

Township of Lopatcong
Planning Board

November 25, 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, Alternate Liptak. Also present were Engineer Wisniewski, Attorney Bryce and Planner Ritter.

Old Business:

Minutes – October 23, 2019 –Motion to approve the minute by Vice-Chairman Fischbach, seconded by Member Devos. All in favor. None opposed. Mayor Mengucci and Alternate Liptak abstained.

Resolution – Samson Enterprises – On the record, no objection from Mr. Samson.

Attorney Bryce - Is there some concern?

Mr. Samson – Well no, so the engineer had reached out to me and then asked me if I had a copy of the resolution and I hadn't had it but

Attorney Bryce – That's because it was very late. That's my fault.

Mr. Samson – Yeah, so we're good.

Attorney Bryce – Okay.

Chairman VanVliet – No objection then?

Mr. Samson – No.

Chairman VanVliet – Okay.

Member Pryor – Mr. Chairman, before we motion, I had one question I got to ask Mr. Bryce.

Attorney Bryce – Please.

Member Pryor – First, I applaud him on his detail; a little bit of effort went into that, but on Page 4, Page 4 as it prints on my computer, on the extreme right about half way down it says “Mr. Gloede indicated that the ultimate retention will discharge through a L-tall”. I’m not familiar with that, is that a term of art I don’t know?

Attorney Bryce -It was apparently my secretary not understanding my dictation, so half way down,

Member Pryor – Yeah, it’s right on the right margin about

Attorney Bryce – It should have been outfall.

Member Pryor – Outfall, okay.

Attorney Bryce – I believe that’s correct, right.

Engineer Wisniewski – Either headwall or outfall. Ultimate retention should probably read detention basin, maybe, because ultimate retention doesn’t really mean anything.

Attorney Bryce – You’re right.

Member Pryor – That makes sense, so

Engineer Wisniewski – I had that noted as well.

Member Pryor – That’s my only comment

Attorney Bryce – How would you like that?

Engineer Wisniewski – Detention basin. The detention basin will discharge through an outfall.

Attorney Bryce – I can make those changes and give them back to Beth.

Chairman VanVliet – Do you want to approve it tonight with

Attorney Bryce – Yeah, with the changes, as noted.

Chairman VanVliet – Any other comments it, if not I’ll entertain a motion to approve the minutes with the corrections noted.

Member Devos – I’ll make said motion.

Chairman VanVliet – You made the motion; do I hear a second?

Member Pryor – I’ll second it.

Secretary Dilts – Who made the motion?

Chairman VanVliet – Member Devos.

Mayor Mengucci – To the minutes or the resolution?

Member Pryor – The resolution.

Mayor Mengucci – You said minutes

Secretary Dilts – And the second was?

Mayor Mengucci – Joe

Secretary Dilts – Thank you. I'll roll call that:

AYES: Members Clymer, Coyle, Devos, Pryor, Weeks, Vice-Chairman Fischbach, Chairman VanVliet.

NAYS: None

ABSTAIN: Mayor Mengucci, Member Liptak

Chairman VanVliet – The next order of business under Old Business is the Highlands Element Master Plan Report to adopt the resolution. Has everyone received a copy of that? Any questions?

Member Pryor – Again, is George down here?

Planner Ritter – Yes.

Member Pryor – George, if I recall this does two principle things; one is the recharge areas and the second is the amendments to the stormwater ordinance.

Planner Ritter – That's correct.

Member Pryor -I recognize that's done at the Council level and we had the first reading of that already, but as part of the reexam, that was the second topic, correct?

Planner Ritter – Correct.

Member Pryor – Yeah, like I said, the ordinance that accompanies this has already had its first reading at Council, correct, Beth?

Secretary Dilts – Yes, it has.

Member Pryor – I'll just note that for information.

Attorney Bryce – Is that coming back to us in December?

Secretary Dilts – It's a Chapter 199 not 243, so does it have to come back?

Attorney Bruce – It's not a zoning ordinance.

Secretary Dilts – Correct. I didn't bring it back.

Attorney Bryce – I don't blame you. I'll double check, but yeah, I think you're right.

Member Pryor – Are you saying then the Board gets to comment on the ordinance.

Attorney Bryce – If it's a zoning ordinance, it should be coming back in front of the Board, but if this is going to be

Member Pryor – I don't know where that is in the, Adam is that separate?

Engineer Wisniewski – 199 is the Storm Management Ordinance.

Member Pryor – But does it stand alone from the land development section?

Attorney Bryce – It should.

Engineer Wisniewski – It's referenced by the land development section.

Member Pryor – But where is it

Engineer Wisniewski – There's certain provisions in the land development that requires

Member Pryor – I'd like to resolved this whether it comes back or not.

Engineer Wisniewski – It is a legal question, I guess.

Attorney Bryce – Yeah, I'll take a look at that but if it's not actually contained within the zoning ordinance, I think that it might not need to be referred b ack to the Board for consistency with the Master Plan.

Member Pryor – Okay, who's going, you're going to check that?

Attorney Bryce – I will look at that, yeah. I'll give the Board an email. I'll do that tomorrow; I'll make a note of that Mr. Pryor.

Chairman VanVliet – Want to table that or do you want to vote on that now?

Attorney Bryce – I don't need to table it. Chairman it either comes back or it doesn't. If it doesn't need to, then it is not a concern.

Member Pryor – Well, they're two separate things, right? It's our comment on the ordinance versus adopting the re-examination report.

Attorney Bryce – That's what you're doing now by virtue

Member Pryor – That's what, so we can vote on that now?

Attorney Bryce – Yes.

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

Chairman VanVliet – Do I hear a second?

Member Fischbach – Second.

Chairman VanVliet – Roll call Beth, please.

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

NAYS: None

ABSTAIN: Member Clymer and Liptak

Chairman VanVliet – Okay, now let’s move onto new business; Strykers Road Associates, LLC, Block 100, Lot 6.06, 6.07 and 7. They’re here for Preliminary and Final Major Site Plan with Bulk Variance relief.

Attorney Peck – Good evening Mr. Chairman, thank you very much and we would also need completeness as well. For the record, my name is Mark Peck. I’m an attorney with the Florio, Perrucci Law Firm here on behalf of Strykers Road Associates. I understand there was a bit of a deficiency with some of our submissions in terms of the number of plans that were, revised plans that were submitted so we are going to ask that both the completeness determination and the public hearing be carried to the next available date with the notice being carried cause we did file notice of the public hearing for tonight with the notice being carried and no further need to resubmit.

Chairman VanVliet – Okay.

Member Pryor – May I ask a question of Mr. Peck and Adam? Reading through the reports, one of the big deficiencies seemed to be the Geotechnical Report Adam.

Engineer Wisniewski – Yes, there’s some additional testing that’s required

Member Pryor – Quite a bit right? Is that going to be part of it?

Attorney Peck – We’re going to clean up as much as we can out of that because that wasn’t, it wasn’t so much that with the plans that we thought there was significant substantive deficiencies with the plans; it’s just we didn’t turn them in; we didn’t produce enough copies for whatever reason and it’s embarrassing and I apologize to the Board for wasting your time but yeah, we are going to take the opportunity since we have to resubmit plans to address some of the issues that were brought up in the review letter; specifically, the driveway alignment we picked up on, so, there’ll be some work done on that and other things to the extent we can.

Engineer Wisniewski – But to answer your question Mr. Pryor, regarding the Geotechnical Study, the Geotechnical Study was submitted with the initial submission as a preliminary study, typically in the entire Township effectively, there’s always a Phase II Study done which is a more in-depth study of the areas to be developed on the site and the preliminary report indicates that that study has to be completed. I think probably the intention of the design team preparing the plans was to get some sort of buy-in or approval of the layout of the site before they move forward with more extensive study of the underground conditions. They did do some study of the karst or limestone topography under the site and they did flag some areas which need to be further studied so, like I mentioned, a preliminary study but that we’re going to work with with the team working on the project to develop testing plan, locations and types of tests to give it best information for building the warehouse and the other improvements.

Member Pryor – I don’t know if this is appropriate, there is one other issue I’d like to bring up maybe to help everybody get a jump on it and that is the sewer. There was discussion of taking this up to Strykers connecting at Strykers; it goes on down to the main pump station then to Phillipsburg. There is an allocation involved; a Treatment Works Approval. I’ll just point out

that the allocation, what's remaining hasn't been studied in a long, long time and we'd have to see what capacity we have, what flows you're generating. It's an issue. It has to be addressed.

Attorney Peck – I'll certainly pass it along.

Member Pryor – Pardon me.

Attorney Peck – I'll certainly, you know, clearly it's outside my area of expertise, but I'll let the powers that be know.

Member Pryor – Yeah, cause there's downstream issues we're supposed to limit what we send to P'burg through that line and so on, so it's not just a case of signing a form, it's going to take some work and if you don't address it now, it will be a big item later.

Engineer Wisniewski – That's the TWA application was submitted as well. The initial flows that were anticipated were discussed with the Township Sewer Engineer on Dan Madden at JMT. He indicated that the flows anticipated from this warehouse specifically, in its current configuration would be, there is allocation available for that flow volume.

Member Pryor – If we have that opinion, then I'm okay, but I haven't been aware of that either on Council or here.

Engineer Wisniewski – But in terms of a full depth review of that TWA that hasn't been done at this point. We are waiting until, you know, preliminary approvals

Member Pryor – Yeah and I'm not just (inaudible)

Engineer Wisniewski – (Inaudible)

Member Pryor – total allocation from P'burg; I'm looking at going way back. They've blamed every downstream problem that they had in P'burg on Lopat and we agreed to, you know, limit the flow through that station, so, that has to be committed to paper some place and

Chairman VanVliet – Okay, very good. At this point, I'll entertain a motion to deem the application incomplete and will carry it to the December 19th, that's a Thursday evening.

Attorney Peck – 7 pm also?

Chairman VanVliet – 7 pm also.

Attorney Bryce – It would be carrying it to the December 19th date and you thought that we weren't going to have a meeting.

Attorney Peck – Santa Claus coming early. What can I say?

Chairman VanVliet – All right we'll get that out to Lori to put it in the website, okay. I'll entertain a motion to do that deem it incomplete and carry it to the December 19th meeting.

Member Pryor – I'll make that motion.

Chairman VanVliet – Do I hear a second?

Member Devos – I'll second it.

Chairman VanVliet – Roll call Beth, please.

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

NAYS: None

Attorney Peck – Thank you very much.

Attorney Bryce – And for everybody in the audience that maybe appearing here that's interested in the Strykers Road Associates, LLC application, that matter has been carried now to December 19th, 7:00 pm here. There is not going to be any further notice, so this is your notice.

Chairman VanVliet – Okay. I have a couple other things that I want to bring to the Board's attention. No. 1 the County Freeholder's Planning Department is holding a meeting on December 9th, 2019 at the Freeholder Meeting Room in Warren County Administration Building at 7 pm to analyze the industrial zoning for the traffic of trucks throughout Warren County. They included a map and all of our locations on Strykers Road and on the Ingersoll property are indicated on the map and how traffic and truck traffics going to affect it. I kind of think that maybe, I planned on going.

Member Pryor – What time was that Gary?

Chairman VanVliet – Seven o'clock. Only because I think two major intersections; Rt. 57 and 519 and Rt. 57 and Strykers Road will be really adversely affected if they send traffic south to get to 78. They are the only two intersections I can think of other than if they take 31 down from up in Washington but getting there is no picnic from White Township either, so, just to find out what's going on. They're supposed to have representatives from the Highlands Council and Planning Board Economic Development and they're indicating that there may be some grant money available for this. Don't want to miss out on it.

Mayor Mengucci – Is this 7 o'clock also?

Chairman VanVliet - Seven o' clock

Member Coyle – Is that a Thursday too?

Mayor Mengucci – No it's a Monday.

Chairman VanVliet – You are aware of it, You're invited to go if you like. Let me know and I'll RSVP to Dave Dech.

Member Pryor – I know of no other conflict that night. I think it would be good to get as many people there as we could.

Chairman VanVliet – Okay. Beth do you have copies of this letter that maybe we could pass out?

Secretary Dilts – Certainly.

Engineer Wisniewski – Beth, if you could copy me on that as well, please.

Secretary Dilts – Okay.

Chairman VanVliet – The other is that the Precast Concrete Company that was before this Board sent me a letter indicating that they would like, what they actually want to do is not undertake the storm water management program that we suggested they do and they want to come back before the Board to carry through with their application. My response to them through the privacy of Mr. Bryce and Beth indicates that, you know, I feel that it's best that they come before the Board and not make any unilateral decisions at my level and I also indicated to them that since they didn't make a request to carry the meeting at the October 2019 meeting that they would have to re-notice, you know, the people around them so that's where it stands now. I haven't heard anything about when they want to come in or

Attorney Bryce – I've heard nothing.

Chairman VanVliet – So, until that happens, I would think that we would probably want to carry them to January, sometime. Through the grapevine I heard that that's where they want to go.

Attorney Bryce – They'll have to notice for that.

Chairman VanVliet – They'll have to notice for that time then. Just so the Board's aware of what the action we took on that and that's about it. That's all I had then. Any further comments from the Board? Other than that, I'll open it to the public for any questions. John.

John Betz – Yes, what kind of warehousing is this one on Strykers Road, LLC, whatever will be going into that, is not known at this point.

Chairman VanVliet – We don't know yet.

John Betz – You don't know yet, okay. I mean I'd like to be at that meeting but I can't. Okay and another question I have. Over where the warehouse sits on the Ingersoll property that's in Lopatcong, that's going to be a Japanese company, manufacturer. Will that take up the entire million square feet do you know at this time?

Chairman VanVliet – From what I understand, it's going to be single tenant building.

John Betz – A single tenant building. Do you have, do they have to get a Certificate of Occupancy or anything of that nature prior to entering it?

Chairman VanVliet – Yes, they do.

John Betz – And where do they get that and when can the public find out when that Certificate of Occupancy is being issued?

Chairman VanVliet – It would be a matter of public record.

Secretary Dilts – The Construction Official that.

John Betz – So I can come down to Construction Department, all right. Where is that Beth?

Secretary Dilts- It's downstairs in the Building Department.

John Betz – Okay. All right. Thank you.

Chairman VanVliet – Anyone else from the public? Seeing none I'll entertain a motion to adjourn.

Member Pryor – I'll make that motion.

Member Devos – Second

Chairman VanVliet – All those in favor.

Respectfully submitted,