

TOWNSHIP OF LOPATCONG
Planning Board Meeting
7:00 pm

April 24, 2019

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 Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Liptak. Also present was Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Old Business:

Minutes – Approve Minutes of February 27, 2019. Motion by Mayor Mengucci, seconded by Member Devos. All in favor. Member Pryor abstained.

Samson Enterprises, LLC – Block 95, Lot 11.03- Completeness. Attorney Mandry was present to represent Robert Samson of Samson Excavation for a completeness determination. They are requesting several waivers to their application; waiver on the traffic study, technical specs required by the Preliminary Site Plan Checklist and for the Final Site Plan Checklist, to comply with whatever is required.

Project Manager Greg VandeRydt – Addressed the list of deficiencies from the initial submission leaving some minor submissions that remain as such which are spot grades, dimensions around the perimeter of the building and parking lot and some additional details on the retaining wall pertaining to site distance at the driveway entrance. This will be coordinated with Paul and Adam when the technical review is completed. There is a waiver request for the location of trees over 9 inches; most of the site is a lot of scrub; there are not many mature specimen trees on the site but they will locate them. The last completeness waiver is the requirement of preparing a full blown traffic report due to the very, very limited traffic that Mr. Samson’s application and project will bring to Belview Road.

Engineer Wisniewski – Noted that the use is a low traffic generator and asked that they touch on this during the hearing process but would be supportive of the waiver. The previous deficiencies were addressed and supportive of other waivers.

Chairman VanVliet – Asked if there was any involvement with the Highlands on this?

Engineer Wisniewski – Confirmed the Highlands issued a Consistency Determination for the project. There were a number of conditions that they typically impose on projects when they grant the determinations and those are typically handled during the resolution of compliance. As part of the Township’s obligations to the Highlands, many of their conditions have to be addressed.

Chairman VanVliet – Asked for a motion to deem the application complete granting the waivers requested and approved by the Engineer.

Member Devos – Motion.

Mayor Mengucci – Second.

Roll call vote:

AYES: Members Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Liptak.

NAYS: None

New Business:

Architects Golf Club –_Completeness. Attorney Peck was present to represent Lawrence Turco of Architects Golf Club located at 700 Strykers Road, Block 95, Lot 29; 177 acre tract in R3/2 Zone District. An application is pending for a Minor Site Plan and are present for a completeness review. Maser’s Report identified some deficiencies with the submission; specifically, various plan revisions to show the title that it is a Minor Site Plan included signature blocks, name and address and lot dimensions, as well as certain notes on the plans. The revised plans were submitted earlier this afternoon and believe now fully conforming. The Maser review required a waiver which can be granted for completeness purposes. There is one waiver being sought; Item 15 on the Checklist which requires the location of the proposed construction. The pro shop is an Accessory Use even though it is not specifically listed as a permitted Accessory Use nor is it prohibited. It will be 166.9 feet from the street. The Bulk Regulations Section 66C2d states that any golfing facility or maintenance structure or structures shall be situated 75 feet from all property lines. The club house and dining facilities shall be set back 400 feet from any street. Planner Ritter suggests that a variance is necessary but does not agree. Pro shops are not listed as an Accessory Use and so he bundled that into a golf use or club house use as opposed to being a maintenance use. The ordinance is not clear and it is up to the Board, but thinks that the 640 square foot pro shop would be a golfing facility that would require a minimum setback of 75 feet which is met, therefore, not requiring a variance.

Planner Ritter – Well, I think I have to respond at least to think about this a little bit. Essentially, the determination I made at looking at this is that your ordinance makes a distinction between what I call the public side of the golf course, the pro shop, the restaurants and the maintenance and facility side of the golf course and the public side of the club house, the types of uses that go in the club house that could be a pro shop, it could be, truthfully, it could be detached from the club house and to me was the public side and the ordinance seemed to think that those things ought to be set 400 feet from the street. Things like maintenance sheds, types of things that go with the golf course itself, was where the 75 feet applied, so, my general sense was that this would be a “C” Variance for setback. Obviously, it is an Accessory Use and would be permitted but it is clearly not the same as a golf maintenance yard and that type of thing and the 75 feet would not be applicable to it. So, that is the distinction that I made that normally this type of use would be seen as part of the golf club activities; the public side and would be subject to the 400 foot setback and that’s how I came to the conclusion that this does require a “C” Variance for setback.

Attorney Peck – And, if I may just, respectfully, as far as I read your ordinance, it does not make a distinction between public uses and private uses or other uses. Public use is not mentioned in the ordinance, but the ordinance does specifically say “A club house and dining facilities”. Pro shop is not a club house, it is a separate building from the club house and it does, in the Bulk Standards; it has three categories that should be separate; 75 feet from all property lines, any golfing facility, maintenance structure, or other structure. So, it’s not just limited to, you know, non-public uses that can be 75 feet away. I would say a golfing facility would be a public type facility. So, respectfully, I disagree with George. Respect his reasoning, but I think, on this one, we have a stronger argument.

Mayor Mengucci – So, I have this clear in my head, that modular building is 277 feet from the road?

Attorney Peck – It would be 166.9 feet

Mayor Mengucci- Oh, it would be 166.9. Any of the maintenance facilities out there can be 75 feet

Planner Ritter – Seventy-five feet from the facility

Mayor Mengucci – What I’m driving at there is, I think there would be more noise coming out of that maintenance shed, 75 feet off the road, then there would be the modular.

Planner Ritter –I don’t disagree with that. It’s just that the ordinance, and just a call from the Board, the ordinance, I think, was trying to make a distinction with regard to the types of activities that take place and I call it, the public side, but it’s the side where the golfers interact. They basically, have the restaurant, they have their club house. Normally, you tend to think of the pro shop being associated with the club house or at least sitting close to the club house and

so, that type of use, I thought was governed with the 400 foot set back and things like tees, greens, and the maintenance facilities. In fact, the ordinance, in terms of the driving range, made it very clear it didn't want any of those covered within the, if you read it, they were concerned that you not get structures within that 400 foot they we're talking about that for covering the driving range facilities. Put that aside, the main distinction I had was that normally you would think of a club house at, I'm sorry, the pro shop as being part of the club house facility and therefore, it would be governed under the 400 feet and I think what we are doing here, is that the use is permitted, we are really just saying it needs a, if the Board considers it appropriate, would require a Setback Variance. That's my logic behind it and the Board obviously, can make their call on that.

Chairman VanVliet – The legal opinion.

Attorney Bryce – I'm going to say something that not necessarily is specifically a legal opinion, but this becomes really technical jurisdiction. As somewhat discussed here tonight, without getting into the merits, presuming what the Board's action may or may not be, certainly there is a significant setback here for what's being proposed, for what's being proposed that is more than 75 feet, but technically less than 400 and avoiding the debate, it may just be appropriate to notice for that and to the extent the Board deliberate' s on it, may want to grant a variance, so, that if it was ever challenged by any type of third party, they can't say that you needed a variance and you didn't get one and not necessarily that this Board is the proper jurisdiction to determine the interpretation of the Code, and it's technically not, that we defer to George on this . I don't, it is a suspicion again, I don't want to presume, I think from a technical perspective, it's safer to notice for the variance, to apply for that variance. It does not change the nature of the Minor Site Plan application; it is still a Minor Site Plan and the Board would be in a position than to say, looking at this and again, I don't want to presume that it is fact sufficient as to avoid any of the concerns that the ordinance was trying to avoid, so, I think from a technical perspective, it's appropriate to allow for the notice of the variance to the extent that it may be required.

Attorney Peck – The old belt and suspenders approach, huh.

Attorney Bryce – That's correct, yeah. I call it the conservative approach. That's what I call it.

Member Pryor – It probably is conservative, but it is hard to argue against George's logic. It's hard to argue against Mr. Bryce's opinion, and it is the safe route. We've been to court before on stuff and there's no reason why this can't be, the variance can't be part of the application. So, I'd be in favor of classifying it as a variance.

Chairman VanVliet –Okay. Any other comments?

Member Weeks – Yeah, I would agree with that.

Chairman VanVliet – I myself would err on the side of caution for a variance. I know it's going to be requiring notice of the surrounding property owners.

Attorney Peck – I'm just hoping that given the sort of, I don't want to deem it trivial; nothing in land use is really trivial, but the minor nature of it that we're not burden with the expense of having to bring a planner in to talk about the impacts of a 640 square foot building; 167 feet off the property line. I know we have to go on our proofs, but I think

Vice-Chairman Fischbach – A pro shop as stated, a lot of times it is within the club house.

Attorney Peck – Yeah, no I get it

Vice-Chairman Fischbach – But I've seen them detached also, but I can see, you know, I can see your concern in that, but again, I don't see any more traffic then would be there normally with golfers because normally that's who's going to use the pro shop right?

Attorney Peck – How many people are going to make their destination solely to the pro shop? I think it's

Vice-Chairman Fischbach – You're probably have more public usage from the outside just using the restaurant and the bar, quite honestly, right, then quite honestly, the pro shop.

Attorney Bryce – Counselor, I think that your client would be more than qualified to talk about what's being proposed,

Attorney Peck – Put on the proofs.

Attorney Bryce – why it's being proposed, where it is. Certainly that's what's within his

Attorney Peck – That's really our main concern. It's you know, start lining it up with professionals, it's, you know,

Chairman VanVliet – This is a temporary facility?

Attorney Peck – Yeah, that's the plan. This is temporary in the context of the larger overhaul that you guys will probably be seeing, I don't want to promise any time frame, but that's under discussion. So, this is merely a holding pattern to give the golfers, you know, an amenity while the larger improvements are being contemplated.

Member Devos – So, do you have a time frame?

Attorney Peck – No, not yet.

Mr. Turco – Can I speak? Can I ask something possibly? Do I have to be sworn in?

Attorney Bryce – This is just a completeness hearing. We are not taking testimony as

Mr. Turco – Thank you for everyone’s time. I appreciate you guys on short notice seeing us. I’d like to give you an opinion from a business standpoint because you got it from a technical standpoint, you got it from a legal standpoint, you got it from the planning standpoint, you got it from an engineering standpoint; now I’m going to talk about it from a business standpoint.

Member Pryor – Mr. Turco would you mind coming up and speaking into the mic?

Attorney Peck – Just for the record, identify yourself.

Larry Turco – Larry Turco, Architects Golf Club. It’s a temporary facility. We have a two-year lease okay with a six month extension. Based on my interpretation of the Code, I feel strongly that it doesn’t need a variance. It’s very clear the way it’s written and if someone reads through it, it’s very clear. So, in my opinion, that is not necessary. I’ve spent, for this trailer, thousands of dollars, thousands. It’s unacceptable. It’s a temporary facility. It’s there for the benefit of the golf course. It’s almost \$10,000 already. Now, I’m going to go for a variance. How many more thousands am I going to spend. You know the situation with the taxes. I paid \$205,000.00 the last couple of weeks. Okay. I’m trying to just carry it through with the bad weather we had the last couple of years. We have a lot of pride and respect for the town. We’ve never had any violations. We take care of that place like it’s my third child and I just hope that I have some consideration here because it’s a financial impact; another variance, it’s another thousands of dollars, more reviews and it’s just unaffordable right now. So, from a business standpoint, I’d like it to be considered; it’s a temporary facility. So, who’s going to challenge a temporary facility when it’s not even going to be mounted; it’s going to be slid onto the ground. It’s going to be leveled. There is no excavation. We’ve made ADA ramps already. It’s all prepared. We had everything laid out. It’s going to have an air conditioner already installed. There’s not going to be any construction. We’re going to hook up power and we’re in business and it’s only there because we built a sports bar because we have an issue with the; unfortunately we have a very good catering business so we wanted to make sure we can chew gum and walk at the same time and the golfers were taken care of, you know, full-time in the restaurant. So we decided to spend; it’s going to cost me \$1400.00 a month for the lease, okay. We adding \$1400.00 more a month, \$10,000 in fees, the temporary facility; we want to see if it’s going to work. If it works, we’re going to put a small addition on the building so it will be part of the building. So, I just, respectfully appreciate everyone’s time, but we need to look at this from a business standpoint too.

Attorney Peck – Larry, just so we can clarify, seeing that the Board, the Board did indicate that we wouldn’t have to hire like a planner, your testimony would be sufficient for the proofs. I mean it’s a pain, we’re going to have to pay to notice, send letters out, put it in the newspaper, but other than that, you know, we’ll be back next month and do what we got to do. You know, I think the Board will be, I think, the Board will work with you.

Larry Turco – Thank you.

Member Coyle – Let me just ask this. You're saying its temporary and then just to see how it's going to go and then after that, you're going to build something else?

Larry Turco – Well, right now, what we did, is the reason why we have, we could have made it downstairs, but the flow of the operation doesn't work so it's going to be, there, all's there doing is checking in there. There's no bathrooms. They're checking in and then they're going to go play golf. It's going to be there for only two years because we plan on putting a small addition on. Okay. So the whole left side of the building is going to basically, be for golf, okay and then the right side of the building is going to be for catering and you know, for events.

Attorney Peck – And that would be the subject of a different Planning Board application. This isn't the camel's nose poking under the tent, you know,

Larry Turco – We're going to have to go for plan, but there's other things coming down the road too which you guys are aware of when I got to speak to you a few months ago so any consideration, it's just that right now the timing of this is very, very critical; it's show time right now. We had two years of very bad rain. So, if this is going to go another two months, it's really going to affect impact; it's going to have a monetary impact on my operation cause right now, I have them temporary checking in into this beautiful club house in the front. I have 200 people's weddings coming in and there's people checking in, in the breezeway. It's just not working for us right now.

Engineer Wisniewski – So, there's no pro shop currently in the club house.

Larry Turco – No. So, there's some issues. So, any consideration is greatly appreciated. Cause the location of that area is critical for the flow of the operation and the first tees right there and

Attorney Bryce – We're not taking testimony right now.

Talking over each other.

Attorney Bryce – Nothing that you said should really, is going to be considered by the Board or on the merits, it's just kind of informing the Board as to the nature of the applications.

Attorney Peck – So, I forget for a second, was there a vote (inaudible)?

Attorney Bryce – It's still a vote for completeness (inaudible) a jurisdictional issue.

Member Pryor – I'd ask, I mean is the application incomplete if it doesn't include the variance?

Attorney Bryce – Yeah, the application has to include the variance because that is an administrative issue that is simply addressed. I don't even think the plans need to be revised for that because the dimensions there; we know what we're talking about.

Member Pryor – It has to include the variance. All right.

Attorney Bryce – The only thing that would be required with the actual submission of a physical piece of paper, would be that it would have to be published in the paper and a 200 foot list would have to be requested and notice given to the surrounding property owners. It's not that large of an administrative burden. I don't know how many property owners; looking at the map

Vice-Chairman Fischbach – (Inaudible) just look at the footage from there to the street is, you're almost there. Across the street, it might just that house that's actually directly across.

Attorney Peck – Strykers' frontage goes a long way.

Engineer Wisniewski – (Inaudible) property lines, so it's a lot of

Attorney Peck – It's from the property line, not from the proposed structures.

Vice-Chairman Fischbach – No, no, I know, right, right.

Mayor Mengucci – I just don't see it as an issue. I think, I've had conversations with Mr. Turco, he has a bar in his main banquet room and that's where his golfers went. If there was a banquet there, the golfers were kind of chased away so he's seeing fit to give his golfers a place to go and have something to eat and something to drink away from the main banquet room so that he'd have a banquet in there without any interruption so, I think it is a good business move from his standpoint and, you know, quite frankly, I

Vice-Chairman Fischbach – Is that what this facility will do, that, that's what will happen in this trailer, the golfers would go there to eat and

Attorney Peck – No, there's a sport's bar that segregates the, from the weddings and

Talking over each other

Member Devos – You're not going to be selling anything; club shirts, balls

Larry Turco – There's going to be some; it's a 600 square foot building.

Member Coyle – So this is just a gathering place basically, sounds like.

Mayor Mengucci – Simply to sign in.

Attorney Bryce – Again, we're here for completeness testimony, we're just here for completeness to establish if they are going to be applying for a variance, at least cautionary to make sure that we have jurisdiction and that it is proper and then there is completeness issues that have to be addressed and then if the Board determines it complete, we'll be back for the merits.

Member Devos- Can I ask a question?

Chairman VanVliet – Certainly.

Member Devos – I’m looking at the latest taxes and they show unpaid as of 4/24 for the first quarter taxes and the sewer.

Attorney Peck – I know there’s been a substantial payment made and I believe that was sufficient under the circumstances to move forward. We did get the certification.

