

TOWNSHIP OF LOPATCONG  
Planning Board  
Reorganization and Regular Meeting

January 23, 2019

Chairman VanVliet called the Planning Board Meeting to order. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey.

Prayer was offered followed by the Oath of Allegiance

Adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Clymer, Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet and Alternate Liptak. Also present was Attorney Ruitenberg, Engineer Sterbenz and Planner Ritter.

**Swear in** Members: Attorney Ruitenberg swore in the following members:

Class I – Mayor Mengucci  
Class II – Brian Weeks  
Class III – Joseph Pryor  
Class IV – Earl Clymer  
                  Anne Coyle  
Alternate No. 2 – Zach Liptak

**Election of Officers:**

**Nomination for Chairman:**

Member Pryor nominated Garrett VanVliet, seconded by Member Devos. No other nominations made.

Roll call vote:

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

NAYS: None

**Nomination for Vice-Chair:**

Member Pryor nominated Tom Fischbach, seconded by Mayor Mengucci. No other nominations made.

Roll call vote:

AYES: Members Clymer, Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman

Fischbach, Chairman VanVliet, Alternate Liptak.  
NAYS: None

Nomination for Secretary:

Member Devos nominated Beth Dilts, seconded by Chairman VanVliet. No other nominations made.

AYES: Members Clymer, Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Liptak.  
NAYS: None

**Resolution No. 19-01 – Annual Meeting Calendar.**

R 19-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY ADOPTING THE ANNUAL MEETING CALENDAR FOR THE  
PLANNING BOARD 2019 MEETINGS

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year.

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township **Planning Board** will be held every fourth Wednesday of each month for the year 2019, at 7:00 pm at the Municipal Building, located at 232 S. Third Street, Phillipsburg, New Jersey.

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

January 23, 2019 (Reorganization Meeting)

February 27, 2019	August 28, 2019
March 27, 2019	September 25, 2019
April 24, 2019	October 23, 2019
May 22, 2019	November 20, 2019
June 26, 2019	December 30, 2019 - Monday
July 24, 2019	

January 22, 2020 (Reorganization Meeting)

The Township Clerk through 2019 will prominently post a copy of this Resolution in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey on the bulletin board and a copy shall be mailed to The Express-Times and The Star-Gazette, which are designated as the official newspapers for publication of legal notices for the Lopatcong Township Planning Board pursuant to Section 3 (d) of the Open Public Meetings Act Chapter 231 P.L. 1975.

#### CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at a meeting held on Wednesday, January 23, 2019.

Margaret B. Dilts  
Planning Board Secretary

Motion to adopt this Resolution by Vice-Chairman Fischbach, seconded by Mayor Mengucci.  
AYES: Members Clymer, Coyle, Devos, Pryor, Weeks, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet, Alternate Liptak.  
NAYS: None

**Resolution No. 19-02** – Appoint James Bryce, Attorney.

R 19-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING JAMES T. BRYCE OF MURPHY MCKEON, P.C.  
AS PLANNING BOARD ATTORNEY

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey follows:

James T. Bryce, Esq. is hereby retained as Planning Board Attorney for the year 2019 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

#### CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a

Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 23, 2019.

Margaret B. Dilts  
Planning Board Secretary

Motion by Member Pryor, seconded by Member Devos. All in favor.

**Resolution No. 19-03** – Appoint George Ritter, Planner.

R 19-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING GEORGE RITTER AS PLANNER OF RUGGIERO  
PLANTE LAND DESIGN, LLC

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey follows:

George Ritter of Ritter of Ruggiero Plante Land Design, LLC is hereby retained as Township Planner for the year 2019 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 23, 2019.

Margaret B. Dilts  
Planning Board Secretary

Motion to adopt this Resolution by Vice-Chairman Fischbach, seconded by Mayor Mengucci. All in favor.

**Resolution No. 19-04** – Appoint Paul Sterbenz as Engineer.

R 19-04

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong,  
County of Warren and State of New Jersey follows:

Paul Sterbenz and Adam Wisniewski are hereby retained as Planning Board Engineers for the  
year 2019 at a rate established in a Professional Service Agreement.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary of the Lopatcong Township Planning Board,  
County of Warren and State of New Jersey do hereby certify the foregoing to be a true and  
correct copy of a Resolution adopted by Planning Board at the Reorganization Meeting held on  
Wednesday, January 23, 2019.

Margaret B. Dilts  
Planning Board Secretary

Motion to adopt by Mayor Mengucci, seconded by Vice-Chairman Fischbach. All in favor.

**Resolution No. 19-05** – Robert’s Rules of Order.

R 19-05

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Lopatcong,  
County of Warren and State of New Jersey that Robert’s Rules of Order Newly Revised 11<sup>th</sup>  
Edition is hereby adopted as a parliamentary authority for the procedure in meetings.

CERTIFICATION

I, Margaret B. Dilts, Planning Board Secretary, in the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Planning Board at the Reorganization Meeting held on Wednesday, January 23, 2019.

Margaret B. Dilts  
Planning Board Secretary

Motion to adopt by Vice-Chairman Fischbach, seconded by Member Devos. All in favor.

**Old Business:**

**Minutes** – Chairman VanVliet asked for a motion to approve the minutes. Motion by Member Devos, seconded by Vice-Chairman Fischbach. All in favor. No descending votes or abstentions.

**Resolution – Autumn Ridge** – Amended for Relief of Condition. Motion by Mayor Mengucci, seconded by Vice-Chairman Fischbach. Roll Call Vote:

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

NAYS: None

**New Business:**

**New Jersey Highlands Council** – Chairman VanVliet informed the Board that the Highlands Council has requested to prepare and incorporate a map within the Master Plan to delineate Prime Groundwater Recharge Areas within the Township. He noted there would be an impact on a lot of the areas that need development in the Township.

Planner Ritter reported that the Highlands has a policy in their Regional Master Plan on how to protect Groundwater Recharge Areas but it flared it's head up when the Township had an applicant who went for a pre-application conference with the Highlands and the Highlands sought to impose those regulations on the applicant. The goals of the Highlands states that in Prime Groundwater Recharge Areas, you are not supposed to disturb more than 15% of the area and in addition, you are supposed to recharge at least 125% of the pre-development runoff rates. The Highlands was looking at implementing this not only in the Preservation Area, but over Township wide, so, it would also potentially have an impact on the the Center Designation which the Township had worked so hard to create. Engineer Sterbenz brought this to Planner Ritter's attention and they both met with the Highlands Council to discuss the implications of what they

were trying to do and the impacts they would have on the Township going forward. As a result of their conversation, they came back with another approach. Planner Ritter provided the original map to the Board and noted the area that was crossed out in black was what the Highlands considered to be Prime Groundwater Recharge Areas in the Township; all the vacant land in the Industrial Area, is Prime Groundwater Recharge based on this map as is almost every remaining large residential parcel. So, if you applied the 15% disturbance, you would realize that it's shutdown or at least implicated development on almost all remaining undeveloped areas of the Township. It was suggested to the Highlands that if the Township went through with this, it would leave virtually no development options. The Highlands came back with a concept called Municipal Prime Groundwater Recharge Areas. They provided a map and the way they were calculating this was by a series of mapping overlays and water shed divisions in the Township. They want to protect the Prime Groundwater Recharge Areas that accounts for 40% of the infiltration in the Township; that was their goal. It should be noted that currently Lopatcong has enough open lands and enough undisturbed lands that exist today so that parcels can be removed from their map and still meet their criteria. They took out some of the areas of concern in the Industrial Area. They took out preserved lands. They also looked at some of the more protected areas in the Preservation Areas of being areas of possible overlay of the recharge criteria. The Highlands asked that the Board take a second look at the map and do three things; one, look at all the areas in town that have been preserved because if they are protected already and the development opportunity is removed, they could be counted toward groundwater recharge and have very little effect on anyone but help maintain the numbers. They would like the county and state government lands as well as any private lands that could be put into that category. They want the Board to test the mapping because they used mapping showing all the development in town up to 2015 and bring to their attention any discrepancies. The final thing they asked the Board to do is make a list of any properties that were inappropriately mapped or should be moved out of the Prime Groundwater Recharge Area. They will then rerun their model to make sure it meets their criteria of protecting 40% of the Prime Groundwater Resource Area. The Board would then consider adopting an amendment to the Highlands Master Plan for the Township that would incorporate this map as part of the criteria that development will be evaluated on in the future. After this process, the Highlands would come back with some wording they want to include which will also, if approved by the Board, be included into the Master Plan. Once adopted, they would use this as the criteria to do plan conformance. The Highlands has indicated they have set aside funds to cover the cost of this analysis. The Board will establish the prime areas for the model and one of the goals should be to protect the stream corridors and primarily those areas within the riparian corridors, wetlands, steep slopes and preserved land. If successful in defining those areas as part of the Prime Groundwater Resource Areas, the actual impact on most developers will be minimal because of already being restrained in those areas. Planner Ritter pointed out the areas already on the map. The regulations that the Highlands are thinking about imposing should have minimal impact and the design criteria imposed by being in the Preservation Area almost guarantees that there will be no conflict with

the overall Highlands regulations. Planner Ritter said they mapped all the recharge areas and then superimposed them on the vacant and developable parcels and looking at them on a parcel by parcel basis to determine which ones would be impacted by the regulations and whether they should be left in or removed. The list would then be sent to the Highlands so they would change the mapping. One of the things the Board would be looking to do is protect the Center Designation Area and reduce the impact on some of those areas by aligning to gain additional protection from the stream corridors. The analysis will be shared with the Board before it is sent to the Highlands and then their comments would be included in the Master Plan revision.

Member Pryor – Informed Planner Ritter that he thought his view of this was practical. Once the recharge areas are preserved like the golf course, they would not be able to do anything else with the property.

Planner Ritter – Noted that was correct. Certain portions of the stream corridors are considered Prime Groundwater Recharge Area and others aren't; this will be discussed further. The golf course was noticed because one side comes up as Prime Groundwater Recharge and the other side of the stream adjacent to the golf course has none of it. He thought there was an area along the stream corridor that deserves consideration. The map isn't really mapping Prime Groundwater Recharge Areas but what the map is actually doing is setting up a series of protections so that 40% of the recharge rate in any watershed is generally protected.

Member Pryor – What is the source of the mapping? There are areas with clay underneath and you get 50 feet of ground water table and then there are the outcrops of the Raritan sands and things like that.

Planner Ritter – Highlands was asked what criteria was used to create the first map. The second map is supposedly a modification of the mapping but protects an equivalent amount of the resource. He noted he had the write up and can provide it.

Member Pryor – Asked for any exhibits and other documentation.

Planner Ritter – Informed the Board that the Highlands write up is still difficult to understand.

Member talking over each other.

Planner Ritter – The exercise the Board will go through is to remove properties that are believed to have development potential on it or concerns about the regulations being applied. The Highlands is supposed to take the changes and put them into their computer model and confirm the Township has met the regional goals.



Member Pryor – Noted he followed the logic and the Township can get approval without harm for taking the path of least resistance. The logic they have come up with in the last three months regarding the whole concept might not be supported.

Planner Ritter – This analysis is also being applied equally across the classifications. They are trying to come up with a series of rules that are equally applied. It will change their map and protect areas the Township is interested in but it will also continue to have development within the Center Designation Area; the very area the Township wants to develop.

Member Pryor – Indicated he would support George and Maser to rework this and come back showing the impact and at that point make a decision.

Chairman VanVliet – Asked Paul for comment.

Engineer Sterbenz – He agreed with the concept.

Planner Ritter – What he would like to do by the next Planning Board meeting have the recommendations to the Board so we can start moving this down the road.

Chairman VanVliet – Asked for a motion to authorize George and Paul to pursue this avenue.

Member Pryor – Made the motion.

Member Coyle – Second.

Roll call vote:

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

NAYS: None

Member Pryor – Asked if the new members have the Rules and Regulations.

Chairman VanVliet – Do they have copies?

Secretary Dilts – They have their regs. and sign off sheet.

Chairman VanVliet – Explained the rules and regs. that they came from the Municipal Land Use Code of the State of New Jersey prepared by our attorney. Chairman asked for public comment.

John Betz – Brakeley Gardens – Does this effect alterations in redevelopment of highways such as state and county highways that pass through our community.

Chairman VanVliet – Suggested he contact the Department of Transportation.

Mayor Mengucci – Thanked Mr. Clymer, Mrs. Coyle and Mr. Liptak for joining the Board.

Chairman VanVliet – Also welcomed all the new members and those reappointed this evening. All communications should be directed through Beth as the Secretary to the Board.

Member Pryor – Asked to reinforce the Rules and Regulations; they are all important but the most is how the hearings are conducted. They are based on the testimony while at a meeting. Ex Parte conversations are not discussed outside the meeting, with any applicant or amongst Board members. Violations can lead to problems with decisions.

Chairman VanVliet –Closed public comment portion. Asked for a motion to adjourn.

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

Respectfully submitted,

Margaret B. Dilts  
Planning Board Secretary