

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

April 24, 2013

The meeting of the Planning Board of the Township of Lopatcong was called to order by Chairman VanVliet at 7:00 pm. A silent 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 Belcaro, France, Hall, McCabe, Nash, Woolf, and Chairman VanVliet.

Old Business:

Minutes February 27, 2013 – Chairman VanVliet approved the minutes as there were no corrections.

New Business:

Sycamore Landing – Block 102, Lot 3 – Amended Preliminary & Final Site Plan. Attorney Gianificaro spoke as the representative for Sycamore Landing. Ron Aulenbach was present to testify on the modification of the application and was so sworn in by Attorney Palmer. Mr. Ronald Aulenbach introduced himself as the Director of Engineering for Edgewood Properties, now a partner with the applicant and acting on behalf of the developer.

Engineer Sterbenz: Completeness is addressed in my review letter on pages six and seven. A Check List has been submitted for the Preliminary and Final Major Site Plan. No deficiencies were identified during the review. A waiver request has been made for Rt. 22, which was also requested last August and approved by the Board. The Preliminary, Major Site Plan can be deemed complete. With respect to the Final Major Site Plan, there is one deficiency and that has to do with the submission of letters from the utility companies that provide service in the area. Not all the utility companies responded to the applicant’s request for a Will Serve Letter. We did provide a partial waiver last August and you can do the same tonight. There is a waiver request under the Final Major Site Plan in preparation of the Landscaping Plan by a licensed landscape architect and as I explained last August, the State of New Jersey professional engineers are permitted by statute to sign and seal landscaping plans and that is what the applicant has done. Engineer Sterbenz recommended the application be deemed complete with variances requested. Chairman VanVliet asked for a motion to deem the application complete with variances. Motion by Member France, seconded by Member Belcaro. Roll call vote:

AYES: Members Belcaro, France, Hall, McCabe, Nash, Woolf and Chairman VanVliet.

NAYS: None

Mr. Aulenbach: Mr. Chairman and Mr. Palmer if it is appropriate, I provided tonight two boards of the previously approved Site Plan as well as the Amended Site Plans before you tonight. I also have handouts for the Board members. Mr. Palmer asked that the boards be marked A-1 and A-2.

Attorney Palmer: A-1 is what? Describe that please?

Mr. Aulenbach: A-1 is the previously approved Site Plan and A-2 is the Amended Site Plan.

Attorney Palmer: Thank you.

Mr. Aulenbach: As our attorney represented to you, we are here for some minor changes. Just to bring the Board up to what is going on with this project since last August. As you are aware, one of the conditions of the prior approval was to get a consent order from the mall to tie into the Loop Road. We were in negotiations with the mall and very close to finalizing those negotiations when the mall was sold this past January. So we are still in negotiations with them but, unfortunately, we are not sure it is going to work into our time frame to start this project. We are very anxious to get this project under way and get started so, obviously, there was a condition of approval that we have that consent. We cannot get that consent in order to start construction, so we are here tonight to talk about eliminating that connection for now. We are still going to pursue it because it is best for everybody, but we do not have consent at this point. That being said, knowing that we had to come back to the Board for an amended approval, we decided to take some time from a marketing standpoint and make some minor adjustments to the plan and I will go over those changes with you tonight. As I indicated on the previous plan, we had the access road that went out the rear that ultimately tied into the Loop Road. This was the subject of discussion about that connection point and how it was going to be done and work that we had done on the adjoining property as well as the mall and then the balance of the site was what this Board previously approved. Exhibit A-2 on the right hand side, which is the Amended Site Plan, shows the future access road kind of clouded in because it is not proposed at this point. We are still going to pursue it because we think it is best for everybody but we can't represent to this Board today that we are definitely going to get that access point. The other change that we did, we took advantage of marketing points and we literally swapped Building Eleven and the Club House. Under the previously approved application, the Club House and Recreation Center was located more centrally toward the rear of the project. We thought from a marketing standpoint, it is better up front. So when you come into the site, the first thing you see is the nice Club House and Leasing Center. So the tenants that come in or residents, that's the first place they go through. They don't have to traverse through the site to get to the leasing office. So we literally just swapped Building Eleven and the Recreation Center. The balance of the site is unchanged. The detention facility, the site amenities, the Site Plan itself on the balance of the site probably 85 to 90 percent of the site is unchanged from what this Board approved. The other change that we were required to make was with the elimination of the access road at the rear we were required to comply with RSIS Standards as it relates to a single egress point and that allows us to create a boulevard affect which under RSIS is two access points. In the event that something does happen, on the northern side, there is still the ability to get out of the site. The other aspect is, and meeting with the towns professionals, is Mr. Sterbenz felt very strongly that there is a potential choke point in front of Building Eleven for the rear access because the only

three buildings located to the rear of that or to the west, if obviously something happened in that area, they have no way of getting out. So Mr. Sterbenz requested that we widen that isle out again, provide a striped boulevard affect to again channelize the people where they are going, but again, try to keep them separated and provide enough width in the event of an accident or something, cars can still get around. One of the first things we did when we found out about the mall was we went down to NJDOT and approached NJDOT to find out two things. Number one, how would their reaction be on the single access point and, Number two, does it void our permit. The second thing we did was go meet with Mr. Sterbenz but we had a very successfully meeting with NJDOT and, as a matter of fact, I do have a letter that I'm going to present to the Board as an additional exhibit where they verified our permit with the single access is still valid as originally approved. Um, so we went through that and are actually so excited to get this project started, and took the initiative and started some of the outside agencies again to find out what their feelings would be with these minor changes. Since that time, we secured Soil Erosion, amended Soil Erosion based on this plan, amended County. We have Morris Canal, finally have their blessing and sign off on everything and the NJDOT and I'll enter those in in a minute. So we've gone through great extents to make sure that nobody was going to have any issues with this, this amended plan and minor changes. That being said, Mr. Sterbenz did contact me and had some concerns about that boulevard affect out on Rt. 22, and the concern was, because it is right in and right out only, in the event that there is an accident or an issue on the northern side around the entry, there really is no viable way to get into the site because of the island configuration that DOT requires that the right in and right out only, emergency vehicles, and residents could not bypass that entry and try to navigate through the exit just because the way the geometry is there. We proposed an alternate solution, and if I can enter this in, Mr. Palmer.

Mr. Palmer: Alright what is that?

Mr. Aulenbach: A-3 and this is the Alternate Access Design. If you had a chance to review, what we are proposing, is to eliminate the island and just provide a stripe delineation so the delineation is still for the travel way, but in the event that there is a situation on the northern driveway, emergency services has the ability to set up cones, delineate traffic, at their will as opposed to a mountable curb with a concrete island and forcing people to drive over top of an island. This gives them the ability to delineate the traffic in and out of the site until the situation is cleared up. So we thought this would be an appropriate delineation and an alternate for that access drive out onto Rt. 22. I think it addresses Mr. Sterbenz concerns with the single entry and the single exit. It provides a border entry area, and the one concern that we did have, was the attractiveness of this massive asphalt with just the yellow stripping in the center, or if we went with the alternative which was a concrete island with a mountable curb, because obviously you cannot put landscaping in there if you are going to have cars needing to traverse over the top of it. One of the things that we would like to offer to the Board to consider is I'll say when we get the access point because we are really hopeful that we will get that. If and when we get the access point, we will agree to come back saw cut the pavement and install the island as depicted on the Amended Site Plan. When we get the access point out the back, we no longer need to have that delineation. We can landscape and put trees and bushes in there. Whatever proposed landscaping, if Mr. Sterbenz wants to review it, we would do it to his satisfaction but we agree that later on down the road it would be an attractive amenity for us to have something more attractive when you come in off of Rt.22.

Chairman VanVliet: This all meets DOT spec as far as coming in.

Mr. Aulenbach: Yes it does. As a matter of fact, I'll give this to the Board now. I only have a couple of copies of this. Mr. Palmer I'm not sure I have all five letters stapled together. I don't know if you want to mark it as one exhibit.

Mr. Palmer: A-4 and who are they.

Mr. Aulenbach: This is from the Lopatcong School District, Warren County Planning Board, NJDOT, Morris Canal, and the NJDEP Storm Water Discharge Permit and Soils and Warren County Soils.

Mr. Palmer: Just let me see so I can mark them. Thank you. I'm going to do a separate A-4, 5, 6, 7, and 8 for these letters. They will be as they are collated in this package.

Mr. Aulenbach: That basically concludes our presentation on the Amended Site Plan and the minimal changes. If the Board has any questions, I am here.

Chairman VanVliet: Any one on the Board have any questions.

Member France: What is the story with the new owner of the mall. You say you started that and you're hoping to get it. Are they resisting that or is it just a matter of time that you get it.

Mr. Aulenbach: We think it is just a matter of time. They are willing to give us the access but they are looking for a little more compensation than originally anticipated. So the thought process was, if we could prove that we can build the site without them, it may bring them back down into reality so to speak and open up negotiation again, but we believe in our conversations, that there's the willingness to grant us that access easement or the connection in. It's just going to take some time to get done.

Member France: How much time?

Mr. Aulenbach: That I couldn't tell you. This is a new outfit. I've never dealt with them before. They're a company out of Long Island, you know, so I'm not sure whether that could be six months, twelve months. It is beneficial to us to act as quickly as we can. It is beneficial to everybody not just the mall. We are going to aggressively pursue it. I just can't stand here today and put a time frame on whether it is going to take three months, six months or a year. We are going to actively pursue it though but we do want to start the project.

Member Woolf: Earlier in your presentation you said about a second emergency access was granted by DOT. If you go to the International Fire Code, anything over 200 units, you are required to have two ingress and egress points.

Mr. Aulenbach: Yeah and

Member Woolf: You can build 199 units if they're sprinkled with only one. Once you hit 200, you must provide two ingress and egress according to the International Fire Code. Our Fire Chief is here. I'll let him cooperate.

Mr. Aulenbach: My understanding and he wants to elaborate on how RSIS treats, so you have his benefit as opposed to the developer's benefit, of how RSIS treats the standard for egress on a development of this sort.

Mr. Sterbenz: I think what Gary is talking about is the Fire Code but from a Residential Site Improvement Standard perspective, is what this Board is dealing with, because the RSIS is the governing standards for residential developments as it relates to roadways, parking lots, driveways, drainage, sanitary sewer systems and water mains and from that perspective, what is being proposed, the roadway coming in is acceptable. It eliminates the so-called cul-de-sac. The applicant in addition to that is providing a widening and boulevard effect and will address the cul-de-sac issue in the back. So from an RSIS perspective, the applicant does meet the standards. I'm not familiar with the Fire Code or what it says quite honestly.

Member Woolf: They would need approval from the local Fire Chief so they will address that.

Mr. Sterbenz: Isn't the Fire Code administered by the Fire Sub-Code Official?

Fire Chief LaFord: Correct.

Mr. Sterbenz: Are you the Fire Sub-Code Official?

Fire Chief LaFord: Mr. Maguire is.

Member Woolf: You had all correspondence referred to the Fire Chief.

Mr. Sterbenz: I think the Fire Department.

Chief LaFord: The Fire Sub-Code Official is not associated with the Fire Department. He is separate from the Fire Department.

Mr. Sterbenz: My letter refers to the Fire Department as did the previous two resolutions. The Fire Department is required to review the plan for circulation and access to the buildings. That is what our ordinance says. It is not necessarily for code issues. Do you have, I guess, do you have a copy of the Fire Code here?

Member Woolf: That section. The way I interpret that to read, you can build 199 units because the buildings are going to be sprinkled. If you don't have your agreement with the mall people by then, that would stop you from building your last, without doing the math, your last 50 units.

Mr. Aulenbach: Right. Listen we understand that you know, this Board acts favorably on this application where, if not, we fall back to the old application. Obviously, we have to meet all the codes. We will meet with the building officials and code officials and we submit plans and if

that's the way the code reads, then that's what we have to live with. I can't sit here today and speak about whether or not we have to provide the secondary or not. If the code says that you're 199 units and the building units are sprinkled, and that's what the Sub-Code Official and Building Official says, then that's where we stop until we work out the secondary access point or we come back to this Board and say we can't work out a deal with the mall and here is what we are going to do. We are going to provide another emergency access onto Rt.22 whether it would be a full access or pavers. That's something we can deal with in the future. So we are not trying to circumvent the code in anyway. We obviously have to.

Member Woolf: I am not saying that.

Mr. Aulenbach: We have to build to code.

Member Woolf: The reason I am bring it to your attention, is until the development gets the approval of the Fire Department and our Fire Sub-Code Official, that is an issue. We are dealing with 247 units, I think it is.

Mr. Aulenbach: Right.

Member Woolf: That's quite a few residents to be strapped with just one entrance and everything is going to have to come in off of the east bound Rt. 22. So regardless of how many departments our chief calls in, if they're coming in from Greenwich Township or Bloomsbury or something like that, they would have go past the scene up, to Third Street on Rt. 22 on Memorial Parkway, and make a U-turn to get back to the actual development because the State of New Jersey put guard rails in through there so we can't cut across the medium any more.

Mr. Aulenbach: And again, you know, should the Board act favorably, something we would have to deal with in compliance as well as the code issues prior to getting the building permit, and we are happy to do that.

Member Hall: What's the issue with going out to Lock Street, emergency? Is there an issue with going out to Lock Street?

Mr. Aulenbach: Well, um, originally, I think that was one of the original ideas. I don't know if it was the County or Canal Commission that put up that road block, so to speak, because the location of the original canal. We had, at one point, an access road in for the pump station and that had to be eliminated. That was the driving force of the Canal Commission and County to eliminate any connection to that to Lock Street.

Member Hall: From a fire perspective, does it have to be a, could it be, an emergency road that's only used for emergency vehicles that would satisfy the code, or does it have to be a fully functional access need risks that everybody would use.

Chief LaFord: I believe the code says it has to be an ingress and egress point. I believe that is what it says.

Member Hall: So it doesn't necessarily have to be an active egress and ingress.

Chief LaFord: Without looking at it, I don't have it in front of me, I'm not the Sub-Code Official, but that's his job to interpret that.

Member Hall: The other question I have, no change in parking spaces?

Mr. Aulenbach: No, no we had, we obviously relocated a couple stalls when we moved some of the islands around, but the total number is the same.

Member Hall: And on the new map, there be old one where that future access drive comes out, you had it colorized there and where shaded, that property's not yours correct?

Mr. Aulenbach: No, we only shaded it just to show that it is just the future, we thought it was disingenuous to show it under the same, to show it exactly the same because, obviously, this will be landscaped, but we're showing it, obviously, still provided there is no buildings in the way. That's the only reason we did that.

Member Hall: Right, but do you own that?

Mr. Aulenbach: We have an access, we have an easement with the joint property owner to do that. We just need consent from the mall which is who put the road block up.

Member France: What is your thought about the concept of Lock Street. You know, the mall may have an emergency egress, but I think it is chained off going to the one community on the southern side. Could you do something similar here where it's not a permanent one, but at least in an emergency situation, you can get people in and out, you know, police in and out, squads in and out, Fire Department in and out in an emergency. So it just provides another alternative.

Mr. Aulenbach: We can certainly take a look at that, and from an engineering standpoint, if it works, we can work with Mr. Sterbenz on that, if it works from an engineering standpoint, the Canal Commission and the County doesn't have a big issue with it, certainly we can entertain it. It's not a cost factor, it's just a matter of making sure everybody is okay with it, but from this standpoint, we don't have any issue with it. As long as it works, you know, for everybody, so to speak, both the agencies, as well as from an engineering standpoint. I see severe grade issues on this site that we have to deal with and I can't say, with certainty, as I stand here, that we can make it work from a grading standpoint, but certainly a trained access with grass paver issue, I'm assuming that is what you are talking about, would be a viable option if we could get the other people on board, so to speak.

Mr. Sterbenz: Mr. Chairman, I just have a question for Gary. Assuming the Fire Sub-Code, this applicant could build up to 200 units with

Member Woolf: 199

Mr. Sterbenz: 199.

Member Woolf: Once you hit 200. 199 providing they are sprinkled and these are sprinkled units.

Mr. Aulenbach: Correct.

Member Woolf: Once it goes to 200 or above, even though they are sprinkled, it says you must provide two points of egress and ingress.

Mr. Sterbenz: What the Board could do here, is you could allow the applicant to build up to 199 units with this exact layout and they would not be able to build the units 200 through 247 until they provide the second fire apparatus road which could be an emergency driveway out to Lock Street, it could be a roadway to the Phillipsburg Mall if they are successful in getting that easement.

Chairman VanVliet: I think that this is coming down to a code situation that we really don't take jurisdiction over as far as a Planning Board.

Attorney Palmer: Maybe we can put conditions on the developer. It's really not our ...

Chairman VanVliet: I'm not sure whether we're looking at a second access that could be chained or could be a temporary access or it has to be a common access going in and out. What does it mean there?

Member Woolf: There again Mr. Chairman I not looking to hold this development up, like I say, I'm in favor of it. I think if there was added.

Chairman VanVliet: Well I have no problem with doing

Member Woolf: There again, I'm not an attorney. I might not be interpreting this right. This is just out of the code book.

Chairman VanVliet: I'm just looking at it from an aspect of what type of an access

Member Woolf: And our Fire Official is in Florida this week. He won't be back until Friday afternoon or evening.

Chairman VanVliet: I have no problem with conditioning it on making it meet all codes. That's no problem what-so-ever. I just don't want to go in and start providing areas and approving areas that I don't know whether that would even be considered applicable to the code.

Attorney Palmer: You make it a condition and the applicant goes at his own risk. That is essentially what it is.

Engineer Sterbenz: Where I was coming from, is, and Gary has been involved with this for a long time, and I would assume he is correct here. If you put a condition in there allowing the

applicant to start construction, you'd be allowed to build up to 199 units with this design, and while starting construction, the second road can be clarified.

Member McCabe: I have two questions. If you're doing the 199 units, will that first batch include, I think there was supposed to be a building that had COAH included in the initial building.

Mr. Aulenbach: Yeah, we're still, not sure what COAH is doing. There is going to be another acronym at some point, but the affordable housing component we're still filing. There is a schedule that COAH puts out of construction phasing and when units have to come on board, so you don't build all the non-affordable and you build the affordable last, and we will comply with that. I don't remember, off the top of my head, I think it's the first 25 market units you have to provide a couple of affordables and as you move up the line, the affordables have to come on board and, obviously, those affordables, there is also a bedroom mix that has to be complied with, so you have to make sure you're maintaining the maximum twenty percent one-bedrooms, the minimum of 3 bedrooms and stuff like that so we are still bound by that.

Member McCabe: And my second question is, different, um, even though you don't have a street going to the mall, do you have any thoughts or plans to provide some kind of a walkway?

Mr. Aulenbach: Yeah, one of the things that, and it's tuff to see on your, there was a walkway that went, and the only reason it does this is to meet ADA, that's a walkway up to meet the mall and the only reason it circumvents like this, is the steep slopes, we have to make the grade. It is still shown on here and still proposed, it is our intent to do it, the problem is there is a 20 foot gap between our property and the existing easement. So we can build a sidewalk to nowhere, they would have to traverse through the woods to get to it but, it is our intention, we get the consent from the mall, we go back to what the Board approved and be able to have a walkway out to the mall so our residents can get to the mall.

Member McCabe: So the mall is giving you a problem about a walkway and a roadway?

Mr. Aulenbach: They don't have a problem with either one, to be quite frank, they just said, here's where you're at, here's where we're at. It obviously is something they want, it's 247 units that's dumping in their back yard, it's a struggling mall and I just think they are being a little non-friendly right now because they really have us so-to-speak.

Engineer Sterbenz: Just so you are aware, the sidewalk that Mr. Aulenbach is talking about extends all the way to the corner of the Sears, and I approved that, I worked with the applicant on that. There is a comment in my letter as to where we should end that walkway right now. Should we end it by the sidewalk, before we get into that very curb alignment on the sidewalk, or should we take it to the property line? It is the Boards call. There is pluses and minuses. You might be creating a sidewalk to nowhere by bringing up the property line. On the other hand, I think people are going to walk up to the mall from this property and perhaps having a defined path going up that slope is beneficial. It is really the Boards call on this and a decision must be made tonight.

Chairman VanVliet: I looked at that before and I was a little concerned about constructing a sidewalk to nowhere and leaving it there 20 feet short of crossing the roadway with no definitive cross walks defined on that circular road at that point. We're just bringing people up there, inviting them to come up there and then allowing them to go out on to the mall property with no specific place to cross, no traffic control like a stop sign there, with a crosswalk for them to come in and I think that we might be opening up somebody to liabilities that are not necessary at this point. When we do get the full access coming up and accessing in, I mean maybe I'm wrong, I'm not an attorney, I would defer to Mr. Palmer on that. I mean if you have someone that is handicap and goes up the handicap accessible ramp and then you just leave him there.

Mr. Aulenbach: You're stuck, all right.

Chairman VanVliet: Where does he go. The other thing is the fact that I'm very concerned about bringing pedestrians to a point where there is no safe access to access the actual buildings in the mall; no place to cross, no defined crosswalk, no stop sign or yield sign or where ever you would put pedestrian crossing signs, there and we don't have the ability to enforce that to be put in at this point.

Mr. Aulenbach: Mr. Chairman, if you may recall, um, you know, Mr. Sterbenz had gone through some great lengths at the last application to make sure that the improvements we did with the sidewalk included a crosswalk to the mall, stops signs, yield signs, pedestrian crossing signs. We can certainly, as we move forward, if the Township and Board desires, we can post a small performance bond or check to guarantee the installation of that sidewalk as we move forward.

Chairman VanVliet: At this point, I would not want to see it constructed and have someone be injured on that aspect of it and, you know, would we be liable, would you be liable. We approved it and we're dropping them off at nowhere. So I would be reluctant to force you to do that now.

Planner Ritter: The only questions I have, and we had discussed this earlier, the decision is not to build those sidewalks now because of the liability issues and a sidewalk to nowhere. I do think it would make a lot of sense to grade the alignment. In other words, it would be grass and will be there then that somebody can easily install the sidewalk.

Chairman VanVliet: That's fine with me.

Mr. Aulenbach: That is acceptable and works towards our benefit as well.

Planner Ritter: It would be a grass path and you would not be inviting people but if somebody walks down it.

Chairman VanVliet: I would be amiable to that.

Mr. Aulenbach: All right.

Chairman VanVliet: That's my opinion for the Board. I'm just looking at the aspect of the Township becoming liable for something we approved and coming back to bite us later on.

Member Belcaro: Will there be enough lighting to the sidewalks? Those square spots on the plan are they lighting.

Mr. Aulenbach: Yeah, yes they are pedestrian lights.

Member France: You can't even get the mall to agree towards the sidewalk to bring the sidewalk up in there.

Mr. Aulenbach: We haven't had that negotiation yet as to what we can and can't do. We went to them and said, this is what we would like. They came back with an offer and now we are negotiating with them. It wasn't a situation where they said, absolutely no to the road and we said, okay how about the sidewalk. We're just trying to get what was originally approved by this Board which is the sidewalk, the access road, everything as one deal with them, so to speak so it hasn't gone that way where the mall said, absolutely no to the road and then we came back and said, what about the sidewalk, would you at least be amenable to that, it hasn't gotten discussions, haven't gone that way yet. We are hopeful they will calm down, so to speak, sit down with us again and be more reasonable, and let us, give us a consent form that allows us to tie into the easement that is there already.

Member France: This is just an economic decision. It's not that the mall won't let you. It is just more money than you want to pay.

Mr. Aulenbach: Correct. Right. It's part of the negotiations and it may end up being, we might not have a choice cause we want that access point.

Member France: It is an economic situation, not that you can't get approval.

Mr. Aulenbach: Absolutely. That's the part of the negotiations and it may end up being we may not have a choice cause we want that access point.

Member France: Personally, I think you are much better off with the access point because with regard to traffic in and out from a safety prospective plus allows you to build the sidewalk. People are going to walk up there no matter what so it would be nice to have a suitable path.

Mr. Aulenbach: From a development standpoint, we are much better with that access road. You know, for our residents, the ease of getting in and out of the site is much better for us. But again, we want to start this project relatively soon. You know, we want to be able to satisfy the RISI compliance and start construction immediately. Um, that's why we are here tonight.

Member Hall: The Township doesn't have any authority to mandate the sidewalk that's only on town streets. In other words, from a safety issue could we say that force the mall to do something.

Chairman VanVliet: I don't think this Board has any power over the, to force the mall to do anything. That would be illegal.

Member Hall: Yeah.

Chairman VanVliet: They would have to consent to do um.

Member Hall: In other words, it's not the same thing if we have a road that didn't have sidewalks like Charles Road, and you say, well we're going put in sidewalks; we have the right to do that. That's only because it's a primary road and the setback is already there.

Chairman VanVliet: I don't think it is to our advantage to do it at this point.

Attorney Palmer: Leave it up to the applicant dealing with the mall property and see where that goes.

Member Belcaro: What is the date of completion, given all the crew goes from the start date?

Mr. Aulenbach: We would like to start within the next 60 to 90 days to get out there, post our bonds and start construction and site work on the site within the next two or three months. General projection is typically about 100 units a year, is generally what we use as a gauge for full build out. You know, so 100 units per year obviously multi-family may go a little quicker.

Member Belcaro: Two and a half years?

Mr. Aulenbach: Yeah, probably two and a half years for full build out and obviously depending on what happens with the Fire Code, and if we get halted at the 199 until we can resolve the other issue.

Member Belcaro: In two and a half years, you can probably resolve this second egress.

Mr. Aulenbach: As I indicated, it is in our best interest. We just want to get started.

Chairman VanVliet: Just to clarify, even if you couldn't build that, the proposed access on Rt. 22 does meet the risk requirements and the state requirement for ingress and egress from the developer.

Mr. Aulenbach: Yes it does.

Planner Ritter: I think we covered all issues I had in my letter except one. Maybe we can save a little paint. It is up to the Board. Paul made a very good suggestion to line the one driveway in the back. The applicant has shown it as a painted boulevard in the middle of a parking lane. My suggestion is that we take the extra width and save the paint because people will drive on the right and left hand side of the road. It's not like it defining an area you can't drive in.

Mr. Aulenbach: Yeah, I understand, I think it was more to delineate the people staying in their lane so to speak. When we talked to Paul, the first idea, so to speak,, was an island and then we looked at it, and said, that's right, prohibit it because you have all these parking stalls there so back into a stall you have to angle it so we looked at it and figured as opposed to just having a free frall, so to speak, where there is no stripping, and certainly we can stripe it where you have a single stripe that comes out with no interhatching to save the paint.

Planner Ritter: I just didn't see the need. It's not so wide that people will try to turn it into a four lane highway. I'll go whichever way you want. I just didn't see the need to paint it.

Engineer Sterbenz: The paint was just to create the separation which the RSIS prescribes. So that was the thinking.

Chairman VanVliet: Okay.

Engineer Sterbenz: To truly separate the two lanes and meet the intent of the RSIS. If there is a way that we can tone down the striping, we'll do it. I understand George's thought. It will look unusual in the middle of the development.

Chairman VanVliet: Use just a double yellow line or.

Engineer Sterbenz: That's what I was thinking to do, just a double yellow line.

Chairman VanVliet: Basically, just delineating the lanes, that would be it instead of creating an island area there.

Engineer Sterbenz: Mr. Chairman I had one other issue. This Building 10 the um your green, it's a model unit in that building and I just had a question in my report as to what the disposition you indicate after construction and will it remain a model that you would continue to showcase and going to be people coming and going through this development after it is built or will it become an office. How are you going to use that?

Mr. Aulenbach: It is intended to be a model from here on out. Obviously, there is always change over in the units and it is much easier for us to maintain one model than if somebody moves out, you have to repaint it, carpet it and get it all fixed up before you can show it. It is to be a constant model to be able to show units while the others are being repaired so that is the intention. The office will be located in the Club House or the Recreation Center.

Planner Ritter: So you have no problem with putting a restriction on that that will never be an occupied as a residence.

Mr. Aulenbach: That's correct.

Planner Ritter: Okay, that's fine because the one extra unit will put you over on ...

Mr. Aulenbach: And if that was the issue, it wouldn't be before this Board but a different Board but understood just not sure and Mr. Palmer could work with how you craft that language cause we don't have unit numbers we don't have a certain designation.

Chairman VanVliet: Any further questions from the Board? If not, is there anyone from the audience that has questions of this witness.

Joe Imhoff: I just question the function of the Board to tell these men make their presentation tonight by coming up with all these alternative ideas for these highly paid guys should be making the presentation themselves. I also question, you know we are talking an exception. They do not have an access easement. It's needed for 247 units which is what their application is for. I don't see where there is a question except to deny it without this access consent and I would think these exceptions to be made for a person who has such a tight relationship with Lopatcong Township with other things that Mr. Perrucci that he be very careful before you would make these exceptions and then if you make this exception, what about the next exception and what about the one.

Chairman VanVliet: Do you have a question for this person or are you making a statement?

Joe Imhoff: I'm asking the Board.

Chairman VanVliet: Well I'm asking you, do you have questions of this witness?

Joe Imhoff: I, I don't. I don't have any questions.

Chairman VanVliet: Then I'd ask you to sit down. Any other people have a question for this witness?

Fire Chief LaFord: I've never gotten the updated plans for this. Can I get a copy of them?

Mr. Aulenbach: Absolutely.

Fire Chief LaFord: In front of Bldg. 11, that one that got moved from the front to where the recreation center was, I did look over those. A set of plans of utilities, I don't see a fire hydrant anywhere near it. Can that be addressed?

Mr. Aulenbach: I know for a fact that I think the comment letter said about a hydrant within 100 feet. All the buildings do comply with that. If there is not one close enough, obviously, we can move it a little closer, add another one, but I believe there is one within 150 minimum that was requested.

Fire Chief LaFord: What is the height of these buildings that are being put in; three stories, two stories, one story?

Mr. Aulenbach: The garages are one story, the apartments are three story.

Fire Chief LaFord: All the buildings are three stories.

Mr. Aulenbach: That's correct.

Fire Chief LaFord: Okay.

Chairman VanVliet: They are under the 40 foot level though.

Mr. Aulenbach: Yes.

Mr. Imhoff: I do have a question.

Chairman VanVliet: Okay.

Mr. Imhoff: Sir, do you have the required access consent from the mall to go ahead with this project that is requested?

Chairman VanVliet: He doesn't need one.

Mr. Imhoff: For 247 units he doesn't need one.

Chairman VanVliet: Correct. Why would he need an access permit from the mall?

Mr. Imhoff: A second egress, ingress.

Chairman VanVliet: That's what they are in negotiations now for.

Mr. Imhoff: But my question is do you have it?

Mr. Aulenbach: No that is why we are here tonight.

Engineer Sterbenz: Mr. LaFord there is a hydrant within 60 feet of the recreation building.

Mr. Aulenbach: You are talking about Building 11 Paul. The building that was relocated here. I think there is one across the street, but I'm not clear what the distance is. But, I know, I checked, when I got your letter about the 100 foot minimum, and it did meet that.

Fire Chief LaFord: Okay.

Chairman VanVliet: Yes ma'am.

Gena James: Was it a condition on the Preliminary Site Plan that you have the consent from the mall?

Mr. Aulenbach: Because of the access road that was going out the back, yes.

Gena James: Do you have that permission yet from the mall, from the mall itself?

Mr. Aulenbach: As I just indicated, no.

Gena James: Thank you.

Chairman VanVliet: Any further questions.

Mr. Orchefski: Yeah, just for my own knowledge, I just learned that and it's a fire hydrant thing, how many hydrants are in the complex? Do we know, roughly?

Mr. Aulenbach: I don't know off the top of my head.

Mr. Orchefski: I just found that the town spends \$150,000 a year to maintain these hydrants.

Mr. Aulenbach: These would be private.

Mr. Orchefski: Yes, you will take care of it?

Mr. Aulenbach: Yes.

Chairman VanVliet: No further questions. Have you completed your presentation?

Mr. Aulenbach: Yes I have.

Attorney Gianificaro: Unless the Board has anything else, we have that is our application.

Chairman VanVliet: Any further comments from the Board.

Member France: Is there a way, I understand it meets the requirements, is there a way to put something in the agreement to kind of push them to get approval to get the second access, egress and ingress and or an access to Lock Street if that's not do able.

Attorney Palmer: Well there going to be locked at the 199 if that's what the code says. They have to get approval from other officials. They will be moving at their own risk. If they don't get the access, they don't get 247 units.

Member Nash: Regardless of getting the access to the mall, what their planning on does meet DOT approvals.

Inaudible at this point due to noise from the recorder.

Mr. Aulenbach: It would be our desire to have individual names inside the development for definitive locations. Typically, what we do, and obviously are subject to review by whether it is you or the fire official. Typically, what we do is, it is a 4 digit number. The first number is the

building number, the second number is the floor, and the third number is the unit. So it varies for example 121. 111 is on the first floor

Chairman VanVliet asked for a motion to grant Amended Preliminary and Final Site Plan approval with all the conditions. Motion by Member Nash, seconded by Member Hall. Roll call vote:

AYES: Members Belcaro, France, Hall, McCabe, Nash, Woolf and Chairman VanVliet.

NAYS: None

Chairman VanVliet asked for a motion to adjourn the meeting. Motion by Member Hall, seconded by Member Nash. All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary