

TOWNSHIP OF LOPATCONG  
Planning Board Meeting  
7:00 pm

July 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.

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

**Old Business:**

**Minutes** – Approve minutes of June 26, 2019. Motion by Member Steinhardt, seconded by Member Clymer. All in favor. Member Pryor, Steinhardt, Fischbach Abstained.

**Precast Manufacturing Co. – Block 100, Lot 6.02 –**

Chairman VanVliet – Completeness and hearing. Is the applicant here?

Attorney Edleston – Good evening Mr. Chairman and members of the Board. Bill Edleston representing the applicant this evening. We have one witness which is our Engineer Robert Zederbaum. This is an application for Preliminary and Final Site Plan approval in connection with the 725 foot addition for Precast’s Office and Manufacturing Facility together with a construction of ten additional off-street parking spaces. I think the purpose of ease in presenting this application, and since we do have reports from both the engineering and planning departments, I would just like to have Mr. Zederbaum sworn and he can address comments in connection with those reports and perhaps then we can expedite the application that way.

Chairman VanVliet – Absolutely. Please rise and come to the podium.

Attorney Bryce – Raise you right hand please. Do you solemnly firm or swear and affirm that the testimony you about to give is the truth, the whole truth and nothing but the truth?

Robert Zederbaum - I do.

Attorney Bryce – Okay. Please spell your last name for the record.

Robert Zederbaum – Z-e-d-e-r-b-a-u-m.

Attorney Bryce – Thank you very much.

Attorney Edleston – Bob, have you ever been qualified as an expert in the field of civil engineering by this Board?

Robert Zederbaum – Yeah.

Attorney Edleston – Okay. Would, Counsel would you like to hear Mr. Zederbaum’s qualifications for the record or Mr. Chairman?

Chairman VanVliet – Is it necessary? I don’t think so. We’ve heard it before, I recognize him.

Attorney Edleston – Thank you.

Chairman VanVliet – He’s recognized as an expert witness.

Attorney Edleston – Okay Bob, do you want to give an overview of this application and then we can get into the professionals reports.

Robert Zederbaum – Sure. I have some drawings we can put up on the board if you like, but this is a very simple application tonight. We’ve got a piece of property which has been the subject of various site plans for the last 20 years or so. It has had variances that provided on that with regard to impervious coverage, for instance, and the landscape buffer and all we want to do is add between 725 and 750 square feet of building to the end of what is out there to make it a little bit easier for the employees. He is not planning on hiring anybody. Right now, the guys are sitting two to an office and these officers are about the size of the table here. I mean they are small. So, you figure with the 750 feet, he can get four small offices than at least it would give people their own little space versus being doubled up. We have submitted a full site plan which I thought was fairly complete. Both of your professionals had some comments which we took care of numerous comments on them but they still have some additional concerns. Basically, nothing of any consequence and outside a couple items, I do want to discuss with the Board, we’ll take care of whatever, you know, your engineer and your planner wants and I said there are a couple items I do want to discuss with the Board to see if any agreement was made or not that these items need to be done or not.

Member Pryor – Mr. Zederbaum and Mr. Edleston maybe before you go, do you have an exhibit you can put in front of us here and face it to us so we can see it and invite Mr. Betz to maybe move up so you can see it as well, since you are the only one here.

Attorney Edleston – I would say for the record if you could, you know, identify what that is that's on the easel and then perhaps mark it as A-1 with today's date and your initials?

Robert Zederbaum – Sure. This is Sheet 4 of 5 of the drawings that were submitted with the Precast package that came down to the Board. This is the whole Precast site which is located on Strykers Road. I think everybody is very familiar with this site and this application tonight is little piece right here, a building. That's all we're talking about. Everything else exists. This is the structure for Precast that got some out buildings for construction and a lot of the rest of the area is strictly product that they have manufactured and waiting for delivery and as part of the application, we did look at the number of employees and even though we don't have a parking situation on site, we did not make the ordinance requirements for parking so we did add in two additional areas which increases the parking to meet the ordinance requirements. This used to meet the requirements, but as I said, I think your ordinance changed from the time we originally constructed the first phase of the site plan which again, goes 15/20 years I guess at this point.

Attorney Edleston – Bob, can you identify what variances are necessitated by the site plan application?

