

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

May 28, 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, Fischbach, France, Hall, McCabe, Pryor, Woolf, and Chairman VanVliet. Also present was Planner George Ritter.

Old Business:

Minutes – Chairman VanVliet approved the minutes of February 26, 2014 as there were no corrections.

New Business:

Block 85, Lot 5 and 5.02 – Preliminary and Final Major Site Plan.

Chairman VanVliet – I would like to make an announcement tonight that those of you who are here for the Coordinated Health property located on Red School Lane that was advertised, I think and you received notice, that we would be having a hearing tonight on that property and that application. The application has been deemed incomplete so we won't be able to have an official hearing tonight but the applicant is here and he is going to provide an informational session so if you would like to remain and ask questions of them, the meeting will probably be carried over to the June meeting at which time it will then take up the Check List Application and proceed on with Preliminary and Final Site Plan Application. So without any further ado, is the applicant for Block 85, Lot 5 and 5.02 present?

Mark Peck- For the record, my name is Mark Peck and I'm an attorney with the Florio, Perrucci Law Firm and I'm here for the applicant, Doctor Emil DiLorio and this is for the Coordinated Health Medical Office building located at 222 Red School Lane. You probably know it as the vacant Mallinckrodt Baker office building at the corner of the Red School Lane and Baltimore Street. For the record, again, as the Chairman indicated, it is Block 85, Lot 5 and 5.02 primarily located in the PO Zone and a little bit in the R75 District. I understand we have been deemed incomplete primarily because we are still awaiting our Highlands Consistency Determination but we also have a number of waivers that we are seeking and I was hoping that at this time, in advance of the June meeting, perhaps we could go through some of the waivers that we have requested on your Checklist. So if the Board isn't inclined to grant them, then we'll have a month to take care of them.

(Inaudible)

Engineer Sterbenz – I did not declare the application to be incomplete in my letter. I know sometimes I do that, sometimes I do not. In this case I did not. We will have to; this matter is automatically incomplete because they do not have the Highlands Council Consistency Determination so we have to deem the application to be incomplete tonight. With that being said, Mr. Peck is correct, he is requesting a number of waivers so even the conclusion of the Board tonight is going to be to deem the application to be incomplete, we do still have an obligation to look at the waivers and act affirmatively or negatively on the waiver requests. So, I'm sure Mr. Peck is going to be producing some testimony to justify these waiver requests as provided. So, also, as you said Mr. Chairman, I think that since the applicant is here, I think it would be helpful if we did conduct an informal or have an informal discussion with the Board. There are some items in George's letter and my letter that are discretionary for the Board. They're recommendations of ours and I think the applicant would like to know what the Boards feel is on those particular items. It is the applicant's intention is to go and revise the plans and address the review comments after tonight. So, if the Board is in agreement, with the recommendations, and George and I have outlined in our letters, they would add that to the list of revisions that they're going to do to the plans. If the Board does not agree with it, then those comments are deleted and they do not have to worry about that.

Attorney Peck – Thank you Paul, I agree completely and I do have a number of, I have representatives of the applicant here tonight. I have our engineer who can testify to the waivers, our architect, so we have people who are more than happy to address the Board.

Chairman VanVliet – Any objection by any of the Board members?

Attorney Peck – Great. Thank you Mr. Chairman. I'd like to call up Mr. Philip Scott. I assume you'd like him sworn.

Attorney Palmer- Swore in Philip Scott.

(Inaudible)

Philip Scott – My name is Philip Scott. My last name Scott – S-c-o-t-t.

Attorney Peck – Great. There's a number of waiver requests that we've made and I'm just going to go through them one by one and if you could address the reasons, let the Board know the reasons why we think those waivers are appropriate, um, that would be great. First, going through the Preliminary Major Site Plan Checklist. First item is they request to seek a waiver from features within 100 feet of the site boundary.

Philip Scott- Features within 100 feet of the site or should we say outside of the site are, um, not really relevant to this application. We are making a small addition to the existing building and don't plan on making any changes within 100 feet of the boundary or outside of the boundary of our site. We show much of the information on our plans, we also have (inaudible) here today, we have an aerial photograph of the site.

Attorney Peck – (Inaudible)

Chairman VanVliet – One by One.

Attorney Palmer – One by one go through the waivers.

Attorney Peck – First waiver is features within 100 feet.

Chairman VanVliet – Questions on that?

Member Fischbach – Staying between the foot print that is there?

Philip Scott – Staying with the footprint, we are adding a small addition to the southern edge of the building, yes.

Member Fischbach – What size is that?

Philip Scott – About 1300 square feet. MRI addition yes.

Attorney Peck – (Inaudible).

Member Woolf – (Inaudible) You are talking about MRI.

Chairman VanVliet – Is there a motion to approve the waiver?

Motion by Member Hall, seconded by Member McCabe.

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

NAYS: None

Attorney Peck – Thank you. The next Checklist item is the requirement to submit a Utility Analysis.

Philip Scott – Regards to the Utility Analysis, we do not anticipate or plan on any new utility connections. We are making use of the existing utilities within the building and we are not looking to make any new connections so, therefore, we are requesting a waiver.

Chairman VanVliet – Paul, any problems with that?

Engineer Sterbenz – No problem with that.

Chairman VanVliet – Board members any questions?

Engineer Sterbenz – (Inaudible) but honestly a Utility Analysis for power and gas are not looked at by the municipality but utility companies. No new connections (inaudible).

Member Pryor – (Inaudible) use to getting sewer projections and do not take long to do. You have an allocation from Philipsburg and this is how we can keep tract. I don't think it is an unreasonable requirement to get an estimate of sewer and water usage.

Chairman VanVliet - Motion to grant the waiver with having the exception of having the Sewer Analysis completed. Motion by Member Pryor, seconded by Member France. Roll call vote:
AYES: Members Belcaro, Fischbach, France, Hall, McCabe, Pryor, Woolf and Chairman VanVliet.
NAYS: None

Attorney Peck – Next up is similar to the first waiver request. This is Checklist Item 31, 32 and 33 which again seeks the depiction of features in the site boundary.

Member McCabe – What is the difference between what is on the Checklist items?

Chairman VanVliet – You know, I was going to say, what's the difference between the first one and the second one? Virtually nothing? It's our Checklist right. Okay and questions.

Attorney Peck – The rationale is the same.

Chairman VanVliet – Any questions by the Board? Do I have a motion to grant the waiver?
Motion by Member Fischbach, seconded by Member France. Roll call vote:
AYES: Members Belcaro, Fischbach, France, Hall, McCabe, Pryor, Woolf and Chairman VanVliet.
NAYS: None

Attorney Peck – Thank you. Next is Checklist Item 38 which requests submission of plans and profiles for Red School Lane and a Site Line Profile for the driveway.

Philip Scott – We request a waiver for this item because we are not anticipating any changes to Red School Lane. Um, we're just basically moving an existing driveway further north on our property so we are still going to have one driveway – one in and one out. Um, we are not looking to do any widening or make any changes to Red School Lane. So, we are requesting a waiver for this. Uh, the second part of this as for Site Line Profile, we do show on our plans, site triangles, so that we can kind of determine we're we can or cannot put anything at site line so we don't hinder the drivers entering or exiting our site.

Chairman VanVliet – So, we will have a site line for the relocated driveway then. Okay.

Engineer Sterbenz – As Mr. Scott indicated there are no improvements proposed to Red School Lane so there's really not a need for an improvement plan including profile for that roadway. I did ask the applicant's traffic engineer to address site distance adequacy for the new driveway on Red School Lane. So there is a section in the report which addresses intersections, safe stopping, and site distance in the report and is more than adequate. (Inaudible) I'm supportive of the waiver.

Chairman VanVliet – Thank you Paul. Any questions by the Board?

Member Woolf – (Inaudible).

Attorney Peck – That's on the southerly side of the property, but I think that's actually (inaudible). Will be addressed.

Philip Scott – We will address it and we have a traffic study that was done by a traffic professional and they will be at the hearing.

Member Hall – Proposed new driveway, in and out there (inaudible) not connected with parking in the rear.

Philip Scott – (Inaudible).

