

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

June 24, 2015

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 Clymer, Gural, Hall, Mayor McKay, Vice-Chairman Pryor, Chairman VanVliet. Also present were Engineer Sterbenz and Planner Ritter.

Old Business:

Chairman VanVliet – Has everyone received a copy of the minutes from the last board meeting? Are there any corrections, additions or comments?

Member Pryor – I do have a comment. Beth, you have word search on that thing? You just type in a word and it finds them all for, yeah. I have a proposal, I was just counting the um’s and I gave up. Can we delete the um’s. They don’t add anything and I think a quicker read. There is a couple places and I just caught two where the wrong form of word Page 6, George Ritter says “I don’t know where there at – we have “their” should be something else. For me, Page 7, I have “were any of the COAH numbers ... we have an apostrophe in there that does not belong and that’s my comments.

Chairman VanVliet – Any other comments. Hearing none, with those corrections, the minutes will stand as published. Okay, we’ll move onto Block 116, Lots 26.01, 27, 27.02 and 28 a request from the Township Council to review the zoning history of those lots. Council, at the last meeting, voted to have the Planning Board investigate the history of the zoning of those lots. I believe it’s all Highway Business. So, what I would like to do this evening is authorize George to create the history of it. Is there any problem with that George?

Planner Ritter – No, not at all. I can assemble a history of, of both the zoning files and just a history of the zoning and the tract.

Chairman VanVliet – Okay, and once that’s completed, we can get that back to the Council and see what their wishes are.

Vice-Chairman Pryor – I have a question for George. If you’re applying positive/negative criteria to this, you would have to reconcile the Use Variance with the ordinance’s omission of this zoning in the first place, correct?

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Planner Ritter – I'm not sure, okay, I guess I'm not sure if, I thought when Council was requesting a zoning history, what they were interested in was actually the history of the zoning, not so much trying to reconcile the

Vice-Chairman Pryor – I understand that but then you have to do something with it, but if I kept going back to if this were a Use Variance, all right, when you would, when looking at the negative criteria, if you would have to reconcile that.

Planner Ritter – Sure you'd have to reconcile a lot of things

Vice-Chairman Pryor – Well that's right.

Planner Ritter – if it was a formal request for a Use Variance. I didn't think that's what this was but

Vice-Chairman Pryor – All right, but I mean then the work product is simply going to be a history and you're going to have to massage it a lot more. Isn't Council looking for a recommendation from us or just the history?

Member Hall – Just the history.

Chairman VanVliet – Just the history.

Mayor McKay – And a recommendation as to (inaudible).

Vice-Chairman Pryor – If you want a recommendation, we're going to have to do more than just look at the history.

Chairman VanVliet – We're going to have to do more than a look at the history, we're going to have to go for a formal request for a zoning change. We can't institute the zoning change.

Vice-Chairman Pryor – I understand that. I don't see how I can make a recommendation.

Chairman VanVliet- The only way we would be able to do that at this board level would be to reinvestigate the Master Plan and make a revision to it.

Vice-Chairman Pryor – Well, how can you make a recommendation if you can't comment on the benefits and detriments of the proposal and how this reconciles with the Master Plan?

Planner Ritter – I think that what we're sort of discussing is two things here. We are discussing, basically, a zoning history as compared to an analysis of the appropriateness of should we amend the Master Plan to accommodate the Use Variance. Well, it wasn't a Use Variance but the request for a zoning change of Mr. Larken's group. So, there's two different things going on.

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Vice-Chairman Pryor – I recognize that George and I’m trying to get

Planner Ritter – I’m just trying to figure out what you want

Vice-Chairman Pryor – to define what we’re doing.

Planner Ritter – No, that’s what I’m saying I’m trying to figure out what you’re looking for

Vice-Chairman Pryor - and, and if all the Council requested was the history of the zoning, that’s all that Council’s going to get without a recommendation.

Planner Ritter – If I do, true, if I do just the history it would not be making a recommendation as to the merits of the request for a zoning change.

Mayor McKay – I don’t think they want, we want a recommendation. I think we wanted a history and whether or not, what we can do, what we are allowed to do. How we would go about doing it.

Vice-Chairman Pryor – All right, yeah, I mean if, if, if that’s all

Chairman VanVliet – (Inaudible) it’s going to be two different costs involved with what we would want to do here. It would be relatively inexpensive or the full blown investigation we would

Planner Ritter – Well, there would be considerably more to it and also

Chairman VanVliet – (Inaudible) zoning change and we would also give you the recommendation going up with the zoning change but any affect with that would have to be submitted to the Highlands first before we could even act on it.

Planner Ritter – well, we would have to run it by them, you’re correct.

Chairman VanVliet – and, we are in the midst of Highlands, the Highlands is in the midst of their own review of their Master Plan too. How would that, would they defer that before they would come back or is there a time limit on it?

Planner Ritter – The answer is I haven’t talked to them about that.

Chairman VanVliet – I didn’t want to get into, the other thing is we would need an escrow account, basically, to draw from that in order for the professionals to bill for the work they have to put into it. We would need a full plat, site plan.

Vice-Chairman Pryor – Well, even George’s work, I think the intent was to ask for escrow. Wasn’t that discussed?

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Engineer Sterbenz – Yes, the intent was to ask for escrow, yes. I would agree with Joe that just having the zoning history studied really isn't enough. I think that's what Joe was saying. Questioning, really, the value of just doing that – am I correct?

Vice-Chairman Pryor – Yeah, but if that's all Council asked for, we can accommodate them but if they are really looking for the recommendation of this board, I personally would need more to support such a recommendation.

Member Hall – What the Mayor said, it sounded like not so much a recommendation but options, you know, here's what you can do, you know, with it.

Chairman VanVliet – Okay, at this point their presentation gave us quite a bit of information on what we were looking at so, take it from there. I'm looking at, basically, you know, providing Council with what they requested and then we'll take it from there.

Mayor McKay - Council was requesting what the vision of the Planning Board when the (inaudible) what did you want to put there.

Chairman VanVliet – Well, the history will show (inaudible).

Mayor McKay – And then, you know, that can't happen (inaudible).

Chairman VanVliet – (Inaudible) so is there, do we need a motion on that to authorize George to do that?

Secretary Dilts – Yes, you should make it clear.

Chairman VanVliet – Okay.

Engineer Sterbenz – It should be subject to the applicant posting funds.

Chairman VanVliet – Okay, do I hear a motion on that?

Vice-Chairman Pryor – I'll make that motion.

Chairman VanVliet – I'll entertain a second.

Member Gural – Second.

Secretary Dilts called the roll: Members Clymer, Gural, Hall, Mayor McKay, Vice-Chairman Pryor, and Chairman VanVliet.

Chairman VanVliet – Asked for a public to comment. No public comment other than Larken's attorney thanking the board for their cooperation.

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Mayor McKay – I have one question. It has to do with Clymer Village. We only claim 40 COAH units out of there.

Planner Ritter – That’s correct.

Mayor McKay – There’s 82 units.

Planner Ritter – That’s right.

Mayor McKay – Okay. They keep calling me because they want to refinance the deal. They are going to go for a totally new thing, a 40-year, that’s what they are going to ask for a 40 year deal. It’s a pilot program they pass a percentage of gross rents from. George told me that some other townships were initially in some way involved in this. In what way were they involved?

Planner Ritter – This goes back even before my time in terms of how they got involved but it is our understanding from the stuff we have on COAH, what they did was enter into an intermunicipal agreement to fund or help them build that facility in exchange for that, Lopatcong and each of the other two towns got a certain number of unit credits for what they put in it.

Mayor McKay – The entity that runs this stuff, National Church Residences they (inaudible). So, I’m wondering, they’re going to look it up. I said if you want to redo this deal, if you say there’s other towns involved, they’re going to have to be involved and I don’t even know what towns they are for sure. They don’t know what they are because they don’t know of any towns besides ours being involved.

Planner Ritter – I have the two towns that are involved.

Mayor McKay – All right, you just gave me the names. I think you gave me the names before but I have no substantiation of that. There is no documents.

Planner Ritter – I saw your email today and I don’t recall and we are looking now but I don’t recall if we have any actual, we don’t have a copy of the agreement. I don’t believe we do.

Mayor McKay – I have the agreement.

Planner Ritter – They name the towns though.

Mayor McKay – Oh, not the towns, no.

Planner Ritter – That’s what I mean what split these units up and how?

Mayor McKay – The HUD Agreement is silent as to anything but Lopatcong and HUD financed it.

Planner Ritter – I'll see if we have anything in the file, if I can give you any more than we have. I have documentation that at least from the standpoint of COAH, the units were split between three towns and Lopat's share was 40 and that's what's always been counted on the COAH sheets. I don't think, we are looking through the file now, but I don't think we had any agreement, the official agreement between the towns.

Mayor McKay – Unless Beth has one. Beth's file –

Secretary Dilts – I only gave you what I had. Although I don't know if there is something down at the pump station- they must have had to come before the board here or the Zoning Board of Adjustment for their building right?

Chairman VanVliet – COAH was in the first round when that was supposed to be going on and we were assigned a number at that point on the first round of COAH when it first came out the Mount Laurel decision they called it in those days and there were all kind of (inaudible) going around. I mean, I wasn't involved. The Planning Board, at that point, probably wasn't involved in COAH – it was more at the council level at that time.

Mayor McKay – I think that this is, I think my point, if they, we are the only town of record, maybe we should take all the credits and if we're not, and we redo the deal with them, we'll give them an extension of the pilot program, we have to go to the state to do that first, maybe we get all the units and the other parties don't get any because they are talking about making renovations to the buildings and such.

Chairman VanVliet – Having units or

Mayor McKay – They didn't say that just

Chairman VanVliet – because at one time they were before the board talking about adding another building there in front of the existing building.

Engineer Sterbenz – One thing we should probably do is get a copy of Harmony's Housing Element and see if they are taking credit for units.

Mayor McKay – But are they correctly taking the credits. It could have been something they could have discussed in principle and never really went through with it. If it's not in the HUD Agreement.

Vice-Chairman Pryor – One of the parties should have a copy of the agreement. How are they getting credit?

Members talking over each other.

Member Gural – How are they getting credit?

Member Hall- Cause it's COAH.

Mayor McKay – It would be COAH but you think that if they were involved as equity partners in the deal, they would be reflected in the agreement with HUD and they're not there, just Lopatcong. Unless there was a subsequent thing.

Member Hall – And, we take all the credit. It's up to the other two towns.

Motion to adjourn the meeting by Member Hall, seconded by Member Gural.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary