

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

December 23, 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 Belcaro, Clymer, Fischbach, France, Gural, Woolf, Mayor McKay, Chairman VanVliet.

Old Business:

Minutes – Chairman VanVliet stated the minutes of August 26, 2015, September 23, 2015 and October 28, 2015 will stand as published as there were no corrections.

Resolution – Referring the Amended and Restated Redevelopment Plan for the Former Ingersoll Rand Property Commonly known as Block 101, Lots 1 and 1.01 on the Tax Map of the Township to the Planning Board for Review pursuant to N.J.S.A. 40A:12A-(E).

George Ritter – Council at their last meeting reviewed a proposal to redevelop the Ingersoll Rand site. The proposal was to construct about a million square feet of warehousing facilities on the Lopatcong portion of the Ingersoll Rand tract. The overall proposal was for a million square feet. One million of which would be in Lopat. Along with this was proposed a connector road linking the Phillipsburg section through Lopatcong to Rt. 22. They have developed a Redevelopment Plan amending the previous Redevelopment Plan developed several years ago for a Mixed Commercial Project to permit the development of warehousing on that portion of the tract and permit up to the development of one million square feet of floor area in this type of development. There was a proposal put together with a list of permitted uses of which warehousing was one, offices and scientific research laboratories. The Redevelopment Plan lays down the general guidelines for the development and sets forth the Township policies as to how they would like to see the site developed. It also sets down the widths of buffers, the amount of open space that has to be created and also it has some recommendations as to where they might occur. The Board does not have their latest proposed Site Plan but one of the elements in the Redevelopment Plan is the Lopatcong Creek in terms of protecting it. This Redevelopment Plan requires the developer set aside at least 15 acres adjoining the creek at Lock Street. Starting at Lock Street and extending back into Lopatcong to create an open space buffer to encompass both the wetlands buffer and the riparian buffer as well as additional open space. This would be protected from development; cannot develop storm water controls in it. It would be literally set aside as a stream corridor protection. Beyond that, it requires that the developer have a setback of 100 feet from all the tract boundary and at least 150 feet from Rt. 22. It sets a maximum of 55%

impervious cover over the entire tract. It also established a building coverage figure of 30%. It does allow buildings up to 50 feet in height. The current proposal by the developer is for a single building. The ordinance gives him permission to have multiple buildings on the site. It does give him permission to have mixed uses on the site so he could come back sometime in the near future with a design change. This allows him to place them on varying lot sizes as long as he meets the overall criteria. This provides flexibility to design the interior of his site to work the way he wants as long as the setback and buffers are met. If the developer wants to do one building the application will come before the Board as a Site Plan. The Redevelopment Plan is just the beginning of the process.

Engineer Sterbenz – George and I worked on the Redevelopment Plan together and I am satisfied with the plan as prepared.

Chairman VanVliet – Does the Board have any questions or comments?

Member Gural – The realignment of the street – who is going to pay for that realignment of Lock Street to Rt. 22?

Engineer Sterbenz – Now it is going to go to the connector road. That's going to be the developer's responsibility.

Member Gural – The thing that's in there about fair share also.

Engineer Sterbenz – The developer is going to be responsible for it. That was in the last redevelopment, Redevelopment Plan that was adopted by the Council back in 2007 so this was being continued in the plan because the intersection that they're creating in Rt. 22 is in very close proximity to Lock Street. That is not a very good intersection to begin with; the angle that it meets Rt. 22. So, this is the opportunity during this particular development to address that situation. So, it will be the developer's responsibility to do that.

Member Gural – Okay, so, but the developer's going to have to bear that cost.

Engineer Sterbenz – Yes.

Planner Ritter – There is also a second part to the Redevelopment Plan and that's the Redeveloper's Agreement which is going to be worked out between Township Council or Council and the developer in terms of how things get paid for, what the proportions are. What we are doing is improving the design guidelines and this assumes that Council and the developer will be able to come to terms on a redevelopment funding. How it is going to be funded and who is going to pay for what.

Member Gural – The 55% impervious, that's because of storm water.

Planner Ritter – Yes.

Member Gural – And that 15 acres, are they going to put a basin there?

Planner Ritter – No. The Redevelopment Plan specifically prohibits them putting the stormwater basins in the open space to protect Lock Street. They'll have to create them somewhere else on the property. The property contains well over 101 acres so 15 acres of it will be preserved, will preserve the environmental corridor surrounding the Lopatcong Creek. Any storm water controls and designs they have to do, which obviously Paul will review, have to occur outside of that 15 acres. They won't be able to encroach them into that buffer zone.

Member Gural – Paul, you feel there is enough room after that 15 acres is taken away that there is 55% coverage?

Engineer Sterbenz – They're going to have to make the room. That was one of my comments. A reason for that is the area along the creek, this 15 acres is proposed to be dedicated to the municipality so I wouldn't want a big maintenance generator which detention basins can be put into that open space and require a lot of attention by our Public Works Department. The developer or the property owner maintains the detention basin. It's really just going to have recreation facilities in it. I think mainly it is going to be a walking path.

Member Gural – As far as water, what are they going to do with the water exactly? Is that going to go to P'burg for processing?

Engineer Sterbenz – Are you talking about the storm water?

Member Gural – Yeah.

Engineer Sterbenz – It will probably be discharged to Lopatcong Creek or somewhere near Lopatcong Creek. They're going to have to discuss where discharge is going to be as part of environmental protections. I believe there is a 300 foot riparian buffer associated with Lock Street and the DEP is going to get involved with them.

Member Gural – That's a sensitive stream. I don't know if that's going (inaudible). That's all I have.

Member Belcaro – The council voted down, voted against the developer's proposed 30% increase from 1 million square feet to 1.3. Correct?

Planner Ritter – That's correct.

Member Belcaro – Majority of Council voted against it. I want to talk about that and you know I supported it. I'd like to see the additional 30% that the developer wants to build on it. I'm looking at the end, at the end of the day, what it's going to bring Lopatcong Township. That's the way I'm looking at it because I see as our future here in this town, we need all the help we can. A year ago, two years ago, the Township voted down against a full day kindergarten at a, I think the bill was about \$350,000 that would become a permanent tax. The way I see it, it's just a matter of time before state legislation mandates full day kindergarten so that becomes a permanent tax for us. The next thing, as we all know, in March the Board of Education is putting

\$600,000 referendum and I don't know which way that going to go. We are looking at 1 million dollars more just in education.

Mayor McKay – Before you get to the high school.

Member Belcaro – Before we get to the high school. I'm looking ahead to a developer here. We need help as much as we can and we don't even know what 2016 budget's going to look like yet and I think these needs to be really looked at seriously. I know some people look at maintaining the quality of life here and I support that but on the flip side of that, you know, this development here is on Rt. 22. It's not a residential area and I understand the traffic it's going to create but you can't have it both ways. You can't go back to the taxpayers and say we have to increase your taxes because we denied a developer from building larger. I think another 30% we're looking at another \$100/150,000 more a year in revenue. That's just simple math on top of what we're getting already. We need to look at it hard, you know, and allow, in my opinion, the developer to go as big as he can meet the criteria of course that can help us greatly. Based on what I said, our Township needs help.

Chairman VanVliet – Well, I agree with you wholeheartedly. We are not closing him out. It's just that we would like him to come back to the redevelopment authority which is the town council to let us know what they want to do. If we grant it now, we have no control over it. This is the very early stages of what's going to happen on that property. My concern is, they came in, the one building, a million square feet and I understand the last conversation I had with them that their proposed tenant fell through and they won't be building that right off the bat as they indicated they were going to do. So, I don't know, it's not the Planning Board's responsibility to get into the financial aspect that's strictly the redevelopment authority and the town council's providence but I would caution them to be very careful about what they're going to be entering into because the project totally develops on the New Jersey prime situation you know state government indicating they can have a tax abatement here and the way I read the tax abatement laws is why the latitude to the municipality as to what they want to negotiate with the developer and there are several ways where that starts to take off. The flip side of that is that abatement program like that, the schools get nothing. It would be whatever the town council would give to the school.

Member Belcaro – Well, you know at the end of the day it all goes into the pool anyhow and it's the way it is divided up either education increases their revenue and we, you know, keep it flat or whatever or we increase ours. It all comes in the same pot is the point.

Chairman VanVliet – Well, it does and it doesn't because you have to different taxing authorities that they're now looking at. We have the municipal portion and you also have the school portion which is independent of that. They both can set their own budgets to what they want to do, so, but then, it's not the Planning Board's problems. I don't want to get too deep into that but I would just caution that, you know, whoever advises or forms an opinion of what you're going to do that there's several ways it tips off when that starts. Tax abatement can start at the completion of the project and a project of this size with what's going to happen of how they're going to stage it when do you declare it complete in order for the abatement program, It's say 30 years if that's what you're coming in to go for or do you want to set 35 year type abatement program that starts the day they start the first shovel in the ground and that's when the tax abatement starts so that's

up to the council. I don't think we should really even discuss it here. That's my opinion.

Member Belcaro – I just wanted to bring it to the floor amongst the Board to get everyone's opinion. What they think about it.

Mayor McKay – I think that we all know what you're saying Lou and I, my thinking on it was just as Gary said, if they come back to the council with this fantastic tenant and a wonderful design concept and it is bigger than what we've already, you know, approved, well maybe we approve it. We would unjustly not approve it, so, but at least we got the control and I think that's how I was thinking.

Member Belcaro – And that's fine. You know, as long as, you know I just want us all to be on the same page with this that, you know, we're seeking to get as much help as we can and I'm sure everybody here feels that way.

Mayor McKay – Of course.

Member Woolf – The way I understood the vote from Council is they voted not to amend the Redevelopment Plan. I know it was brought up about increasing it by 300,000 square feet.

Chairman VanVliet – Floor area.

Member Woolf – Like George said, Council voted to accept as is. If they wanted to increase, they would have to come back either for a variance or something like that in front of the Planning Board for their approval.

Chairman VanVliet – Well, they would go back to the redevelopment authority for the approval on Floor Area Ratio. This plan, you know, it's been approval of the concept of what we're doing here and we set some of the parameters of how, you know, Council set the parameters they want to see there. I don't see anything here if anyone has any objections to what they've come up with and I'll ask Tony what his legal opinion is.

Attorney Sposaro – I want to bring to the Board's attention that Council on first reading passed the ordinance that is part of your package that adopts this amended and restated Redevelopment Plan. It is scheduled for second reading later this month, December 30th before the Council. Spoke with the Township attorney, a request was made to expedite the Planning Board's review of the Redevelopment Plan to pass the position of this Board back to the Council. They are required to solicit our opinion under the Redevelopment Law. That's why this hearing is taking place. I'd also prepared a proposed Resolution to be adopted by the Planning Board recommending adoption of the amended and restated development plan, Redevelopment Plan if that is the pleasure of the Board. I think we should probably open this to the public to see if anybody has anything to say but after that unless there is further debate or comment, we can take action on the Resolution.

Chairman VanVliet – Any further comment from the Board.

Member Gural – I do have a comment there are um, Pages 3, 7 and 19, you know, are blank inside the document.

Attorney Sposaro – It's purposely left blank. Why, I am not sure but there's nothing that's missing.

Planner Ritter – Yes, I agree there is nothing missing.

Mayor McKay – Well, then shall we take out these blank pages?

Planner Ritter – Yeah we can take out. I'm not sure how they got in there.

Secretary Dilts – Maybe when Katrina did her revisions, it jumped

Mayor McKay – Yeah, I'm sure they did.

Planner Ritter – I was going to say that

Attorney Sposaro – Same thing with Page 7, there's nothing missing but it's blank. That will get cleaned up.

Member Gural – Page 19 is referenced in the Table of Contents as the Redevelopment Area but the page is blank.

Attorney Sposaro – I believe the Index, you make a very good point. I think the Index will have to be modified to correspond with the document.

Member Gural – Page 18 actually is what they're talking about (inaudible).

Attorney Sposaro – I think those are housekeeping issues. I do not think that what you are pointing out, although all very good points, is represents a substance of change to the plan. It's just cleaning up the document and I'm sure that that will be accomplished.

Member Gural – I mean blank pages just if somebody looks at this in a year, is not involved. (inaudible).

Planner Ritter- Yeah no I agree with him. I agree.

Chairman VanVliet – Alright hearing no further comment from the Board, I'll open it to public comment. Anyone from the public, seeing none, I'll entertain a motion to pass the Resolution. Motion by Member Belcaro, second by Member France.

Roll Call Vote:

AYES: Members Belcaro, Clymer, Fischbach, France, Gural, Woolf, Mayor McKay, Chairman VanVliet.

NAYS: None

Chairman VanVliet – Only thing left is the joint meeting. Paul do you have a comment on that?

Engineer Sterbenz – Mr. Gardner contacted me to find out what the status was as far as the Township's review of the rezoning request and I had talked to Beth about and it was Beth's recollection that there was some thought about perhaps having a joint meeting between Planning Board and Council on this so I guess Mr. Gardner's requesting that that be scheduled. He does not want to interfere with the Board's reorganization meeting in January so he is perfectly fine if that meeting takes place during the month of February. So it is really up to the Board when you want to schedule and it is something that could be discussed or scheduled at next month's meeting of the reorganization meeting.

Chairman VanVliet – The new Council will be in place by then. Their schedule will be also paramount. Nothing wrong with having it at their meeting or our meeting or a special meeting.

Member France – What's the objective or role with having a joint meeting?

Chairman VanVliet – I think the purpose was to give the public further ultimate view of what was going on. Gardner was here at the Planning Board twice; once with the initial courtesy plan of what they wanted to do. Later on, they had a more intensive one with a lot of their professionals here and gave us a presentation and we made suggestions but there was nothing we could have acted on because there was no formal presentation before the Planning Board a Site Plan so they went up to Council to make a presentation there and for whatever reason they could not get together on making a presentation to the public at the Council meeting and you know, an information meeting basically and at the December meeting a discussion came about about how we could have a joint meeting if they wanted to come back. The Planning Board takes about an hour, an hour and a half. I don't think the Mayor wanted to see that much time taken up in a Council meeting.

Member Gural – I want to ask a stupid question. Isn't this a zoning issue? Don't they have to get a zoning change?

Chairman VanVliet – It's, they wanted, this came back from one of the comments was we had with the Planning Board is we can't hear that type of an application because it's requires a zoning change but we could do a reexamination of the Master Plan. Within that reexamination of the Master Plan, we could change the zoning. We can't change it. It would be a recommendation of ours to bring it up to the Council and they would be the only ones that could change the zoning. If they wanted to proceed in skipping that point because it is quite expensive to do that and we're also in the midst of waiting for the Highlands Council to pre-approve their evaluation of their Master Plan which governs their overlay of Lopatcong that governs our Master Plan. So, I mean why go through the exercise of spending the money and they reject us to the Highlands. So, if they want to circumvent going through a reexamination, they could go to the Board of Adjustment; make an application there for a zoning change. The Board has that power to grant that type of variance and but that's Mr. Gardner's choice of what he wants to do so and that is where it lies today so there is a lot of other issues involved there as far as sewer capacity. It is the prerogative of the Council as to where they want to go.

Member Gural – The resolution we just voted on, how's that affect that?

Chairman VanVliet – Again, I have, we haven't see the Site Plan. I have no idea of what this building is going to look like. I have no idea of what the sewer capacity or what we're going to have to require for this building if it turns out to be a partial warehouse and a partial office building or a full warehouse with 1700 people or a full warehouse with three people, a dog, and fully automated so, you know, you know the old joke we're only going to need two people. The dog's there to keep the guy from tampering with the machinery and the guys there to feed the dog so.

Engineer Sterbenz – Preliminarily, the engineer for the developer was estimating 45,000 gallons per day for this one million square foot warehouse which we'd be okay. That would actually fit in with the Wastewater Management Plan. It is in the service area and we mentioned Ingersoll-Rand Properties; specifically, the Wastewater Management Plan and I think we actually referenced 50 to 55 thousand gallons per day for the Ingersoll-Rand site in the plan so we see what the configuration of the building is and how much is warehouse and how much is office cause that could affect the flows that have been generated. Right now, based on what we've seen already, it would work. The flow capacity is there.

Member France – Other than (inaudible) discussion on rezoning that area, I didn't see the benefit for us to do that so that's the part what I'm trying to figure out. I don't want to buy it, that's only my opinion. Other people have opinions

Member Clymer- My opinion as well.

Member France – So, I don't know if we have to do anything if that opinion is shared amongst others.

Chairman VanVliet – Basically, we don't have to. We don't have to do anything

Member France – Yeah, that's what I'm thinking.

Chairman VanVliet – to change the zoning, you know, but if that's the desire of the Township, then we are also caught in the COAH problem that is existing in this state and we still don't have a number and have no idea

Member France – But that could be for years

Chairman VanVliet – absolutely but

Member France – Is it the Council's desire to rezone that?

Chairman VanVliet – That's what we're trying to

Member Gural – Well, wouldn't that bring in more tax money since it goes from farm zoning

taxation right now to residential?

Chairman VanVliet – It's Highway Business and whatever highway businesses are taxed there however they would calculate that.

Mayor McKay – I think some of it is probably agricultural. They have crops in the back.

Member France – Yeah, but to me if it is zoned for Highway Business that's where I and that's a project area for Highway Business, I personally would leave it at that would be my suggestion why more residential. We don't need residential along the highway.

Mayor McKay – He's shown various plans; one was to leave the area immediately adjacent to Rt. 57 open for that and then to build closer to Baltimore for that.

Member France – Yeah I know but cause one person that benefits that.

Member Woolf – I would prefer to see them to stay Highway Business myself and like Gary you're talking about COAH, let the courts force COAH on us.

Attorney Sposaro – I think the discussion of the merits of whether zone change is probably best left to a date when the developer, potential developer is here, the property owner is here. The purpose of bringing this up tonight really was to see if we could decide upon a date for a joint meeting. I think this is a little premature and probably with the Council and Planning Board, it is probably best to wait till January to schedule the meeting and go from there.

Chairman VanVliet - Well we'll leave it at that then. Any further public comment on anything? Hearing none, I'll entertain a motion to adjourn. Motion by Member Belcaro seconded by Member France. All in favor. Any opposed. So be it.

Respectfully submitted,

Margaret B. Dilts
Planning Board Secretary