Chairman VanVliet – Further questions? I'll entertain a motion to grant the waiver. Motion by Member France, seconded by Member Belcaro. Roll call vote:

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

NAYS: None

Attorney Peck – The next item is Checklist Item 26 which requests a submission of Preliminary Architectural Plans. We actually did just submit architectural plans tonight to Mr. Sterbenz and Mr. Ritter and will forward additional sets to Ms. Dilts tomorrow. I believe that will be taken care of.

Philip Scott- Similar to the Item 26 on the Checklist. Again, we are not proposing any new utility connections water or sewer so we are requesting a waiver from this particular item, these two items actually.

Engineer Sterbenz – I don't have a problem to temporarily waive this. I have technical comment on the site plan review, the water connection and sewer should be shown on the plan for purposes of completeness should be shown.

Member Pryor – I would object to this waiver. One of Paul's comments is we're going to have to comply with the rules and regs. That means you are going to have to put a clean out on the existing service. I recommend it be brought up to code. There are cleanouts every seven- five feet on your connection. I don't know how you do that without finding where the connection is. I'll just bring it to your attention but that lateral is probably 50 years old and my experience in this town, we've got a lot of stuff failing. I'd think you want to look at that whole issue.

Attorney Peck – We could have a waiver for completeness only. You know when we, you know, after this, this hearing we are going to come back with plans that are that are revised (inaudible).

Member Pryor – I would expect this to be discussed and condition

Engineer Sterbenz – Temporary waiver. I think it should be shown on the plan (inaudible).

Member Belcaro – Conditional correct?

Attorney Peck – We can get a waiver for completeness purposes only.

Chairman VanVliet – A waiver for completeness purposes only, do I hear a motion? Motion by Member Pryor, seconded by Member Belcaro. Roll call vote:

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

NAYS: None

Attorney Peck – And the final item is Checklist Item 59 which is the submission of the Limestone Geologic Study which we did submit. I believe that that was satisfactory.

Engineer Sterbenz – There's going to have to be some more testing (inaudible). I believe that item has been satisfied.

Chairman VanVliet – Then you really don't need a waiver for that.

Attorney Peck – Correct. So then that takes care of the Preliminary Site Plan Checklist. Now moving onto the Final Major Site Plan Checklist the first items are Checklist Items 21, 22 and 23 which again is a submission of architectural plans including (inaudible)

Chairman VanVliet – Okay, again, so you don't need a waiver for that then.

Attorney Peck – No. And then next is Checklist Item 38 which is potential Parking Spaces within 100 feet of the site boundary.

Philip Scott – And this somewhat goes together with the waiver we were seeking in the Preliminary Checklist item and in all actuality, we do not have parking spaces within 100 feet of our site boundary except for maybe unless considered on-street parking. We don't have any adjacent parking lots (inaudible).

Chairman VanVliet – Okay, but you will be depicting these on the site plans for all your parking.

Philip Scott – All of the parking spaces that we are, that are on our property, yes, and then what we are proposing (inaudible). This is for parking spaces that are outside of our, I understand (inaudible).

Engineer Sterbenz – No relevancy to this application (inaudible) I don't have a problem with that. Quite honestly, most of the parking stalls that you have within 100 feet of the property boundary are parking stalls associated with single family residents (inaudible).

Chairman VanVliet – Okay, questions of the Board? Motion to grant the waiver for Checklist Item 38. Motion by Member Hall, seconded by Member France. Roll call vote:

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

NAYS: None

Attorney Peck – Thank you and the next up is Item 39 which is similar to the last one it seeks the depiction of loading spaces.

Philip Scott – Our rationale would be the same as (inaudible).

Chairman VanVliet – Questions? I'll entertain a motion to grant the waiver. Motion by Member Belcaro, seconded by Member Hall. Roll call Beth please.

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

NAYS: None

Attorney Peck – Next up is Checklist Item 43 which is Sanitary Sewer Locations size.

Philip Scott- Again, we are not purposing any new connections but we are willing to provide those on the revised plans that we expect to have prior to the next meeting.

Member Pryor – I expect to see the size of the main connecting to and on the plans for completeness purposes only.

Chairman VanVliet – Just for completeness purposes. Questions? I'll entertain a motion to grant the waiver for completeness only. Motion by Member Pryor, seconded by Member Fischbach. Roll call vote:

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

NAYS: None

Attorney Peck – Next up is Item 44 which is Sanitary Sewer Profile.

Chairman VanVliet – Any questions by the members of the Board? I'll entertain a motion to grant the waiver. Motion by Member Pryor, seconded by Member France. Roll call vote:

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

NAYS: None

Attorney Peck – Next up is Item 45 – Location Size, Utility Lines and Structures.

Engineer Sterbenz- Checklist is very similar regarding water and sewer (inaudible) no problem waiving the completeness. Add to plans for hearing.

Member Pryor – All utility lines (inaudible) communications (inaudible) you'll have to show them all.

Engineer Sterbenz – All unless you can waive.

Member McCabe – On the ground, are they currently on the ground?

(Inaudible)

Engineer Sterbenz – If you are asking my opinion (inaudible) we need that information technical comments in my report – my recommendation is to temporarily waive it.

Chairman VanVliet – Agreeable. Grant the waiver for Checklist items only and see that information on the plans (inaudible).

Attorney Peck – Yes.

Motion by Member Pryor, seconded by Member France. Roll call vote:

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

NAYS: None

Attorney Peck – Next up is Item 46 which is Utility Companies Will Serve letters. We have one from Aqua that we haven't submitted (inaudible).

Engineer Sterbenz – Building is connected at this point with utilities – water and sewer. I think there's going to be a big change (inaudible) no problem waiving.

Chairman VanVliet – Any questions of the Board? Motion by Member Pryor, seconded by Member France. Roll call vote:

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

NAYS: None

Attorney Peck – Next, and we are getting close to the end here, is Item 48 Offsite Improvement.

Philip Scott – Again, we are not proposing any offsite improvements with this project.

(Inaudible)

Engineer Sterbenz – That's a fact, there are none? If the Board finds a need for them, then they'll have to show them (inaudible).

Chairman VanVliet – Questions of the Board? I'll entertain a motion to grant the waiver.

Motion by Member Belcaro, seconded by Member McCabe. Roll call vote:

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

NAYS: None

Attorney Peck – And the last one is Checklist Item 54 Fire Prevention Improvements.

Philip Scott – With regard to Fire Prevention, at the time we made our submission, we did not have architectural plans or designs done. It is anticipated that the sprinkler system will be provided in the building. We just don't have it at this time. We'd like to maybe seek completeness waiver at this point (inaudible).

Chairman VanVliet – Gary would you have any comment on that?

Member Woolf – (Inaudible).

Engineer Sterbenz – Site improvements and offsite improvements waiver should be granted. Provide plans to Fire Dept. for review and comments. (Inaudible).

Chairman VanVliet – During normal course of action we do send plans to the fire chief. Questions from the Board? I'll entertain a motion to the waiver. Motion by Member Pryor, seconded by Member France. Roll call Beth please.

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

NAYS: None

Attorney Peck – Thank you and just for clarification, should we submit plans to the Fire Department or is that something that will (inaudible).

Chairman VanVliet – Submit them to the Municipal Building and we'll make sure the Fire Department gets them.

Attorney Peck – And then the final item is Item 61 which is submission of a Limestone Geologic Study.

Chairman VanVliet – You don't need a waiver.

Attorney Peck – That's it, so I thank you very much. So, it appears that subject to obtaining the Highlands Consistency Determination, we are complete and ready to go whenever we get that Consistency Report.

Member Hall – (Inaudible).

Attorney Peck – We have a representative of the applicant who is probably best situated to do that. It is more appropriate for the actual hearing but

Chairman VanVliet - Before we get to that point, we are not here for a hearing. I just want to indicate that the we will continue notices; you will not have to notice for the next meeting.

Attorney Peck – Thank you very much.

Chairman VanVliet – Okay.

Engineer Sterbenz – Mr. Chairman, so we get this done, the action that the Board has to take is to deem the application incomplete for failure to comply with Section A1A of my report.

Notwithstanding, you are going to be approving waivers which are: A2A, A2B, A2C, A2D, A2F, A2G that's under the Preliminary Site Plan and under the Final Site Plan – Comments – 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I. You will be waiving under the presentation tonight, waivers from A2E, A2H negated by the submission of the architectural plans and the Limestone Geologic Study. Similarly, under the Final Major Site Plan Checklist Item 1J was deleted or eliminated by the submission of Limestone Geologic Survey, study I should say. That's the score card there.

Chairman VanVliet – I need a motion deeming the application incomplete as Paul has indicated.

Motion by Member France, seconded by Member Belcaro. Roll call vote:

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

NAYS: None

Attorney Peck – Now we can, with the Board's indulgence, give the Board an overview of what exactly is proposed by this application. (Inaudible).

Mary Ann Derr – I work with Coordinated Health in Allentown, Pa. I am the Director of Planning and Healthcare Facilities and a Registered Nurse.

Attorney Peck – Maryann are you involved in this project? Can you explain to the Board what it is that is being proposed?

Mary Ann Derr- We are proposing that we open a medical office building that will provide services for rehabilitation, primarily OT, PT, possibly special therapy (inaudible) and a variety of other physicians and a MRI component. We are anticipating one X-ray (inaudible)

Attorney Peck – Do you have an idea of how many people will be employed?

Mary Ann Derr – The range for employees will be 45-60.

Attorney Peck – Hours of operation?

Mary Ann Derr- The hours of operation will be Monday through Thursday 7 am to 7 pm, on Fridays from 7 am to 6 pm, on Saturdays from 7 am to 3 pm.

Chairman VanVliet – One question that I had when this project initially came up was future expansion plans. It was indicated there may be a surgical component associated with this operation.

Mary Ann Derr- We are currently exploring the possibility of applying for a certificate of need for this space. There'll be as we are looking at the demographics and evaluating what that need might be will be determined in the future.

Chairman VanVliet – Okay very good. Any questions of the Board?

Engineer Sterbenz – I have identified (inaudible) site layout issues (inaudible) comments from 2.10 through 2.13 of my letter, 2.10 had to do with supplemental sidewalks (inaudible). 2.11 This is a comment that's a comment in George's letter as well having to do with making the driveway a two-way driveway (inaudible). 2.12 had to do with disposition of handicap stalls in the parking lot on the west side of the building. 2.13 is a recommendation to provide a barrier at the end of South Eighth Street. (Inaudible). Those are the four comments I thought were relevant to get some feedback from the applicant on. George had a few in his letter as well.

Attorney Peck – We, um, we certainly appreciate the opportunity to address these and Mr. Scott has site plans. You know, we are not going to get into detailed testimony but we are certainly going to address those and see what the Board's preference is and there's also a couple other comments that Paul did address (inaudible). While Mr. Scott is setting up, I do know that there is some question that was raised in both Paul and George's review letters as to whether or not this is a two story building and the nature of that. Mary Ann could you address that? Is there a proposal to extend the height of the building or.

Mary Ann Derr- We are not proposing to add a second level to the existing one story building. However, in the expansion, in order to house the MRI, in order to have the ceiling clearance, we will probably have to go a bit below grade and to also (inaudible).

Chairman VanVliet – The current building is like a split level operation so are you converting that to two stories or two floors or

Mary Ann Derr – We are currently not proposing to utilize the lower level at 63,000 square feet; maybe just shelve space but we anticipate using the single story, the single level that will be at grade.

Chairman VanVliet – Okay, thank you very much.

(Inaudible)

Attorney Peck – The first comment that I would like to address that Mr. Sterbenz brought up is his recommendation that a sidewalk be constructed immediately to the west of the handicap stalls so.

Chairman VanVliet – Can I interrupt you for one second. Can you turn that so the audience can see it a little bit perhaps (inaudible) there is a microphone right above that area there. (Inaudible)

Attorney Peck – The first comment is the recommendation to create a – Paul I am assuming you mean here to create a sidewalk.

Engineer Sterbenz – Yes.

Attorney Peck – The westerly side of the handicap stalls.

Philip Scott – (inaudible) sidewalks here a grade down (inaudible).

Engineer Sterbenz – (Inaudible).

Attorney Peck – Reasonable compromise. We can go back to the drawing board.

Chairman VanVliet – If you can work with our professionals.

Attorney Peck – Perhaps run a concept past Paul.

