

TOWNSHIP OF LOPATCONG  
PLANNING BOARD REORGANIZATION AND  
REGULAR MEETING

January 22, 2014

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, Clymer, Degan, Fischbach, Hall, McCabe, Woolf, and Chairman VanVliet. Also present was Attorney Palmer, Engineer Sterbenz and Planner Ritter.

**Reorganization:**

The following members were appointed, reappointed and sworn in by Secretary Dilts:

Class I Member – Maureen McCabe (Mayor Steinhardt’s Designee)

Class II Member - Wayne Degan

Class III Member - Lou Belcaro

Class IV Member – Bruce Hall (unexpired term of Ann Coyle – 2016)

Alternate Member No. 1 – John Kosar (not present)

Alternate Member No. 2 – Tom Fischbach (unexpired term of Lisa Nash – 2015)

**Election of Officers and Secretary:**

Chairman – Nomination for Gary VanVliet as Chairman by Member Hall, seconded by Member Degan.

Vice Chairman – Nomination for Dave Lance as Vice Chairman by Member Degan, seconded by Chairman VanVliet.

Secretary – Nomination for Beth Dilts as Secretary with five-year contract, by Chairman VanVliet, seconded by Member Clymer.

Roll Call:

AYES: Members Belcaro, Clymer, Degan, Fischbach, Hall, McCabe (no to five-year contract) Woolf and Chairman VanVliet.

NAYS: None

**Appointment of Professionals and Approve Contracts:**

**Resolution No. 14-02** - Appoint Edward Palmer as Attorney for the Board.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING EDWARD PALMER OF HOUSTON AND  
PALMER 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:

Edward Palmer of Houston and Palmer are hereby retained as Planning Board Attorney for the  
year 2014 at a rate of \$250 per meeting as 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, 2014.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 14-03** – Appoint George Ritter, Planner.

R 14-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING GEORGE RITTER AS PLANNER OF RITTER  
AND PLANTE ASSOCIATES, 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 and Plante Associates, LLC is hereby retained as Township Planner for  
the year 2014 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, 2014.

Margaret B. Dilts  
Planning Board Secretary

**Resolution No. 14-04** – Appoint Paul Sterbenz, Engineer.

R 14-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING PAUL STERBENZ OF MASER CONSULTING  
P.A.

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 of Maser Consulting P.A. is hereby retained as Planning Board Engineer for the year 2014 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 Council at the Reorganization Meeting held on Wednesday, January 22, 2014.

Margaret B. Dilts  
Planning Board Secretary

Chairman VanVliet asked for a motion to approve Resolutions 14-02, 14-03 and 14-04. Motion by Member Belcaro, seconded by Member Degan to approve. Roll call vote:

AYES: Members Belcaro, Clymer, Degan, Fischbach, Hall, McCabe, Woolf and Chairman VanVliet.

NAYS: None

**Resolution No. 14-01** – Approving Annual Meeting Calendar and Official Newspapers – The Star Gazette and The Express-Times.

R 14-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPROVING THE PLANNING BOARD MEETING CALENDAR  
AND OFFICIAL NEWSPAPERS

NOTICE IS HEREBY GIVEN that the regular meetings of the Lopatcong Township Planning Board will be held the Fourth Wednesday of each month at 7:00 pm, except where otherwise noted below, at the Municipal Building located at 232 S. Third Street, Lopatcong, New Jersey. The dates of the meetings are as follows:

January 22, 2014 (Reorganization Meeting)

February 26, 2014  
March 26, 2014  
April 23, 2014  
May 28, 2014  
June 25, 2014  
July 23, 2014

August 27, 2014  
September 24, 2014  
October 22, 2014  
November 26, 2014  
December 17, 2014

January 28, 2015 (Reorganization Meeting)

The Township Clerk through 2014 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 Council at a meeting held on Wednesday, January 22, 2014.

Margaret B. Dilts  
Planning Board Secretary

Chairman VanVliet asked for a motion to approve Resolutions 14-02, 14-03 and 14-04. Motion by Member Belcaro, seconded by Member Degan to approve. Roll call vote:

AYES: Members Belcaro, Clymer, Degan, Fischbach, Hall, McCabe, Woolf and Chairman VanVliet.

NAYS: None

**Resolution No. 14-05** – Robert’s Rules of Order.

R 14-05

RESOLUTION OF THE TOWNSHIP PLANNING BOARD, COUNTY OF WARREN AND  
STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC  
GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Lopatcong Township Planning Board, County of Warren and State of New Jersey that Robert's Rules of Order Newly Revised 11<sup>th</sup> Edition is hereby adopted as a parliamentary authority 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, 2014.

Margaret B. Dilts  
Planning Board Secretary

Chairman VanVliet asked for a motion to adopt this Resolution. Motion by Member Hall, seconded by Member Belcaro. Roll call vote:

AYES: Members Belcaro, Clymer, Degan, Fischbach, Hall, McCabe, Woolf and Chairman VanVliet.

NAYS: None

**Old Business:**

**Minutes** – Chairman VanVliet approved the minutes of December 30, 2013 as there were no corrections.

**New Business:**

**Phillipsburg Mall** – Completeness and possible public hearing.

**Note:** Member Degan recused himself from the Phillipsburg Mall Application.

Attorney Bill Edleston – My client, the mall manager is supposed to be here and is not as yet so I will give the Board an overview of what the application consists of. Essentially, it is an application for approval or re-approval, as the case may be, to allow a Minor Subdivision of the out parcel on which the Friendly's Restaurant is located. The purpose of the application is to create a separate lot for that out parcel already shown as a separate lot on the Township's Tax Map, in order for them to sell it to the tenant. The purpose behind this is to generate some money for the Phillipsburg Mall so that they in turn can use that to renovate the mall property. If you have been inside the Phillipsburg Mall at any time in the recent past, you will agree with my

statement that it needs some help and by selling the out parcels, it will generate some funds to enable them to do some retrofitting in the mall and also to do some renovations in connection with breathing some life back into it. As you may have seen in the paper, a couple things are already planned; one is for a 17,000 sq. ft. Gold's Gym that will be occupying a large portion of the mall. Also, the site of the now vacant Sonic fast food restaurant is going to be occupied by a Starbucks and that should be happening sometime by the spring. Previously, we appeared before Pohatcong Township a couple of months ago. They granted subdivision approval to create separate lots for the out parcels in that Township in order to enable them to be separately sold and there is some precedence for the subdivision of this lot that is in question this evening. In 1993 this Board did grant Minor Subdivision approval for the site where the Taco Bell is and that was subsequently sold. There is a perfection deed that is filed that allowed that to take place. This is not something that is new to this Township but allowed eighteen years ago. The question becomes what about the issue of access easements and cross easements because there is quite a few of those involved in this. What was done in 1993 and what's going to be done now is there is a 22 page Reciprocal Easement Agreement that is going to be signed by the out parcels that are going to be privately owned or separately owned. What I would intend to do is to send that proposed agreement to Ed, Paul, and George to have them look at it for comments. That will deal with the cross access easement, the cross utility easements, and the cross drainage easements. I think there is one other easement that affects all of the other out parcels particularly this one tonight and that would be accessing the ring road which they would need to have as well to access their site. This is already shown as a separate lot on the Tax Map. When we met with Paul and the Chairman a few months ago, we indicated that there is no record of any deed in Belvidere that would have perfected a Minor Subdivision for this lot. Yet somehow it has come to exist, there is a separate lot number for it. It is shown as a separate lot previously on the Tax Map. So although I've noticed this tonight for Minor Subdivision approval and some variance relief related to that, essentially, it could equally be said that we are asking for reapproval this evening because we will hear from our surveyor. We intend to revise the plans and this may take care of some of the comments in your report Paul to reflect what is proposed is exactly what is shown on the Tax Map. We are not asking to change any lot lines or any dimensions as far as that is concerned.

Engineer Sterbenz – One point in housekeeping. In my October 18<sup>th</sup> letter there were two sections to the report; one was a technical section and another section having to do with the administrative aspect of the application called completeness and there was one completeness item, the lack of proof of payment of taxes and that has been resolved. There are a number of waiver requests related to items we would normally want to see on the plans to support the development application like catch basins, buffering and things of the like, and the reason they are requesting those waivers is because there is no development as part of the application just a lot line adjustment so to speak. I don't have any problems with the waivers so I think what the Board needs to do at this point, if you are in agreement with the waiver requests, is grant the waivers and deem the application complete and Mr. Edleston can put on his presentation.

Chairman VanVliet – Does the Board have any questions regarding the waivers? I need a motion to grant the waivers and deem the application complete. Member Hall, second Member Clymer. Roll call vote:

AYES: Members Belcaro, Clymer, Degan, Fischbach, Hall, McCabe, Woolf, and Chairman VanVliet.

NAYS: None

Attorney Edleston – Asked the surveyor to give his professional credentials and the relationship to this application.

Attorney Palmer – Swore in Surveyor Matthew Lieb.

Mr. Lieb – Matthew Lieb – L-i-e-b as in boy.

Attorney Edleston – You're professional credentials.

Mr. Lieb – I'm a professional land surveyor in the State. Licensed for ten years.

Secretary Dilts - The record shall reflect that at this point the recording machine stopped recording. The remainder of the information in these minutes are from my notes and from Engineer Sterbenz report dated October 18, 2013.

Member McCabe – Address property boundaries not being consistent with the curb lines. The plans to show what was there and draw up a deed so something is recorded on the record. Asked if the taxes were paid separate from the mall owner.

Member Belcaro – So by selling off lots, would this provide funds for a face lift to the existing mall?

Attorney Edleston – Yes. There are exterior plans that will provide a face lift to the existing mall.

Chairman VanVliet – They will reinvest the money from the sale of the out parcels. Who will maintain the ring road?

Attorney Edleston – That will be the mall's responsibility.

Engineer Sterbenz – Is Gold's Gym in Lopatcong or Pohatcong?

Attorney Edleston – Both Township's but I don't know how much in each.

Member Belcaro – Are your clients seeking other tenants?

Attorney Edleston – In negotiations with two or three others.

Chairman VanVliet – Will the adjacent project have access to the mall from the Heyman Property?

Attorney Edleston – I think they have settled the issue of access.

Chairman VanVliet – This has come up quite a bit and possibly the Township can take the road over.

Rob de Beer – (Member of the public) This is not settled and would like the applicant to be compelled to work with us to get the access. I am here tonight to represent Sycamore Landing.

Planner Ritter – A variance should be reconsidered by the Board for a 14.65 rear yard setback which is less than the 14.8 ft. rear yard setback previously approved.

Attorney Palmer – Recommended a motion to allow for the differential.

Chairman VanVliet – The approval has been noticed for any and all variance relief. Any further discussion by the Board? There being none, asked for public comment.

Robert de Beer – Sworn in by Attorney Palmer. Mr. de Beer stated that they appeared before the Board and noted that everybody here expressed a desire that our site plan be connected to the mall and that it would help the struggling mall come back. Asked to condition the approval that they would agree to work with us.

Attorney Edleston – Stated it can be included as a preference but do not include a condition on the road access in the resolution.

Attorney Palmer – Will include draft language into the resolution with regard to the ring road access.

Chairman VanVliet – Asked for motion for Minor Subdivision and Bulk Variance with setback and buffer. Motion by Member Hall, seconded by Member Belcaro. Roll call vote.

AYES: Members Belcaro, Clymer, Fischbach, Hall, McCabe, Woolf and Chairman VanVliet.

NAYS: None

ABSTAIN: Member Degan

**ROM Study** – George Ritter has prepared a History of the ROM Zone which will be presented at the next meeting.

**Public Comment:** No comment from the public.

Chairman VanVliet asked for a motion to adjourn the meeting. Motion by Member Belcaro, seconded by Member Hall.

Respectfully submitted,

Margaret B. Dilts  
Secretary