

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING
7:00 pm

August 26, 2020

Chairman VanVliet called the Planning Board Meeting to order.

A Prayer was offered followed by the Oath of Allegiance

Chairman VanVliet stated “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, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet. Also present was Attorney Bryce.

Old Business:

Minutes: Approve minutes of July 29, 2020. Motion to approve the minutes by Member Pryor, seconded by Mayor Mengucci. All in favor. Abstention by Member Weeks.

Ordinance No. 9– Amend Chapter 243 Zoning and Land Use, Article VII, Plan and Plat Requirements, Section 40 and 43 of the Code to Require Sanitary Sewer Capacity.

Ordinance No. 10 – Amend Chapter 243, Article VI, Application Procedures, Section 27, Application Fees - Attachment 10 Application and Escrow Account Revisions.

Chairman VanVliet – asked if everyone had a copy. At this point, we are just giving our approval to send it up to Council.

Attorney Bryce – Yeah, that’s correct. Both of these ordinances came through, well were generated by this Board. The requirement is once the Council moves on it; it has to come back for consistency determination with the Master Plan.

Member Pryor – If I’m not mistaken, they already had a first reading so we’re really, correct me if I’m wrong, we’re just agreeing with the ordinance at this point.

Chairman VanVliet – We’re not approving the ordinance, we’re approving

Member Pryor – You’re consenting to it without comment I guess is

Chairman VanVliet – Right.

Attorney Bryce – And, there is a resolution on the dais I believe, that just reaffirms that the Board’s finding is consistent with the Master Plan and recommending it without change.

Member Pryor – Mr. Chairman, you want to take them both together? Both the two ordinances. They came back without changes.

Chairman VanVliet – We can do that. So, we’ll combine the vote on the Ordinance No. 9 and Ordinance No. 10, again, to amend Chapter 243 Article VII, application procedures, VI and 27 application fees, Attachment 10 Application and Escrow Account revisions, so, again, same procedure there. The resolution here also.

Member Pryor – I’ll make the motion to consent to these

Attorney Bryce – Yeah, adopt this resolution.

Member Pryor – without comment.

Chairman VanVliet – Okay. Do I hear a second?

Mayor Mengucci – I’ll second it.

Chairman VanVliet – Roll call Beth, please.

Secretary Dilts – Yes.

AYES: Members Coyle, Pryor, Mayor Mengucci, Chairman VanVliet.

NAYS: None

ABSTAIN: Weeks

New Business:

Block 65, Lots 3 and 4 - Minor Subdivision and Lot Consolidation.

Chairman VanVliet – We have an application concerning Block 65, Lot 3 and 4. It’s a minor subdivision, a lot consolidation. Is the applicant here?

Attorney Dornish – Yes, I’m Ryan Dornish on behalf of the applicant and the applicant is behind me.

Chairman VanVliet – I’d like to proceed to the, is a microphone on the podium?

Secretary Dilts – Yes, it works.

Chairman VanVliet – Okay.

Attorney Dornish – I believe that we submitted everything. I sent notice to all of the neighbors, I believe back in March before things got shut down and all the certified mail receipts came back and we re-notified, not re-notified everybody, but I did a publication in the newspaper again and I turned all that into Beth, I believe yesterday.

Chairman VanVliet - Thank you.

Attorney Dornish – Hopefully, everybody has everything that you need. The surveyor had an operation on his eye and said he couldn't drive tonight, but if you need any questions from him, he said he'd be available by phone. The one thing that he mentioned to me, is he wanted to be sure to put on the record that the Township relinquishes all rights to the alley. That was just one big concern that he had and he wanted to make sure (inaudible).

Engineer Wisniewski – I could speak to that, if the Board would like me to elaborate on that.

Chairman VanVliet -Yes.

Engineer Wisniewski – Sure, so we had, and I think that Beth had helped us locate this back in, sorry I don't have the date here highlighted, but back in 1956, these alley's, these historic alleys between Second Street and Third and Dana Street were vacated and I guess there's another alley there that runs behind Dana Street. Those were vacated back then, but at the time, the Township retained, which I was surprised to see this, but the surveyor was aware of this, that the Township decided to reserve the right to construct and maintain sanitary and storm sewers and drains underneath these alleys which they were vacating so they never intended to construct at the time, paved or accesses to the public rights of way but retained rights to install utilities, so that's, and as the surveyor mentioned, and as also indicated in our report that as part of this approval, if the Board is so inclined to grant the approval, the subdivision and lot merger, part of that is going to require the applicant to come before the committee to request that those rights be relinquished via, I would assume that would be an ordinance?

Attorney Bryce – It would be a vacation.

Engineer Wisniewski – A vacation ordinance of some sort that would release any rights to construct utilities in those abandoned or rights-of-way.

Member Pryor – So, do we have any sewers there now?

Engineer Wisniewski – There's no utilities. There's sewers on Dana, Second and Third and I believe there's water lines on all those streets as well.

Member Pryor – So, there all served from the main?

Engineer Wisniewski – They’re all served from the main. So, there would be no reason a storm sewer would never be installed through these lots, so. So, that’s kind of the one issue and we had indicated that in our conditions; conditions of approval, so.

Mayor Mengucci – So, those alleys are 20-foot correct?

Engineer Wisniewski – So, yes.

Mayor Mengucci – So, ten feet would go to each owner?

Engineer Wisniewski – Correct. Right, so that’s how it’s shown here.

Mayor Mengucci – Just so we realize that, you know, we’re not giving 20-feet to one person, it gets split.

Engineer Wisniewski – Correct. It gets split down the middle. Right.

Chairman VanVliet – Jim, do we have the right to approve that vacation on matters that

Attorney Bryce – Yeah, this Board will not be approving the vacation that would be simply the municipal governing body that would have that authority but the Board does have jurisdiction is to grant the subdivision subject to the condition of that being vacated. If that’s required for their subdivision.

Chairman VanVliet – Right, thank you.

Attorney Dornish- Having said that, then do I need to do another application to another board to deal with that or?

Attorney Bryce – It will be a request to the governing body to vacate. You may want to do that through a formal method of a request asking to get onto the agenda for the governing body to review.

Chairman VanVliet – That will be a requirement for the approval of the subdivision.

Attorney Bryce – It really requires an ordinance to deal with it and recorded with the county clerk to vacate that. It’s the governing body’s discretion to do it. If they don’t have a use for it, they may just simply put the ordinance on, so, that’s up to the governing body, not this Board.

Attorney Dornish – Okay. All right, so, is there any questions or anything else that you need us to provide to you?

Member Pryor – Are you going to have other witnesses or is it just- are you the only one speaking tonight?

Attorney Dornish – If you need any other

Member Pryor – No, my question is, once this subdivision is granted, they both become conforming lots?

Attorney Dornish – Yes.

Engineer Wisniewski – Just to clarify that – the lot that currently has a dwelling on it, it's currently non-conforming in the front yard setback; it's not going to be, that condition will not be worsened by the subdivision. So, that condition will remain.

Member Pryor – And, where's that variance? The front setback.

Engineer Wisniewski – It's a front yard setback

Member Pryor – Okay.

Engineer Wisniewski – for the home on the corner of Dana and Second Street – close Lot 4 if what it is so that's the

Attorney Bryce – It's preexisting,

Engineer Wisniewski – It's a preexisting condition

Attorney Bryce – doesn't require variance relief. It is not going to change or get exacerbated by virtue of the subdivision.

Member Pryor – That variance was granted a long time ago?

Attorney Bryce – Whether it was variance; the real key is that it's a lawfully preexisting condition

Member Pryor – Okay.

Attorney Bryce – and it's been there for so long it would be hard to say that's it's not. Counselor, who do you have with you tonight?

Attorney Dornish – I have Brandon Jessamine and I have Len Jessamine who actually is the owner of the property but Brandon is going to be the one who is really going to be dealing with the property after it's all said and done so.

Attorney Bryce – Do you have somebody that could just, I could swear in real fast and run through the subdivision?

Attorney Dornish – Sure, Brandon Jessamine.

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

Brandon Jessamine – I do.

Attorney Bryce – And, what's your name, full name for the record?

Brandon Jessamine – Brandon Jessamine.

Attorney Bryce – And, what's your relationship to the application and the applicant?

Brandon Jessamine – Well, yes, I was the applicant for the sub-division and my grandfather currently owns the property.

Attorney Bryce – Very good. And, you are familiar with the property?

Brandon Jessamine – Yes.

Attorney Bryce – And, do you know generally, you've seen the subdivision plat correct?

Brandon Jessamine -Yes.

Attorney Bryce – Okay. You know generally the size of the lot as it exists right now?

Brandon Jessamine – Not off the top of my head, no.

Attorney Bryce – Okay. Do you agree that it's a lot that's in excess of what the lot standards are for the district that it's in?

Brandon Jessamine- Yes.

Attorney Bryce – Okay, and there's preexisting, a single-family dwelling on the property?

Brandon Jessamine – Yes.

Attorney Bryce – Okay, and it's your intention to subdivide the property as it exists into two lots?

