

TOWNSHIP OF LOPATCONG  
Planning Board Meeting  
7:00 pm

June 26, 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 Coyle, Devos, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Liptak. Also present was Attorney Bryce.

**Old Business:**

**Minutes** – Approve minutes of May 22, 2019. Motion by Mayor Mengucci, seconded by Member Weeks. All in favor.

**Resolution - Architect’s Golf Club – Block 95, Lot 21** – Motion to adopt by Member Weeks, seconded by Member Coyle. Roll call vote:

AYES: Members Coyle, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Liptak

NAYS: Member Devos

**Samson Enterprises, LLC – Block 95, Lot 11.03** – Chairman VanVliet stated the application would not be heard and they requested their notice be carried.

Attorney Bryce – We are not going to be carrying the notice Mr. Chairman. They are going to re-notice the application, I believe, for the August meeting.

Chairman VanVliet – I don’t know if you are here for that application or not, but that’s where we stand. We won’t be hearing anything tonight. Okay. Thank you. That’s about the business. I’m looking at public comment now. If you have any comments you’d like to make about anything? Okay.

Bill Kowalchuk – Well, my comments would be about the property.

Chairman VanVliet – Okay, well you'll have that opportunity when both parties are here. The way it will work is, they'll present their case and then you can put whatever evidence forward that you feel they shouldn't have this or something like that; whatever it would be so whenever that meeting is, and it will probably be August, it could even be later than that, so

Bill Kowalchuk – Should I stand up? I just have one question.

Chairman VanVliet – Certainly. Come on up and introduce yourself.

Bill Kowalchuk – My name is Bill Kowalchuk, 1286 Strykers Road; Block 95, Lot 11.08. My question really is, is everyone under the same understanding with the zoning of an ROM property. Per the Township's, and I know this isn't the Zoning Board, but the zoning for that property, for an ROM property to develop on that, is a minimum of 15 acres. That property is only 5.6 acres.

Chairman VanVliet – That ROM has been revised, it is only required to have 5 acres.

Bill Kowalchuk – And that's on zoning?

Chairman VanVliet – On zoning? That was revised

Bill Kowalchuk – When was that revised because I've been asking everybody and their brother when, if that zoning was revised and everybody tells me it was not revised. There's two stipulations for properties on ROM in this Township; one is listed as 15 acres and a solar panel park is listed as 20 acres minimum. This is why that property's never been developed. I even approached it back in 2005 about purchasing that. The zoning officer told me I could not do it because it had to be on a minimum of 5 acres. There was a resolution that was presented by the Zoning Board that basically said the best possible use for that property was residential. They had awarded a variance for that property for two residential homes and then the other half of that property to be preserved. That was back in 2007. That went through the court. Judge Coyle even ruled in favor of the Zoning Board.

Chairman VanVliet – I'll have to defer to our attorney

Bill Kowalchuk – I mean I have a copy of the resolution. It's from Lopatcong Township. It's a Resolution No. 07-02. I just don't know if all this information is out. I just feel this guy is putting the cart before the horse. I'd like to see where the zoning was changed but I guess I'll have to go to the zoning in July and find that out.

Attorney Bryce – The Zoning Board wouldn't be the ones that would change the zoning. That's usually done at the governing body level. The Council is in charge of, actually, enacting that. The Section 243- Attachment, in 2012 there was some preceding amendments to that in 2006 and 2012. It does indicate that the ROM Research, Office and Manufacturing minimum lot acreage is 5 acres. So, that may have come out of a Master Plan Re-examination Report but there was a change. So, as to what was actually in the book and it is 5 acres.

Bill Kowalchuk – So, may I ask; the residents that border that why were they not notified?

Attorney Bryce – They may have been. I wasn't here at the time.

Bill Kowalchuk – I'm one of the residents.

Attorney Bryce – Okay. If it was a change that was recommended in a Master Plan Re-examination Report, you would not have received notice

Chairman VanVliet – You wouldn't be notified.

Attorney Bryce – because that is considered the public notice for any type of zone change so any type of enacting ordinances that are adopted pursuant to recommended changes in a Master Plan Re-examination, would not necessarily trigger requirements for advanced notice under the Municipal Land Use Law.

Bill Kowalchuk – So, the resolution from 2007 has no bearing whatsoever on (inaudible).

Attorney Bryce – That's not really before the Board at this point in time, so I don't want to comment as to that. I can tell you as a general principle, people are allowed to do, regardless of whatever prior approvals may have been granted or not, whether they were perfected or not, they don't necessarily have to move on those types of approvals. They can seek other types of uses and development that is otherwise authorized under the ordinance regardless of prior approvals. The ordinance does permit certain types of development.

Bill Kowalchuk – All right. Thank you.

Chairman VanVliet – You're quite welcome. Would you like to comment on something? I see the gentleman in the back.

Forrest Zohn - 220 Belview Road. I have had a lot of contact with the applicant and I actually will leave my comments and everything else like that until he does appear. I guess which will be soon?

Attorney Bryce – It's most likely going to be August. We're not carrying notice. You will be re-noticed for the hearing.

Forrest Zohn – Okay.

Attorney Bryce – So, you're going to get (inaudible).

Forrest Zohn – He is not, he is not zoned for what he's looking to do. So, if you are saying he is zoned for what he is doing, he is not zoned for what he's looking to do.

Chairman VanVliet – That's a determination that will have to be made.

Forrest Zohn – That's correct and I thank you for your time.

Chairman VanVliet – Okay. The Board have any other comments? Jim, anything else we should go over?

Attorney Bryce – Mr. Chairman, I don't have any other business.

Chairman VanVliet – Okay. I'll entertain a motion to adjourn.

Member Devos – So moved.

Member Weeks – Second.

Chairman VanVliet – All those in favor? All in favor.

Respectfully submitted,

Margaret B. Dilts  
Planning Board Secretary