Attorney Bryce – Here’s what the law is when it comes to taxes paid and the Board’s jurisdiction. I actually answered this. I’m actually just going to recite what I said in an email. Our Section 243-29E4 does require the payment for an application and that’s a submission requirement for completeness. The Statute requires proof of payment for an approval of an application which is different from making an application; it’s for the approval of an application because under Lopatcong’s Ordinance, proof of payment is a completeness requirement. The applicant is allowed to seek a submission waiver which can be granted by the Board for good cause but any approval that may be issued by the Board will be strictly conditioned upon the payment of taxes before they can get any type of permit. So, it’s the Board’s prerogative whether or not to grant the submission waiver for the payment of taxes; it’s certainly within the ability of the Board to do that, but the Board’s not saying you don’t have to pay taxes; it will just be for the matter of hearing the application but any approval will be strictly conditioned upon the payment and tendering of tax payments and whatever else is required by law. So, I think that’s certainly within the Board’s ability to do and you certainly don’t want to be (inaudible) say now we’re not going to hear to just because you have to pay taxes, that can be troublesome as well, so.

Attorney Peck – We just can’t get a CO until, until we’re paid up.

Attorney Bryce – That’s correct.

Member Pryor – It’s not an insignificant amount; it’s \$242 from what I’ve seen, but the law protects us going forward.

Attorney Bryce – The resolution will protect you as well.

Member Pryor – I certainly have no objection to, you know, hearing the application, relying on the law.

Chairman VanVliet – So, it comes down to calling for a motion to approve it

Attorney Bryce – Deem it complete.

Chairman VanVliet – Deem it complete on the condition that they notice and come back for it.

Attorney Bryce – That’s right.

Chairman VanVliet – Do I hear a motion for that?

Vice-Chairman Fischbach – Motion

Member Pryor – The first motion is what? To deem it complete based on

Vice-Chairman Fischbach – Based on the

Member Pryor – a variance being required?

Chairman VanVliet – A variance needs to be

Attorney Bryce – Variance required for completeness

Chairman VanVliet – (Inaudible)

Attorney Bryce – and the waiver to the extent for submission waivers will be granted.

Member Pryor – I’m sorry one more time.

Attorney Bryce – It would be a motion to deem the application complete granting submission waivers as required with the understanding that they’re going to be proceeding to provide notice for the variance identified by the Township Planner.

Member Pryor – All right Tom, is that the motion you made?

Vice-Chairman Fischbach – That’s it.

Member Pryor – I’ll second it.

Chairman VanVliet – Beth, roll call vote please.

AYES: Members Coyle, Devos, Pryor, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Liptak.

NAYS: Member Weeks

Chairman VanVliet – Okay, that completes our New Business. We’ll be moving onto Board Business. I’m going to turn it to Mr. Ritter for the Highlands Mapping and Groundwater discharge. Will you bring us up to date on what’s going on?

Planner Ritter – Yes. If you recall, at the last meeting, we, basically, introduced the map for the municipal important Groundwater Recharge Areas. That map was reviewed by the Board. We forwarded that to Highlands for their review to determine if they agreed with our mapping. Essentially, last, toward the end of last week, we got back from them some information that said that, essentially, they agreed, but not quite and where they disagreed was one of the parcels that we were concerned about having the groundwater recharge mapping over top of, was the

municipal park at the base of the high school and they came back with a recommendation that, the whole area be incorporated into a Groundwater Recharge Area. We suggested that that was not a very good idea and that we wanted to discuss that with them further and, so, we are scheduled for a conference call. Paul is going to be involved. Adam is going to be involved for this Thursday to discuss this one item. Assuming we can get that resolved, which we probably can, we would then, basically, move for the Board's consideration, the map, the amendment of the Township Master Plan to incorporate it in to the Township plan. In addition, one of the things that the Highland has brought up and to be honest with you, I didn't recall this when we first discussed it with them, is that they also want us to consider enabling legislation which would be submitted to Council that would actually put some teeth in the regulation in the sense that it would impose the design criteria that the Highlands would like to see only within the area of the groundwater recharge. It would not apply to the whole Township, but to specific areas and my reaction to that is, if the map that we all reviewed and approved eventually ends up being the document, though it adds an additional step to this, I don't think it will really resolve anything that we did not expect. In other words, I don't think it will be infringing on things or causing difficulties that we had not perceived. If we end up getting the map fully approved, all the lands within the Township's Center Designation will not fall within this. So, it will not affect the industrial areas, the commercial areas or the residential areas that are within the town's center. So that's where we are. I'll have a better sense on Thursday where we are headed with that. They clearly understand our concerns and I'm optimistic that we'll figure some way around this thing.

Member Pryor – Mr. Chairman, can I (inaudible). The parcel that's under dispute, is that in the park, or is it on school property or both?

Planner Ritter – It's basically, well, it's the, it's, basically, the park. I don't know the exact line between the school and the park. The school, obviously, is not in and our original recommendation to them was to include all the land from the school all the way down to the highway to take it out of that. They came back and said no that's too much; we can't take it out. We then recommended that we split it. In discussions with Paul, we were going to include a certain piece in, but keep the main park area out and that's why we went back to them and they said that wasn't enough. So we're, that's why we are having to call on Thursday. I don't know where the line is exactly between the two. The intent was not to have the school or any of the Townships park area affected over there.

Member Pryor- Well, how does this affect us if we want to expand the snack bar or something like that, we encounter another layer of regulation?

Planner Ritter – Well, that's the thing we were just trying to avoid. You know, the regulation could depend on what you want to do have an impact because, obviously, it regulates disturbance

total impervious cover. On a particular case, it might be a problem. Other cases, it may not, but one of our concerns or at least mine, and I know Paul had others cause he knows some of the long term plans that the town has, is simply since it regulates disturbance, theoretically, building a ballfield, even though you are not putting any impervious cover down, doing anything, that could trigger a review.

Member Pryor – Well, here’s my concern. I think the Mayor probably shares this, we have this plan, I’m not sure when we’ll see it, but we were talking about a master plan; bringing in a park planner and doing a master plan for the park and it has needs and we don’t know what that looks like yet and I just, it’s my concern. It is a park. That’s what it’s there for.

Planner Ritter – Yes, and that’s why, and I mean I’m sure that that’s one of the reasons Paul was concerned. He knows you long term plans and also, our goal is to try to have no overlapping regulations there. Essentially, you’d be free to do what you could do under the existing Township’s zoning and the school without interference, and that’s where we hope we’ll be at, the end of Thursday.

Member Weeks – You don’t have a map of anything? I mean, I know there’s a wetland area there.

Planner Ritter – Well, we do have a map. I didn’t bring it along. Did you

Engineer Wisniewski – I printed it out, yeah.

Planner Ritter – There’s a map.

Engineer Wisniewski – I mean, this is a very small scale map but this is a map that they finally came up with. It’s, basically, everything up to the school, looks like up to the school line.

Planner Ritter – Right. The one that they proposed includes all the ballfields, everything right up to the base of the school.

Engineer Wisniewski – This is the park and I think they excluded the area around the pool probably and everything else, all the other fields up to the school property line, looks like are in it.

Planner Ritter – And, they did submit a map to us that shows the sensitivity to infiltration in that area, but that really isn’t the issue because they calculate, they supposedly have a model that averages out the infiltration and what they want so it’s spread over a whole watershed. So, it’s very hard to look at one piece of ground and have a clue what your impact is on their model.

Engineer Wisniewski – What they do, they weigh the deficit in groundwater recharge. So, if an area is lacking in recharge, they list that as a deficit area. So, it needs more recharge and then the ordinance that George referenced, we've adopted in some other municipalities require a higher groundwater recharge percentage than what's currently in the ordinance. It's their Highlands, I think it's 25% or 50% increase in the groundwater recharge you normally see under the current ordinance. The other thing that comes into play is the fact that the entire town is underlined by karst so we don't get into groundwater recharge infiltration and Highlands, frequently, and they're consistency determinations understand that and doesn't require groundwater recharge. So, we're like talking in circles because the goals of the Highlands is to increase the quality of water in the state, but in Lopatcong, specifically, they frequently grant waivers from the requirements for groundwater recharge because you'd have sink holes instead of detention basins and infiltration so again, like George said, we're going to talk to them tomorrow and see what we come up with.

Member Weeks – If you look at this map, all right, it is engulfing the pool; the field above it and the pavilion are open. It starts at the parking lot and it comes down to the ballfield; the junior field they call it, and shoots straight up for us, and then it goes all the way over to the quads all right, and goes straight on up through there. That little opening right there is where there's a privately owned home.

Planner Ritter – Yeah, in the center. The little rectangle, yeah.

Talking over each other.

Member Pryor – The other thing is, under their definition of impervious, I mean a basic infield with, you know, an infield mixture would be impervious.

Planner Ritter – Almost anything that impedes the inflow, yes.

Engineer Wisniewski – And, it also regulates the disturbance. So, your thresholds are a lot lower.

Member Pryor – The other thing is, where's the logic; where the high school's ballfields are excluded and our ballfields are included.

Planner Ritter – Well, the logic there was simply anything that was developed is excluded. So, I mean, bottom line is they were there before they did the study, therefore, they went around the whole thing and the other thing they did, which in some sense probably made sense, is their tendency was to incorporate parkland and preserved land as protection area because their thought

is, is well nothing's going to happen there, very little. It just happens that in this case they want to put the major Township park under this jurisdiction.

Member Pryor – Well, that's faulty logic. I mean parks, you know trails get developed. I mean it happens all the time. George, you hear our concerns.

Planner Ritter – Yes, and I know your concerns and that's, the map that we had put together, essentially, the one that went up there, they agreed to everything in the map except this park piece is what they came back with and so, that's where we are.

Member Weeks – That's our future, our town, as it grows, that's what people are going to go. It just locked us, it said stagnate. That's how important that park is to the public.

Planner Ritter – No, I understand. It's your best park facility. So, everybody knows that and so does the Highlands, so, we'll see what comes about on Thursday, tomorrow.

Chairman VanVliet – So, we're aware of it.

Planner Ritter – So as I said, Paul's in there so he'll bring his understanding of what's going on and where the property lines are cause Paul gave us the original map of what should be excluded and we even excluded more in the original submission.

Member Pryor – George, the other thought I had, we, if I recall, we were deeded a substantial amount of acreage north of Scenic Ridge; roughly half that property. Is that in this Preservation Area or can we swap that for something or, Adam you know what I'm talking about.

Engineer Wisniewski – I'm not entirely sure.

Member Pryor – It goes way back to when we did the land swap to make this park happen and Scenic Ridge had a large parcel and they developed half of it, deeded the other half to the Township.

Planner Ritter – I'm not sure. I'll have to look at the map. I'm not sure exactly, on this scale, it's really hard to see, but the pink is the area

Engineer Wisniewski – They probably identified those preserved, if there were some preserved open space and they probably included those.

Member Weeks – You can see it there. You can see the land, even between the developments, goes up to the cul-de-sac and it goes up to another cul-de-sac. You can see the runs.

Member Pryor – Yeah, the problem is I don't think we ever designated it as anything. It was just deeded to us and it sits there. So, nobody

Engineer Wisniewski – It wasn't ever, there's no conservation easement on it.

Member Pryor – No, no there's not, so I would object to that too if we have to swap it for something.

Engineer Wisniewski – Municipal parcels include municipal parcels in it.

Planner Ritter – As part of this study, the first part of this study, we went back and identified all the preserved lands, all the parks in town, updated all their maps for developed parcels. They got that as part of this study before they generated this map.

Member Pryor – Dig your heels in George.

Planner Ritter – Well no, we understand exactly and then we made it very clear when we sent back the map and said no, we have to find a solution to this. We, and, obviously, Paul and Adam, we all know what the town wants up there, so, we'll find a solution that keeps that open.

Chairman VanVliet – Any further discussion o the subject. Seeing none, we can move on to. We want to remind the Board members that your Financial Disclosure filing is due by the 30th of April. It doesn't give you much more time if you haven't filed yet. You file on line with that, you can go directly to

Secretary Dilts- You can stop in the office and we can assist you.

Chairman VanVliet – Okay. Public Comment; John, do you have anything.

Member Devos – I do, under public comment. Tonight, when I was driving here, I noticed that our Lopatcong Convenience Store is closing and there's a big sign up; it's going to be an "In and Out Burger" and I was wondering how that would affect zoning, building permits, whatever, changing it from a convenience store to a fast food drive through.

Mayor Mengucci – I don't think that's the intent of that, I believe the gentleman that was there before, that moved down to the current Lopatcong Convenience Store, is going back up there May 1st. That's what I've heard.

Comments from various Board members.

Engineer Wisniewski – I haven't heard of an application.

Chairman VanVliet – Shall we entertain a motion to adjourn.

Motion to adjourn the meeting by Vice-Chairman Fischbach, seconded by Member Weeks.

Respectfully submitted,

Margaret B. Dilts
Secretary