Brandon Jessamine – Yes.

Attorney Bryce – And, those lots are going to be conforming to the size of the zone ordinance as you know it?

Brandon Jessamine – Yes.

Attorney Bryce – Okay. You're not going to need a variance to do anything at this subdivision?

Brandon Jessamine – No.

Attorney Bryce – Okay, and the exiting lot on the approved Lot 4 is going to remain correct?

Brandon Jessamine – Correct.

Attorney Bryce – And, Lot 3 is going to be a lot to be developed?

Brandon Jessamine – Correct.

Attorney Bryce – Are you going to be able to develop on that lot, I assume, as single-family house?

Brandon Jessamine – Yes.

Attorney Bryce – That single-family house will be able to be constructed within the building envelope, meaning that it's going to be within all the requirements of the zone district?

Brandon Jessamine – Yes.

Attorney Bryce – You're going to be able to service the property with water, sewer, and other utilities?

Brandon Jessamine – Yes.

Attorney Bryce – Okay. Did you have the opportunity to review the reports that were generated by the Board's Planner and the Board's Engineer?

Brandon Jessamine – No, I did not.

Attorney Bryce – Okay. Let me just take you through those real fast. Curbing already exists there, correct?

Brandon Jessamine – Correct.

Attorney Bryce – Are you going to be looking for a waiver for sidewalks?

Brandon Jessamine – No.

Attorney Bryce – You’re going to be putting in sidewalks?

Brandon Jessamine – If they are required then yes, we would have to. Yeah, there’s no current sidewalks.

Attorney Bryce – Is there current sidewalks in the area?

Brandon Jessamine – No.

Attorney Bryce – If you put a sidewalk would it connect to anything?

Brandon Jessamine – No.

Attorney Bryce – Okay. So, you’re looking for a sidewalk’s waiver at this point?

Brandon Jessamine – Yes.

Attorney Bryce – Okay, and that’s because there’s no other surrounding sidewalks?

Brandon Jessamine – Yes. Yeah, there’s no surrounding sidewalks.

Attorney Bryce – You do realize what are the conditions of approval going to be an application for the Municipal Highlands Exemption?

Brandon Jessamine – I did not.

Attorney Bryce – You have to look into that within the conditions of approval regardless is going to be to get that exemption.

Brandon Jessamine – Okay.

Attorney Bryce – There are some corrections that have to be done to the plans; correcting the label for proposed Lot 3, both lots are currently labeled Lot 4 (inaudible) that revision?

Brandon Jessamine – Yes.

Attorney Bryce – Proposed areas of Lot 3 and 4; Lot 3 should contain 20,055 square feet.

Brandon Jessamine – Okay.

Attorney Bryce – Does that sound right to you?

Brandon Jessamine – Yes.

Attorney Bryce – Sounds accurate. Lot 4 should contain 11,845 square feet.

Brandon Jessamine – Yes.

Attorney Bryce – Okay, so that revision you have no problem with?

Brandon Jessamine – Not at all.

Attorney Bryce – You have no problem revising the subdivision to show the property lines and labeled with the correct variance and distances?

Brandon Jessamine – Yep.

Attorney Bryce – Okay. You'll update the zoning requirements table to show the correct lot areas?

Brandon Jessamine – Yes.

Brandon Jessamine – Okay. You're going to revise the side yard setback for the preexisting house 28 feet?

Brandon Jessamine – Yes.

Attorney Bryce – Okay. You'll remove the duplicate zoning requirements of the table?

Brandon Jessamine – Yes.

Attorney Bryce – Okay. You'll correct the lot number references to the subdivision of the plat that was submitted?

Brandon Jessamine – Yes.

Attorney Bryce – You'll correct the steep slope percentage in No. 2 of the plat that was submitted?

Brandon Jessamine – Yes.

Attorney Bryce – Okay. You'll make the application to the and you are agreeable to the additional application that should be made to the Township Council for the vacation of the alley at the rear of proposed Lot 4?

Brandon Jessamine – Yes.

Attorney Bryce – Curbs are already existing in the area?

Brandon Jessamine – Yes.

Attorney Bryce – You’re going to maintain those curbs?

Brandon Jessamine – Yes.

Attorney Bryce – Can you talk about how you’re grade Lot 3 for us? Just go through how that grading is going to occur.

Brandon Jessamine – We have not really figured that out yet. Before the whole property, before everything went south in March was to have the sub-division done, get a home plan and build a home on the property for my family and I and then everything in March kind of went south and now we are at this point, so.

Attorney Bryce – Okay, so you’re going to build, your intention is to build a single-family home

Brandon Jessamine – Yes

Attorney Bryce – at the time that you pull the permits for your, you’ll provide me proof of the grading plan?

Brandon Jessamine -Yes.

Attorney Bryce – As to all the utilities and driveway access, for Lot 3, proposed Lot 3, you don’t mind the condition of, that’s all accomplished on Third Street rather than Dana Street?

Brandon Jessamine – Yep, that’s fine.

Attorney Bryce – Cause all these conditions cause I guess it was just repaired?

Brandon Jessamine – Yes.

Attorney Bryce – Okay, you’ll pay real estate taxes, outstanding fees, and assessments, you’ll get the appropriate permits?

Brandon Jessamine – Yes.

Attorney Bryce – You’ll do the revisions as we just indicated? You’re going to do the, I guess, request the appropriate deeds to be completed and submitted to both merge the lots that are required and also provide for the minor subdivision?

Brandon Jessamine – Yes.

Attorney Bryce – That’s going to be subject to my approval and the Board engineer’s approval. I’m not really sure what this is getting to, the strip of land, what we were just talking about.

Engineer Wisniewski – That is what we were talking about. That was just

Attorney Bryce – That explains it.

Engineer Wisniewski – I think the surveyor is going to understand what we we’re getting and revising those lot lines to clearly show how those alleys were vacated. He wasn’t showing that Lot 4, proposed Lot 4 was accepting that 10-foot path width of the alleyway and it was kind of left in a no-man’s land, so the lot lines need to be corrected.

Attorney Bryce- Okay. That’s fine. The minimum side yard setback in (inaudible). You have no problems revising that they’re sure to correct the minimum 20-foot set back?

Brandon Jessamine – No.

Attorney Bryce – Another change that was requested by the Planner just to show the proposed building lot coverage should now be noted as zero percent?

Brandon Jessamine – Yes.

Attorney Bryce – Although it won’t change in the future. Is it your opinion, just looking at the minor sub-division plat that was prepared on your behalf and the applicant’s behalf that it otherwise conforms to the municipal standards for subdivision?

Brandon Jessamine – Yes.

Attorney Bryce – All right. Thank you. I don’t have any other further questions.

Member Weeks – I have one. You look at your plat alright, you look at No. 4/11, all right, you know you know you got your alleys in; it says vacated, says 100 feet vacated alley, (inaudible) property line. I want to make sure who’s the property in the middle here. See where it says 20-foot vacated alley all the way

Brandon Jessamine – Yes.

Member Weeks – it says it comes in 100-feet; 100- feet is the property line correct?

Brandon Jessamine – Yes.

Member Weeks – So, you come down to add onto Second Street, it says vacated 110-feet, so that's his property line there. So, my question to you is and maybe for the town, has that little chunk of, I don't know what it would be, say 70-feet – has that been vacated also or is it going to give you a piece of alley that goes nowhere to nowhere to nowhere?

Brandon Jessamine – That I don't know.

Member Weeks – Because (inaudible) to coming straight up and (inaudible) only comes in 100-feet. There's nothing talking about the middle part there.

Brandon Jessamine - Right between those two.

Member Weeks – Where is says 217-57 to less than 60.

Engineer Wisniewski – Yes, so that should have read 110 feet. That was one of our comments that the surveyor needs to go through this and just correct these lot lengths.

Member Weeks – So, it should have been 110 feet.

Engineer Wisniewski – Right.

Member Weeks – Okay, all right.

Engineer Wisniewski – That was George that was in his letter, it's almost like a no-man's land. It's not clear on this, the surveyor provided us a subdivision plat because it needs cleanup but that is vacated.

Member Weeks – Okay so the whole alley would be vacated.

Engineer Wisniewski – Right exactly.

Member Pryor – I see what Brian's talking about and I mean, when this is done it should look like the lot over on this block? I mean this is all squared

Engineer Wisniewski – Right, squared away.

Member Pryor – Nothing meets in the center of this?

Engineer Wisniewski – Right, so this, it's just wrong, it's (inaudible).

Member Pryor – Wrong?

Engineer Wisniewski – Yeah, just needs to be corrected.

Attorney Dornish – So, this was in a letter already?

Engineer Wisniewski – Yes.

Attorney Dornish – Okay.

Engineer Wisniewski – Yeah, we had a few, I basically put it together a whole list of revisions that need to be made to clean up these lot lines and that was Item B3 in my letter.

Attorney Dornish – I don't think I saw your letter, but that's okay, Beth will get it to me and I'll get it over to the surveyor.

