

TOWNSHIP OF LOPATCONG
Planning Board
Reorganization and Regular Meeting

January 22, 2020

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, Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt and Alternate Liptak. Also present was Attorney Bryce, Engineer Wisniewski and Planner Ritter.

Swear in Members: Attorney Bryce swore in the following members:

Class II – Brian Weeks – 12/31/2020
Class III – Joseph Pryor – 12/31/2020
Class IV – Kathryn Devos – 12/31/2023
Alternate No. 1 – Tia Steinhardt – 12/31/2021

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, Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt, Alternate Liptak.

NAYS: None

Nomination for Vice-Chair:

Chairman VanVliet nominated Tom Fischbach, seconded by Member Weeks. No other nominations made.

Roll call vote:

AYES: Members Clymer, Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt and Alternate Liptak.

NAYS: None

Nomination for Secretary:

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

AYES: Members Clymer, Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt, Alternate Liptak.

NAYS: None

Reorganization Resolutions:

Resolution No. 20-01 – Annual Meeting Calendar.

R 20-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING THE ANNUAL MEETING CALENDAR FOR THE PLANNING BOARD 2020 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 2020, 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 on the following day. The dates of such meetings are as follows:

January 22, 2020 (Reorganization Meeting)

February 26, 2020

March 25, 2020

April 22, 2020

May 27, 2020

June 24, 2020

July 22, 2020

August 26, 2020

September 23, 2020

October 28, 2020

November 23, 2020

December 16, 2020

January 27, 2021 (Reorganization Meeting)

The Township Clerk through 2020 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 22, 2020.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 20-02 – Appoint James Bryce Attorney.

R 20-02

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 2020 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 22, 2020.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 20-03 – Appoint George Ritter Planner.

R 20-03

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 2020 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, Secretary of the Planning Board, 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 22, 2020.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 20-04 – Appoint engineer.

R 20-06

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 2020 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, 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 the Planning Board at the Reorganization Meeting held on Wednesday, January 22, 2020.

Margaret B. Dilts
Planning Board Secretary

Resolution No. 20-05 –

R 20-05

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING PLANNING BOARD RULES AND REGULATIONS 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 Planning Board Rules and Regulations is hereby adopted 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 22, 2020.

Margaret B. Dilts
Planning Board Secretary

Old Business:

Minutes – Members of the Board approved the minutes of December 19, 2019 with no corrections on motion by Mayor Mengucci, seconded by Member Devos. All in favor except abstentions from Member Clymer and Alternate Member Steinhardt.

Resolution – Strykers Road Associates – Block 100, Lot 6.06, 6.07 and 7 – Preliminary and Final Major Site Plan with Bulk Variance Relief. Member Pryor remarked that going back to the study it is confirmed that no additional impacts had occurred at any of the study locations at the intersection of 57 and the intersection of 519. Engineer Wisniewski said they also studied the intersections of 519 and Rt. 22 as well. Member Pryor asked that this be included. Chairman VanVliet asked for a motion to adopt this resolution which would include the amendments mentioned and corrections that Engineer Wisniewski has noted. Motion to adopt the resolution as presented and with the amendments as discussed by Member Pryor, seconded by Mayor Mengucci. Roll call vote:

AYES: Members Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Liptak.

NAYS: None

ABSTAIN: Member Clymer, Alternate Member Steinhardt

Resolution – Chapter 199 Stormwater. Motion to adopt the resolution by Members Weeks, seconded by Member Devos. Roll call vote:

AYES: Members Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Liptak.

NAYS: None

ABSTAIN: Member Clymer, Alternate Member Steinhardt

Precast Mfg. – Block 100, Lot 6.02 – Construct a 735 square foot addition.

Attorney Edleston – Mr. Chairman and Members of the Board, Bill Edleston representing the applicant in this evening’s presentation. As the Board may recall, we were here quite a few months last year and at that time, the application for preliminary and final site plan approval and bulk variance relief related to that was deemed incomplete. Since that time, the applicant’s engineer has made several revisions to the plans which have both been reviewed by your planner and engineer and are much more in compliance with their comments. There may be some additional small revisions that will be required if we get into that and Mr. Zedderbaum, our engineer, is here tonight; he was previously sworn; he can be sworn again and given testimony having previously been sworn. This is the fifth appearance by this applicant before this Board and this application as the Chairman just indicated is to add a 735 square foot addition to the premise which will essentially, serve as a lunch room for the employees of the business and there is no room for that presently. The issue that I need to address right up front though, is the issue that was brought up, actually at the beginning at the last meeting, and that has to do with the storm water management

issue and we're asking for a waiver of submitting any information in that regard for a couple of reasons. No. 1, I previously sent a letter to the Board Chair, I assume that has been circulated as to why we don't feel that that's necessary under the circumstances and since that time, there's an additional reason that I'd like to address to the Board. What I put in my letter was that the site is presently 85% impervious and it would really require almost tearing up the entire site to put in any storm water management measures but more to the point, is the fact that the net lot coverage issue remains exactly the same with the addition of this 735 square foot addition and that comment is noted in both the engineer and the planner's reports to this Board, so, as a result of that, we do not believe under the circumstances, that that's necessary or it's feasible and we need that issue to be discussed by the Board and hopefully waived so that we can then proceed with the remaining testimony in support of the application.

Member Pryor – With your permission Mr. Chairman, I do have a question for Adam. The no-net impervious we're, it had to do with a gravel lot and what exactly was the nature of the swap?

Engineer Wisniewski – Right, so, the building addition is 735 roughly square feet and there's an area on the site about the lower third of the site that's approximately 790 square feet shown to be currently a gravel storage area on site that's going to be converted back to a lawn condition, so there's a net decrease in impervious coverage proposed.

Member Pryor – Okay so it's gravel now and it will go back to a grassed area.

Member Weeks – Are you saying it's almost an even swap then. Is that what you're trying to get at here?

Engineer Wisniewski – Yeah. That's the intent.

Member Devos – What's the allowable impervious?

Engineer Wisniewski – I believe this site; I think it was in George's letter. I previously received a variance to permit up to 87% impervious coverage in 2003 so the current proposal is for 84.2% coverage so they're not exceeding their prior approval by variance.

Member Devos- Thank you.

Member Pryor – For my information, how many other variances are involved? Let's forget about the waivers for a second just variances.

Planner Ritter – This current application involves two variances; one was for the setback, basically, that the setback from the road is basically further encroached in with the new addition. It's

basically a variance to allow the building to be constructed within 74.7 feet of the straight where 75 feet is required and there's another variance we have to talk about tonight only because of some discrepancies in tables. I want to clarify.

Engineer Zedderbaum – We're going to get rid of the other three spaces down the bottom so we don't need a variance for that.

Planner Ritter – Okay. Then there was an issue of a traffic variance and coming up short on parking.

Member Pryor – So, we're down to

Planner Ritter – We're down to one variance if they meet the parking requirement; that's correct.

Member Pryor – Let me suggest this, just to move it along, I don't know if this make sense, there was a number of list of waivers and so on, I'd like to move we deem this, except it for the purpose of completeness during the hearing we reserve the right to, you know, require any of these, we'll make a decision as discussed. Does that make sense to everyone?

Chairman VanVliet – I believe so. Do I hear a second for completeness?

Member Weeks – Second.

Chairman VanVliet – Beth, roll call please.

AYES: Members Clymer, Devos, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt, Alternate Liptak.

NAYS: None

Chairman VanVliet – You have completeness and if you would like to

Attorney Edleston – Please brief the Board again on what's involved with this application and then there are some issues that we need to have you give some brief testimony on concerning comments on both the engineer and planner's review reports.

Attorney Bryce – Do you swear and affirm that the testimony you're about to give this Board is the truth, the whole truth and nothing but the truth.

Engineer Zedderbaum – I do.

Attorney Edleston – Do we need to put his qualifications on the record again?

Attorney Bryce – Yes.

Engineer Zedderbaum – Bob Zedderbaum – I’m presently a professional engineer in the State of New Jersey, professional planner State of New Jersey. I’ve been in the business for 40 years. Graduate of Newark College of Engineering and licensed since 1978 I believe.

Attorney Edleston – Have you appeared before this Board?

Engineer Zedderbaum – I have appeared before this Board I think six times

Attorney Edleston – And recognized as an expert in the field of civil engineering.

Engineer Zedderbaum – Yes.

Attorney Edleston – All right. I’ll offer him again.

Chairman VanVliet – He is acceptable.

Attorney Edleston – Okay.

Engineer Zedderbaum – Thank you. What I’d like to do unless Board or the professionals have any objections, a lot of the letters or basically to give you an idea of what was submitted, what was approved in the past so, what I’ve done is actually, I’ve yellowed out the items that required Board action or it has required us to do something and I figured we could just kind of stick with those and then if you want to go back to any other comments, we can. Right now, I’m in the Maser letter, Page No. 4 there are two items under Paragraph A for completeness; three and four. One is topography and the other is information that states does not extend a hundred foot past the property line. The information we have does look at the property line, it does not go the full hundred feet, however, based upon (inaudible) because there’s an insignificant amount of our application and the fact that we’re now where near the property line, we are requesting a waiver from providing that additional topography off-site and also a report addressing sub-surface condition beneath any building addition. Again, we’re talking about a very 700 plus square foot addition to the building minor foundation would be required to hold it up so we are asking for a waiver from providing the sub-surface analysis of that particular area of the site. Now, proceeding onto Page No. 5 items A thru H. We have drainage design calculations, we have drainage facility impact analysis, delineation of water shed areas, run-off calculations, ability of the existing road system to accept additional traffic, profile of Strykers Road, lighting plan and limestone geological study. We’re, our contention is we’re not affecting any of those items. We’re not increasing run-off. We’re obviously not increasing anything with regard to traffic on Strykers Road as this is not going to

bringing any additional traffic onto the site. Again, what I've already told you about the limestone study, the lighting plan we've been in business now for, I don't know, 20 years. We're not having any additional employees as part of the 700-foot addition. The lighting that's on the site has been acceptable in the past and we're saying that it will continue to be acceptable so we're asking for waivers from those items. Do you want to talk about the waivers before I go on to the technical items cause I believe that's the end of the waivers or do you want me just to continue I mean it's up to you?

Member Pryor - I might suggest that he continue and we can deal with all that at the end.

Chairman VanVliet – Okay.

Engineer Zedderbaum – Okay. Items that have been required of us which we will take care of. Either locate the sizeable sanitary sewer lines; I think there may be one or so that we've missed,

Engineer Wisniewski – I think the thought is just to show more details on the septic system relocation expansion

Engineer Zedderbaum – All right. We'll that's going to have to go to the Warren County

Engineer Wisniewski – Sure. So, once that's done, then you can show that on the plans then.

Engineer Zedderbaum – Okay, that's fine.

Engineer Wisniewski – Right.

Engineer Zedderbaum – Location of the utilities, that the facility can be served we will provide the Township with those and any additional construction details we may have missed as part of these plans. Going onto Page No. 8

Attorney Edleston – Parking spaces

Engineer Zedderbaum – Parking spaces, we're going to give an extra three.

Attorney Edleston – No, I mean the absence of the wheel stops or the curbs.

Engineer Zedderbaum – Oh, yeah. There was a comment as to putting curbing around our parking areas. We have requested, at the last meeting we were at, five/six months ago, that we put in wheel stops instead of curbs. No. 1, we manufacture those; we have them and in the area where we've got the parking proposed, I think it actually makes more sense and it will act as the curbing that is

required by the Township, so, we are asking for that waiver there. I think it's a, I'm not sure it's considered a waiver; I think it's just a substitution.

Engineer Wisniewski – It's a design waiver, I think, so, yeah, it's from the ordinance requirement which is fine. I know we discussed that at the last meeting.

Engineer Zedderbaum – Right. Item No. 3.03 again, this is on Page 8, spot grading and contours demonstrating a positive drainage be maintained, we'll give you some more detail. I know we gave you some, but we'll give you some more. I don't know, 3.05 has already been discussed by Mr. Edleston, so, I'm not going to go into that. 3.06 with regard to bringing natural gas in, we will provide the necessary right-of-way's, easements, etc., and provide information once we're approved and we submit a plan through the gas company and get their details exactly what they want.

Engineer Wisniewski – Yeah, that's tying into the kind of the flat portion of the asphalt plant so I don't know if that line's active at point or not, I know they're working on installing their utilities at this time.

Engineer Zedderbaum – Right and they're (inaudible) we may just continue to use our propane

Engineer Wisniewski – Until they do, they bring it live.

Engineer Zedderbaum – Exactly.

Engineer Wisniewski – Okay.

Engineer Zedderbaum – Page No. 9 this one here the answer I'm going to give is, if we're over the 5,000 square feet, we will definitely get a permit from the Warren County Soil Conservation District. However, I will provide you with information, I don't even think we're close to it mainly because they, what I think was seven parking spaces we had shown which are now going to increase to ten as part of George's comments. That's all paved presently so, making those parking spaces, will require a lining and placing and curb stops. There's no

Engineer Wisniewski – Is it currently asphalt right now?

Engineer Zedderbaum – Yeah.

Engineer Wisniewski – Or is that gravel right now?

Engineer Zedderbaum – It's asphalt, so, as I said when you take that out, I don't think we're even close to 5,000 but if we are, we'll do it.

Engineer Wisniewski – Yeah, I think the area is shown (inaudible) can't open right now but it's close; a little over 4,000 square feet I think currently what's shown on your plan around the building addition and I think if you had in the area of restoration of that 790 square feet, it takes you over 5,000.

Engineer Zedderbaum – Right. If we don't, we'll provide it.

Engineer Wisniewski – That's fine, sure.

Engineer Zedderbaum – Again, we got no problems, we will be submitting to the Warren County Health Department to get their approval for our sensitive relocation of our septic tank as part of our project and Item 4.04, the comment I made before, we're not providing any additional employees to the site, this is strictly to make it a little bit more comfortable for the people that are working for us; a lighting that's existed is good, it's worked well so we are not proposing an additional lighting as part of our project here and there was also something that looks like I missed, something that you would ask whether there was any signs proposed

Planner Ritter – I did.

Engineer Wisniewski – Sorry, just to go back to 4.04 just to clarify; the area that you're proposing the new employee parking; is there adequate lighting there?

Engineer Zedderbaum – Yeah, there's

Engineer Wisniewski – As opposed to the main parking.

Engineer Zedderbaum – There's spots on the top of the building.

Engineer Wisniewski – So the yards lit?

Engineer Zedderbaum – Yeah.

Engineer Wisniewski – Okay that's fine. Just so it's not a pitch-black area on the site.

Engineer Zedderbaum – No. All right and I think George's letter, I'm on Page, when I talk about the boundary survey is the first item of interest on the page. It was a basically, what happened George was when we did the original plans we just took the numbers off of old plans, we didn't

both checking, we just assumed that those were the numbers that represented the impervious coverage on the site but what the surveyor did was, he actually put everything in his computer and actually calculated everything that's on the property to determine the impervious coverage and that is essentially the difference between the two numbers that were set up originally and now we're only showing the surveyors numbers cause mine were incorrect.

Planner Ritter – Okay, so, the surveyor's numbers he has on the plan are based on real calculations; what's out there and that'll be the official.

Engineer Zedderbaum -Yes, correct.

Planner Ritter – Okay.

Engineer Zedderbaum – All right the item under a variance 47 spaces versus 50, we'll just provide the additional three parking spaces so that, essentially, goes away. We'll give the extent and width of the buffer areas of the landscaping and well will change the plants that you're recommending this is onto the required buffer strip on the next page.

Planner Ritter – Okay.

Engineer Zedderbaum – We'll take care of the minor corrections with regard to the zoning table and the height of the building. Item No. 8; it's signage. There are no new signs proposed; nothings changing on site so it is as simple as that.

Planner Ritter – Yep, okay.

Engineer Zedderbaum – If you would like on the area that we're removing the gravel and making it back into a grass to make up for the building addition, we'll put some landscaping there which will define that area so it can't be

Planner Ritter – Yeah, I was concerned that it's just so thin and long and it will just being overrun quickly.

Engineer Zedderbaum – And, the final comment is, I know when we do resubmit our plans, hopefully, for signature, the surveys will be signed and sealed.

Attorney Edleston – And one other thing Bob, the new parking spaces arrangement is a much better improvement then what is there now, right as far as where they're being located and the one way

Engineer Zedderbaum – Oh yeah, much better. That essentially takes care of my testimony, I mean, I'll answer any questions or if you have anything additional in the letter that you think I should address, but most of the comments in the letter are rather simple in nature and we'll just take care of them.

Attorney Bryce – Could you just testify just to get on the record the impervious coverage existing and what's proposed so that we have a witness that is testifying for that? And, if you could, also just indicate the basis for the variance for the setback?

Engineer Zedderbaum – For that, I think we need the plans. That's shown on Sheet 2 of our submission which is the boundary survey (inaudible) this is a table indicating the square footage of the various items on site we have a gravel entrance, we have main buildings, we have a climate building, we have area fenced, storage trailers and concrete and the ultimate end of that is the total existing impervious coverage is 84.2%. The application before the Board today essentially leaves that number exactly as it is by the replacement of the building versus the removing of the other impervious coverage so essentially it would be 84.2%. The building is 70.7 feet from Strykers Road and then you get to the end of the building where we want to put our addition, so it's essentially just taking the front wall and just extend it out towards the driveway on the adjoining property and so, it continues to keep a distance of 70.7 feet.

Attorney Bryce – Further exasperating the pre-existing non-conformance.

Engineer Zedderbaum – Exactly.

Attorney Edleston – I think that's it.

Engineer Zedderbaum – I think so.

Member Weeks – Gary, can we discuss one issue?

Chairman VanVliet – Certainly.

Member Weeks – I don't know if you are aware of it, Adam or not, the dirt lane that goes back to the asphalt plant,

Engineer Wisniewski – Yes

Member Weeks – I worry about giving a waiver for construction there, underneath. They had a massive sink hole in there, all right, let's see, a couple weeks ago, give or take, it's right next to,

pretty close to where you are going to be doing the addition all right, so, you had that one, you had one across the street so it seems to be in line so I

Engineer Wisniewski – Maybe it’s something that they don’t do, this could be something the Board consider are maybe to protect the applicant and Precast Manufacturing. Maybe they don’t have to do a full-blown Phase II Geotechnical Study of the entire site but it would be prudent of them to do some sort of sub-surface of this under the immediate areas surrounding the building addition and provide those results to us just for our record, specifically, you know, within the building foot print and, you know, that will give some guidance obviously to the individually architect design and you know, whoever’s going to be designing the footings for the building and then also with the relocation and septic system to make sure you’re not going to introduce any type of sink hole activity in the immediate vicinity of the building addition.

Engineer Zedderbaum – Septic, I believe, doesn’t get relocated only the septic tank does.

Engineer Wisniewski – Okay.

Engineer Zedderbaum – It’s still a water tight water tank.

Engineer Wisniewski – But no, that might be, you know, something you might want to consider.

Chairman VanVliet – Where’s the runoff from the stormwater for the new building going?

Engineer Zedderbaum – Truthfully, where ever the architect decides to put the roof line going to go, you know, instead of going 700 feet

Chairman VanVliet – What do you do with the water?

Engineer Zedderbaum – I think that’s one of the (inaudible) and it will run down the black top, eventually get into the basin that we have on the property that was built as part of, I believe, the last set of improvements. There’s a full basin back there and that will take whatever minor amounts of water will come off of this roof.

Chairman VanVliet – I have serious reservations about this because of the fact that you way exceed what the impervious cover is for anyone else in that area. The, we’ve chipped away at it over the years; I have no problem with you, you have the variance to do that, bring it up to 87% or 86 point some percent, whatever it is, but we seem to be going along here and a little bit here, a little bit there; there’s only this small building going up here but it’s always encroaching out on what our specifications are. I mean, where does it stop? The other thing is that, you know, we have generally a lot of different storm water regulations now in the Township would be forced into the

Highlands for a lot of things. I just can't see how we can keep going on like this, it's just one thing after another. I mean, you reduced the setbacks twice now, the buffer zones twice now, when are you going to be coming in and going right to the edges on these things. I, I, you know, at some point, we're dedicated to going to have best management practices here and you far exceed those by a lot right now. I don't see where any variances would be applicable now. What is the advantage to the Township of us granting that variance?

Engineer Zedderbaum – Just keeping a happy property owner who can have his employees live in a little bit better condition, you know, it's a, the Township doesn't get anything by having, I'm not sure the town gets a heck of a lot of applications. One thing I will tell you is, I don't think that you're going to see this application again, you know, this property, as you said, is, has been done pretty much to the max and you know,

Chairman VanVliet – You thought it was done to the max when we granted it the last time.

Engineer Zedderbaum – Well, I not sure, that was even talked about last time.

Chairman VanVliet – I was on the Board and we did talk about it.

Engineer Zedderbaum - All right. Well I represented them (inaudible)

Chairman VanVliet – As I said, I've seen the definition of impervious coverage change from what it was back in 2004 when we granted that amount of impervious cover to what it is today. I mean, decks, tents are considered impervious cover.

Engineer Zedderbaum- Okay, here's a suggestion for you and in your resolution of approval put in that this is the last application and no further applications will be granted for the property.

Chairman VanVliet – I don't want to go into that position but I just want to be, what's your answer to this?

Engineer Zedderbaum – As of right now, I don't think we're doing anything else. As I said, this is for the employees, you know, he doesn't get anything out of it, you know, he's not going to get more, more profits from selling additional information. His people can live a little bit happier during the day when they're working, so.

Chairman VanVliet – I agree with you, but you've already been, you know, the property has been declared a non-conforming use, it's a conditional use, you've been deemed to be a hazardous material handler, so

Member Pryor – Mr. Chairman, if I can hop in, my comments are related

Chairman VanVliet – Certainly.

Member Pryor – to what you say. I want to be reasonable about this, it's not a big application but I mean, you're going for a flexible "C" here, you have to show how the benefits out weight the detriments in terms of the Municipal Land Use Law and our master plan. I don't think you've done that. You talk about happy employees and we never get anything out of any application, that doesn't make sense as testimony to me, but recognizing it's small, I'd like to explore a (inaudible) get back to what the Chairman said. There's no question under the Highlands regs., you are a, I forget the term, significant potential contaminant site.

Chairman VanVliet – Yes, hazardous material

Member Pryor – They do have a suggested land use amendment which we will be required to adopt when we become fully conforming, correct George?

Planner Ritter – That's correct.

Member Pryor – And that very clearly says any addition kicks in BMP's. Now we don't expect you to redo the whole site and we haven't adopted it, but we will, we're not at the end of the process. It just seems to me what the classification and you're asking for a variance, it wouldn't be unreasonable or ask to see some reasonable effort in the area of BMP's, something that would be practical and feasible. I can see from the aerial; your site is densely developed. There's stuff all over the place. I'm sure if our engineer went out there with you. They could identify a project or two that would benefit the Municipal Land Use Law and would strengthen this request for a variance and that's an idea I wanted to throw out to the Board.

Engineer Wisniewski – To speak to the chair and the councilman's comments on that. We did have a recommendation; I drafted kind of a recommendation in our report, let me find it here, specifically, regarding the installation of some sort of BMP, if nothing else, to address the increase in runoff originating from the additional roof area that's going to be constructed on the site.

Member Pryor – Well, Adam I don't mean to cut you off, I'm just, what you say, I agree with and absent something like that, I don't really see proofs, the proofs on the variance yet.

Engineer Wisniewski – Okay.

Member Pryor – And, if we could incorporate something like that in the approval, then maybe my mind would, I could be convinced and I get exactly what the Chairman's saying here too. This is

the fifth application; there's been variances on everyone one and you can see where the site it. I think if we're going to do this based on the request for a variance, we, you know, we should get a benefit towards the Municipal Land Use Law and our master plan.

Engineer Wisniewski – Would we be willing to work with the applicant to determine what the best and most appropriate, you know, BMP would be for the site. So that's not an issue.

Member Pryor – And again, I'd leave it to the engineer to come up with something feasible, practical and useful, you know. I'm sure something could be under cover. I'm sure something could be cleaned up. I'm sure a berm or a curb or something to be found on site that would improve conditions.

Engineer Zedderbaum – Can I say something?

Chairman VanVliet – Certainly.

Engineer Zedderbaum – If, if, if we'd be willing to go along with this type of approach, where Adam and I would work together to come up with something, is it something that the Board can vote on tonight so we're, we've got our approval project and then he and I will come up with something to be on the final plans?

Attorney Bryce – If the applicant is willing to abide by that condition, I think what, Member Pryor and Chairman are saying is that currently there is no real great justification for the variance. If there's some type of improvement that can be done through best management practices and the runoff, perhaps that's good justification under the purposes of the MLUL to grant the variances and then you can definitely say that will actually provide a benefit that outweighs any detriment that's associated with the variance.

Engineer Zedderbaum – Well, the only problem with the variance is I can move the front of the building back four feet and not get a variance anymore and then we're not even discussing it but from a look on site, I think it's more appropriate to have continuous wall than a jog but we can, I mean, under five feet it's less than four, you know, is so, I could do that but I just don't think that's appropriate

Attorney Bryce – None-the-less, it's still a variance as proposed

Engineer Zedderbaum – Right.

Attorney Bryce – And, and I think what's trying to be telegraphed here is, if the applicant is willing to do some type of device or mechanism to address that concern, that would provide justification

at least in some Board members minds or the variance requested but in order to do that, we, the Board doesn't have the ability just to tell you what your application is. You have to say no, we're agreeable to do that and we can't force you to do that. We can't say that we're going to, the Board, excuse me, I shouldn't even say we, the Board doesn't have the legal authority to tell you we're going to grant you your variance, but you have to do it this way. We can say we're going to put conditions on, but the conditions have to be reasonable and generally the applicant has to be on board with the conditions.

Attorney Edleston – I think what Mr. Pryor saying is at least his mind is open if we can come back with some type of arrangement that meets with the Engineer and Planner's approvals that would show that there are substantial benefits that would outweigh any detriments.

Member Pryor – Now your concern is to walk away with a conditional approval tonight, right?

Engineer Zedderbaum – Right.

Member Pryor – And, I'm willing, personally, to put my faith in Adam and the engineer to come up, if Adam can come back and say they're absolutely is nothing practical, feasible about redoing the site, I'm going to accept that but I, I have a strong belief, that on that site, with everything that's going on there, Adam is going to be able to identify a couple of BMP's that can be implemented without excessive costs.

Engineer Zedderbaum – If we agree to that and Adam and I work together and between the two of us come up with something, can we get a conditional approval tonight so, at least,

Member Pryor – Well, the Board hasn't voted, but I'm just giving you my, you know,

Engineer Zedderbaum – I know.

Attorney Bryce – And, what the Board also has the option of doing is authorizing the drafting of a resolution that would be short of an absolute approval but it would be for a resolution for direction of approval for consideration at the next meeting for adoption and approval.

Member Pryor – And, as you mentioned that Jim that might be the most prudent for all concerned; narrows it down to the one issue and it's solved by next meeting, right?

Attorney Bryce – Well, normally (inaudible) litigation.

Attorney Edleston – May not be solved by the next meeting, but

Attorney Bryce – Hopefully.

Engineer Zedderbaum – And we’re hoping.

Chairman VanVliet – This is what the applicant is agreeable to that then?

Engineer Zedderbaum – Yes. Adam can meet with me next week on site?

Chairman VanVliet – Okay at this point, we’ll open it up to the public for any questions? John?

John Betz – Is this the public questioning or just for this issue?

Chairman VanVliet – Just this issue.

John Betz – Okay, just one thing I wanted to ask about, he mentioned something about asking for an offsite drainage waiver. What is an offsite drainage waiver? Is that off their property somewhere in speech he did speak about offsite drainage waiver?

Engineer Zedderbaum – It’s part of the Township’s checklist. This is for bigger projects where you may have to tie into a drainage system that’s off the property; you may have to look at the drainage system off the property. In this case, it is on our property so it’s a non-issue.

John Betz – Yes, okay. I missed it, I thought it was within your statement.

Chairman VanVliet – I don’t see any other public so I guess we’re done with the public portion of this so, I’ll close the public portion and move onto any further questions from the Board?

Member Weeks – Did we settle or any movement on the sink hole there as we’re definitely want to put that in as a requirement under a lower standard.

Chairman VanVliet – I think Adam indicated that they should do at least the minimal.

Engineer Wisniewski – Yeah, I think some minimal

Chairman VanVliet – investigation on what the sink hole

Engineer Wisniewski – investigation

Chairman VanVliet – is and for the foundation work for themselves anyway.

Member Weeks – Yeah, I'd like to see that in there as a document.

Engineer Wisniewski – I didn't see exactly where that sink hole was on the property in relation to this building room, building specifically and how close it was.

Member Weeks – It was probably, estimating now okay, maybe 25/30 feet in on the dirt lane going to the asphalt plant

Engineer Wisniewski – Off of Strykers?

Member Weeks – off of Strykers and probably had a throat about yo big and they were digging and found it. It didn't show up they were digging.

Chairman VanVliet – Those are one of the issues that you've had and suggested that (inaudible).

Engineer Wisniewski – That was an item, you know, a waiver was requested because basically the entire Township's underlain by limestone and sink hole prone rock so, that's typically a requirement for definitely for major site plan application. This is not a major site plan application, so, frequently on smaller applications that intensive study is waived but, you know, it might be prudent to have some sort of geotechnical investigation of the area by the applicant just to make sure there won't be a potential issue.

Engineer Zedderbaum – I'm sure the architects going to want, before she finishes designing it,

Engineer Wisniewski – Yeah, somebody's going to have to design the foundations, right? They'll have to get boring done or something along those lines, so, if that reports prepared, then we'll understand the depth of rock, the nature of the rock, things like that and that'll help

Member Weeks – Yeah, that's what I'm looking for.

Engineer Wisniewski – with sink hole concerns specifically, in that area.

Chairman VanVliet – You agree with that?

Engineer Zedderbaum – Yes.

Member Pryor – Jim, you're going to have to help with the language, here right?

Attorney Bryce – I think what the motion would be is authorizing the attorney to draft a resolution of approval for amended site plan and variance relief with specifying conditions for consideration at the next

Member Pryor – Specify (inaudible) BMP's.

Attorney Bryce – Yes with

Engineer Wisniewski – Right, so just to further clarify BMP's, we're talking about water quality BMP's.

Member Pryor – If you go back into the Highlands Council's language, they're dealing with potential contaminants.

Engineer Wisniewski – So, water quality.

Member Pryor – Water quality and they talk about potential, curbing of potential spills, cover, it could be housekeeping. I don't know how but

Engineer Wisniewski – So, basically

Member Pryor – You know better than I am what all that stuff is and I'm sure you'll find something. So, as you framed it, with the addition of the BMP's

Attorney Bryce – Authorize the draft of the resolution.

Member Pryor – Yeah, I will make that motion.

Chairman VanVliet – Okay. Do I hear a second?

Mayor Mengucci – I'll second it.

Chairman VanVliet – Roll call Beth, please.

AYES: Members Clymer, Pryor, Weeks, Mayor Mengucci, Chairman VanVliet, Alternate Steinhardt, Alternate Liptak.

NAYS: Member Devos

Attorney Bryce – For the benefit of the public, I think we should just (inaudible).

Chairman VanVliet -Okay. For the public, you'll be back at the next meeting and we will have a continuation then. Okay, thank you. John, do you have any other comments.

John Betz – I want to understand something about Strykers Road Associates. Something said about movement of traffic, a traffic study's being done. There was something said about site line for distance – only right hand turns from South Drive onto Strykers and only passenger cars then North Drive – so does that mean, you know, say that's, say that's 519, this is Strykers, this Strykers Road Associates is over here – does that mean the only ways the trucks are going to able to pull out of there, is to go towards 519?

Chairman VanVliet – That's correct.

John Betz – How are they going to enter? Is there any, how will they enter?

Chairman VanVliet – They'll come from Strykers Road.

John Betz -They'll come Strykers Road and either, if they come from

Chairman VanVliet – Exiting, they have to turn right; they can't go left. But entering they

John Betz – They can turn left coming north

Chairman VanVliet – Yes.

John Betz – and they can turn right going south. Okay.

Chairman VanVliet – Does the Board have anything else.

Member Pryor – Yeah, I have a quick question for Adam. Do you know anything more about the status of the asphalt plant?

Engineer Wisniewski – No. I know they are currently working on getting Aqua to, they're coordinating with Aqua to extend the water line along Strykers Road.

Member Pryor – Is there, who is the applicant now? Did you had a pre-app meeting with whoever is going to do it now

Engineer Wisniewski – I have not. Paul has met with them in the field on site.

Member Pryor – So, they haven't really cranked up but they're out there?

Engineer Wisniewski – They’re out there. They purchased the property and they’re resuming or assuming the construction of the site that was basically just abandoned. The plant was built. No utilities were extended into the site. The drainage system is in but none of the paving was done and you know, partially was landscaped but was not completed so they’re basically, trying to get the asphalt plant completed.

Member Pryor – Did Paul get a schedule from them or anything like that?

Engineer Wisniewski – He hasn’t given it to me but he probably does.

Member Pryor – You know, what I mean, just for informational purposes, if he has one, could he just blast email everyone?

Engineer Wisniewski – I’ll ask him. It’s something like Northwest Asphalt or Northwest Materials. It is a corporation that’s purchased it and I think they’re from like south Jersey, so.

Chairman VanVliet – I’ll entertain a motion to adjourn.

Member Pryor – I will make a motion to adjourn.

Chairman VanVliet – Second.

Mayor Mengucci – Second.

Chairman VanVliet – All those in favor? Any opposed?

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary

