

TOWNSHIP OF LOPATCONG
Planning Board Meeting
7:00 pm

May 22, 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.

A 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 Clymer, 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 April 24, 2019. Motion by Vice-Chairman Fischbach, seconded by Member Pryor. All in favor.

Architects Golf Club – Block 95, Lot 21 - Completeness and hearing.

Attorney Peck – Good evening Mr. Chairman. For the record, my name is Mark Peck. I am an attorney with the Florio, Perrucci, Steinhardt and Cappelli law firm here on behalf of the applicant Lawrence Turco otherwise, Architects Golf Club. This application concerns property located at 700 Strykers Road which is Lot 29 in Block 95. It’s approximately 177 acre tract in the R 3/2 Zone District. There is unfinished business from last month. It was determined by the Board that a “C” Variance was necessary. Went ahead and noticed for that for a public hearing but still need to be deemed complete. We did discuss a number of submission waivers last time. We did submit revised plans dated April 22nd of this year and those were revised in accordance with the engineers review comments so I ask you to deem this application complete and let us move forward to a hearing on this Site Plan and Variance Application.

Chairman VanVliet – Very good. We’ll have public comment later during the hearing. Adam, do you have any comments?

Engineer Wisniewski – Yes. I think prior to the last, as the last hearing was beginning, I received those revised plans the same time and I looked at them at that time in preparation for

deeming the application or discussing the completeness of the application and I think everything was addressed at that time. I believe there was also a waiver request showing existing structures within 200 feet of the site and we were supportive of that waiver request since this improvement only proposed on a small area of a very large tract. So, in general, we're supportive of deeming the application complete.

Chairman VanVliet – George, do you have any comments?

Planner Ritter – Not as it relates to completeness, no, they're fine.

Chairman VanVliet – Mr. Bryce.

Attorney Bryce – I have no comments.

Chairman VanVliet – The Board have any questions?

Member Pryor – Well as I recall, was Tom's motion actually deeming it complete, making that a condition. He's fulfilled the condition so do we need a second motion or

Attorney Bryce – Yeah, you have to give it

Chairman VanVliet – Any further questions from the Board?

Member Devos – Taxes – I understand they're still not paid.

Attorney Peck – I was advised that a check was mailed either Friday or Monday to satisfy the balance. I don't know if that was received yet.

Secretary Dilts – No, it has not.

Member Pryor – I'm sorry, yes or no

Secretary Dilts – No.

Member Pryor – No. As I recall the discussion last month and Mr. Bryce can elaborate on this, we are protected by both the law and we informally agreed to include a condition in any approval and he would not get a CO until that is done

Attorney Bryce – That is correct.

Member Pryor – and I believe, you know, informally, that was the intent to follow that direction.

Chairman VanVliet – We'll make that a condition.

Attorney Bryce – Yeah, the law is such that it's appropriate for a board to condition any approval upon the payment of taxes. It doesn't preclude the Board from exercising its jurisdiction to hear the application with that condition understood. It's still the Board's decision whether to do that

or not and waive it for a submission purposes. That is the recommended practice in the land use law because it will provide protection for the municipality that ultimately the approval will only be as good as the payment of the taxes prior to actually undertaking the construction.

Member Pryor – I generally think it is a good practice to follow the recommended practice as explained by counsel, so I would make a motion we deem it complete.

Chairman VanVliet – Deem is complete. I got a motion and a second.

Member Weeks – No, no second.

Member VanVliet – Do I hear a second?

Member Devos – I just have a question of Mr. Bryce is as you just said that before construction was undertaken, we could deem it complete without the taxes being paid but from what I can see, constructions already taken place.

Attorney Bryce – That is a separate issue.

Attorney Peck – We'll provide some testimony on, as to that.

Attorney Bryce – I understand there's been some onsite activity that necessarily hasn't been approved at this point in time. That is a bit outside the Board's jurisdiction at this point. The zoning officer has, I believe, he's also the construction code official and has issued a stop work order. There's the Construction Board of Appeals, the municipal courts that exercise that jurisdiction. If there is an appeal, that determination can come before the Zoning Board but not this Board. This Board's jurisdiction is limited to the application before it. Certainly the Board notes that there has been some activity on site, but it's hopeful that the action, the Board may ratify that action to try and clean that up. That's presumably what the Board may or may not do. The taxes are a separate issue. The taxes are a condition of your completeness, checklist. You have the ability to waive the taxes being paid as a submission waiver. It doesn't mean that you are waiving the payment of taxes. It just means that that's going to be a condition of approval before they can undertake any further work on the property or get a lawful permit to undertake that work that they're going to have those taxes paid and that's going to be at that stage of the process. The authority suggests that it is appropriate for a board at this point in time to actually waive the submission requirement understanding that it is within your discretion to do so, so that the Board can actually move forward to hear the application on the merits.

Member Week – Is that a standard, is that a standard that we waiver our own set to go to the state? Is there a standard or reasoning of something we would base that off of to waiver ours. Like we can go higher than the state, but we're coming down to the state. Is there a waiver that we would allow that as a reason?

Attorney Bryce – It's like any submission waiver. It's context dependent upon the application but none the less, it is a submission. It is a submission requirement for all land use applications but it's just like any type of requirement for submission, it can be waived for the submission only but not, not ultimately for payment. It's only for deeming the application complete, so, the Board can hear the application with the understanding that there will be a condition that any approval that comes from the Board is going to be conditioned upon the payment of those taxes. The standard that the Board is really generally held to is arbitrary and capricious. So, there has to be a good reason or large tract record of nonpayment or concerns of violations that are ongoing that the Board may ultimately say, well, we don't want to exercise jurisdiction to hear it because we've been down this road before and the applicant has proven not responsive to all of these other municipal concerns. I don't know if that's

Member Weeks – I agree with what you're saying, but I was trying to find a standard of when we follow ours and when we follow the state's. That's what I was trying to get at.

Attorney Bryce- Well, it is yours. It's, there's, it is your Checklist requirement.

Chairman VanVliet – It is the Township's Checklist requirement.

Member Weeks – Okay.

Chairman VanVliet – I have a motion before the Board. Do I hear a second?

Member Pryor – I don't know who made the motion.

Chairman VanVliet – You did.

Vice-Chairman Fischbach – And could you repeat your motion. This way I know what it is.

Member Pryor – I may need some help from Jim. I move that we deem the application complete subject to payment of all taxes and any approval that we may vote on will be conditioned upon payment of taxes and the applicant will not receive the C/O until taxes are paid including any interest in accordance with the law. How does that sound.

Chairman VanVliet – Okay.

Secretary Dilts – Does that include the permit too? When they draw the permit.

Member Pyro – It's all permits too. Right. Any permits.

Chairman VanVliet – Okay. We'll include that. Do I hear a second?

Vice-Chairman Fischbach – Second.

Chairman VanVliet – Beth, roll call please.

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

NAYS: Devos, Weeks

Attorney Peck – Thank you very much. So, I'll move forward with the public hearing on the application. Again, I represent Architects Golf Club and Lawrence Turco seeking Minor Site Plan approval with "C" or Bulk Variance relief to install a modular 640 square foot, 32/20 pro shop and again, the property is 177 acre parcel located in your Residential 3/2 Zone District. The property is currently used as a golf club which is a Conditional Use in the district. The proposed pro shop is an Accessory Use to the golf club. The Board had previously determined that we need this variance from the provisions of Section 243-66C2d because the proposed pro shop would be located 166.9 feet from the roadway and club house facilities are required to be set back 400 feet from the street. The zoning, I would note, though that the zoning ordinance does permit golfing facilities, maintenance structures and other structures to be located a minimum of 75 feet from the roadway. It's a very straight forward application. As I acknowledged before, we did revise the plans; they were last revised April 22nd 2019. Copies were provided to the Board. You can see its 640 square foot located at the edge of the parking lot almost 167 square feet from Strykers Road. It is tied in by a sidewalk to the parking lot and the club house. Some pertinent zoning information for the R3/2 Zone that is the only variance that we will require is that setback variance within the minimum lot size for a golf course in the zone district is 150 acres. We exceed that at almost 177. The building height in the zone district is 35 feet or 2 ½ stories. The proposed pro shop will be 9 feet tall. Parking spaces – 150 required for a golf course in this zone district. There were 200 spaces with the installation of this pro shop there'll still be 197. So we still have an excess of 47 spaces. With that in mind, I would like to call my one and only witness, Lawrence Turco, Jr, who can provide a lot of his testimony, will be redundant to what you heard last month, but since this is actually the public hearing, I figured we ought to put it on again. So, Mr. Turco.

Attorney Bryce – Just raise your right hand. Do you swear and affirm that the testimony you are about to give the Board is the truth, the whole truth and nothing but the truth?

Lawrence Turco – Yes.

Attorney Bryce – Please state your name and spell it.

Lawrence Turco – It's Lawrence Turco – L-a-w-r-e-n-c-e. Last name is T-u-r-c-o.

Attorney Bryce – Thank you.

Attorney Peck – Mr. Turco, are you affiliated with the Architect's Golf Club?

Lawrence Turco – Yes.

Attorney Bryce – And, in what capacity?

Lawrence Turco – My father and my uncle are partners and I have been running the facility for about a year.

Attorney Peck – And, can you explain to the Board why you need this modular pro shop?

Lawrence Turco – Sure. So, we did some renovations over the winter months to convert our existing pro shop to a bar and grill because we were realizing we were having some difficulty with hosting people for food and beverage that were golfing and then having an event at the same time. So, we basically felt like this was a better use of the space. It was kind large for a pro shop, kind of had a lot of wasted space in there so we converted it to that and the whole thought process was that we're then going to put this unit, you know, out closer to the cart/barn area which would make more sense for logistical, for running the business because you are closer to the carts and it is a lot smaller than what we originally had for the pro shop and building.

Attorney Peck – And, having these different uses in the club house, so you have the main floor is primarily now like the catering?

Lawrence Turco – It's all pretty much food and beverage, yeah.

Attorney Peck – The thing you have below where you have the pro shop that's now a bar and grill to serve the golfers.

Lawrence Turco – So that's, it was all on the first floor.

Attorney Peck – Okay and then, so then you are going to have the pro shop outside in this modular building.

Lawrence Turco – Correct.

Attorney Peck – Are all three of those elements really necessary to keep the golf course competitive in the market?

Lawrence Turco – Yes, because I've been, you know, running it out of the front vestibule for the past couple of months and it's been kind of challenging, but we've been making it work because you know, we know we got to do what we got to do here with you guys, do the right thing, but having it in that area that's a lot closer to where all the staging is done and when the guests are

arriving; it just kind of makes more sense too for the flow and I think it's going to be a better flow for the golfers too when they come.

Attorney Peck – And, what exactly will this pro shop be used for?

Lawrence Turco – Yeah, so we would sell very little merchandise; you know, balls, tees, gloves, most of it is checking in of the players when they come to pay for their round of golf. I would say the average person is probably in there for 30 seconds; maybe 45 seconds. They are literally in, they check in and they walk out the door. That's always how it's been when it was in the building. That's how I anticipate it to be in this new building. It's rather quick the transaction.

Attorney Peck – And, how many employees would be inside the building at any given time?

Lawrence Turco – I would say at most three employees. That's like on a busy Saturday.

Attorney Peck – And, what hours would the pro shop be operating?

Lawrence Turco – During the peak of the season, it opens at 5:00 in the morning and it closes at 7 pm. That's usually what our pro shop hours are.

Attorney Peck – Seven days a week?

Lawrence Turco – Seven days a week.

Attorney Peck – Is it a seasonal operation or would this operate 365 days a year?

Lawrence Turco – So, it is seasonal based upon the weather, so typically yes, we shut down, you know, when it is snow covered or extremely cold.

Attorney Peck – Okay. I guess that's it unless the Board has any further questions.

Member Pryor – I do. I have a question for Mr. Peck and maybe he can help Mr. Turco out a little bit. You're going for flexible "C" are you not?

Attorney Peck – We are.

Member Pryor – And, one of the things you have to do is demonstrate how this supports the Municipal Land Use Law; the goals that the Municipal Land Use will tell you and I heard how it's going to make golf operation more efficient. That's not one of the 15 goals that I'm aware of. So, can you help us out with that?

Attorney Peck – Well it is and I was going to get to that; the proofs, the positive and negative criteria for the C-2 Variance but if you have any other operational questions first because that kind of was my summary Mr. Pryor.

Member Pryor – I'll wait.

Attorney Peck – So, if there's any, you know,

Chairman VanVliet – Based on testimony given at the last meeting we had here that you, it was indicated that that building will only be remaining there for 24 months or so.

Lawrence Turco – Correct.

Chairman VanVliet – Are you going to plan to relocating it or building some other facility or

Lawrence Turco – We're hopeful that we're going to see the benefit of the changes that we made with the building.

Chairman VanVliet – Because I would probably want to make a condition of approval on this on the Site Plan approval that the building doesn't remain more than 24 months.

Attorney Peck – What we would ask in that condition, cause it is, there's a 24 month lease on the building but the pro shop is, you know, it's dependent on their plans, on how things work and I know they have some other plans; they're in a very embryonic stage right now, but we would ask that if there is a limitation, 24 months, that we would be permitted, you know, as we get close to end of that 24 months if they determine that they might want to keep it there for another year or they're still weighing their options, that we could come back to the Board to modify that condition, but certainly we wouldn't object to having a limitation put in place.

Chairman VanVliet – I can agree to that.

Vice-Chairman Fischbach – Any bathrooms in this trailer, in this pro shop?

Lawrence Turco – No.

Vice-Chairman Fischbach – They'll use the main building bathroom facilities?

Lawrence Turco – Yep. The same facilities that they have been using for the 18 years we've been open for; club house has been there since 2007 so.

Member Devos – You're not going to sell any golf equipment in it, in the pro shop?

Lawrence Turco – We don't sell much golf equipment at all. You know, most of the stuff we sell in the pro shop is a shirt with our logo on it because people might want to take a shirt home. On the fly, if they don't have their balls or they need like a glove or something, but that's really it. Since I've been running the facility the past eight years, we used to have a golf person load with clubs and equipment and it doesn't work. We don't do that anymore. We have very, very little; couple putters, couple wedges and if someone wants a full set of clubs, we usually direct them to Dick's or one of the big box stores because we can't compete with them.

Member Devos- Okay.

Attorney Peck – But there would, just so we're clear, there would be golf merchandise for sale there.

Lawrence Turco – Oh yeah, yeah, yeah. Very small amounts.

Attorney Peck – But it's not (inaudible). Just what golfers would need for that day?

Lawrence Turco – Correct. Correct.

Chairman VanVliet – Any further questions? George-

Planner Ritter – I have one. In terms of identification of the trailer, is there, there was nothing in any of the submissions and I assume this is the case; you are not intending to put any signage on the trailer or any signs up or anything like that?

Lawrence Turco – No. No because it's in a spot where it's pretty obvious when the golfer pulls up, it will be right on the left and then the club house is right on the right. So, it would be a steady flow of people going in and out, so, they would know exactly where to go.

Attorney Peck – If it is determined down the road if some sort of directional signage or identification is needed, of course, we'd apply for the necessary permit.

Lawrence Turco – Right.

Attorney Peck – But right now there is nothing (inaudible).

Chairman VanVliet – Okay. Before this witness leaves, does the public have any questions of this witness? Yes Ma'am. Please stand up and

Judy Reed – I'm Judy Reed and I live at 860 Strykers Road and

Member Pryor – Can you come up to the mic please?

Judy Reed – Well, I wanted to just point out this says DeVal Golf Course – I live there right opposite that development. When I bought our little tiny brick house, there's four little brick houses right there – 1,2,3,4 and the golf course built a very large maintenance shed right there, right behind these four homes which is huge, made of metal, ugly, it's all right. I don't mind, I'm very happy to live next door to a golf course. I was delighted to look out and see the golf course. I was concerned, and the reason I came was that this pro shop would be in that same area because I would really have checked the lot, so, I do not object to this plan because it's not in my view, however, while I'm here I do want to mention that I wrote a letter to the golf course six months after I moved into our little brick house asking if they could plant some trees or bushes and put a fence up between the back of my property which is grass and the ugly shed which has eight giant machines out in the grass instead of these big collectors and lowers, I don't know what they are, they're ancient and have been there for a long time. They are never used and they are never moved. They are just out here lying in the grass and they're never used by the maintenance people, they go in the shed and take out their stuff and then drive around and that's great; they don't bother me although they start at 6:00, that's fine. I did object to the view of the ugly machinery lying in the grass and, you know, what I mean. The neighbors who lived there prior to my moving there did complain here about this big maintenance shed being so close to their homes because it really is ugly, but I'm still happy I live near a golf course and it's better than a development of 89 condos so I'm really not complaining because I see that your pro shop is right on the circle and it's a beautiful golf course. I'm delighted to live on Strykers Road. I just wanted to make sure they're not going to put it in my back yard. Thank you for listening.

Attorney Bryce – Ma'am just because you did provide some testimony, could you just raise your hand. Do you swear and affirm that the testimony that you just gave was the truth and the whole truth.

Judy Reed – What I said, was foolish but true.

Attorney Bryce- And, you did ask some questions in there. I think there was some questions about screening and possibly maybe

Lawrence Turco – We can figure something out for her. You know, we're not trying

Judy Reed- Two lilac bushes.

Lawrence Turco – Which house is it?

Judy Reed – We’re in the flat land right in front of the shed. One over from

Lawrence Turco – There’s some trees there. So, it’s the next one.

Judy Reed – You know where those ten pine trees are on the real little hill, there’s a beautifully little pasture between them and me, that’s why I don’t want you to build there, that’s where

Lawrence Turco – Okay. Yeah, we can figure something out.

Judy Reed – They take, I like you and I love the golf course. It’s beautifully maintained. The maintenance men, they’re very meticulous about keeping the property right up to the back of my property, well maintained except for those pieces of what they are, nobody knows. Anyway thank you for everything.

Attorney Bryce- And, just to confirm for the record, the answer to the other question, the proposed structure is not where

Lawrence Turco – No.

Member Pryor – You should be pleased that there’s testimony that someone likes you.

Lawrence Turco – You know we’re not trying to

Member Pryor – It’s hard to get into the (inaudible). You always wheel and deal on variances and it’s your testimony that you make a bonafide effort to address her.

Laurence Turco – Absolutely.

Chairman VanVliet – Is there any further questions to be asked? Okay. Hearing none, we’ll close the public portion for this

Laurence Turco – Thank you.

Attorney Peck – Okay thank you and that concludes any testimony we’re going to put on but to address Mr. Pryor’s question before and really to tie in the proofs for why we believe the Board should grant the variance, we are seeking a C-2 otherwise known as a flexible “C” or a benefits

versus burdens variance. These variances can be granted when the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance in this case, allowing the facility to be 166.9 feet from the roadway instead of 400 feet and the benefit to that deviation from the zoning ordinance requirements would outweigh any detriment. So, breaking that down, we have to meet the positive criteria and the negative criteria. As far as the positive criteria goes, I believe this meets purpose “G” under NJSA 40:55D-2 and that purpose is to provide sufficient space and appropriate locations for a variety of uses including recreational and commercial and open space to meet the needs of all New Jersey citizens and what this variance will do, this variance will allow this pro shop to be constructed and it will allow the golf course to remain viable which will present again, you know, so Lopatcong not only would have, you know, it’s industrial along the Strykers corridor, but it would also have the golf course which although it’s not technically open space, it really acts as open space. You have 170 plus acres of undeveloped land, you know, so again, I think that this does help maintain an appropriate variety of uses within the Township and then, of course, there’s purpose “A” which is the catch all promotes the general health, safety and welfare and you could argue that having, you know, a golf course use which is a very clean use that presents recreational and also cultural and social opportunities for Township and regional residents that those both advance the positive criteria and then as far as the negative criteria goes, granting this variance I think is clear the only testimony we’ve heard from the public has been supportive and positive. It will not cause a substantial detriment to the public good and it will not substantially impair the intent and purpose of the zone plan and the zoning ordinance. Here we are looking for a variance to permit a 640 square foot structure almost 167 feet from the roadway. If this were not deemed to be a club house facility that has to be 400 feet from the roadway and where instead deemed to be golfing facility or a maintenance facility, it could be 75 feet from the roadway. So this is more than double the way back from where you know a maintenance structure could be the offending maintenance structure that was complained of this evening. So, really, there’s, you know, I can’t see any detriment to the public or to the zone plan or zone scheme; it’s certainly not substantial if there is any so I believe that we have met, we presented sufficient proofs to justify the granting of this variance so I thank the Board for its consideration and request that you grant the relief that we seek.

Chairman VanVliet – Open question would be perfectly clear is that fact that this variance will only affect that building.

Attorney Peck – Correct.

Chairman VanVliet – You can’t just say that we have a variance and we can bring another trailer in.

Attorney Peck – No, absolutely. It's just specific to our 32X20 pro shop that it would be located precisely where the plans show to be located and nothing else.

Chairman VanVliet –Okay. Thank you.

Attorney Peck- Thank you.

Chairman VanVliet – Any further questions?

Engineer Wisniewski – I would like to clarify one item of Mr. Peck's testimony. I believe the previous, I'm trying to find it here. I have the plan in my file. Of course it's bound in here, sorry. I got it. The previous plan prepared showed the (inaudible) at 66.9 feet to the right-of-way and I think the second revision that was submitted to the Board at the last hearing, our meeting, was just revised that they more accurately located the property line in relation to Strykers Road and just to clarify the variance, it's actually 158 feet plus or minus shown on the current plan.

Attorney Peck – It more than doubled.

Engineer Wisniewski – Not being unsupportive, but being an engineer and detail

Attorney Peck – I'm glad and I'm particularly glad you didn't find it was like 60 feet.

Engineer Wisniewski – No, no it's fine.

Member Pryor – One last time, it's how far, how far is the setback?

Engineer Wisniewski – Curb plan is 158 feet from the Strykers right-of-way.

Attorney Peck- Thank you.

Chairman VanVliet – George

Planner Ritter – If the Board decides to approve this this evening, I would ask that the applicant just provide pictures of it to be incorporated into the approval so that you have a record of what was put out there. Just pictures of the current

Attorney Peck – Okay. We have the ones that were drawn on the computer but you want actual photographs.

Planner Ritter – I didn't, I haven't seen the ones

Attorney Peck – I can distribute those.

Planner Ritter – All I'm saying for the record is, just so the town has a record of what the trailer is, it ought to be included. That's all I'm asking.

Attorney Peck – Okay.

Planner Ritter – And pictures might do a thousand, you know, that would be fine, just pictures of the building.

Attorney Peck – Well, if you like me to mark these as Exhibit A-1, those are not photographs but those are renderings of what the building

Planner Ritter – Looking at these, I think they're wonderful but just sketches. A set of pictures included

Attorney Peck - We can drop off a set of photos or at least email.

Engineer Wisniewski – I stopped and took some photos this evening to report at the hearing so I can distribute those by email as well if anyone would like to see it or they can take a ride up there.

Mayor Mengucci – Let me say this more as a statement than as your mayor and my vision for this Township it really has nothing to do with anything that went on here tonight. Obviously, we have to follow the laws and what not and the Turco's have seemed willing to do that. The tax situation needs to be straightened out and that's first and foremost, however, in light of Berry Plastics, in light of the asphalt plant, whether you like it or not, in light of Precast willing to put some things on, in light of St. Luke's occupying the strip mall on Strykers Road which actually forced some of those tenants to go across and fill the other strip mall so the business is starting to build. Ingersoll is going. True we've all been to the view on Morgan Hill, I know I have, not to mention your competition, but that is a beautiful facility up there where you can go and eat. I think what the Turco's tried to do out there was to obviously gather more money from their golfers by opening this bar. I've been in there. It seems like a nice place for people to gather. You're open till 9:30 during the week; 10:30 on the weekends which isn't unreasonable for a bar type facility but I would like us, you know, inspire all this and stuff, to get out there and support this business if we can, if you need a burger or want to go to dinner whatever, to more promote our Township and that's really my focus. Not to allow people just to put up something that, that, you know, obviously we all have to follow the rules. I've seen that thing that they put up there. I don't know that anybody can see it from their homes where it is at, so, again, it is more of a