Engineer Wisniewski – Sure, yeah and of course, you know, Mr. Schreider has any questions, he can call our office and we can go through it with him.

Attorney Dornish – Sure, okay.

Member Pryor – Well, just so I understand everything, you take the lot that fronts on Dana and Second, all right, now there's a note on the top half of that alley that says vacated. Does that apply to the whole alley or just, it looks like the bottom half of that alley was never assigned to anybody.

Engineer Wisniewski – Right, so that does apply to the whole alley based on this Ordinance 75 from 1957 or whatever it is.

Member Pryor – Yeah but it doesn't, it does not close, it doesn't close.

Engineer Wisniewski – It's not shown that way. It needs to be corrected. So, I drew just, when I was reviewing these descriptions and everything I did draw what the lot lines should look like so it kind of splits

Member Pryor – Okay, I follow this

Engineer Wisniewski – Yep

Member Pryor – All right. Have they've seen this?

Engineer Wisniewski – I don't believe so.

Member Pryor – Can we pass this around to make sure we know what we're voting on?

Engineer Wisniewski – Sure, that would be fine – Exhibit A. That's going to be corrected by the vacation.

Attorney Bryce – I'll make that.

Engineer Wisniewski – And, in a narrative form that I put in our review letter. So that's reflecting.

Member Pryor – We'll reference Exhibit A and if I can say this, I think Mr. Attorney as you make your request to the Township, you may have to address that whole thing and not just the one alley between the two lots, you can include that other side in your request so that it all flows.

Attorney Dornish – Okay. Most of the items that we brought up were things that the surveyor will take care of but this is something about the Highlands. Is that something I have to go to the County for?

Engineer Wisniewski – No, actually, you can, we can get you, I don't know if Beth has the forms but our office has the forms as well as the Township engineers we are authorized by the Highlands to approve waivers from the Highlands Regulations for specific things; for items that the Highland's allows us to approve projects that would fall under there waivers so we have that; it is a two page form that you would fill out and attach and if Beth has it, that's perfect.

Member Pryor – Can you make sure the applicant sees that Exhibit A and his attorney?

Attorney Dornish – Is there a way to make a copy of that for us?

Engineer Wisniewski – I can scan it in tomorrow.

Chairman VanVliet – The surveyor will take care of that and straighten up and clean everything up for us.

Attorney Bryce – That's correct and then submit the deeds, the lot than can be perfected. Just so you are aware there's a time limitation on a minor subdivision from the time of approval. Your approval is going to be next month on your resolution; what is it 120 days? It's not a long time for approval; it's one of those little hiccups in the Municipal Land Use Law. It's a tight turn around time. I'll tell you right after this – you can always get an extension but if you don't need to you just save a lot of hassle.

Engineer Wisniewski - it gives you four months to record it so if that's what it actually is.

Attorney Bryce – It's 190 days. So, you are aware of that. We've gotten everything on the record that we need to.

Chairman VanVliet – Very good. Brian, you're satisfied?

Member Weeks – Yeah, I'm satisfied.

Chairman VanVliet – Adam, do you have anything more?

Engineer Wisniewski – Nothing more.

Chairman VanVliet – Okay. Do any other Board members have any questions?

Member Pryor – The resolution’s going to approve the sidewalk waiver?

Attorney Bryce- Yeah, that would d be included, if the Board’s inclined. I haven’t heard the vote Mr. Pryor but I assume that if you want

Member Pryor – Well I assume somebody will offer a resolution. I just want to get the conditions

Attorney Bryce – The conditions right now will be for the sidewalk waiver, for the vacation, for the utilities going through

Member Pryor – And all the conditions in the letter.

Attorney Bryce – All the conditions that were indicted that were agreed to. I’ll just reduce those into the resolution and the standard conditions as well.

Chairman VanVliet – Okay in that case I shall open it up to the public if there’s any public here to ask questions of the applicant. Seeing none, hearing none I will take a motion to approve the subdivision subject to all the conditions that are listed here today and agreed to by the applicant.

Member Pryor – I’ll make that motion.

Chairman VanVliet – Do I hear a second?

Member Weeks – Second.

Chairman VanVliet – Beth, roll call please.

AYES: Members Coyle, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet.

NAYS: None

Chairman VanVliet – Thank you very much for coming before the Board.

Attorney Bryce – You should have resolution next month.

Chairman VanVliet – Okay, we’re at the point now we’ll ask for public comment on anything else. I’ll entertain a motion to adjourn.

Member Pryor – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Mayor Mengucci – Second.

Chairman VanVliet – All those in favor signify by saying yes. Motion moved.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary