

**TOWNSHIP OF LOPATCONG  
PLANNING BOARD MEETING**

**7:00 pm**

April 28, 2021

Topic: Lopatcong Planning Board Meeting  
Time: Apr 28, 2021 07:00 PM Eastern Time (US and Canada)

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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 Ledger and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present: Members Pryor, Samson, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet. Also present were Attorney Bryce, Engineer Wisniewski and Planner Ritter.

**Old Business:**

**NFI, Real Estate, LLC** – Preliminary and Final Major Site Plan Approval and Variance Relief Application Concerning Property Located at 188 Strykers Road and Designated as Block 99, Lots 3.01 & 6. Notice received from Attorney Peck that NFI will not be present this evening and has requested to carry their notice.

Chairman VanVliet – Okay, now we’re got a major change in the agenda. NFI Real Estate will not be coming before the Board this evening. They requested; I call it a postponement. They’re calling it an adjournment. I’ll defer to Mr. Bryce on the difference between those two: I mean we haven’t started the meeting so I can’t adjourn the meeting. I would call it a postponement for indefinite. I can’t promise we are gonna have the room for them at the May meeting. I don’t know what the schedule is going to be at that time, so I don’t want to lock us into having to have them go through the process, so.

Attorney Bryce – Chairman, do you hear me?

Chairman VanVliet- Yes

Attorney Bryce – Okay. I’m just going to have; I think it might be Beth that’s not muted. Beth, or if everybody else can mute because there’s a lot of feedback here. In any event Chairman (inaudible) the applicant and Mr. Peck (inaudible) the hearing. We can call it a continuance but they did publish for notice that they’d like to have the hearing carried to at least the next month with carrying the notice as well and that would just simply require motion of the Board to grant.

Chairman VanVliet – Okay, I have no objection to that. Can I have a motion to carry the meeting and carry the notice forward until the next time we meet?

Member Pryor - I’ll make that motion

Mayor Mengucci – Second.

Chairman VanVliet – Okay, roll call Beth, please.

Roll call vote:

AYES: Members Pryor, Samson, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

Attorney Bryce - Okay, and this is just for the public’s benefit, whoever appears today, you will not get further notice of the hearing, so you have to check back at this hearing next month, because the notice was carried, so this is your continuation of notice, okay.

Chairman VanVliet - Thank you, Mr. Peck, you agree to that?

Attorney Peck - Yes, thank you very much Mr. Chairman. We’ll see you next month.

Chairman VanVliet- Okay, so, hopefully, thank you.

Attorney Peck - Well, I’ll make an appearance regardless. Thank you.

Chairman VanVliet – Okay, the next order of business is the Bridge Development Partners, LLC Block 99 Lot 6 Subdivision and Site Plan Completeness. Let me explain to the public a little bit that we're not going to be opening this to any public comment because this is strictly a Board process that we go through to deem their application. Not deeming anything as of the actual construction of it or whatever else might come up. It's just that they have completed to our satisfaction the Checklist that Lopatcong requires. So, Mr. Bryce do you have anything?

Attorney Bryce- Chairman, I think that that's an adequate summary. Again, this is just a Completeness determination before the Board as to whether or not the application (inaudible) submitted by the applicant is sufficient for the Board. Whether there is any waivers the Board wants to grant for the submission purposes, and would allow, if complete, the application to be scheduled for a hearing

Chairman VanVliet - Okay, is the applicant representative present?

Attorney Aithal - Thank you, Mr. Chairman, if you can hear me my name is Arvind Aithal, Attorney at Law. I represent the applicant before the Planning Board this evening. I am sorry my voice is a little weak. I'll try to keep it up so that you can hear me.

Chairman VanVliet - We can hear you fine.

Attorney Aithal - Mr. Chairman, would you like me to just go over what we have first for, as your attorney advised you, this is a Completeness hearing only and I'm sure that the Board is well aware that the criteria under the Municipal Land Use Law for determination of Completeness and as your attorney has indicated to you and that yourself has stated, this is not approval or disapproval of the application but only to determine whether the item that was submitted meets the standard in Municipal Land Use Law and the local ordinance in terms of Completeness. There are a number of Checklist items that your engineer and I'm going to refer to April 23<sup>rd</sup>, 2021 letter, Completeness letter that the Mr. Sterbenz issued to the Board and to the applicant where there are four items, Checklist Items 12,30,36, and 60 that he has deemed to be needing to be addressed. I will state that Item 30 and 36, I have our engineer by the way, on the line as well and as Mr. Bret Skapinetz, and if I can have him unmute as well, while he is unmuting, Item 30 and 36 Mr. Skapinetz will confirm that those items have actually been provided to Mr. Sterbenz and if Mr. Sterbenz is on the line perhaps you can confirm that, but we don't believe that those two items warrant a further review by the Board in terms of determining whether there's a waiver that is required. Items 12 and 60, I'll have our engineer address. We believe that these are technical items, one of which can be provided as a resolution completion item and the second being a letter of interpretation in which we're waiting for an outside agency to provide, however, we do show that the delineation of the site plan itself and Brett, if you're on the line, could you address Items 12 and 60 after you quickly confirmed that I have not misled the Board with Items 30 and 36 and if I have, it is an advertence, I assure you, I want you to make sure that you straighten me out and inform the Board of what the truth is.

Engineer Skapinetz – Hi, good evening, everybody Brett Skapinetz with Dynamic Engineering Consultants. I am yes, Arvind you are correct, Items No. 30 and 36 you provided a one of one exhibit plan to Mr. Sterbenz and the Board as provided yesterday to illustrate what is requested

in Mr. Sterbenz letter which is to show the proposed driveway from the adjacent property and into our site and the future of utility and access easements plans that was depicted on plans for that property running to our site. We depicted both those items on that one-page plan and made that submission. With respect to Items 12 and 60, I would ask for a temporary waiver for those as Mr. Aithal noted one of which would potentially be a condition of approval of the letter of interpretation for NJDEP. We are in the process of making that submission and certainly, if we do receive it prior to any approval by the Board, we will (inaudible) part of the resolution of approval. So, as soon as we get it, we'll submit it and then with respect to the Item No. 12 which is a minimum set back distances to several features on site, we, again, ask for a temporary waiver on that which is as far as any future resubmission of plans, we will certainly note all those items on their; on the plan site.

Attorney Aithal - And Brett, before you, Mr. Chairman, I'm sorry, I didn't mean to cut you off if you were about to say something.

Chairman VanVliet – No, go ahead, please

Attorney Aithal – And, Brett before, thank you, before we sum this up Checklist Item 37, Mr. Sterbenz indicated was also an item that were saying is not applicable to us and therefore, we didn't provide it and if you could just inform the Board of why that was in fact, not applicable.

Engineer Skapinetz - Yeah, we indicated that it was not applicable because they were not aware of any dedications either through the county or the township (inaudible) necessary now obviously we need to go through the review process both of the town and the county more formally, so, if there is any or dedication of some sort, we, obviously, will work with other agency, of either the town or the county which will incorporate that dedication whatever it may be (inaudible).

Member Pryor - Mr. Chairman?

Chairman VanVliet – Yes.

Member Pryor - Can you hear me?

Chairman VanVliet - Yes, I can Joe.

Member Pryor - Yeah, I agree with Mr. Skapinetz, the attorney mentioned Checkless Item 12 being a resolution item, I am not sure what he meant by that. I don't think it is a condition, if this gets approval, I don't see this condition of approval. I would hope that would be available when the hearing starts and everything else, I think is as Mr. Skapinetz said, but I do think that the lines and so on, should be available when the hearing starts, and I think we can temporarily waive that, is that a problem?

Engineer Skapinetz – We're okay with that.

Member Pryor – Yeah.

Attorney Aithal – And, Mr. Chairman, I did, my writing on the little legal pad was scrunched together so, actually, I was referring to a Checklist Item 60 as being the one that I wanted to say

(inaudible) if the Board wanted to approve it. Unfortunately, I saw it with Checklist Item 12 which was above that. I did not intentionally. I did not mean to mislead the Board as to what my intentions or the position of the applicants.

Chairman VanVliet -Okay, Mr. Bryce, do you have any further comment on it?

Attorney Bryce- No, I do not Chairman I think that adequately sums up the Completeness submission.

Chairman VanVliet- Okay, Adam, I'll refer to you, do you have any further comment on it?

Engineer Wisniewski - I could just speak to, since Mr. Sterbenz isn't on this evening, I'm, you know, representing the attachment to his office and the Board engineer at this hearing, so, I can speak to Completeness Checklist Items 30 and 36 in our letter that we had requested that the plans submitted by Bridge Development Partners indicate the proposed driveway for the NFI site and basically, what we received, and the Board has also received I believe that was received as of that this morning, does depicts that that kinda the two plans are overlaid so that can be something that's discussed in the future during the hearing process in terms of coordinating those plans and making sure that everything kind of agrees as the project goes forward.

Chairman VanVliet - George, do you have any comment on this?

Planner Ritter - No, my letter deals primarily with variances with the time waivers that will be pending as this application goes forward at least as we see it now. There are several items in the letter that I asked the applicants to consider, but they do not go to Completeness, so that deals with providing cross sections through the landscaped area and to the building, so that the Board can get a better feeling with how well the building is screened from the residential areas. It also requested that they produce a little bit of a landscape plan that breaks out the various elements of our code and give this an actual physical count of the plant material that areas so that we can determine whether or not they need variances, to our designed landscaping. It appears that the first review that there would be several variances required and, quite frankly, I'm more than willing to let the applicant count and show me how they go their numbers and we'll go from there, but as I say the items in my letter are no specific to Completeness and can be handled as the plan progresses in front of the Board.

Chairman VanVliet- Thank you, Mr. Aithal, I'm sorry if I pronounced your name wrong are you in agreement with that?

Attorney Aithal- We are.

Chairman VanVliet- Do any of the Board members have questions? Hearing none, I'll entertain a motion to deem the application complete. Do I hear a motion?

Member Pryor - I'll make that motion.

Mayor Mengucci - I'll second it.

Chairman VanVliet - Beth, roll call, please.

Roll call vote:

AYES: Members Pryor, Samson, Mayor Mengucci, Vice-Chairman Fischbach, Chairman VanVliet

NAYS: None

Attorney Aithal - Thank you.

Chairman VanVliet – We have completion and we look forward to seeing you in the future.

Member Pryor - Mr. Chairman

Chairman VanVliet - Yes Sir.

Member Pryor - Yeah, before they leave, I do have a suggestion that the Maser letter, still call them Maser, was talking about professionals getting together. Given the interest in this application, and the litigation that's gone on, I would just as much avoid that. I'd like to have everything on the recorded I think Maser writes a thorough review. The applicant gives a thorough response and I would just as much have a everything on the record and I'd like to avoid any offline meetings. That's my opinion.

Chairman VanVliet - I tend to agree with you on the situation on these applications. As it occurs now, we already have legal action against us for a lot of the things, so, I would rather have everything know above board right, have everything out in the open so,

Attorney Bryce - Chairman, I would just add that sometimes the engineers would communicate about technical review. That may not implicate the merits of the overall application, it is just simply clarification. I don't I'm not sure to go that far.

Member Pryor – Well, Mr. Bryce sometimes guidance is given and I, the guidance might be correct, maybe incorrect; it hasn't been passed the Board. Personally, rather keep that to a minimum.

Attorney Bryce - Okay

Chairman VanVliet - Okay, any other questions from the Board members? Hearing none, that's about the end of the business. So, I don't think we

Mayor Mengucci - Garry

Chairman VanVliet – Yes.

Mayor Mengucci - You did not approve the minutes for March 24.

Chairman VanVliet - I am sorry way down the bottom of the page, okay, that's under Old Business. We'll move onto Old Business does everyone have received a copy of the March 24, 2021 minutes, do you have any comments, questions, revisions? Okay, in that case call for a voice vote - all those in favor for approving the minutes, signify by saying yes. All yes, except for Mayor Mengucci who abstained. And, at this point, we will open up to the public comment. Is there anyone from the public that would like to ask any question from the Board?

John Betz - Garry

Chairman VanVliet – Yes, Mr. Betz.

John Betz - Yes, you mentioned that a one portion of the Planning Board meeting gonna be held next month, pushed off till next month, does that mean it will still be the fourth Wednesday of the month or could there be meeting prior to then?

Chairman VanVliet - No, it will be the fourth Wednesday of the month.

John Betz - Okay, thank you, thanks a lot.

Chairman VanVliet - The regularly scheduled meeting.

John Betz – All right.

Chairman VanVliet – Anyone else for the public?

Engineer Wisniewski - Just a clarification, Mr. Chairman to speak to Mr. Pryor’s comment and request, Joe are you specifically referring to our conclusion in our report referring to the NFI application?

Member Pryor – No. No, general there’s a lot interest in this and I would just as much have it all conducted in the public as much as possible.

Engineer Wisniewski – Okay, what our recommendation to the Board was that prior to the hearing being held on that application, that we meet with the engineer for the NFI Real Estate developer and discuss the technical issues that we raised so that they can address those prior to the hearing. Would you like us not to do that meeting?

Member Pryor - I would like you not to.

Engineer Wisniewski - Okay, very good then I will

Member Pryor - This isn’t a reflection on anyone these are large applications, there’s tremendous interest. I want to just avoid any question.

Engineer Wisniewski - Okay, right I mean as you know our intention is never to differ any regulation or rules or try to you know get them more in compliance then what they are now. So, but if you prefer that we do not do that, then we will not do that, and we will discuss the technical issues at the hearing next month.

Member Pryor - You can give written guidance just like you do in you review letter

Engineer Wisniewski - But not have a sit down.

Member Pryor - But all on the record

Engineer Wisniewski – Right, but not have a sit down.

Member Pryor - Right.

Engineer Wisniewski -Okay.

Chairman VanVliet - These applicants are two separate applicants and I don't want to see anything where somebody's brokering something back and forth here without the Board knowing about it.

Member Pryor - An excellent point Mr. Chairman.

Chairman VanVliet - Thank you. Okay, I have nothing else, does the Board have anything else? I thank everyone tonight for attending and see we're gonna go for the next meeting.

John Betz – Garry, can I ask one question?

Chairman VanVliet – Certainly.

John Betz - Both separate issues, will they both be heard at the next regular meeting next month?

Chairman VanVliet - That's why I brough up the situation because I was (inaudible) or a delay only because of the fact that the because of the volume of the information that we're going to go through, I don't think we can hear both of those applicants at the same night. We still have the restriction of finishing the meeting about 10 o'clock so we don't get into 1 or 2 o'clock in the morning situations again, and that's the reason behind why I'm doing this is that I'd like to manage the time. I felt though which one is gonna be completed first or where we are going until that becomes more relevant, I don't know which one is going to get which slot on what month so, it's a matter of scheduling for the Planning Board.

John Betz - So, there will only be one meeting next month if possibly that will be two.

Chairman VanVliet - No, we won't have two meetings; one will be for the regular meeting scheduled meeting for the Planning Board for the month of May and then if there is anything to be carried over, which one we're going to hear in May, if any. The next one, when that's complete, then we'll come to the next one that will be up, but they will all be at the regular meeting of the Planning Board.

John Betz - Thank you very much. I appreciate you letting me stick it right at the end, thank you.

Chairman VanVliet - Your welcome. Okay, anyone else? If not, I will call for a motion to adjourn.

Member Pryor - I'll make that motion, Mr. Chairman.

Mayor Mengucci – I'll second it.

Chairman VanVliet – Okay, all in favor say Aye. All in favor, no abstentions. The meeting is adjourned.

Respectfully submitted,

Margaret B. Dilts, Secretary



