

TOWNSHIP OF LOPATCONG  
Planning Board Meeting  
7:00 pm

November 28, 2018

Chairman VanVliet called the Planning Board Meeting to order. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey.

Prayer was offered followed by the Oath of Allegiance

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 Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Pryor, Schneider, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt. Also present were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Chairman VanVliet – First order of business is to swear in a new member of the Planning Board – Ms. Kathryn Devos.

Member Schneider – Gary, I just have a question. Is Ms. Devos also on the Zoning Board?

Chairman VanVliet – Yes Mam she is.

Member Schneider – Isn't that

Chairman VanVliet – Under the statute, the nine member board, we are allowed to have a member of the Board of Adjustment also sit on the Planning Board.

Member Schneider – That's funny because when Eric Johnson was on this Board and we had a whole bunch of issues about him being on the Recreation Committee and eventually lived through and because it was a committee it was okay to be on it but if it were a member

Chairman VanVliet – I had to reach for help; refer to our attorney.

Attorney Bryce – The statute that authorizes it is 40:55D-23 which governs Planning Board memberships and for Class IV members, it provides that the members of Class IV shall hold no other municipal office, position or employment except that in the case of a nine member board which this is, one such member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission.

Member Schneider – Okay, thank you.

Chairman VanVliet –It was brought into question, so.

Member Schneider – I didn't know if it was or wasn't.

Sworn In – Attorney Bryce swore in Kathryn Devos.

**Old Business:**

**Minutes – October 24, 2018** – No corrections or comments, the minutes were adopted with abstentions by Mayor Mengucci and Member Devos.

**Resolution – Clymer Village – Block 115, Lot 1.** Minor Site Plan approval. Motion to adopt by Member Pryor, seconded by member Weeks.

AYES: Members Pryor, Schneider, Weeks, Mayor Mengucci, Chairman VanVliet

NAYS:

ABSTAIN: Member Devos

**Autumn Ridge Development** – Relief of Condition on resolution.

Bryan Plocker – Good evening Bryan Plocker from the firm of Hutt and Shimanowitz here on behalf of the applicant. We received an approval back in April and I believe everyone's aware of it, but very briefly, at that time this represents a classic case of over lawyering, we thought we needed to basically create two condominium associations in order to keep the age-restricted units separate and distinct as they're supposed to be from the rest of the development but we sit down now to actually get this thing going and we realize that all the units are going to be rental. The age-restricted units are going to be restricted to one building. My clients going to own the property so for purposes of storm water management and things of that nature, they are taking responsibility for that; they will be taking care of that. We are going to market the units separately. We're going to develop them separately and nothing that cannot be accomplished, that can be accomplished with the condo association we can also accomplish without it. So, in a classic case of over lawyering, we're just seeking relief of the one condition which I believe is 2G of the resolution which required my client to have to separate condo associations established.

Chairman VanVliet – You agree?

Attorney Bryce – Yeah, that's a great summary. If the Board recalls, when they came in, there was that concern with the age restricted units and administering those units separately. It was discussed, that was the plan. It seems a little bit unwieldy I think that in talking with counsel and tried to get this all squared away and make sure everything is nice and clean on any type of administrative approvals, completion; they just want this cleaned up. They're not, they don't need to have the condominiums, it's probably better that they don't have it from a lot of different perspective so I think it would be appropriate to relieve them of that condition of creating a land condominium to accomplish this.

Member Pryor – I appreciate the comment on over lawyering. I haven't heard that one before; that's a good one. Let me understand, originally when you wanted to create two HOA's?

Bryan Plocker – Well, I believe, I believed they're condition provided an appropriate association for the governance of the community.

Member Pryor – One association.

Bryan Plocker – Yeah, so it

Member Pryor – So you are not going to have an association because all fees are going to be in the rent or whatever?

Bryan Plocker – They are all going to be rental units.

Member Pryor – There is no HOA fee or there is no voting, there's no local governance, it's the landlord.

Bryan Plocker – We are going to rent all the units; we're going to be the landlord, yes.

Member Pryor – And, he's going to make the rules and so on. All right, I understand it.

Chairman VanVliet – Any further questions:

Member Weeks – I have one. At any point, he oversees it all, all right; at any point can he change the low income if anything else?

Attorney Bryce – Probably not. That has restrictions.

Member Weeks – That's what I mean; the restrictions are still on that? That's something that will remain.

Attorney Bryce – That's still a condition of the approval.

Member Weeks – There's still, those pot of people will never

Bryan Plocker – Yeah, it's a, it should be a condition of a provided with the detail, but we're subject to U-Hack regulations and applicable laws. They're going to be restricted.

Member Weeks – Okay.

Attorney Bryce – And, that remains a condition of their approval. Age restrictions and affordability controls are applicable. That's the only thing that changes the land condominium aspect of it.

Chairman VanVliet – Anything further? We'll open it to the public. At this point, I will open it to the public if they have any questions or comments on it. You have anything John?

John Betz – No.

Chairman VanVliet – Okay, I'll close the public meeting. I'll entertain a motion to approve the change to the resolution.

Member Schneider – I'll make the motion.

Chairman VanVliet – Okay, do I hear a second?

Member Pryor – I'll second it.

Chairman VanVliet – Beth, roll call please.

AYES: Members Pryor, Schneider, Weeks, Mayor Mengucci, Chairman VanVliet, Ms. Steinhardt.

NAYS: None

ABSTAIN: Member Devos

Bryan Plocker – Thank you very much.

Chairman VanVliet – Thank you very much.

Bryan Plocker – I'll get a resolution?

Attorney Bryce – Yeah, next month.

Bryan Plocker – Fantastic.

Chairman VanVliet – All right, this brings us down to the Planning Board Rules and Regulations finalized and membership sign off.

Attorney Bryce – Chairman, if you recall, the rules were actually adopted a few months back. All I had done is provide you guys copies for distribution with acknowledgment of receipt.

Clerk Dilts – Donna are you going to sign yours?

Member Schneider – No, I'm not signing.

Clerk Dilts – Ms. Schneider said she's not signing. I don't know if you want to put that on the record or you're coming back with it or

Member Schneider – No, I know what's in it already and it was a moot point trying to get you guys to even understand what this means. I know you know what it means.

Chairman VanVliet – You're not signing that then?

Member Schneider – No, I'm not signing it because I know why you're doing the Rules and Regulations

Chairman VanVliet – Okay, we'll put that on the record to indicate that she didn't sign it and we'll leave that go to where it's going to go. (Inaudible) questioning I assume in the future, wonder if she can vote or can't vote or what's going to happen.

Attorney Bryce – Well, the rules are the rules. The Board adopted the rules by majority they're effective against all members of the board so that's just acknowledging that a receipt of whom so that nobody can ever say that I didn't know that was the rule; that was the entire point of it.

Chairman VanVliet – Okay. So, other than that we'll

Member Steinhardt – I have a question. So, even though she didn't sign them for future reference at this meeting, it doesn't really matter because the meetings are recorded and the minutes are and so we all know that she received them so, they will still apply.

Chairman VanVliet – Okay. Any questions from the Board? If none, I'll open it to audience, John do you have anything?

John Betz – Yes, I just want to say one thing. Brian thanks for asking that question you asked about Autumn Ridge and I was wondering about some explanations about Autumn Ridge and they were taken care of tonight by both the Board and attorney that was here and I'm happy; I'm glad they were so thank you very much.

Member Pryor – Thank you John.

Chairman VanVliet – Thank you John. Any further questions?

Lori Ciesla – Any public comment.

Chairman VanVliet – Yes, sure.

Lori Ciesla – Lori Ciesla – 12 Meadowview Drive. I'm here on behalf of Mayor Mengucci. During the last election, as you know, Councilman Belcaro and Pryor were running and Mayor Mengucci chose to not as Mayor Mengucci, as Jim Mengucci the resident, decided to send out a letter. As a member of the Warren County Republican Committee, I was responsible for getting that letter printed, stuffed and mailed over a course of like three (3) days and you know we had a lot of volunteers from all over the County helping us out. Unfortunately, it's come to my attention that Planning Board Member Donna Schneider accused Mayor Mengucci of using that as of the Mayor's letter when nowhere on that letter did it say that it was in his capacity as Mayor; it was with his own home address and at the bottom, it said paid for by the Warren County Republican Committee. I just want to get that on the record because unfortunately if anybody sees that and they don't understand, I don't want anything happening to him; the committee took care of that. Thank you.

Chairman VanVliet – Thank you for your comments.

Member Pryor – Donna, what would lead you to say that that cost the taxpayers thousands of dollars?

Member Schneider – I'm not going into this with you Joe Pryor. This has nothing to do with the Planning Board.

Member Pryor – Did you say that?

Member Schneider – This has nothing to do with the Planning Board.

Member Pryor – I think the integrity of the members has something to do with the Planning Board.

Member Schneider – No it doesn't. I did not speak on behalf of any Planning Board member.

Member Pryor – Was it true what you said?

Member Schneider – I'm not arguing with you Joe Pryor.

Member Pryor – Well, I think we've had testimony tonight that it was paid for by the Republican Committee. It said so on the letter. I don't know why a member would state that it cost the town thousands of dollars so, you can just put that in the record.

Member Schneider – Yep. That's great.

Member Weeks – Donna, if I may. It's my first time hearing it, just so as members, giving a little peace meaning myself, if you want to word it that way. Was it brought out in the fashion that the Planning Board was any part of that? That is what I'm speaking as of now.

Member Schneider – Absolutely not. Absolutely not.

Member Weeks – All right. I don't know anything about it. I just need to be sure that the Board isn't drug into something that doesn't belong being put into it.

Member Schneider – Nope.

Member weeks – All right. I don't know quite what happened.

Member Schneider – Absolutely not.

Member Weeks – You guys kind of feel that someway

Member Pryor – I feel that you are an officer of the Township, you're more than a volunteer and we serve as a jury up here and in some respects a judge and I think you are supposed to pay some attention to the truth and when I see a bold faced falsehood like that, I, you accuse somebody of that, you expect them to defend themselves and

Member Schneider – That's fine.

Member Pryor – Mayor is also a Planning Board member. I was a recipient of that endorsement along with Lou. I mean if somebody accuses us of spending Township dollars, I have to defend myself and I haven't heard a defense here. I just heard I'm not going in to that, so fine, that's the way the record will read.

Lou Belcaro – I agree with Joe and we have to defend ourselves against these blatant lies.

Attorney Bryce – (Inaudible).

Member Schneider – Yeah, can we, yeah

Chairman VanVliet – We put this one that basically, we've have had enough comment on it and we'll move on from where we are going from here. I don't think it's really a Planning Board; it would have to go back to the Council if they want to take any action or anything like that so. (Inaudible) what the Planning Board can do about it so. Okay.

Member Schneider – Of course, of course.

Chairman VanVliet – Any further business to come before the Board? Hearing none, I'll entertain a motion to adjourn.

Member Pryor – I'll make that motion.

Mayor Mengucci – Second.

Chairman VanVliet – All those in favor. None opposed.

Respectfully submitted,

Margaret B. Dilts,  
Planning Board Secretary