

TOWNSHIP OF LOPATCONG
Planning Board
Reorganization and Regular Meeting

January 24, 2018

Secretary Dilts 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 Correa, Fischbach, Johnson, Mayor Mengucci, Olschewski, Pryor, Schneider, VanVliet, Weeks, Alternate Steinhardt and Alternate Clymer. Also present was Engineer Sterbenz.

Swear in Members: Secretary Dilts swore in the following members:

Class I – Mayor Mengucci

Class II – Brian Weeks

Class III – Joseph Pryor

Class IV – Garrett VanVliet

Thomas Fischbach (Environmental Commission Rep.)

Alternate No. 1 – Tia Steinhardt

Alternate No. 2 – Earl Clymer, Jr. (unexpired term of T. Fischbach 12/31/2018)

Election of Officers:

Nomination for Chairman:

Secretary Dilts opened the floor for nominations:

Mayor Mengucci nominated Garrett VanVliet, seconded by Member Pryor.

Member Schneider nominated Eric Johnson, seconded by Member Olschewski

Roll call vote for Garrett VanVliet –

AYES: Members Fischbach, Mayor Mengucci, Member Pryor, Member VanVliet, Member Weeks, Alt. Member Steinhardt, Alt. Member Clymer.

NAYS: Members Correa, Johnson, Olschewski, Schneider

Majority voted in favor of Garrett VanVliet for Chairman of the Board.

Nomination for Vice-Chair:

Secretary Dilts asked to open the floor for nominations:

Member Olschewski nominated Tom Fischbach, seconded by Member Pryor.

Roll call vote:

AYES: Members Correa, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Fischbach, Chairman VanVliet, Steinhardt and Clymer.
NAYS: Member Johnson

Resolution No. 18-01 – Annual Meeting Calendar.

R 18-01

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY ADOPTING THE ANNUAL MEETING CALENDAR FOR THE
PLANNING BOARD 2018 MEETINGS**

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, not later than January 10th, of such 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 the Fourth Wednesday of each month at 7:00 pm, except where otherwise noted below, at the Municipal Building located at 232 S. Third Street, Lopatcong, New Jersey.

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

January 24, 2018 (Reorganization Meeting)

February 28, 2018	August 22, 2018
March 28, 2018	September 26, 2018
April 25, 2018	October 24, 2018
May 23, 2018	November 28, 2018
June 27, 2018	December 19, 2018
July 25, 2018	

January 23, 2019 (Reorganization Meeting)

The Township Clerk through 2018 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-Gazette, 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, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at a meeting held on Wednesday, January 24, 2018.

Margaret B. Dilts
Planning Board Secretary

Voice Vote:

AYES: All in favor

NAYS: None opposed

Resolution No. 18-02 –Submissions on the RFP’s – Murphy McKeon P.C., Riverdale, NJ and William Edleston, LLC, Phillipsburg, NJ. Motion by Council President Pryor to hire Murphy & McKeon, seconded by Mayor Mengucci. Discussion – Member Johnson suggested the Board consider an extension to the RFP process to get a proposal in from Tony. He indicated his rates are lower; \$125 per hour and \$250 per meeting. He said from a budget standpoint his numbers were the best. Member Pryor noted the prices are out there and he did not conform to the process. Member Olschewski suggested we also look at an extension due to costs to be incurred to make sure as a taxpayer the Board is fiscally responsible. He asked if any member of the Board spoke to Tony. Engineer Sterbenz indicated he worked with Attorney Bryce and recommended him to the Board. Member Fischbach expressed concern that the numbers are public and it has to be a fair playing field. Member Olschewski asked if we knew anything about these attorneys. Upon questioning from Member Pryor, he acknowledged he never came in to read the submissions. Member Pryor added that he’s known David Ruitenber, one of the partners at Murphy and McKeon for over 25 years and has a lot of respect for him. Member Schneider asked to confirm a conversation Tony Sposaro held with Chairman VanVliet and what they spoke about regarding his opportunity to submit an RFP. Member Weeks stated he did his research and explained his choice and why. Alternate Member Steinhardt reminded the Chairman that there is an RFP process and felt it not fair to grant an extension.

R 18-02

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 2018 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, 2018.

Margaret B. Dilts
Planning Board Secretary

Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Steinhardt and Clymer.

NAYS: None

Resolution No. 18-03 – Appointment of the Planner.

R 18-03

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 2018 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, 2018.

Margaret B. Dilts
Planning Board Secretary

Motion to appoint by Member Johnson, seconded by Member Olschewski. Roll call vote:
AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Steinhardt and Clymer.

Resolution No. 18-04 – Appointment of the Engineer.

R 18-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPOINTING PAUL STERBENZ OF MASER CNOSULTING,
P.A. AS TOWNSHIP PLANNING BOARD ENGINEER

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 is hereby retained as Planning Board Engineer for the year 2018 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 Lopatcong Township Planning Board,
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, 2018.

Margaret B. Dilts
Planning Board Secretary

Motion to appoint Engineer Sterbenz by Member Pryor, seconded by Vice-Chairman Fischbach.
Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci,
Vice-Chairman Fischbach, Chairman VanVliet, Steinhardt and Clymer,

NAYS: None

Resolution No. 18-05 – Robert's Rules for fair and orderly procedure in meetings.

R 18-05

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC GUIDE
FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of
Lopatcong, County of Warren and State of New Jersey that Robert's Rules of Order Newly
Revised 11th Edition is hereby adopted as a parliamentary authority for the procedure in
meetings.

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, 2018.

Margaret B. Dilts
Planning Board Secretary

Motion by Vice-Chairman Olschewski, seconded by Mayor Mengucci. All in favor.

Old Business:

Minutes – Chairman VanVliet asked if there were any additions, corrections.

Member Johnson – I have a minor change I wanted to make and I'll try to get the page number right here; give me a second. On the top of Page 18 there's just two lines between one resident commenting and one Ms. Schneider comment. They appear accurate to me but I think a derogatory comment you know made by the public is not appropriate to be put into the meeting minutes and I'm going to make a suggestion that those two lines get removed. That's my only comment, everything else looked good.

Page 18 –

Resident Betz – Who are you to say that? Who makes you the judge?

Member Schneider – We're not public comment yet.

Member Schneider – I have one comment as well. There is a point in there where a hand gesture has been added into the minutes and I feel that's inappropriate as well. If you are going to put hand gestures then you are going to have to put somebody sneezing, somebody rolls their eyes; somebody stands up so she thought it inappropriate to have a hand gesture in the minutes.

Secretary Dilts – What page is that Donna?

Member Schneider – I don't know because I couldn't copy that at home.

Secretary Dilts – I believe it was at a point where

Member Schneider – Page 11.

Page 11 –

Member Schneider – Raised her hand.

Secretary Dilts – I think Fitzsimmons was trying to recog, I think he was recognizing you that you raised your hand for some reason. I'd just have to go through it

Member Schneider – Yeah and I know I didn't just like, it just said Member Schneider raises her hand

Secretary Dilts – yeah because you were acknowledging something. Whatever they were talking about you were making an acknowledgment that you were included or something to that affect so

Member Johnson – Donna I'll agree with you because I think gestures could be misinterpreted many different ways. So I'll support you on that one as well.

Secretary Dilts – Well I have to have the page and where it is at exactly.

Member Johnson – Page 11.

Member Johnson – So I'll make a motion to approve those meeting minutes with those two changes.

Member Correa – I'll second on it.

Secretary Dilts – Noted that Members Johnson, Schneider and Correa would be in favor of those corrections.

Chairman VanVliet – Minutes are approved with those comments being redacted.

New Business:

Block 116, Lot 26.01, 27, 27.02 and 28 – Autumn Ridge – Piazza Tract. Engineer Sterbenz noted the application came in back in November before the Ordinance was adopted to permit the uses on the tract. This tract will permit multi-family housing; a combination of market rate units as well as age-restricted units; up to 200 units would be built on the site as a result of the ordinance. Because the ordinance was not in effect at this time the submission came in, the submission was held in abeyance and since that time the ordinance was adopted; December 2017. So the clock started ticking and the Planning Board has 45 days to evaluate for completeness. The applicant is making quite a few changes to the plans. There are layout changes and there is now a subdivision that is associated with the application so the documents submitted will be discarded in their entirety. Action must be taken on the completeness; a measure on whether the Board has enough information to evaluate the application from a technical perspective and to conduct a public hearing. In order to deem the application complete, a Highlands Consistency Determination had to be submitted. For this reason alone Engineer Sterbenz recommended the application should be deemed incomplete. A determination is also necessary on the Notice for the meeting.

Chairman VanVliet – Recommended the application be deemed incomplete and believes they should re-notice all at the same time; too many variables.

Motion by Member Johnson to deem incomplete, seconded by Vice-Chairman Fischbach.

Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet
NAYS: None

Motion to have applicant re-notice by Member Weeks, seconded by Member Olschewski. Roll call vote:

AYES: Members Correa, Johnson, Olschewski, Pryor, Schneider, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet
NAYS: None

Engineer Sterbenz – Requirement under the Township’s Stormwater Permit that the Board members must receive training. The DEP put together a training tool on their website and when there is an opportunity presented, Engineer Sterbenz will present this to the Board so they can be trained and the Secretary can certify.

Member Johnson – Two quick questions; asked if Council set in place the plan requirement for the reduced set on future submissions on site applications.

Engineer Sterbenz – Explained he and Katrina did not get together due to their schedule and noted that it was an outstanding item.

Member Johnson – Quick update on the Ingersoll Rand Property.

Member Pryor – Negotiations are going on between Bridge and Gural and he understood they hadn’t closed yet.

Engineer Sterbenz – Noted that the key issue is that it is a High Cube Warehouse that is automated having a lot less employees then the typical warehouse. If Bridge were to come back and proposal some other type of warehouse in here that has more employees which would lead to more vehicular trips would require an amended approval process before the Board.

Mayor Mengucci – Congratulated Chairman VanVliet and Vice-Chairman Fischbach on their appointments to the Board. He thanked Brian, Mr. Clymer, and Ms. Steinhardt for being involved. He thanked Eric for his time as Chairman.

Member Olschewski – Also thanked the members not on the Board anymore.

Chairman VanVliet – Asked the public for any comments – no comments from the public.

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

Respectfully submitted,

Margaret B. Dilts
Board Secretary