Engineer Sterbenz – Absolutely.

Chairman VanVliet – If you could have conversation with him between now and when you come in with what your final plans would look like. Shorten the process for you to get going on this.

Attorney Peck – Yeah and we really appreciate certainly (inaudible). The next comment is 2.11 and this is the one that both Mr. Sterbenz and Mr. Ritter have raised (Inaudible) two-way access between the two parking lots. Can you explain that you know, why it is only one way and if I can just add something here? Just so the Board knows this parking lot is going to be employee only. This is not going to be for patients or patrons of the facility. That's only going to be for employees so I don't know if (inaudible) you're thought process (inaudible).

Philip Scott – Apparently you only have the one way access (Inaudible). Two way access, we do room to provide one (inaudible) for operation purposes (inaudible).

Attorney Peck – I just want to add to that the employees are going to be on staggered shifts so it's not like it's the end of the day, you know, a mass exodus going out onto Baltimore Street (inaudible).

Chairman VanVliet – All of your deliveries will be in the rear of the building correct? My biggest concern is we have weight restrictions on Baltimore Street. Red School Lane is unrestricted. So if the truck is coming in, goes into the rear, he automatically has to exit out of Baltimore Street and there are road restrictions. (Inaudible) I agree with you on that with shipping everything out onto Baltimore Street so.

(Inaudible)

Attorney Peck – We'll revise that. I think the next one is, or easy one to address, which is request to add a line of trees as a barrier. We are amenable to that. (Inaudible). Next is Landscape Plan, we are going to jump ahead to comment 5.01 which is requirement to have a 25 ft. upper area around the perimeter of the property and also to have compliance with Shade Tree Dept. space ratio of one shade tree per (inaudible). Right now we don't show the 25 ft. buffers.

Planner Ritter – A key area would be adjacent to residential along with long term planning of this facility to strengthen the buffer where there is gaps. Get a landscape planner in there and get it started is key.

Philip Scott – Regards to the Shade Tree requirement, again we are only doing (inaudible). The area where we would not be compliant with the landscaping is the 25ft. buffer strip that goes around the property. That’s an area, it would be very difficult (inaudible).

Attorney Peck – I think certainly we can accommodate a residential buffer adjacent to the adjoining commercial property not so enthusiastic about that.

Chairman VanVliet – Probably would be that you need a variance for that.

Attorney Peck – Yeah, certainly with residential properties that makes sense. What about the, you know, with the Shade Tree requirements is kind of part 2 of this comment (inaudible) parking spaces there. Mr. Scott indicated we certainly meet that dealing with the front parking lot that’s being expanded (inaudible).

Member Pryor – (Inaudible)

Attorney Peck – The next comment is 5.02 where Mr. Sterbenz recommends getting additional flowering shrubs to be added to evergreen hedges around the building to create a linear form. We are okay with that. 5.03 is really what we wanted to get to where Mr. Sterbenz recommends getting trees around the perimeter path. What we’re proposing instead, as a possibility perhaps in lieu of adding trees, getting exercise stations around the path since this was originally proposed for the community entity (inaudible) we had like exercise stations that could be appealing. Just throwing out there, we really can’t do both trees and the exercise stations. It’s really up to the Board; you want trees or exercise stations.

Planner Ritter – We’ll part of the 25 ft. buffer (inaudible) not sure it’s both. (Inaudible).

Member Pryor – I’ll defer to Paul but it seems to me (inaudible) provide an opportunity to wheelchairs on path every 300 feet – two wheel chairs to get by. (Inaudible) a benefit for the public to use the path. Was the intent to allow the public to use this?

Attorney Peck – I think it was. (Inaudible).

Mary Ann Derr- (Inaudible).

Chairman VanVliet – I had one question about the trail is that, would that be part of some of the therapy (inaudible).

Mary Ann Derr – (Inaudible). Consider the possibility of this space that has an exit perhaps being utilized for those who are retraining from hip replacements. (Inaudible).

Attorney Peck – Unless Mr. Sterbenz has anything else in his review letter that needs to be addressed (inaudible).

Planner Ritter – The only one I had was the sidewalks on Red School actually completing the public sidewalk on a portion of this.

Attorney Peck- There's that and there's also a recommendation to have two means of ingress and egress on Red School Lane that I'd like to discuss but certainly the sidewalk issue. Right now we don't propose.

Planner Ritter – I guess from my prospective it is a public street and there is sidewalk on the other side and there is also a pedestrians crossing on Baltimore and Red School that goes nowhere. Just seems like an opportunity to continue the sidewalk and provide public access on this portion. It would require a waiver (inaudible) and also proposed a trail to come around the front of the building that would make sense to continue the public sidewalk. Just a thought.

Chairman VanVliet – The only question I would have is the entire length on the side of Red School Lane has no sidewalks.

Planner Ritter – Correct.

Chairman VanVliet – I mean you would have a sidewalk that goes to nowhere (inaudible) crossing over to the other sidewalk (inaudible).

(Inaudible)

Planner Ritter – It's a question for the Board. (Inaudible).

Attorney Peck – Definitely a pedestrian crossing.

Engineer Sterbenz – Put in a handicap ramp (inaudible).

Planner Ritter – I guess my suggestion is if you don't do the sidewalk you might want to remove, if you have a crosswalk to Baltimore (inaudible)

Member Woolf – (Inaudible). Wheel chair bound people in Clymer Village do not use the crossing.

Chairman VanVliet – George do you want to cover anything about lighting?

Planner Ritter – Yeah are you onto my letter or.

Attorney Peck – Yeah we are on your letter.

Planner Ritter – The other question is to show the lighting of the rear parking lot. I don't care if it's to show the fixtures that are there and what the impact is or (inaudible). I do think it is

important to look at in terms of what lightings out there to make sure it doesn't interfere with the neighbors in the residential area back there. Make it obviously safe but also you could have a lighting level that's nuisance free as you can make it. I would suggest that we carry the lighting (inaudible) If there are improvements in the area of rehab, you probably ought to show them on the plans. (Inaudible) court yard area (inaudible).

Mary Ann Derr – (Inaudible) variety of surfaces being added for rehabbing people. (Inaudible)

Planner Ritter – If you have something in mind it might be good to show that on the plan (inaudible).

Member France - The lighting should be shown on the back. Sidewalk I don't think (inaudible)

Planner Ritter – That's fine, I just want the Board to review that.

Member France – Yeah no it's good, I'm just saying.

Planner Ritter – (Inaudible). I think that is the bulk of my comments.

Attorney Peck – It's just the recommendation that there would be two entry points off Red School Lane.

Planner Ritter – That's a good point. I'm in receipt of your traffic report and it tells me you've investigated the current proposal and you have good site distance and that the level of service is very good on that and if that's the case, it's fine by me.

Attorney Peck – Great. Thank you very much. I appreciate the opportunity to review this.

Chairman VanVliet – Well thank you for coming in. Appreciate it.

Attorney Peck – We'll see you next month.

Chairman VanVliet – Appreciate it.

Attorney Palmer – For those in the audience we'll see you for the meeting next month.

Chairman VanVliet – Thank you very much and remember that you'll be receiving no more notices, you got a certified letter, and there will be no more of those. Notice is continued to the next meeting for the purpose of notice. Moving on to the next order of business. Sycamore Landing, Paul did have more.

Engineer Sterbenz – Mr. Chairman I just wanted to update the Board on this particular project. I gave all of you a copy of a letter that I wrote to the Warren County Planning Board back on May 5. As you may recall this is a multi-family residential development that is on Rt. 22 on a tract abutting the Phillipsburg Mall property and approvals go back probably four years for this site. Last year the developer gained some traction and had some momentum and ultimately addressed

the conditions in the approval and this Board ended up signing the plans. There was a preconstruction meeting on Sept. 6 of 2013 on that particular project, there was no construction and the applicant did not post the necessary bonds and inspections fees to allow the project to move into the construction phase. Once we got into 2014, there were a series of revisions to both the Township as well as the County. A lot of it had to do with the grading around the buildings and make the site more handicap accessible. There were also some utility revisions that were done. After a number of reviews that were conducted by the Township, most particularly myself and the Warren County Planning Board, the plans have been approved again and in a position to be signed again. Again, the applicant has not posted the necessary bonds and inspection fees so there will not be construction at this point but I just wanted to alert the Board of what has happened to this project since we did have a pre-construction meeting last year and the reasons why construction hasn't proceeded. Tonight I going to ask that the plan be approved again and ask Beth and Gary to sign the plans, I've already signed the plans and, again, we'll need to have those bonds and inspections fees posted with the Town. We'll probably have to have another pre-construction meeting on this particular project because pre-construction meetings have value for about 30 days and everybody forgets who was there and what was said and we need to do a do over on the pre-construction meeting at some point in the future. I probably won't schedule the meeting until they post the bond and inspection fees so the second meeting doesn't go for naught as well. So that's the status and why these plans need to be signed.

Chairman VanVliet – Thank you very much. Old business, we've received a request an application from the Phillipsburg Board of Education for a Phillipsburg High School construction of a field house. I reviewed and Paul has given a quick look at it. I guess it's supposed to be constructed up on top of the hill where the Phillipsburg track (Inaudible). The biggest problem I had with it is all of the information and the application is addressed to Phillipsburg. Who will be doing the inspection and stuff like that, I feel it should be addressed to Lopat. So I would like to issue a letter back to the Board of Education of Phillipsburg that they have to make application indicating proper authorities involved in it and I would like to suggest to look into karst foundation. (Inaudible).

Member Hall – Secondary road access – Rowe's Lane – Township has property that butts up against Rowe's Lane (inaudible).

Chairman VanVliet – Planning Board has no control over their site plan.

Attorney Palmer – Put it in the same letter.

Member Woolf – Hair pin turn can only be one-way

(Inaudible)

Engineer Sterbenz – There is a written agreement between the Town of Phillipsburg and Lopatcong Township regarding this project which includes police and safety issues as well as construction of sidewalks on Belvidere Road. So I believe Beth may have a copy of that and if the Board interested, I can always email a copy to you. I have it handy so.

(Inaudible)

Member Belcaro – I think it's important they show up next month and answer some questions so we can clarify this.

Chairman VanVliet – Okay the next thing is from old business is the Highlands Certified Plan. George would you give us an outline of what we have to do to complete our Highlands Certification.

Planner Ritter – Yes we have two things that we still have to get out of the way. To date, we have completed six of the tasks; the Planning Area Petition and the Plan Reexamination Report, Checklist Ordinance, Wastewater Management Plan, the Highlands Environmental Resources Mapping and the Highlands Master Plan Element. There are eight other phases to go. Principle ones that we have to work on over the next months are the Highlands Area Land Use a combination of ordinances that will cover the Planning Area and portions of Center Designation. The Highlands is developing the guidelines, most importantly, we must go through and evaluate what has been designated as a Center – any changes we want to make and to adopt an ordinance. The other step is to revise our Zoning Map. We also have to do the Fair Share Housing Element as part of Highlands Certification; we must be in conformance with COAH. That's something we'll have to work on. As you are probably aware, that process has begun again. Regulations have been proposed. The hope is, is that after it is all said and done, the new rules will be adopted sometime in November, November 17th and conversations with COAH, they think that they're going to give the towns after that date, six months. We also have, and this is something to discuss, we have an element in there as a Right to Farm Ordinance. That is something we can do and the Warren County Ag. Board has expressed some interest in some properties in the Town. The other aspect that remains open is any redevelopment plans that we have (inaudible).

Chairman VanVliet – Rules will be promulgated sometime in November. Okay any questions of the Board? Thank you very much and I think you should proceed.

Planner Ritter – I'll go ahead and submit up to the Highlands.

Chairman VanVliet – The only other thing is the ROM Zone Study requested by Council as to the history of the ROM Zone.

Planner Ritter – We finally got that finished. We expanded some of the exhibits for Council. The report basically documents the characteristics of the uses in the ROM Zone, how it is used today. There are no recommendations in this study. So it's ready to go to Council.

Chairman VanVliet – Questions of the Board. Motion to send it up to Council. Motion by Member Hall, seconded by Member Pryor. Roll call vote:

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

NAYS: None

Chairman VanVliet – Public comment? Motion to adjourn by Member Hall, seconded by Member France. All in favor.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary