

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

January 24, 2024

Secretary Dilts called the Planning Board Meeting to order.

A Prayer was offered followed by the Oath of Allegiance

Secretary Dilts 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.”

Secretary Dilts requested Andrew Melendez – Class II, James Palitto – Class III, Robert Samson – Class IV, Anita Caughy – Class IV stand to be sworn in. Attorney Bryce swore in the renewed and newly appointed members.

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

Present: Members Coyle, DiLeo, Caughy, Melendez, Palitto, Samson. Also present were Attorney Bryce, Planner Ritter and Engineer Wisniewski.

**Election of Officers:** Chairman, Vice-Chair, Secretary

Secretary Dilts asked for a nomination for Chairman – Member Coyle nominated Robert Samson, seconded by Member Palitto. No other nominations were made.

Secretary Dilts asked for a nomination for Vice-Chair – Member Samson nominated Susan DiLeo, seconded by Member Coyle. No other nominations were made.

Secretary Dilts asked for a nomination for the appointment of the secretary. Member DiLeo nominated Beth Dilts, seconded by Member Palitto.

Roll call vote on all three positions:

AYES: Members Coyle, DiLeo, Melendez, Palitto, Caughy.

NAYS: None

**Reorganization Consent Agenda:**

Secretary Dilts asked for a motion to adopt the Re-organization Resolution 1 through 5. The Annual Meeting Calendar, Reappointment of Attorney- Mr. Bryce, Planner- Mr. Ritter, Engineer- Mr. Wisniewski and the adoption of Rules and Procedures for the Governance of Meetings All Resolutions adopted on motion by Chairman Samson, seconded by Member Palitto. Roll call vote:

AYES: Members Coyle, DiLeo, Melendez, Palitto, Caughy.

NAYS: None

**Resolution No. 24-01 – Annual Meeting Calendar.**

R 24-01

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING THE ANNUAL MEETING CALENDAR FOR THE PLANNING BOARD 2024 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 2024, 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:

**Re-Organization Meeting January 24, 2024**

February 28, 2024

April 24, 2024

June 26, 2024

August 28, 2024

October 23, 2024

December 18, 2025

March 27, 2024

May 22, 2024

July 24, 2024

September 25, 2024

November 27, 2024

**Re-Organization Meeting January 22, 2025**

The Township Clerk through 2024 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 24, 2024.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 24-02** – Reappoint James Bryce, Attorney.

R 24-02

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 2024 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 24, 2024.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 24-03** – Reappoint George Ritter, Planner.

R 24-03

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 2024 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 24, 2024.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 24-04** – Reappoint Paul Sterbenz/Adam Wisniewski as Engineers.

R 24-04

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  
2023 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 24, 2024.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 24-05** – Adopt Rules and Procedures for the Governance of Meetings.

R 24-05

#### 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 24, 2024.

Margaret B. Dilts  
Planning Board Secretary

Attorney Bryce explained there was discussion last June to modify the agenda to take out the Public Comment period. People can speak when it comes to applications before the Board, but there will not be a separate period. Clerk Dilts asked the members to sign the acknowledgement they received the Rules and Procedures.

**New Business:**

**The Cubes US22 Sub, LLC – Block 102, Lots 9.01/9.03 – Amendments to the Preliminary and Final Site Plan.**

Chris Costa- Stevens and Lee – Present to represent The Cubes US 22 Sub 1, LLC in connection with their project at the Phillipsburg Mall. Back in June, this Board granted Preliminary and Final Site Plan approval to construct an 833,000 square foot warehouse on the property. The Resolution was adopted July 26<sup>th</sup> of last year. The mall, as you know, crosses over two borders; Lopatcong and Pohatcong. The relevant Block and Lot in Lopatcong Block 102, Lot 9.01 and 9.03; 9.01 is the, basically called, half of the mall property; the portion that is in Lopatcong and 9.03 is where the Friendly's was. Those are the two lots in question. Since the resolution was adopted this summer, we've had extensive conversations with Kohl's and also worked with the professionals to change around some of the internal circulation on the site to further separate the passenger vehicle traffic and the truck traffic and that is pretty much the extent of the changes to the plan. There is a few other changes to be addressed as well, but most of the changes that you'll see, pertain to changes in the circulation from the site or within the site and then also from the site and we're seeking approval from this Board, this evening, for the amendment of the plan to take into account these changes. The changes we initially did not believe triggered any variances, but having talked to Mr. Ritter, there is one exception. We are seeking a variance to the slope of one of the basins which is now, now has a spillway within the rear buffer and that would be the buffer between this property and the property behind it which is currently vacant farmland and may at some point, be developed into a warehouse per the redevelopment zone. So, it's not a buffer between us and any residential property and we made that change and created that variance basically, to make the slope of the basin safer so that it basically, satisfied all the categories of a Class IV Dam. I think one of the slopes triggered a Class V so, that's why we evened out that slope. That's the only new relief we're seeking this evening. Other than that, we're really just seeking to present to this Board and have you understood the changes that we made to the plan. We have one witness tonight; Daniel Reeves who is our engineer. He is the engineer who testified earlier and he will be addressing Mr. Ritter's report and Mr. Wisniewski's report and we also have available, if you have additional questions, our traffic engineer, John Harder and we also have a planner available is there is a necessity for planning testimony. So, unless the Board has any questions at this point, I'd like to introduce Mr. Reeves as a first witness. I believe he's been qualified. He probably just needs to be sworn in, but I'm happy to give his background.

Attorney Bryce – Would you raise your right hand?

Engineer Reeves – Sure.

Attorney Bryce – Do you swear and affirm that the testimony you are about to give us is the truth, the whole truth and nothing but the truth?

Engineer Reeves – I do.

Attorney Bryce – Please state your name and spell your last name.

Engineer Reeves – Daniel Reeves – R -e-e-v-e-s from Bohler Engineering.

Attorney Bryce – And, Mr. Reeves does your license remain current and in good standing?

Engineer Reeves – It does.

Attorney Costa – Go through the changes to the plan and also address the comments in the Engineer's Report.

Engineer Reeves – We do have one Exhibit here this evening to present and I'll talk through it and you can see there is very minor changes on it. I'll mark this as A-1.

Attorney Costa – A-1 please.

Engineer Reeves – Marking the top right-hand corner and Exhibit A-1 is the overall site layout plan that was submitted to the Board and to the board professionals with a last revision date of January 8, 2024, Sheet C 301 and what this is, is the overall site layout plan with the landscaping overlaid and added some color or some nice graphics for the presentation for this evening. As you heard from Counsel, what we are here for tonight is very minor amendment change. In fact, if you were to look at the presentation we presented last year, most likely you wouldn't be able to tell the changes that we are looking to propose and discuss here this evening. Mostly, as you heard, it is more for the inner loop road circulation. The truck circulation on the inner loop road was basically revised in the north west corner here and I'll further talk about. Again, that's to minimize the co-mingling of passenger vehicles for the outer parcels, as well as the Kohl's compared to the warehouse development, we were able to do that by sliding the before slip road for the northern loading dock a little bit further to the west to force all truck traffic to go out the western driveway which was previously the location of the former (inaudible) lot. Before, most of the circulation would come around the back and go out the eastern, I'm sorry, the southernmost driveway, excuse me, planned eastern driveway. So, with this modification, the majority of the truck traffic will all exit out on the northern or west plan most western driveway and eliminate the comingling of any of the outer parcels as well as the Kohl's. Another way of minimizing that, it asked how can we monitor that and control that, two measures. One, an actual physical measure which we are proposing a gate to close off this eastern portion for truck traffic. The gate will be just to the east of this four-way intersection that will remain closed; obviously, there will be Knox boxes and would be able to be opened for emergency access only and we have coordinated that with the fire official. Other means similar to our prior testimony, is the site will have extensive signage throughout all areas where the truck traffic is anticipated. There will extensive signage to direct the trucks where to go, what exit to go to depending on which route they need to get to. So, quick walk through on how circulation will be provided under this new veil, any trucks coming in from Rt. 22 can make a left into the site and immediately get back into the inner loop road same as how it was before. Once you get to that inner loop road, they will be able to fully circulate around the building without being able to co-mingle again, with the outer parcels. If you are now leaving the facility, and you are in the plant northern loading dock, instead of coming out and making your right, how it was before, and potentially co-mingling here or going around the building, you come out to the rear side here. All truck traffic will be able to come in and make a right and exit out to this. Same thing with the southern driveway, they'll be able to come out to the western inner loop road be able to use this

slip road connection, again, and be able to make a left and come in so, that's the majority of the intended traffic. If trucks do need to head north on 22, they will still be able to come in, make a left at the intersection, same as how it was originally. Other changes here, that you might be more (inaudible) is our stormwater design. As you heard from counsel, and based upon some comments and feedback that we received from Colliers Engineering, we have redesigned the stormwater facilities on the planned south portion of the layout here, again, this is only to classify these basins Class Four Dam which was originally Class Five. This is a much safer dam; lowered the height of the berms. So, in order to do that, we needed to, instead of one larger basin, one large wet pond, we split it into two wet ponds and then a bio-retention basin instead of a (inaudible), so, in general nature, the design still stays as is just changes some of the impounded areas qualifying for a Class Four Dam makes this site, as a whole, much better on both onsite as well as downstream. To that, Mr. Ritter and in his letter, did acknowledge one variance or labor about the basin location with respect to southern property line that is with respect to the required buffer along this property line. As you heard, this lot is intended for an industrial/commercial development and I will note that this is not changed drastically from where it was previously. Previously, I believe we're approximately 70 feet off the property lines from the top of the berm. With this modification, we are approximately about 35 feet; a little bit closer based upon some of the elevation changes of these two basins and the key point to know, is that the basin is best suited in this location. Based upon the drainage and the topography, everything is drained there currently; in fact, there is a very old basin there currently in desperate need to repair, so, this naturally fits with this. One other thing to note, that was referenced in the Colliers letter was with respect to the fire official. We have had the opportunity to sit and talk to the fire official as recently as last week to go through some of the comments and basically approved. One additional hydrant behind the poles was added and we will be happy to comply with that.

Attorney Costa – If I could just interrupt you for a second, just to kind of organize this from Collier's report. I believe that's Comment 2.02 which is listed as (inaudible).

Engineer Reeves – One other thing to note with respect to the change in this driveway, again, this loop road and this connection just split a little bit further to the west and what that ended up doing is actually reducing the amount of trailer drop stalls by about three stalls so, less trailers on the property as well as improved design of some of the building adding some driving ramps on the eastern side. We actually lost, I believe, a total of two loading docks as well. So, we actually reduced the amount of loading docks as well as trailer parking. However, the building size is completely the same; there's not been enlarging or anything else like that; everything stays in line it where it previously was. Running through a couple of the other, to close out some of the other Collier comments, we will be able to basically, comply with all. I do want to note that the ones that we will be able to comply with which will be 2.08, 3.11 and 7.01h. We would be happy to comply the remain three, plus the 2.02 we would partially satisfy. We would happy to comply with those.

Attorney Costa – 3.2 as well; that's the spot grades and we comply with as well?



Engineer Reeves – Yes. There are two comments 3.8g and 6.09 with respect to the basin design underlining layer beneath that, we will be happy to work with making the necessary revisions to the satisfaction of the Board engineer to work with them to make sure we are in full compliance.

Attorney Costa – Just to clarify why we called out those items; if you go through the engineering report, most times it says, addressed or it might say “in bonding” it’s not addressed but it isn’t timely yet and then there was some comments that were partially addressed and that’s why we are addressing the ones that are partially addressed and 3.8g and 6.09 are ones where we are proposing to work with the engineer too to their satisfaction.

Engineer Reeves – The one thing, circling back to Mr. Ritter’s letter, we spoke about the landscaping. I believe there was also an additional comment about the traffic and the need for the signal, I would like to know, based upon the trips and everything that was presented by prior testimony from the traffic engineer and with the both the on-site signal as well as the signal on 22; just not seeming feasible or warrant additional signal at this just based upon how (inaudible). That concludes my direct testimony; if there are any questions.

Chairman Samson – Does anyone have any questions?

Member Caughy – Maybe you answered before at the other meeting, but where the trucks are coming in and out of the mall entrances that are currently there, are they being widened or is that being changed at all or is that going to stay the way it is?

Attorney Costa – Are you talking about the center entrance?

Member Caughy – Yeah, like that one. Is that being changed?

Engineer Reeves – There are some minor modifications to some of the turn layouts once you come internal into the site. All of the existing curb openings and driveway in the Rt. 22 are remaining as is so, we are not widening the intersections. Some of the internal circulations will be per the additional lanes to get truck traffic (inaudible). Turning movements were all provided based on prior testimony and the application demonstrated all of that.

Chairman Samson – I have a couple questions. Those basins are, in the bottom there, how wide is that buffer?

Engineer Reeves – I believe it is a 50-foot buffer that’s required.

Chairman Samson – So, do we need any additional plantings since we’re kind of infringing on ..

Planner Ritter – The answer is, the applicant has revised the landscape plans as part of the condition of approval and they added additional landscaping along that whole end. The variance that they need for the encroachment into the buffer is because of the need for an overflow spillway that actually has to pass through the buffer and it’s about 200 feet wide so it’s no small thing. That area will be clear of vegetation. That part of the buffer will be gone. Obviously, you’re not going to plant in the overflow but that’s also has pointed out by the applicant’s engineer is not really facing any residential areas; it’s facing the property to the rear. It shouldn’t

really present a problem in terms of buffering. That's the encroachment and that's the need for the variance that we're talking about tonight.

Engineer Reeves – And, to your point, if I could add in as Mr. Ritter just explained, the location of that spillway is right here; you can kind of see the break in the landscaping which is approximately 192 feet to be exact from what our design is for that break it's just to have that emergency spillway. The prior applications, there are only a few trees along this, we've have now come back, as Mr. Ritter explained, put extensive landscaping along that, in between that buffer area; everywhere else, just behind it.

Chairman Samson – And, that won't create any problems for future, because they're going to develop that site aren't they eventually?

Planner Ritter – Well, yeah, that's our belief that it's going to be developed in the back. No, the plantings, the landscaping, the improvements are showing there should not be representing an impediment to the back.

Attorney Costa – Is there some grade change at that point as well?

Engineer Reeves -Yes.

Attorney Costa – So, it be a tricky place to plant as well behind there. Any other questions?

Planner Ritter – I had one; it was in a letter that probably partially answered me. The new intersection obviously, is not going to be a controlled intersection. The question, I guess, I had was is that trucks coming off of 22 and going to enter the warehouse facilities and also as far as that goes, trucks leaving the facility and using that entrance to access 22. Is there sufficient site distances that will permit the trucks, because they have to cross two intersections. In other words, when they come off of 22, they have to, for lack of a better term, cross the commercial driveway then they have to do a crossing to get into the warehouse. Is there sufficient site distance in there since it's a non-controlled intersection that everybody can see what's going on and decide whether they should turn, not turn; whether they should go through the intersection because they have to see through two intersections to know when to make their move, I guess, a way to put it.

Engineer Reeves – So, yeah, so that was certainly looked at because of all the other control measures, stop bars and everything there is, there is certainly adequate site distance for all these driveways.

Planner Ritter – Because also, between the commercial drive and the warehouse drive, we have a noise barrier; we have basically, a barrier sitting in there that's going to be landscaped in front. That's my only question; does everybody have enough site distance to know when they should make their move, their turn without interfering with somebody else that doesn't realize they're in the process of coming in or out.

Engineer Wisniewski – Both of those intersections are a problem.

Engineer Reeves – That’s what I meant by this; since they are stopped controlled vehicles will be stopping be able to look; it’s not going to be, you know, (inaudible)

Planner Ritter – I’m good with the explanation if they believe there’s adequate room in there, it’s fine.

Chairman Samson – Anybody else have anymore questions or concerns? Any public comments? Okay, so, I think that we’re going to have to have two votes here; we’re going to have to vote on the variance. Do we need to have any conditions as part of that or is it just?

Planner Ritter – No, I don’t think this warrants any conditions; I think the plan they submitted, we know what they intend to do. I’ve reviewed the landscaping; there’s adequate landscaping to the rear. So, I don’t believe there is a need for any conditions; it’s just whether or not the Board is comfortable with the encroachment and adequate reasons have been given for it. I think they have so, I think we’re comfortable.

Chairman Samson – Okay, so, at this time, I’ll entertain a motion to approve the variance for the stormwater as shown here.

Member Palitto – I’ll make that motion.

Member Coyle – I’ll second.

Chairman Samson – Roll call

Secretary Dilts –

AYES: Members Coyle, Melendez, Palitto, Caughy, Vice-Chairwoman DiLeo, Chairman Samson.

NAYS: None

Chairman Samson – So, then the next vote will have to be to approve the revised site plan, you know, and I think the conditions be that they have to be given to the County and the Pohatcong Township and make them aware or?

Attorney Bryce – They’re going to be subject to the same conditions that were part of their original Preliminary and Final Site Plan approval; those will not go away and I think that on that particular resolution all those concerns were addressed so, this would be just permitting the amendment to that plan subject to all prior conditions.

Engineer Wisniewski – Mr. Chair, I guess just to answer your questions. I know that the Board Secretary and I was copied on the conditional approval from the Warren County Planning Board. Just for clarity, with the plans submitted to the Warren County Planning Board this version of the plan.

Attorney Costa – This plan had been submitted. We had initially submitted a prior plan and subsequently, submitted this plan and we’ve gotten conditional approval from them.

Engineer Wisniewski – And, I understood that. Pohatcong Township has also reviewed and approved just for further clarity.

Chairman Samson – Yeah, that was my concern that we have everybody on the same ..

Engineer Wisniewski – And, I believe they are. All right, so, at this time, we'll entertain a motion to approve the revised site plan as we just said there. Anybody want to make that motion?

Member Palitto – I'll make the motion.

Member Coyle – I'll second it.

Chairman Samson – Roll call

Secretary Dilts – Yes.

AYES: Members Coyle, Melendez, Palitto, Caughy, Vice-Chairman DiLeo, Chairman Samson.

NAYS: None

Attorney Bryce – I talked to Beth a little bit ago just to coordinate it with you and honorary resolution for Gary. The other thing is and the Zoning Officer here, the Board may want to make the recommendation to the zoning ordinance, I know that we have that funky little ordinance that says “if it's a preexisting non-conforming structure, any change that requires variance relief” puts a handcuff on the zoning officer to send to the Zoning Board even if what they're going to do doesn't exacerbate the non-confirming condition. It may be wise for this body to draft an ordinance revision in junction with the zoning officer plan review, the planner and myself make the zoning officer's life a little bit easier. George, I think was concerned with it too.

Chairman Samson – So, I think that ends it, so a motion to adjourn?

Member Palitto – Motion.

Vice-Chairwoman DiLeo – Second.

Secretary Dilts – All in favor.

Members – Ayes – all.

Respectfully submitted,

Margaret B. Dilts  
Board Secretary