Robert Zederbaum – Well, the one variance that we had been given prior that had been the variance for impervious coverage, and what we did was, we, whatever area we were constructing here, we removed blacktop from alternate sites so that we make the impervious coverage based upon what had been approved, so, we do not need a variance for that. We also had received a variance years ago for reducing the landscape buffer along the property line and, you know, we're maintaining that. What we're doing is really not, it doesn't require any additional landscaping as part of the package and that's something we'll discuss when we get to the engineer and planner's reports. Now the required variances; the, we had originally received a variance to construct the building closer to Strykers Road but there's a little notch here and we decided that it would look better if we actually constructed the addition even with the building that's out there so we do need a variance for the, it's about a five foot variance to allow us to construct this even with the front of the building. The landscape buffer, we provided a buffer between the building and the adjacent property line and because of how we're constructing this, a variance is needed for that distance to the property line; to the driveway, basically, next door. Then we got a waiver, we asked for a waiver with regard to providing the landscaping plan. Again, based upon the fact that we're constructing a very, very, almost an insignificant portion of the building, we didn't feel that needing to buffer it was a terribly important, so, have asked for a waiver on that. Now, I know your planner has some comments with regard to that, in fact that is one of the things I do want to discuss with the Board because, you know, if, if you go along with him then we'll plant it. If you go along with me, we won't; it's as simple as that, but as I said, based upon what we're doing, I don't, I really don't see where we're actually landscaping here.

Chairman VanVliet – Well, what bothers me is that since you're a conditional approval in this zone and you've been determined that you're grandfathered in on what you have there already,

but you are now planning to expand on what you have there already, so, normally, if we grandfather something it's fine, however, we don't allow you to expand your building or your footprint or anything like that so.

Robert Zederbaum – Well again, you know, if you want the findings, we'll find them.

Chairman VanVliet – I'm not talking the findings. I'm talking the actual building you're going to put on there and what are you going to do with the storm water?

Robert Zederbaum- Well, again, we do not meet the requirements for any kind of storm water management. We're less than the required square foot area of the disturbance. The impervious coverage is less than is required by the state, so and your ordinance so

Chairman VanVliet – I understand that you are grandfathered in on that. I have no objection to that. My point is, we have a whole new storm water management system in the Township and the Highlands has enforced it on us. We are kind of committed to them and to use the best practices of storm water retention on your property. I noticed on your original plans that you had anticipated to put the storm water into a dry well of some kind and you realize you are in a karst area here, so, we don't usually allow injection into it unless it's (inaudible) going out so what's your proposal to satisfy that?

Robert Zederbaum – Well, again, you know, it's our contention that based upon what we are proposing here, that nothing is needed and I believe

Chairman VanVliet – But you don't have a storm water management plan

Robert Zederbaum – No.

Chairman VanVliet – up-to-date

Robert Zederbaum – No.

Chairman VanVliet – for the entire site.

Robert Zederbaum – No. Well, again, we have, we have the plan that originally took care of the property. There's an underground system located in this area here and then there's a basin that's located back here and that was pretty much covering the site that was built out to date. Now if it doesn't take care of the 725 square foot additional building that we're putting in, but because we're taking away black top in the, the difference that you have on runoff is negligible because as I said, we're actually slightly less in impervious coverage than we are presently which is really what my whole point is that we're not changing anything on site per se. If you want some kind of storm water management, again, you know, we can give you, we can give you a below ground system. I know you don't particularly like them, you know, we can put something in that's a

Chairman VanVliet – Well, it would be something that we could review and bring us up to standards. I mean all of your approvals are pre Highlands.

Robert Zederbaum – Well, again, we did, we also did apply to the town to get an exemption on the Highlands and by the way,

Chairman VanVliet – That doesn't take care of our commitment to using best practices here.

Member Steinhardt – So, they meet prior storm water management requirements that they were grandfathered into, but they do not meet today's best practices.

Chairman VanVliet- Correct.

Member Steinhardt – So, if they're going to add an extension on, doesn't that mean that this site will be required to meet today's?

Chairman VanVliet – That's the point I'm trying to get to.

Member Steinhardt – It's altering the, yeah, okay. So, if you alter the site in any way, it kind of, you were in fact grandfathered in, but the site with the extension, hasn't been grandfathered in because it is different, so, therefore, you are required to meet today's practices cause it is no longer the same site.

Robert Zederbaum – For the addition or the whole site?

Member Steinhardt – Well, when you add the addition

Robert Zederbaum – Right.

Member Steinhardt – That had not been grandfathered in because it's not part of the site that has been, so, if the old site met the standards, prior standards that had been grandfathered in, once you add the addition, it changes the dynamic of the structure and therefore, the practice is

Robert Zederbaum – So, you want this for the whole site?

Member Steinhardt – that that doesn't meet today's standards.

Engineer Wisniewski – Chairman, if I could chime in.

Chairman VanVliet – Yes

Engineer Wisniewski – In our technical review letter I mentioned, you know, that there was a dry well proposed on the site plan prepared and dated, last revised April 17<sup>th</sup>, so I had mentioned, obviously, to Mr. Zederbaum, obviously, in a karst area you do not want to do a dry well and I think maybe the intention of the thought there, putting that on the plan and submitting it to the Board, was addressing, specifically, the area of increased impervious. In addition to offsetting

the increase by removing some gravel storage area on the property which is also shown on Sheet 4 of 5, you know, as far as providing a BMP of best management practice, you know, if the Board is so inclined, I would recommend, rather than a dry well which could cause a sink hole in one year as we've seen on some sites or in ten years as we've seen on other sites, provide some type of lined bio retention or vegetative swale or something along those lines that would address the increased runoff from the increase impervious with the new building. You know, I don't think this, based on our current ordinance, and that's been approved by the Highlands, you know, if this was a major development; one acre of impervious or a quarter acre of increase, I'm sorry, one acre of disturbance or a quarter acre of increase in impervious, then the entire site or the entire development would have to meet the current standard, but, you know, it wouldn't be beyond the Board's, obviously, ability and Jim can correct me on that if I'm wrong, but since they are asking for a variance to require them to address the increase in impervious on the site, related to the building with the current BMP, that would be accepted by Highlands or DEP. That would be my recommendation.

Member Pryor – I wanted to ask you to expand on that a bit. In the Highlands Ordinance, they're classified as a potential major contaminate site, correct?

Engineer Wisniewski – Probably, yeah

Member Pryor – Yeah, and there's a list, and asphalt, concrete plants, you know, and those folks, when they come in, as I understand it, for land development application, have to employ best management practices and that goes beyond drainage. It's all kinds of things and that's my question, to what extent does this apply?

Engineer Wisniewski – See, I don't know, that's a, if the site as it exists currently, I'm not aware, and I've haven't reviewed myself the existing storm water management on the site, so, I don't know if they address water quality; they might not or if they only addressed peak runoff rates in volume leaving the site. So, specifically, probably the Highlands

Member Pryor – Well, best management practices is the, has all kinds of things

Engineer Wisniewski – Right

Member Pryor – Yeah, so

Engineer Wisniewski – Yeah, and the Highlands concern is mostly water quality; addressing contaminants, addressing the quality of water leaving the site. So, that I'm unaware, and I haven't reviewed anything prior as part of prior approvals.

Chairman VanVliet – One of my concerns is that we have granted them relief on impervious cover, but now they have probably more impervious cover than what we'd ever allow. I hesitate to come in and exercise that. I mean we were close to 85/87% impervious coverage, you know, so, where does the water go, how is it managed now, which addition, and it's this little addition,

it's that little addition; whatever else they want. They're relocating parking facilities. Are they putting in curb and drainage in for that to contain the water off the parking lot runoff?

Engineer Wisniewski – Which is, yeah, that's not currently proposed which is one of my comments that some of the parking areas that are proposed be curbed to address some of those concerns but, you know, absent having the old storm water design or having a revised design or some type of report prepared for the entire site, I couldn't say how they are addressing current standards.

Planner Ritter – Well, I have one thing, while we are all on the same subject, I was going to wait until they got it in my letter, but when this originally started, there was, along with the application, came, of course, the existing conditions plan which showed the extent of impervious cover. At the request of the Township engineers office that plan was updated and submitted. When you overlay the two plans, at least from my humble, overlaying it appears that some of the areas that were grass being the original submission has since been graveled to the tune of about 1400 square feet and the question that I raise is that the applicant has indicated that based on his first submission, the original plan was that he was not going to increase the impervious cover over that which was there today. My question is, what's today in the plan because, technically, speaking, just my looking at the difference in the two plans is somehow increased by 1400 square feet without any improvements just by doing a new survey, so, that's one of the questions I had and the applicant can address that. Maybe I'm missing something, but it appears that between the original survey that was submitted with this and the new survey about 1400 square feet of green space disappeared between the two plans before any of the improvements that are being proposed here. So, I don't know if you can address that cause it's in my letter; it's one of the questions I raised and that effects the amount of impervious cover on the site but more than that, it still may comply cause we've granted variances for very high amounts but the applicant has indicated he's not increasing it over what was in the plan he submitted to us. That's the only point I'm trying to make.

Chairman VanVliet – I'm still concerned about the participation of the increase in runoff that we're going to have here

Planner Ritter – So, have you had a chance to compare those two plans because one of the things in my letter is also that all the calculations need to be updated, but has that been looked at?

Robert Zederbaum – Yeah, the surveyor who did the new survey, basically, told us that we meet the requirements that were laid out as far as the variance ten years ago or whatever and again, we can get him to

Planner Ritter – I'm not saying you didn't, I guess what I'm saying is I'm not saying that when you calculate all the impervious cover, though I haven't seen that calculation, that you still don't comply. What I'm saying is, though it appears that about 1400 square foot grass area is

under gravel today, that wasn't on the plan that was submitted. I'm asking; was that area changed from when it was approved to today? That's the only questions I have.

Robert Zederbaum – I do not believe so, and again, the original base amount that was submitted, you know, we didn't give you a full survey and we didn't feel that based upon the insignificant part of this application we didn't feel that an updated survey was needed, so, we took the mapping that had been available from the previous applications. The trick is, applications which were three/four put it together for a base, whether that was, you know, exactly, you know, what was approved, I can't say. What I can say is that, you know, if the surveyor went out there and located literally every point of the property and, you know, he can, he can put a table on showing what the impervious coverage is and, you know, based on buildings and black top and gravel, etc. Other than that, I don't know.

Member Pryor – I'm not really hearing testimony here. I'm hearing a lot of I believe, and I think and who knows and I don't know

Chairman VanVliet – Exactly.

Member Pryor – I mean the last thing I heard was they weren't increasing impervious.

Planner Ritter – Well, that's my question is that basically what was submitted is fine. What they submitted is fine and they showed how they're going to change it. When they submitted the new survey though, it appears that we got an extra 1400 square feet of gravel that isn't on their original submitted plan and my question is there is what happened but also more importantly the applicant is indicated that what was on that first plan he wasn't going to increase. So, if the calculations are right, there's 1400 more square feet of asphalt or gravel I should say, out there then what was proposed is out there. That's the only point I'm trying to make.

Chairman VanVliet – You want to continue with your

Attorney Edleston – I was going to say, maybe we can continue and we know that this is an issue that we've got to be resolved and get some current baseline information for the Board to make an informed decision. There are other issues too, so, I don't know if, George, would it be appropriate to go through you at this point in time?

Planner Ritter – Well, that's fine if we're to that point. Essentially, my report turned on, well, in terms of things that I would like to see the applicant address, is some landscaping. The applicant has received variances to reduce the buffer that went from 25 feet to 15 feet at least based on his own plans, there's small gaps in the buffer and one of the gaps occurs right in an area where he intends to add some new parking into the space and my letter recommends he remove the excess gravel from that area and that he place, he plant the buffer back in, in the gap. It would probably require the planting of three trees to fill the gap and I can go up to show you where it's at. The other thing is, is that the Township is always required that if you have parking in the front yard,



even when we grant relief, we ask it to be screened and I had asked the applicant if he'd consider infilling. If you go out there and drive by, he does have shrubs in front of his parking, but they're widely spaced and there's big gaps and my question was is are you willing to go back and just put some shrubs between what you have to just fill in the landscaping in front of the parking lot. Again, it's probably a total of 10/12 shrubs will probably fill the whole thing and there was another area in the landscaping out there which when you drive by the property as you're going back into town on Strykers Road, there's an area of the property where there's a retaining wall that comes out to the front where they have various storage items and everything pushed out in front and there's no room for a buffer. The retaining wall fills the whole area and what I was asking was is whether or not the applicant was willing to at least, right at the base of that wall, and on the corner of the wall, could just put in a few plants to screen it. Just to give us a little bit of a screen in that area and the final thing, is that the one place that has never been landscaped is, even if we accept the idea of a 15 foot buffer, is the piece right opposite where the addition's going to go that currently has all air conditioning units, the propane tanks and whether or not they'd be willing to do a little landscaping in that area to just sort of soften things and do it. Those are three areas that I'm asking that they consider doing some minor landscaping and I guess that's what the applicant doesn't want to do, but that's my recommendations on that. The other aspect is really bringing the plan into conformance and again, these are minor, this I consider to be fairly minor. The architectural plans don't match the engineering plan for the side of the addition. In other words, they have different dimensions, so, I assume we get the right dimensions on the site plan at one point and get that in that place but, again, and my other concern was the difference between the two plans and that's when we started talking about between what was originally submitted to the Board and the new survey. If I'm right in what I observed, the applicant is held out that whatever they are doing there is going to be offset by removal which is fine. That concept is fine. The only thing that concerns me is that all of a sudden we've got 1400 more square feet of pavement that was never in the calculations from the beginning and I guess my questions to the applicant is are you going to take 1400 square foot of pavement off the plan to balance it back to where the one you submitted is. That's really what I'm trying to get at because the site is heavily paved. I mean there is no doubt about it and those are my basic comments. Primarily, landscaping the variances, he's extending the building along the same line that exists, so that other than filling a little bit of open space, he hasn't reduced the separation between the building and the street. That's not a, in my mind, significant variance to be considered but, again, it leans toward can we get a little bit of landscaping to soften and get that worked in a little better into the neighborhood and it is something that we require of all the applicants that have come in today.

Member Weeks – I think it's a little different all right, cause I come into that parking lot, all right, to get certain things and here's the issue that I've had every time I've come down into that area. Those open voids that you're talking about, are very important to us, all right, because you come down, you come into that parking space right here at the bottom of , you know what I mean, the parking spot, I have to look before I go out onto Strykers Road to see if there is a

parking spot. I'm coming in there with a mason dump, okay. I have to find that parking spot. If I don't, if I can't see in there, I have to drive that whole entire thing and don't know if there is a parking spot and then back out. It is kind of unsafe.

Planner Ritter – His parking doesn't work?

Member Weeks – The visual is the important part, is what I am trying to get at, you know, what I mean from that side of the fence. I do agree with around the tanks and the other areas that you are referring to and I also agree with the impervious, you know, sections and stuff, but I don't know if that's the best way of looking at it from that side of the fence. It doesn't have an in and out, you know, what I mean like a lot of parking lots have or a turnaround; it's a straight in or a back out, you know, so in a car, yeah, well, I don't have a backup window. I have two mirrors and hopefully, nobody's getting out of their car, you know, so that's just my

Planner Ritter – Well, it's a fair observation. Is that because you can't, that's the only place for visitors to park?

Member Weeks – That's correct. That was what I was referring to leaving that section here below that parking lot as a place for us to park or you know what I mean, guest visitors, you know, make it a visitor section instead of me having to get in where your employees are, you know what I mean.

Robert Zederbaum – Actually, what we were thinking, truthfully, is parking in the rear; make that employee parking, so, they can't basically cover up the front and leave the front for visitors and people coming into purchase, etc. I think that will make things a lot easier then, as I said, having the employees park out front. If you're lucky, you get a spot.

Member Weeks – Like the other day, I pulled in there to get some grates and stuff I had to park right by your front porch, you know, and nobody else could get out until I got out.

Planner Ritter – I think what the applicant is suggesting is good, as if he has employees in there move them to the back and open some up for customer parking.

Member Weeks – If he is going to do that, I'm okay with bushes but bushes are a visual

Planner Ritter – Yeah, it's a good point. I think that's my report. I mean most of the other comments are minor; it's trying to get the plan consistent with the architecture and that kind of thing.

Member Steinhardt - I have a question. So, the current buffer is 25 feet, so, they're asking for a variance to increase it to 15.

Planner Ritter – No, they have received a variance to do 15 foot buffers.

Member Steinhardt – Okay.

Member Pryor – I'm sorry, how many variances do they need to

Planner Ritter – They need a front yard variance cause they're expanding the building along the front

Member Pryor – Okay and it's being expanded along the line of the existing building?

Planner Ritter – Along the line of the existing building and one of the things that happened in getting the new survey, is the building, originally on the original survey, was at an angle to the road, so, as you expanded it, it actually reduced the front yard. The new survey now shows the building parallel to the right-of-way, so, that the expansion isn't changing the depth. I'll take the survey's word for it, that's where it is.

Member Pryor – That's the only variance right now?

Planner Ritter – That's the only variance that they must have and then there is a variance if you extend the 15 foot buffer from where it ends today on the sideline to where the addition is up to Strykers Road there's no buffer in there and so what we were saying is that's where you ought to think about doing some landscaping and working in that 15 foot area because it was never planted before and so there is technically a variance for that little strip that's in there; it can't be more than 50/60 feet is my guess, maybe a little more, maybe 80 feet, it's not a lot up that sideline is where the variances are involved and as I say, the variance for the building doesn't really change really anything other than taking some more open space out of the front yard.

Chairman VanVliet – Have you completed your presentation?

Attorney Edleston – I think so. I just wanted to see if the engineer had any additional comments because I think that I'm going to request that this matter be continued, obviously, in light of the issue of the storm water retention issue.

Chairman VanVliet – Okay. Would you like to review his

Engineer Wisniewski – Mr. Zederbaum indicated that he would, you know, that the applicant's willing to address our comments, really our technical comments centered on, you know, plan agreement like George mentioned between architectural and the site plans. Also touched on just providing additional detail really it's for constructability than anything addressing requirements for curbing along the parking lot per the ordinance and whether, you know, if they would be amenable to providing that

Robert Zederbaum – On the curbing.

Engineer Wisniewski – and these are things that we would discuss, they would get waivers, if they were design waivers

Robert Zederbaum – What we would like to do instead of curbing is use wheel stops. We manufacture concrete wheel stops. We'd like to build the curbing out of that for those parking spaces.

Engineer Wisniewski – Just provide wheel stops at each space.

Robert Zederbaum – Yeah.

Engineer Wisniewski – That could be something that, you know, the Board could waive as a design waiver of course. The other things, you know, we recommended as far as improving water quality on the site, you know, in areas are able to be reduced in impervious to provide grass, also in line with George's comments, as well, so, specifically, in the area of the six space parking expansion, you know, if that area where to be curbed or provided with wheel stops to eliminate some of the gravel or asphalt there whatever coverage is there currently and provide, you know, additional lawn or landscaping areas which would help the water quality, quality of water leaving the site and then you know, a lot of our comments again, where it's specified to grading of the parking areas just to make sure, you know, typically parking areas are designed at 5% or less and some of those areas are a little bit steeper than that, so, just a little grading detail on the plans and, then again, the dry well that was shown on the plans here, you know, recommended to provide some other form of storm water management for the roof leaders coming off of the building rather than dry well because of the karst topography of the site and finally, there's a natural gas service extension shown from the, I guess, asphalt plant's driveway, so, there'd be some sort of easement necessary probably from that driveway there to provide a connection onto the site to serve the existing office building. So, that would have to be added to the plans and all these things would be added in a future submission either through resolution of compliance or through a future submission for and again, construction details, and then finally, just two items we suggested testimony provided on the adequacy of the existing septic system and whether

Robert Zederbaum – Well, that's got to go to the Board of Health.

Engineer Wisniewski – Yeah, just, you know, an assurance or confirmation be providing to assist the modification application for the increased office space and locker room space that's being added to the structure. Other than that, the system will be modified as necessary based on the Health Department's review and then, finally, regarding lighting, their waiver was approximately and whether just to provide testimony that the existing and proposed parking expansion would be adequately lit for safety on the site. Those parking spaces in the back aren't going to be in pitch black. So, just to touch on those items.

Member Pryor – I got a couple of questions on your list there if I can Mr. Chairman.

Chairman VanVliet – Certainly.

Member Pryor – I think the suggestion about, I don't want to get involved with moving parking, but I mean a requirement to provide so many visitor spaces, you know, in the front, I think is within our purview and that makes sense. I'd ask if they satisfy the ADA requirements for parking.

Engineer Wisniewski – That would be, is it one space?

Member Pryor – Yeah, it's both the numbers of spaces and the layout. I think that you might want to peak at that.

Engineer Wisniewski – That would mean, you know, we need to see some additional grading information for those areas cause the topographic plan doesn't provide adequate detail for us to review that. So, maybe that's something you can provide and demonstrate.

Member Pryor – And then, on the curbing versus wheel stops, the curbing is actually a drainage structure as well so I defer to you whether that's needed or the wheel stops would be

Engineer Wisniewski – Well, the wheel stops could work in that they would retain stopped vehicles from leaving the pavement.

Member Pryor – But they don't stop water.

Engineer Wisniewski – It doesn't stop water, but if you were to create a lawn, landscaped area, that would capture that water

Member Pryor – I'm going to defer to you on that but

Engineer Wisniewski – Yeah, there's different strategies for addressing storm water runoff and the water quality.

Member Pryor – But we should know what it is.

Engineer Wisniewski – Sure. Currently, the plan doesn't show anything so.

Member Pryor – I think George's comments on the landscaping make a lot of sense if we want to leave, I don't know whether the visitor parking would offset Brian's concerns.

Member Weeks – I think it would.

Member Pryor – It would, yeah, so, maybe that's the solution if we had some visitor parking; I agree with what George is saying.

Robert Zederbaum – One last question on the drainage. When we look at the drainage, are we looking at it as some kind of system to handle the increase impervious coverage or are we looking to bring the entire site up to present condition?

Chairman VanVliet – I would at least like to have a storm water management plan put into effect that would indicate that you're coming up into the current specifications for

Robert Zederbaum – For the whole site.

Chairman VanVliet – Especially because you have so much impervious cover here. I mean we granted the variances, no doubt about that. I'm not questioning that you can have that much impervious coverage but also it comes with the responsibility is what are you going to do with the water from the impervious coverage and if we're moving parking spaces, you need to provide some kind of water management there; maybe some drainage structures or something like that. I'm sure there readily available there. The, you know, how's it working to the plan and where's the water going to go.

Engineer Wisniewski – Well, that's what, you know, additional grading information was necessary for proposed parking expansions even as small as they are just to know how it's going to drain, where it's going to go. With regards to the existing site and how it's addressing current water quality standards, again, I'm not certain. I guess there's some sub-surface systems on the site but I don't know if there's any kind of in-line water quality treatments units; I wouldn't think so.

Robert Zederbaum – Most of the site is handled by the detention basins located in the, well as you're standing on the road looking towards the rear, it's the back left hand corner. There's an area there which is for detention, but

Engineer Wisniewski – It's underground. I mean there's no real basin. I haven't been at the site, the back of the site so I don't really know

Robert Zederbaum – The one in the back is, you have the underground basin in the front and then you've got the above ground basin in the back, but I don't believe any of them were built for water quality.

Engineer Wisniewski – Probably not.

Robert Zederbaum – You know, they were strictly

Engineer Wisniewski – If this was approved back in 2004, then that's prior to storm water regulations begin enacted.

Robert Zederbaum – Again, we were held on some much impervious coverage, doing water quality now would be a tough

Chairman VanVliet – I understand that.

Robert Zederbaum – Yeah.

Chairman VanVliet – We are under a lot of pressure with what we do in this Township as far as storm water is concerned.

Member Pryor – I have a suggestion. I would ask Adam and George to, we don't have it in front of us, the Highlands Land Development Ordinance, maybe you can peak at that and give us your interpretation. There is no doubt it classifies it as a major, potentially hazardous site.

Planner Ritter – That it is

Member Pryor – It is and they set requirements for that. I'd like to hear the interpretation

Chairman VanVliet – (Inaudible) and regulations on a major pollution source designation that they required to be brought up to current standards of what we have to do; best practices.

Planner Ritter – I'm going to defer. I'm not 100% sure that you have to bring an existing system up but

Member Pryor – I'll just ask you to look at it and contact Jim if you have to.

Chairman VanVliet – That's fine if he was grandfathered in and remains the same. We can't force him. He's making changes to his footprint.

Vice-Chairman Fischbach – What does that do to the Highlands and the best practices?

Chairman VanVliet – Well, exactly. I mean that was under the designation

Vice-Chairman Fischbach – Was it enough of a change that it matters or is it a small enough change where it doesn't? That's my question.

Member Pryor – You know that's why I'd like to hear from the three professionals actually.

Chairman VanVliet – We went several preaching best management practices, so, were not just going to let it go.

Robert Zederbaum – So, you guys going to do a storm report on whether we're required to bring the site up to snuff or not?