speech than it is anything else but that's my vision and I'm sure I speak for Mr. Pryor and the rest of the Council that's really what we're trying to promote there. So, it is a beautiful facility and I understand the golfers are probably a little bit sheepish if there was an event going on to go to their bar so they kind of captured, well they have plenty of parking out there, it's not a, it's a manicured open space facility so follow the rules, pay the taxes and I'm sure that most of us in this Township again, the corny people helping people community will get behind you and do what we can for you.

Member Pryor – I would like to just make a disclosure in the interest of openness. I was a member at Architects for a number of years. I think initially five and then I stopped and then I came back for two years. I am not a member now. I don't anticipate being a member again not because I don't enjoy golf, but between my knees and my hip unless I make a remarkable recovery someday, I think my golfing days are gone so, I feel I can vote on this without prejudice.

Attorney Bryce – Yeah, you're not currently a member.

Member Pryor – No, nor pending.

Chairman VanVliet – Shall we have a separate vote on the variance?

Attorney Bryce – You can do it all as one.

Chairman VanVliet – All as one. So, preliminary approval of the Site Plan.

Attorney Bryce – That's right. Technically, this is an application for amended Preliminary and Final Site Plan approval with Variance relief for the 158.

Chairman VanVliet – Okay.

Member Weeks – I'd like to

Chairman VanVliet – Do we have anything more about the Site Plan or if the Checklist that we would have with it.

Engineer Wisniewski – No, we've listed some recommended conditions of approval and really it pertains to just having, you know, final inspection of the site done prior to a C/O being issued and obviously that is conditioned on taxes which is going to be a condition that the Board is going to be imposing and that you know, we recommend it even though parking is fine, we recommend that there might be the ability to restripe some of the spaces not to lose as many. So

you guys can see if that is a possibility. It might be nice to maintain, you know, as many spaces as you can and that really was the only

Attorney Peck – And we have no objection. Any of the conditions in the Maser, April 17, 2019 letter.

Chairman VanVliet – George, anything?

Planner Ritter – No I'm comfortable with the application as submitted and if they include a few pictures just for the record in the application and with the stipulation that at least as of this submission, there is no signage involved, I'm very comfortable with it.

Chairman VanVliet – Do you agree to that?

Attorney Peck – Yep, absolutely.

Member Weeks – I'd like to, kind of address this a little bit. Just to let you know that I'm very happy you're there. All right. I want you to know that. All right, it's just that, so what we voted, what I voted no on, okay, I'd like to see you survive, thrive, all right, everything else so, you know what I mean. I need that to be known out there, not that you know what I mean, I just want to see what Jim said needs to happen. All right, that's all I'm trying to get at. All right, so, all right.

Chairman VanVliet – Okay, so, lacking any more comments, I'll entertain a motion to grant the variance, the "C" Variance to reduce the setback also I would like to impose the taxes on that, that nothing goes forward until we have payment of taxes in full.

Attorney Peck – Hopefully, as of tomorrow, that is not an issue.

Chairman VanVliet – Okay.

Attorney Peck – I'm told the check is in the mail, so.

Chairman VanVliet – Okay and I'd also like to impose the 24 month proposal with the provision that you can come back and ask for an extension any time before the Board.

Attorney Peck – Great.

Chairman VanVliet – We just don't want to see it get away from us having the trailer sitting out there deteriorating which they tend to do after a while, so if you are in agreement with that, that

Member Pryor – On the last condition, I'd like to see them as proposed, they would improve the screening as discussed behind the maintenance garage.

Chairman VanVliet – I don't know can we do that with this one or

Member Pryor – Well, I think you can wheel and deal on a variance for just about anything so, we got a commitment, it was testified, the lady testified and I think we got an agreement, so

Attorney Bryce – I only know of arborvitae, that's the only thing that I can say

Member Pryor – That may not work, I'm looking for a bonafide effort to screen that

Attorney Peck – Yeah, they'll go out and take

Chairman VanVliet – Without imposing (inaudible).

Attorney Peck – We want to keep the neighbors happy.

Chairman VanVliet – Can you get together with her and see if you can remove the rest of the equipment

Lawrence Turco – I'll knock on her door.

Chairman VanVliet – Okay. See what she, you know, if it is not unreasonable, work it out.

Secretary Dilts – And to mimic what Joe said, payment of any fees include the permits for the building.

Charmin VanVliet – Okay. I thought we had included that in, so. That's it. I'll entertain a motion.

Vice-Chairman Fischbach – I'll make a motion.

Mayor Mengucci – Second.

Roll call vote:

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

NAYS: None

Attorney Peck – Thank you very much everybody. Good night.

Chairman VanVliet – Good Luck. Is there any public comment? Anything else to do with the Planning Board? I'd like to ask the question of the Board members, has everybody submitted their financial statement to the DCA.

Secretary Dilts – The whole town is complete for the first time.

Attorney Bryce – Just for the new members for education requirements. If anybody needs any direction as to that, just feel free to see me.

Engineer Wisniewski – Talking about courses, there is also a requirement by the NJDEP requires Planning and Zoning Board members, new members, watch the presentation that we gave last year. I could send the information to Beth and she can distribute it by email to everyone and we can create some kind of affidavit or something that new members, new members can sign off and give it to Jim that you officially watched it and the town could be compliant with their stormwater permit from state as well. So, I'll distribute that by email.

Chairman VanVliet – Okay. Anything else?

Member Pryor – Yeah, I did have one question Mr. Chairman, it is for George. If I recall correctly, you had a meeting coming with the Highlands subsequent to our last meeting.

Planner Ritter – Yes.

Member Pryor – Could you brief us real quick?

Planner Ritter – Yes. Basically, the Highlands in reviewing the map that we sent back to them came back and said that we exceeded basically, the groundwater standards. In other words, then we had to remove, we had to put more properties back in to the critical ground water recharge areas to comply with their 40% infiltration rates and their area that they specifically focused on was the town park area up by the school which just happens to be based on their model, a high infiltration area. Between the Highlands and Paul, I think we've worked out a solution to that in terms of what properties are in and what are out that still allows the town to have the park available, not the whole park, but the park available, all the usable portions. They were going to put that back in their model and let us know. We're still waiting. I haven't heard back whether they finally set the map is finished or not. Also, what we are doing right now, is preparing the amendment to the Master Plan in order to adopt that; that's the written section. It is not that long; it's five or six pages but as soon as we get the map, I'll submit it up to the Board for you to look at and start to think about because in there, is the implementing language for changes in the

stormwater regulations in town which will eventually have to be adopted by Council in terms of those changes. So, we're working on it but we do not have an approved map back from the Highlands yet.

Member Pryor – Thank you George.

Chairman VanVliet – In conjunction with that George, I received a copy in the mail from the Highlands indicating that there was additional grant money available for that purpose.

Planner Ritter – We did a request for a grant. It is our impression that it will be approved and that these studies associated with this mapping is going to be covered in a grant by the Highlands. We haven't gotten any official word back but we did submit a budget and they've indicated it was acceptable. Obviously they have to run it through their end but I think we are on our way to basically that the town will not have to pay for this exercise.

Chairman VanVliet – Very good. Thank you. Anything else, if not I'll entertain a motion to adjourn the meeting.

Vice-Chairman Fischbach – Motion.

Mayor Mengucci – Second.

Chairman VanVliet – All in favor, none opposed, no abstentions.

Respectfully submitted,

Margaret B. Dilts
Secretary