar field really, I guess the landfill would already be considered impervious, essentially, that doesn't allow ground water to soak into the ground because there's a plastic liner there, so then the concrete blocks on top of that is new impervious but it's new impervious on top of impervious so, it's sort of a wash and there is no increase in impervious surface so that gives them that exemption. So, if that makes sense.

Member Sazanov – Yeah (inaudible).

Michael Thomas – Yeah, and our goal with this also at least with the landfill is to allow the grass to grow higher. That effectively helps reduce the runoff on site. Right now, it's mowed pretty regularly; the landfill, the one that ballasted blocks get there it's going to be mowed maybe twice a year; up to twice a year.

Chairman VanVliet – Are these ballasted blocks, are they precast?

Michael Thomas – Most of them are, yeah.



Chairman VanVliet – So, there's not going to be a lot of disturbance.

Michael Thomas – Correct.

Engineer Wisniewski – Just deliveries to the site.

Michael Thomas – Correct, yes, right.

Member Weeks – There's a drainage system that travels in there. Is that underneath that or alongside? Where does that sit? It carries our whole town or half of our town.

Michael Thomas – Yeah, the a, as I recall, I'm trying to remember but I believe it's on the north to south direction is where everything is draining on the existing landfill there.

Member Weeks – It goes underneath.

Michael Thomas – It's mostly around the perimeter of the site.

Member Weeks – Let me rephrase that – our spillway comes down through the backside of (inaudible) okay, that spillway runs into a piping system which goes to the river. Where is that exactly?

Engineer Wisniewski – Does the Township facility go through the landfill?

Member Weeks – That's what I'm trying to find out- where it runs. Right next to it, ours is actual (inaudible).

Michael Thomas – Everything does discharge to (inaudible). Everything drains in front of it right now; right, it faces north from a north to south direction. These are lower grades over here along the existing infill and spreads out to kind to the perimeter of it if you will.

Attorney Peck – Will be prepared to address this.

Engineer Wisniewski – I think the question is, if there's any municipal drainage easement across the property. There's no municipal stormwater or drainage easement across the property that would carry or any pipe or any swale or any swale or pipe or anything like that.

Member Weeks – There's a swale that comes right down from where Aqua runs into the road. It comes into the river somewhere.

Attorney Peck – We'll address that

Member Weeks – The reason why I'm addressing that so much to you, because if it's in your think to be covered up and it breaks, I've got to be able to fix that. That's the issue I have.

Michael Thomas – There's two existing easements just for your awareness on the southern end where the landfill is; there's two existing.

Chairman VanVliet – Need a motion to deem it complete.

Attorney Bryce – And, with the appropriate proof, submission waivers as indicated.

Chairman VanVliet – Can I have a motion?

Mayor Mengucci – I’ll make that motion.

Chairman VanVliet – Do I hear a second?

Member Sazanov – Second.

Chairman VanVliet – Beth, roll call please.

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

NAYS: None

Attorney Peck -October 28<sup>th</sup>.

Chairman VanVliet – That might be a problem. We have a, you’re well aware that Bridge is coming in for their final determination on the Strykers Road. I don’t know.

Sec. Dilts – The 26<sup>th</sup>.

Chairman VanVliet – We’ll put you on the agenda and as things develop.

Attorney Peck – We’ll notice for it and then if, you know, carry it if you have to.

Chairman VanVliet – Our next order of business - Ordinance No. 2022-08 - Township Redevelopment Plan – For Review and Recommendations.

Attorney Bryce – So, if you want me to Chairman, I can just introduce before the Board is the referral by the governing body of the Redevelopment Plan under the Local Redevelopment Law. Any type of redevelopment plan be adopted as to first get referred to the Planning Board just like any type of zoning ordinance for consistency determination with the Master Plan. If the Board recalls, quite a few months ago, the Board did recommend after preliminary investigation the designation of certain areas being in need of redevelopment, this plan relates to some of those parcels which we will refer to Area B regarding the Phillipsburg Mall area; the governing body in association with the planner, has put together a new Redevelopment Plan and that is what they’ve brought to you under the law just to review to see whether or not it is consistent with your Master Plan. So just like you would with a zoning ordinance make a determination whether it’s consistent with the Master Plan.

Chairman VanVliet – I haven’t seen the ordinance so, George

Planner Ritter – The a, yes, the redevelopment ordinance has been put together. It's basically for Lots 9, 9.01, 9.03, 9.04 in Block 102, that is essentially the Phillipsburg Mall, the Friendly's area, where Friendly's exists and the back piece behind the mall which is Lot 9 which is the vacant parcel of land behind the mall has been included in the Redevelopment Plan. That was what was approved and that's what this applies to. The Redevelopment Plan that has been developed for that area is an Overlay District. In other words, the existing zoning remains in place up until and until the Township Council selects a redeveloper who wants to come in and develop it under this proposed regulation. The Overlay District itself, as you are all aware, the area out there is in two, basically, zoning districts right now. The front is in your Business District which is what the mall is in today and rear portion is in an essentially, a housing district that is set up for age-restricted housing with an affordable housing contribution. The proposal that is being considered by Council is a Redevelopment Plan that would make the permitted uses on the mall site essentially, office and warehouse uses. As the what the Redevelopment Plan would embody and allow. The Redevelopment Plan proposes, obviously within it, a whole system of standards similar to your zoning area, zoning ordinance in terms of area and bulk requirements. The area is divided into two actual redevelopment areas; the mall itself is being considered being developed under standards that are very similar to your ROM District today and actually when applied to the mall which is all less impervious cover, quite frankly, than what's out there. They have to redo some of the impervious cover on the area but that's the general intent. The rear portion of the mall, the vacant in the back, is proposed to be developed than considerably less intensity than what is permitted in your current Business Districts. The maximum impervious cover on the rear part would be around 31% and the maximum building coverage would be around 18.1% well below. It also has elements in here that would require approximately 35 acres of the rear property to be set aside in permanent open space and protected for that purpose. The intent eventually would be to bring all public utilities up to service that area. All traffic access would have to go back through the mall and 22. It would not, the development plan, for this area would not be involved tying into any surrounding residential streets either in Pohatcong or Lopatcong. That's a very quick overview of what the proposal is just in terms of what the Council was thinking about all this. The plan was developed, was developed consistent with the Redevelopment Plan, consistent with the findings that the area was in substantial need of redevelopment. The area in the proposal that you have before you, I believe, is substantially consistent with the Township Master Plan which has always looked at that area as higher density development either commercial in the front or residential in the back. The ordinance before you, I think would be, as I say, substantially consistent. The one thing that I think as a condition of approval, that should be sent back up to the Council for their awareness, as part of the review process, the plan itself, the redevelopment Plan had to be sent down to DCA for their approval. The DCA has basically approved all the area in the proposed redevelopment areas except for Lot 9. That's the piece behind the mall. They decided that they would not approve that for redevelopment until it was put within a sewer service area in the town which also requires application then to the Highlands Council to actually

have the back property, that one lot, put into our center designation for the town and that's a separate process from the Redevelopment Plan that they have to go on simultaneously. Until that is heard by the Highlands Council, until they act, whether they approve it or don't, that rear property, Lot 9, has not been accepted by Community Development for redevelopment. So that, I would think, if the Board is considering sending anything up to Council, one of the conditions that would be in there is that Lot 9 would be conditioned on having DCA approve that lot for inclusion in the redevelopment area. My contact, I've had some initial contacts with the Highlands people and with members of the Highlands and I would say that they're generous as much as the Highlands can be, it seemed to be fairly disclosed to consider this for inclusion in the Township center. One of the things that I think, truthfully, I didn't realize until I assembled all the data on this, that one lot is the only lot the Township of Phillipsburg, Lopatcong, Pohatcong and Alpha that is not in the center. It's like a whole in a donut. Somehow, it was essentially not included in the either the Pohat or Lopat center designation even though there's more than 4,000 acres all around it that's in the center. So, I believe they're reasonably inclined but until we go through the process and have their approval, as I say, Lot 9 should be conditionally sent up to Council for their consideration until Community Development acts. I can go into more detail on this if you want to go through the specific details but I do believe that the ordinance, with that condition, are basically substantially consistent with our Master Plan.

Attorney Bryce – And, and Chairman just to dove tail on the back, I did in advance, prepare the resolution with the assumption, based upon the analysis, that the Board could adopt, this evening, but also includes that limitation that is subject to the redevelopment area determination be approved by the Commissioner of the Dept. Of Community Affairs. So, be that you find this consistent to the Master Plan subject to that determination, required by the Commissioner of Community Affairs which is required under the Redevelopment Law.

Chairman VanVliet – We're getting into a situation where at, we'll have to redo our Wastewater Management Plan in order to extend sewer service to that area.

Planner Ritter – Well, the key piece, and that's really why the Department of Community Affairs balked at including Lot 9 in the back, is the extension of sewer and water into that area will be directly tied to the Highlands determining whether this should be in the center. If they determine that it is in the center, then the wastewater Plan Management Plan will have to be amended. I will tell you then, there won't be any objections either from the Highlands or Community Development over that area. So, you have to go through the process but it would be supported at the state level as well as the Highlands. So, the next key step on the back, is really to go through the process with the Highlands for them to consider center designation on that one 81-acre parcel, to add it into our redevelopment, our center area, I'm sorry. But yeah, to answer your question

Chairman VanVliet – Last time we went through the wastewater management it would be part of the mall property it could be quite expensive.

Planner Ritter – I can't say who's going to pay for it but obviously, that might become a responsibility of the redeveloper.

Chairman VanVliet – Adam, do you have any comments?

Engineer Wisniewski – Not particularly. My understanding with the Redevelopment Plan; redevelopment area determination would be that, you know, subject to the Highlands approving the lot, we know the development would be permitted on that Lot 9 that block that's in question until the Highlands would rule on that being included in the center. If that doesn't occur, basically, that lot would never be developed because the project would never receive consistency determination from the Highlands. So, it would be multiple levels of Highlands, DEP and every other agency reviewed before that would move forward to before the Board would even consider an application, so, yeah, generally supportive.

Chairman VanVliet – Is it proposed that the this needs to be two different applications that are looking?

Planner Ritter – It can be. The way the Redevelopment Plan is structured, the redevelopment area includes the mall and Lot 9 but there's a clear distinction between the properties as to the requirements that each must meet so that in essence, if the Redevelopment Plan is adopted by Council, you could in theory have an application for the mall portion. You could have an application for the property in the rear. The standards are separate.

Chairman VanVliet – Anyone else have any questions or concerns?

Member Weeks – So, we find this consistent?

Planner Ritter – They are actually separated in the Redevelopment Plan. As I said, yeah, the mall is almost being treated as totally developed property which it is and the mall today has coverages that are actually slightly higher than we even allow in town; higher than 65%. The Redevelopment plan is trying to bring the mall back to at least our minimum standards so that they won't be allowed any more impervious cover than what we currently allow in residential development. The back property is a whole different question since it's undeveloped; it's open. The intent there was yes to allow it to be developed but to try and concentrate all that development up to as close as we could get into the mall property to keep it out of and off on the land that is basically, directly adjacent to and drains directly into the Lopatcong Creek corridor.

Chairman VanVliet – There are springs under there

Planner Ritter – And to just give you an idea, even though obviously its early in the process but it happens that on the Pohatcong side of the property there's an actual tributary stream that runs right on the back of the residential homes in Pohatcong which sends its tributary to the creek and it's a class trout production waters; all of them have 300 foot riparian buffers on them, so that there's almost a mandatory separation all around the edge of the site that extends 300 feet even

from the wetlands. The intent on the back was, since that one property, now it's not the only property in our center that has this, but part of that site is designated in the Conservation Zone in the Highlands and so, what this report does, is make it mandatory that all those areas within the riparian buffer; 300-foot strips all the steep slope, all the forested area is on that site be put in a conservation, well I shouldn't say conservation, protected easement that they can't develop it, can't cut them down and tear it out and as I indicated to you earlier, our rough estimate as it stands right now, the site is about 80-acres; 81-acres and the amount of area that has to be totally protected is going to come out to about 35/36 acres that they won't be able to touch and then we roll in your criteria that the land that doesn't end up under building or parking lots has to be revegetated, put back into a grass island and then reforested so that basically, what we're trying to do trying to protect some of those resources but also to upgrade them a little and ensure that they are going to be protected as part of this and the intent was to push again, all the development as close to the mall as we can get it and keep it all together and then the transportation corridors between the back and the front are all going to be interlinked with the mall so that none of the traffic goes to Lock Street, none of it goes into the Pohatcong residential side; they all have to go back through the mall and out to 22 and to give you a little bit of background, there's been some initial look see's at the traffic impacts on and believe me this would have to be flushed out more, but looking at the traffic impacts on 22 and the bottom line is, is that because of the mall at one time had more than 500,000 square feet in it, the traffic impacts for redeveloping this the way Pohatcong and Lopatcong are thinking right now, will actually have less traffic impact on the mall, on the 22 than the existing shopping center when it was up and operating so, we expect that there's going to be able to accommodate the traffic and they should be able to do it without any significant changes to 22 but they will have to rework the inside of the site to get the circulation, so, we see that and also sewage gallonage the way it looks right now and that's what we're still looking at a little bit is again, when you look at the full capacity of what was there from the mall was fully operating, there should be sufficient gallonage that in making this conversion in the use, should not result in the need for any additional gallonage. In other words, it can simply be reallocated. So, the intent here is that we think it is a pretty good fit in that location that it shouldn't put a demand on infrastructure more than what we've had over the years when the mall was operating and we should be able to protect the natural resources in the back and maybe even green up the front; get a little more less impervious cover on the front of the site and that's sort of where it is right now and the next major step besides Council looking at this and considering it, is really to get approval from the Highlands to incorporate that one lot into our center designation so that the Wastewater Management Plan can be amended to provide sewage service to it and like I say, my conversations with them to date, I would suggest that, we can't say that they've actually said yes, but the bottom line is it seems our meetings are fairly positive on that subject. So that's where the process is.

Chairman VanVliet – Any further questions on this?

Member Sazanov – Is this predicated upon the center designation from the Highlands or are we waiting that?

Attorney Bryce – Well, the way that the resolution is written it really is the commissioner of community affairs. That's the ultimate one because they said you have to get the center. Once you get the center, commissioner of community affairs has to say yes.

Member Sazanov – And, Mr. Ritter do you think, I mean was there, eventually there's some sort of anomaly like this whole in the center of the donut metaphor (inaudible) why perhaps was it left out? Was like the intent, do you have any idea what the intent was?

Planner Ritter – I have never grasp why this property was never included in the center from the beginning. I wasn't involved in making those center lines in Lopatcong. Phillipsburg, everything on the side of that abuts Lopatcong is in the center so everything over there is in the center; Lopatcong Creek, all the lands around them are in a center in that area. Pohatcong, when they got their line basically everything around this site, the part of the old community, the mall, everything is in their center designation but they left out a 24-acre piece. It is unclear why it was absolutely left. The only thing I could offer, and it's not a good explanation because there are other lands around them that are exactly like I'm going to tell you, it is designated in the Conservation District; the Highlands Conservation District and that's the only reason I can think of why it was cut out though it's not different than lands that abut it but that's, that's all I can say.

Member Sazanov- When you were first talking about it and I have to visualize it. Frankly, I, it was hard for me to visualize it but I do enjoy Sections 9 and 10 of your, you know, preserving it as a natural greenway with past connection through the Morris Canal. I mean, in Washington, D.C. I don't know exactly Rt. 22 would be underground but they connected underground the throughway through the parks so you can almost, what would be the Morris Canal greenway, could ostensibly be connected even through.

Planner Ritter – Well, the Morris Canal will border the edge of this property and some of it has already been protected by the County. It's not on this property. It's not like the canal is on it but it does border it and it would fall you know directly on the edge that were saving and protecting it. Let's put it that way.

Member Sazanov – Well, right and if DCA essentially, or I mean will they be the last (inaudible) for continuing in this protection or the protection of this?

Planner Ritter – Well, DCA has basically indicated that if the Highlands find that this can be or should be included in the center; now remember one of the things that the Highlands centers are supposed to do is recognize concentrations of development and where development should logically go in a community in the future, so, you know, there's a very strong argument to be

made that this is in a highly developed area of all the communities that survive and if you are going to do infill development, it is not a bad place to think about doing infill development.

Member Sazanov – Does it, is it adjacent to, what is it, Sycamore Landing?

Planner Ritter – Yes, yes Sycamore Landing abuts it. Then, all the developed portions of Pohatcong, the end of the residential community and the mall all abut it on the one side so it, it's really is, if you think of it in the grand scheme of things of where you might think future development would go appropriately, also it's directly adjacent to all the utilities. Abuts all the utilities in Phillipsburg, it abuts all utilities in Pohatcong, it abuts all utilities that are available at the mall today and it abuts Sycamore Landing so, the utilities are all there; it's just that they can't be extended because they're not in our service area. To me, it makes a logical sense to develop it. The tenancy with going with, I'll be very frank, the tenancy to go with warehousing I don't think was the first thought that passed through the minds of either the Pohatcong Planner or me, we were originally thinking about, well gee, maybe this might be a great place for mixed commercial, residential development, etc., what happened though during the course of these conversations is that Pohatcong really moved strongly to support the idea of a warehouse; they really felt strongly about having a warehouse there which also brought up the condition then of what do we put next to a warehouse because they were thinking of turning it, well anyhow, the bottom line is, so that's what began the movement toward thinking about warehousing on this and then essentially, how to deal with the back piece of the property and that's sort of how we got where we are but I'll be honest with you, Pohatcong is felt very strongly and wanted to develop their portion of the mall as a warehouse.

Member Sazanov – Yeah, I mean, I just wanted to say that I enjoy the classes on Master Plan and just having space or recreation space for all the other residential and I do, perhaps wish that there was some sort use back there. I'm not sure it's zone properly but more residential and more recreational or green use. So, I appreciate your, you know, preserving what we can and protecting what we can as well.

Chairman VanVliet – With that I'll entertain a motion to approve the resolution and send it back up to with the caveats that what we discussed here today back up to Council. Do I hear a motion?

Member Weeks – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Member Palitto – Second.

Chairman VanVliet – Beth, roll call please.

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



NAYS: None

Chairman VanVliet – We've reached the point for public comment. Is there anyone here from the public with a comment?

Donne Schneider – 26 Meadowview – I don't know where to begin. I guess I'm just kind of disappointed that we're going to allow more warehouses; it's a farmland back there. We have enough. I can tell you in one day I went out last week there was a tractor-trailer that went up Meadowview; it wasn't up there for deliveries; went up Meadowview Drive. I go down a little further, I cross the train tracks there's two trucks parked on Strykers Road trying to make a left into Berry Plastics which is another issue I'll get to. I get down, I go to Shoprite, I come back, there's a truck making a left out of the warehouse on Strykers Road. There are more trucks at the Twilight; there's truck everywhere and we're going to allow more trucks to come in. I just don't get it. I really just don't understand how we can allow this because Pohatcong wants to put a warehouse on their side of the property. Berry Plastics is running a warehouse operation. It's a warehouse what needs to be done to stop it.

John Kecherson – Jade Lane – Extremely disappointed as well. Attending Council Meeting and Planning Board Meetings - time after time we are told there are no warehouse plans. Block 102, Lot 9 – study done -it notes it is comprised of prime farmland, greenway property and conservation zones. We are doing sprawl development. Warehouse demand is wanning. Not good for the community.

Chairman VanVliet – Anyone else? Hearing none, seeing none, I'll close the public portion. I'll entertain a motion to adjourn.

Mayor Mengucci- So moved.

Member Palitto – Second.

Chairman VanVliet – All those in favor signify by saying yes. All in favor. No abstentions. Motion carried.

**Adjournment**