Engineer Wisniewski – We'll review the requirements. This is the first request we've had, obviously, because it's the first concrete plant we've seen or that I've seen right now, but yeah we can look at that see what requirements that the Highlands might have, what would apply in this case.

Chairman VanVliet – But that still does not relieve us of the responsibility as the Planning Board.

Engineer Wisniewski – As part of our review and our letter, you know, there was an application provided by the applicant for a waiver from the requirement for a Consistency Determination in that they were not increasing impervious surfaces by less than, greater than a quarter acre. So, that kind of relieved them from the requirement of applying to the Highland's for Consistency Determination based on the fact that they're only increasing their impervious surface or intending to negate the increase so not increasing the impervious surface at all. That's there intent. So, under that case, our initial view of this was that they weren't going to have to go to the Highland's and get their Consistency and their standards applied.

Member Pryor – I was going to say George do you remember when we were discussing the Master Plan how much effort and time we devoted to this discussion?

Planner Ritter – Yes, and there's and since we're on that subject, municipally important groundwater recharge regulations that we started talking about and then dropped into the background because the Highland's was doing their thing, that will amend the municipal stormwater regulations if this Board and the Council agrees and goes through with it and there is clearly in that amendment, the issues you are talking about, but it hasn't been adopted by anybody at this stage. It has best management practices, it has major polluters, it has the whole thing in there, but that hasn't formally even come before you because we haven't been able to get the materials out of the Highland's. I think we have now and so that will be discussed hopefully next month we will be able to get copies to everybody and discuss it.

Member Pryor – Well, I'm just asking that you refresh yourself on all this stuff and then we'll hear a recommendation but, hopefully, there will be a consensus there. Mr. Chairman is that fair?

Chairman VanVliet – Evidently fair, I think. Mr. Edleston are you going to make a proposal

Attorney Edleston – We ask for a continuance of the application Mr. Chairman to next month's meeting. If we would need more time, I will let Beth know and we also would consent to the time by which the Board has to make a decision until we're back before you again.

Attorney Bryce – It would just be a motion to continue with no further notice.

Planning Board Secretary – Don't we have to deem the application complete; it was incomplete back in April.

Engineer Wisniewski – Yeah, I kind of skipped over that.

Member Pryor – My only question, before the resolution comes up, if we're going to deem it complete, it's based complete on what survey?

Chairman VanVliet – Well, I think we should, whether we need a continuance or just

Member Pryor – No harm in a continuance, right?



Attorney Bryce – No, there’s absolutely no harm to it and you’ve heard the, the completeness is really more of a scheduling and time keeping function. Certainly Counsel has indicated that time is being extended regardless and the Board regardless of whatever is on the Checklist can always require further information that it requires to make an informed decision on any application, so, you could deem it complete, non-the-less you’ve gone into the merits of the application at this point in time. The continuance certainly wouldn’t hurt anyone

Member Pryor – I don’t think it would either, so, that would be my proposal as per Mr. Edleston’s proposal.

Chairman VanVliet – Any further questions. Do you need a motion on this? Do I hear a motion to grant the continuance?

Member Pryor – I’ll make that motion.

Vice-Chairman Fischbach – Second.

Chairman VanVliet – Because they would have to re-notice. Okay.

Member Pryor – Again, I defer to our attorney.

Attorney Bryce – Yeah, that’s completely appropriate.

Member Pryor – And, that’s fine. That’s fine with me.

Chairman VanVliet – I have a motion and second. Roll call Beth, please.

AYES: Members Clymer, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet, Steinhardt, Liptak.

NAYS: None

Attorney Bryce – And, for the public anyone that wishes to continue further participation in this matter, it will be continued, the hearing will be continued next month.

Chairman VanVliet – Continuing on, we’ve got to the point where we ask for public comment. John, do you have anything?

John Betz – (Inaudible).

Member Pryor – The footprint of the building too, which I’d like reconciled. Yeah, there’s a couple of things John that have to be straightened out.

Chairman VanVliet - Other than that, any further comment from the Board members? I’ll entertain a motion to adjourn.

Vice-Chairman Fischbach – Motion

Member Pryor – Second.

Chairman VanVliet – All those in favor – opposed, abstentions. We're done.

Respectfully submitted,

Margaret B. Dilts

Planning Board Secretary