

TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING

November 30, 2016

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: Johnson, Pryor, Woolf, Mayor McKay, Chairman VanVliet, Vice-Chairman Gural (7:02). Also present was Alternate Fischbach and Frank.

Old Business:

Minutes - June 22, 2016 – Approved as there were no corrections.

Resolution – Granting Preliminary and Final Site Plan Approval with Variances and Design Waivers to the Phillipsburg Properties Group LLP.

Member Pryor – The sign that goes with the existing building was approved by the Board of Adjustment and not the Planning Board and I understand it is the applicant’s intention to submit a separate application for the signage. I don't know if the sign is coming here or going to the Board of Adjustment. I bring this up now because a couple of people complained to me about the intensity of the existing sign.

Chairman VanVliet – I remember that sign was supposed to have an adjustment to the intensity.

Member Pryor – I'd like to bring that up in the sign discussion if they go to the Board of Adjustment Paul and George and Mr. Sposaro would make a note to at least look at that.

Motion to approve the resolution by Member Pryor, seconded by Member Johnson. Roll call vote:

AYES: Members Johnson, Pryor, Woolf, Mayor McKay, Chairman VanVliet, Alternate Frank.

NAYS: None

ABSTAIN: Vice-Chairman Gural

ROM District History Report:

Basically, what you have is the beginning of a process that will eventually end up as amendments to the Township's Zoning Ordinance as they relate to the Highlands Center Designation and this is the first step in that direction and what I'll do tonight, just as a brief overview, because obviously this involves your input in terms of ideas you might have, or ideas that we are proposing that you might find are not appropriate or be modified. This is a process. Essentially what will happen is, that as we go through this process and filter into it any ideas that the Board might have or want to incorporate in to it, this

report will then be finalized and sent up to the Highlands for their review. If they find it satisfactory and consistent with their goals and objectives, which I think they will, but the answer is part of the process, it would then come back here and then we would undertake an actual amendment to the master plan and I would suggest that that amendment would actually be a reevaluation of the master plan so we can keep the public notice as simply as possible. Upon the Board's approval of the amendment to the master plan, the actual zoning ordinance to implement the master plan would come out and be obviously sent to Council for their review and approval and go from there. This is just the beginning of the process and I would encourage you, over the next couple of meetings, I hope to if you have things, ideas that you might have that are different than ours or ideas that we haven't thought, to bring them up because now is the time to do it. It will be because they will become part of the Township's master plan and eventually zoning ordinance. What this began as is a look at the Highlands Center and I noticed that yours are copied in the back but the exhibits in the back essentially cover the area that's the Highlands. The Highlands Center Designation portion of the Township and what we did is, we went through and did a detailed analysis of the Residential Districts, the Industrial Districts and Commercial Districts from two points of view. One whether or not the areas were properly zoned by is it a type of use you like to have there or is there things we should reconsider. Also, we we looked at the Residential Districts because one of the things I've seen over the years is that it's something your older zoning districts it has a tendency to create a lot of variances because the lot sizes often times are larger than the historic zoning while it wasn't zoned but the historic land use. So if an individual wants to add a room or change something, he ends up having to come back into the Board for approvals for variances to allow him to do that. So part of this analysis is to look at the districts and see how consistent the residential zoning matched the residential community that it was covering so that hopefully we would have an ordinance that is more closely matched to what is actually on the ground and lessen the burden on the residents to seek variances for what would be minor encroachments in the side yards and that type of thing. So that was part of the analysis. The other was to look at us and see if there were any recommendations there and the other part of this analysis was to look at the center designation and see if there were areas that we thought might be included in the center designation in terms of expanding the areas within the Township that invite impact on and it's particularly important because the center designation brings with it certain rights in the sense that a property within there has the right to see the extension of sewer and water. That doesn't mean you'll get it but it opens that opportunity on the property. So having the right mix of properties in there, is something we thought might be worth looking at for some flexibility for the land owners to precede down those lines. So anyhow, to just jump into it quickly and then I assume you'll have an opportunity to review, think about it at the next meeting my thought would be is when we might get serious about any concerns or recommendations you might have that you might want to incorporate in or adjust for it. Essentially, we looked at the Residential Districts in the center designation and generally found that they all actually have pretty good fit to the neighborhoods which within which they cover. The only district that we found that was really out of sync with the land use pattern that was there was the residential developments in your RB District and I'm sorry I didn't bring a zoning map. The RB District is essentially a small group, well it's not so small, it's 40/50 homes in there but I mean it is essentially the group that borders 22 and it's a mixed business and residential zone and when we did the analysis as to how the zoning impacts that area, it was very clear that almost half of the lots were sub-standard meaning that if you were going to make an improvement to your house or anything like that, you'd almost automatic trigger a variance because our sizes were considerably bigger than what was there and now for the setbacks the requirements basically couldn't be met. We'd have to come in for a zoning change, not a zoning change a variance for the use and we also found that it was one of those districts which was interesting. It is a mixed Residential Business District and we found that a majority of property owners are residential but the majority of land is actually being used for commercial activities; in other words, there is more

homeowners in the district than there are retail properties but the retail properties actually are occupied more ground per say in the district which I think brings up a thought that you might want to think about is that it's a district where the zoning itself might be discouraging or people for investing and maintaining their houses because you have a very unusual mix of potential to be retail along with undersized residential lots that basically can't meet the zoning codes that are always in need of variances when they leave. So one of the things that we thought about in this area that might be worth thinking about is actually going in and doing, we can do it one of two ways but the one thing we thought was to go in and right now the district is split; it has standards for residential and standards for commercial. The residential standards for this little area is the same as for the larger R75 District that lies behind it. The only difference is the lots through this area are very, very much smaller and so end up not being able to apply or even come close in most cases. The choice we thought was to either to reduce the overall lot size for the R75 District and actually carry it up into the Residential District here and allow a reduced set of standards to apply that would have them eliminate a lot of the variances or go back in and amend the RB Business District and essentially create a much small residential lot so that the homes that are there have a better opportunity to comply and along that would come reduced standards. The other question that we should think about is whether or not we want to continue to mix the commercial with the residential or whether or not we should start to concentrate the commercial activities along 22 and try to discourage them being scattered throughout the rest of the lot. It is a policy question but it's something we think's worth thinking about. The other recommendation we have there or thought was to actually increase the minimum lot size for the commercial the standard is like 9,000 square feet and it was our opinion is sort of an in between ground that isn't large enough to really provide adequate parking or create an environment that is commercially oriented but it can really intrude into the neighborhood but not get you the quality of commercial activities that you might like to see. So we were suggesting bringing up the lot size for commercial activities to make, if they want to develop commercial try to get them to consolidate more ground in order to do it. So

Member Pryor – Can I ask a quick question?

Planner Ritter – Yeah go ahead.

Member Pryor – I mean it's pretty densely developed and a lot of it is built already. I mean it seems to me that no matter what you do with the zoning you got what you got.

Planner Ritter – Well you do, the only question we have is for the people who are in there in terms of maintaining their homes or doing any improvements to it, do you want to make them always come in to do variances. It is pretty fully developed.

Member Pryor – That I do understand and you're making it easier for them to do something. You also said you were trying to turn that into a business district and get the residential out. A lot of those are people who have been there forever.

Planner Ritter – Well yeah, no, no what I suggested in the report is that we actually create an actual residential district and begin to confine the businesses to their own district so you don't have that (inaudible) and see if that actually helps straighten that neighborhood because I think right now there, if you live there you are caught between our zoning and whether or not you want to improve your house. You are basically sitting there going well I could end up with a commercial use right next to me, next week and then when I go to do something to my house, I trigger variances and have to trot into the board and basically stand here and make a case on why I should be allowed to do it. So it has a

tendency I think to depress reinvestment in the neighborhood for residential and the retail slots are of such a small size they don't really encourage anybody to do anything in particular so it is sort of in conflict with each other. So our recommendation was to actually go in and limit the retail, spread of the retail in that neighborhood and then actually produce a set of lot standards that would allow the residents to maintain their properties and make improvement without dragging them in in front of one of the boards. That's really the thought but it's something you can think about. We don't have to, you know what I mean, that's the purpose of this is to just think about some of these areas. So that's really sort of the recommendations on the residential. The rest of the residential zoning in the center we found to be very consistent, produce very few variances being developed and also we believe it is consistent with the Highlands standards and they shouldn't have any trouble living with our zoning pattern. I think the thing we should also point out is one of the advantages of having the center is the Township based zoning actually can stay. We don't have to think about modifying it for the overall Highlands regulations and changing our use pattern or anything else. It's a pattern that we can maintain and carrying forward it to the future. The Industrial Districts the ROM Districts, the Board has talked about this in the past and these recommendations are essentially what we had for the ROM District and that is essentially we are going to make the concrete manufacturing, well first of all, we're going to make the district from a permissive district to one where the uses are specifically defined. As most of you are aware, we have the, the ordinance itself is constructed in what I call permissive zoning. What it says is there is a group of uses you can have, they're such as but not limited to which obviously means that anything that you construe to be close to that may or may not be permitted which a rather open ended thing so one of the things we are trying to do is define what can actually go in there so that we have a very defined group of uses that we will permit and if somebody wants to do something different then obviously they have to come back and make their case to the Board.

Member Pryor – George can I be a pain in the

Planner Ritter – Yeah go ahead.

Member Pryor – I have a lot of questions. As I read through this there were a couple of things where you said the Board wanted this and the Board wanted that. Some members of the Board did. I don't think those things have been decided yet and I don't have a problem if you say some members but I don't think people have voted on this and in particular the permissive zoning. There's some history on that in the court case and we laid out where we had a history of that and the Board commented on it and I don't know if you can limit it to four or five things. I'm not saying we can't you know achieve and objective that people want but I'm just not there yet.

Planner Ritter – Well then, that's fine. I guess what I'm saying is this is still open ended. I don't see this as the be all and the end all.

Member Pryor – And you said this is a start of a process right. I think you've given us a great start here.

Planner Ritter – Well, just to move the process along for the evening, the way we looked at this is to actually create definitions that can, first of all it allows the concrete manufacturing facility to stay, it basically also changes it from a conditional use to a permitted use if the Board feels comfortable with that. The asphalt plant itself is better defined so that the only thing it can really do is make paving products basically paving roads and it prevents them from expanding that into various types of asphalt manufacturing; the actual concrete and that type of thing and we do that by referring back to the OSHA Standards; they have a code system for classification and we tried to tie the definitions to those. The

only other thing

Mayor McKay – Excuse on that, I don't know I don't have copies of all those OSHA Standards.

Planner Ritter – I'll be glad to supply them that's not a problem.

Mayor McKay – Now you are saying that any asphalt facility that would go in there would be permitted to make unlimited amounts of asphalt provided it would be used to pave roads?

Planner Ritter – Essentially that well yeah, they could make asphalt paving material in any volume.

Mayor McKay – In any volume so there's no restriction on them. The restriction you seem to be imposing is more that would not allow for recycling, asphalt

Planner Ritter – Well they couldn't grind it up. They also couldn't make asphalt produces. In other words, mix the oil, the asphalt actually creates asphalt concrete; the actual material that that they make, they mix with the aggregate to make it. Paul can better explain it than me but it will limit what they can do. It won't move it into a chemical plant in other words. They will be mixing basically the asphaltic concrete with the aggregates and they can make product out of that some of which is rolled onto the road or they could make a paver but that's about the extent of what they could do. What type of thing would they ordinarily do that they would not be allowed to do?

Planner Ritter – Well it

Chairman VanVliet – It could basically produce bituminous concrete.

Mayor McKay – Which is what you use to pave roads. So they could have a 24/7 operation there (inaudible).

Chairman VanVliet – And they are also required by the State to use a certain amount of recycled material. Recycled asphalt material. So they would have a stock pile of recycled asphalt.

Mayor McKay – So they would be recycling? There's language in here that says you cannot, you wouldn't be allowed to use recyclable

Vice Chair Gural – Recycling was approved as part of the approval.

Chairman VanVliet – Their conditional approval.

Mayor McKay – Their conditional approval which is

Vice-Chair Gural – (Inaudible) was here.

Planner Ritter – I'll take a look at it. I don't have a

Chairman VanVliet – Well I mean in terms of the conditional approval for that

Planner Ritter – Well, not as far as what they have

Chairman VanVliet – plant anything further coming (inaudible)

Mayor McKay – No, if we said right now you couldn't have an asphalt plant if they were to succeed in court they would need (inaudible) to build it but no one else could and that's the way I thought you were considering.

Member Pryor – That's not the way this is printed right now.

Members talking over each other.

Mayor McKay – It's not the way it's written no. So if you just say that they can't have asphalt, an asphalt plant in the Township then if they are successful they get to build their's but nobody else can build additional ones either. I thought the impetuous here was that we didn't want many of them coming into town.

Member Pryor – You know what yeah, I don't have a problem with that then you get involved with Precast Concrete versus the asphalt and what the testimony was in the court and what the judge said. So that's what I say you laid out the discussion but I don't think there is consensus here yet.

Planner Ritter – Well that's all right cause if you go back to the court case, the court basically found the concrete manufacturing and the asphalt plant were virtually the same process so it becomes a question and all I'm posing is that if you prohibit one what do you do with the other. The one thing that is put in here is that both the concrete, just for your reference for the manufacturing plant as well as the asphalt are considered primary polluters by the Highlands; both of them and essentially what this does, is incorporate in one of the changes that we would have to do to be consistent with the Highlands is incorporate the fact that if you are designated one of these high polluters that you would have to provide what the call Best Management Practices at the facility. In other words, how they control runoff, how you have to do your storm water management, how you have to control the spills and that type of thing. These plants would both be subject to that requirement and that's what that code would do would actually make them have to meet Best Management Practices for their industry and that is one of the requirements of the Highlands so

Mayor McKay – Isn't there a big difference in that the one that's there already makes a very limited amount of produce because if only makes premolded products that sits there and when somebody wants to buy them, they get trucked away. They are not producing oodles and oodles of concrete to pave roads and sidewalks and everything every day. It is a much smaller production.

Planner Ritter – Well yeah, they can manufacture as much precast stuff as they can sell I assume yes but that's right. This ordinance by definition would not allow the bulk production of concrete. That's one of the things that is not covered in the classification that we picked. In other words, you couldn't put up a concrete manufacturing facility and just manufacture concrete which would then you'd go out and use for a road paving.

Mayor McKay – But you could (inaudible) asphalt.

Planner Ritter – Well, that's all they could do but yes they could do that. That is what this is structured for. As I say, we are open to suggestions to where you want to go but the recommendations in here

would make those kind of modifications if the Board feels they're appropriate.

Mayor McKay – Yeah.

Member Woolf – George with the concrete manufacturer over there, you are telling me all that stuff he has stock piled is already sold?

Planner Ritter – No. He can stock pile. Our ordinance covers storage and materials and everything else. He has variances even to extend

Member Woolf – Because he has expanded all the way out to the power and light right-of-way with permission.

Planner Ritter – With the Board's permission.

Member Woolf – No, no the power and light's permission.

Planner Ritter – Oh true, but also with the Board's permission to increase the amount of impervious cover and that sort of thing on the site. That was granted years ago to allow it to do that.

Member Frank – I just want to ask on that, can you explain to me what the Tier 1 Wall Section area is.

Planner Ritter – The concept is around various public wells. They have different tiers that have been described; Tier 1, Tier 2 and Tier 3. I don't know if there is a 4 and there are actual zones that are drawn around the well that basically are a way to assess the risk of polluting the well if you put certain types of uses around them and one of the things that is also in the Highlands regulations is high polluters and in this case the concrete plant or the asphalt plant; not that they are, both of these comply but if, they could not be built in a Tier 1 Well Head area. They could not be put in that close proximity for a public well which is neither of these two uses that are out there today it really effects but that would be in the ordinance that high polluters could not fall within a Tier 1 Well Head.

Mayor McKay – Are there any well heads there.

Planner Ritter – No but the place it does affect you and it's in the report, we went down and looked at what these regulations would do in terms of potentially creating non-conformities and what we see is, is that by clarifying what the definition of concrete manufacturing is, there's the SCC Enterprise, the ready mix concrete place that I think is located in sort of that general area and I don't know how heavily it is used, but that use would be permitted but would be a non-conforming use under the current definitions we're suggesting be adopted here. Also, the one thing you have to realize and I suspect most of you know, the chemical plant which is a high value polluter, potential polluter, I'm not saying they are but clearly the public wells are all sitting on their property. They are clearly within the Tier 1 area and as such would be considered within that Tier 1 area in that area would be considered a prohibited and any expansion would have to come back in front of the Board.

Member Frank – That does answer my question because I thought it said that they aren't, excuse me for interrupting you, but I thought when reading this report on my what you call it, I thought that they were in that Tier 1.

Planner Ritter – They are and this would make part of them non-conforming.

Member Frank – You're right.

Planner Ritter – Because they are manufacturing chemicals in too close a proximity to the public well. So that is one of the one's that could be impacted if these were developed. There is an auto repair shop which we do not see as a major problem. Then we pointed out here that the concrete manufacturing facility would be what did we say, that the concrete manufacturing facility and the asphalt plant has to meet the Best Practices which is what you and I had talked about. So that's generally the recommendation for the ROM District would be to deal with making the uses more specific and making those subject to Best Management Practices that might be considered primary polluters and essentially that is the recommendation in general that we are pretty comfortable with it the way it is at least from our perspective.

Member Pryor – George can I make one more comment on the ROM? Going back to where you talk about the combination of large lots, access and potential public sewer, maybe potential public sewer, I am less optimistic than most folks there. We've seen them use up most of our allocation. I physically I don't know where they go. I'd feel more comfortable if you described that just as your described it to us that being in that zone, being in this district, they have the right to petition.

Planner Ritter – Well, that's fine.

Member Pryor – I'm not sure how much potential there is there.

Planner Ritter- Well, that's true. I understand what you are saying.

Member Pryor – And physically getting some place. I mean we have problems at Roseberry and I don't know if Berry Plastics is a private sewer. I don't know. They'd have to go a long ways. It's just, there's a lot of hurtles there to provide sewer to that area.

Chairman VanVliet – One of the things that we strived to do at the Highlands, the time when they created the Industrial Center for the ROM Zone, Ingersoll and under that umbrella, allowed them to have sewer and water extended to those properties whether we were able to do it with capacity is one thing but it left us with the possibility of doing that.

Member Pryor – I understand that and that's what I'm suggesting George describe instead maybe elaborate would make sense.

Planner Ritter – I'll make it clear of what is intended there. The only other general comments we had and one of them is a very minor one. The Board might not be interested at all but the Township never defines anywhere in their ordinance public uses. Many towns have a zoning category for various public uses; that is to say parks versus going with buildings versus properties they may own but they just want to leave them in the Residential District or wherever they're in but it's one thing that is missing your districts. It's something that we thought you might want to think about because it spells out the standards by which the town would work and generally these districts are very permissive but they do put restraints on them in the sense that they would come back in and require that you have to have at least an informal presentation to the Board that kind of thing so that the public is aware what the town might be planning to do on one of their parcels. So it's something to think about. It is not

required by the Highlands nor is it necessitated by anything that we saw other than it might be well to define those types of areas. The other thing I thought given the fact that we've approved the redevelopment area for Ingersoll. If you recall, it's something that's never been used in the zoning ordinance. We have an Industrial/Mixed Use District that overlays the ROM, what was the Ingersoll tract which allowed a mix of industrial office and retail uses based on the size of the parcels. I think quite frankly, the original intent was to envision the various mixed use project on the Ingersoll piece was the main reason for doing it. We now have the Redevelopment Plan there. We have at least a sense of what's going to happen there but I think it's probably best if we to just repeal that. I don't think it's going to accomplish anything anymore and I don't think that it will really have any beneficial affect because most of the properties that are a left in the Industrial District there today can't be assembled into a large parcel to actually accommodate it so I would think that one of the things we would consider is actually repealing that Overlay District. The other aspect of the plan that we may want to think about is that in the Highlands Center designation if you go out to the Phillipsburg Mall the designation cuts off where the mall is basically included; it cuts across here. There is a parcel that lies behind the mall that is part of our Senior Citizen Zoning District and it allows what I call moderately density. Right now the ordinance allows 60 units per Acre Senior Citizen Housing. Since it is outside of the center, there is little or no potential for them to get sewer and water extended to that piece of ground and quite frankly, from my perspective at least, that's one place that you could actually envision relatively higher density development next to the mall in that area. Also the district does have affordable component in the ordinance. If someone would choose to develop it, it would have a component in there for affordable housing. The current ordinance allows 60 units per acre and 12 ½% set aside. So I was thinking that one of the things we might want to do is petition the highlands to actually include that piece behind the mall in our center designation but at least give them the opportunity to try and do it. If we don't, than the zoning that's on the property probably doesn't have any fit at all because they can't get sewer, they can't get water so you are not going to be able to do 60 units per acre. The other thought I had that we might want to think about is, it's probably a good parcel to actually encourage development in town and one of the thoughts I had was whether the Board wanted to consider possibly, actually allowing greater density to get a higher percentage of set aside in the district say for rental housing going up to 20% in order to try and bring some economic incentive in there actually have somebody think about trying to solve the problems with the site and still keep it as senior citizen housing which if someone would develop it, yes you'd get a residential component. It would be for seniors but it would also be for lack of a better term, there's no children. It would be a rateable that you'd be building that wouldn't necessarily put kids in the school system and also its location next to the mall and the various facilities actually makes it sort of an ideal site for multi-family housing. So the bottom line is that's an area I think we ought to think about too and that's generally where we are in our just overall view how we thought we might want to proceed and the Board kick it around.

Mayor McKay – George, how big is that parcel? There's lots in there that are Pohatcong wants and there's lots that Lopatcong wants.

Planner Ritter – The actual lot itself is a rather large lot. This is being developed; this is for Sycamore Landing is. The mall sits right in here and then this piece is a single piece that's under our zoning ordinance. It's a fairly large piece. I don't know the exact acreage. I'll be honest with you I didn't look it up tonight.

Mayor McKay – I think there is adjoining parcels that are in Pohat. right?

Secretary Dilts – Who was it that attempted to develop that a while back?

Member Pryor – Yeah there was

Mayor McKay – Somebody tried to give it to or sell it to the County too so

Member Pryor – I honestly don't remember but there was an active development proposal there that died for a series of reasons and my comment is it seems to me if you want to keep it, it has to be practical. We'd have to adjust the Wastewater Management Plan and I don't, to me the only place it could go is to Pohat. through their mall connection and I don't know if that's practical.

Planner Ritter – Well, I agree with you because there is a lot of problems with it. 1. The mall road is an issue. Who had rights to access the road? The only question I had is the current zoning on the site doesn't fit at all with the realities of what's out there. They can't even apply for sewerage because they would be in violation of the Highlands and I thought it might be a piece that if there was enough economic incentives, somebody might try to overcome the difficulties. I mean we all know it is difficult. I don't know if even what we are talking about here would encourage anybody to do much of anything but it is an area I thought was worth thinking about. In all honesty if they came back before the Board, I don't think there is any realistic opportunity that they could develop it as we have it zoned today.

Member Pryor – Just my observation is to me it would probably make more sense to match it to the zoning that's practical rather than say if somebody wanted to spend enough money maybe they could do something with it because I don't even know where they'd go, how they'd go

Planner Ritter – Well, I'm not sure either. Well, I agree with you what was told before is that they had to go back through Phillipsburg. I mean that was my understanding out there.

Member Pryor – And the way the mall gets here, is through Pohat.

Planner Ritter – Yeah I'm sorry what I said, I meant

Member Pryor – Yeah it winds up all points point to Phillipsburg.

Planner Ritter – Well, what I mean is that they'd have to connect actually through the abutting Township's system. We can leave it the way it is if you think of zoning it, then you'd have to zone it for large enough septic lots; you'd actually have to go back

Member Pryor – Well in the and you'd have to make the Wastewater Management Plan work too. I don't know if it's not practical maybe it is destined for septic.

Planner Ritter – Well, then I'd say if that's the case, then we ought to think about rezoning it back to just accommodate on-site septic.

Chairman VanVliet – I was going to say I think it might be to drop the Senior Citizen Housing back there. I think Highlands has it as Agricultural Protection.

Planner Ritter – Right now if we don't put it over in the center there is very little to do; Cluster

Residential.

Chairman VanVliet – The problems are almost insurmountable because you got Lopatcong Creek running along there which is a trout stream and then you got the 600 foot designation problem. We explored the idea of trying to build that development DEP would not allow them to cross the bridge under or over it or anywhere near that creek so I mean you really limited the access coming into the mall road.

Mayor McKay – Wasn't there a deal with Sycamore Landing that they were going to allow access into the a property?

Chairman VanVliet – They tried to get the access into that property but the deed restrictions on it allow the mall; we would have to sue the mall as the Township to take the easement of the road from the 22 entrance right around to the west side of it to where they make the connection to go down into that property which is where Sycamore Landing is, the mall is and to go down and service that property there was, they tried to strike a deal to incorporate that connection to a connection that would come in from the Sycamore Landing. It is set up to do that if they can ever come to an agreement with the mall owners to allow them to do that? The only other way is for the Township could force them to have access there with both the easement rights that are spelled out. I'm not familiar with all the deed restriction that's in there that allows the easement to go that way. Whether we want to choose to go that way or not but I think the cost and problems doing something like that is probably getting to the point, I believe it's (inaudible) property that owns it so they've never been able to market it because (inaudible) extraordinary amount of money for it.

Member Woolf – I thought the deed restriction on the mall said that that ring road was going to be accessible to the undeveloped property.

Chairman VanVliet – It is correct and I think there's other conditions

Members talking over each other

Member Woolf – Sycamore Landing is not the undeveloped property of the Phillipsburg Mall. Sycamore Landing was trying to use the ring road as an access

Chairman VanVliet – Correct.

Member Woolf – but they would have to cut across the property that didn't belong to them.

Chairman VanVliet – Well, the one point where they would make the connections, the two properties abut. They wouldn't necessarily cross the mall property but would come into

Member Woolf – The back corner. The corner behind Sears.

Chairman VanVliet – and the topography there is not the greatest in the world to come up there so.

Engineer Sterbenz – The roadway had to leave the easement that's set up by the mall developers because they had to set up acceptable alignment to get the site distance to do that so that was an issue.

Chairman VanVliet – But I don't think anybody soon is coming in there to try to do anything so.

Planner Ritter – Okay, well then, I guess the question really then to the Board is whether it's worth putting in the center designation and then what the zoning should be because clearly if we think that you can never get sewer there then we should just zone it appropriately and they would still have to struggle with it

Mayor McKay – What would be appropriate zoning?

Planner Ritter – Well, if you are going to put a septic field out there and that sort of thing, the absolute minimum I think would be one acre if you have to put septic fields all over the place it probably should be a little bigger but that's probably the minimum.

Mayor McKay – You got the creek there.

Chairman VanVliet – Depends how the ground perc's there too.

Planner Ritter – Well, we don't know.

Mayor McKay – Would some kind of warehouses be appropriate?

Planner Ritter – I guess that's the other question I, you know, do you think there is a commercial enough market that if it was rezoned back into commercial somebody take an interest in it and put stuff up behind the mall, I don't know.

Member Pryor – Yeah, I don't know what the marketability is but you got things like self-storage and so on where the septic demand is virtually nil.

Alternate Frank – Exactly there is no (inaudible).

Member Pryor – Yeah, I know and as I said I don't know what the market is. You go to Piscataway they are all over the place I don't know what the demand is here.

Planner Ritter – I know of two. Well, that's the other option I guess you can always look at converting it back into a commercial zone and seeing if anybody will pick it up and run with it.

Member Pryor – We have stuff on 57 that's on septic; strips malls and so on.

Planner Ritter – I think it is an area worth thinking about. Let's put it that way while we are going through the process of doing this. What we want to do with it and that's sort of the summation and like I say I think the Board should think about it, the members should think about it and we'll take that under advisement as we go forward and try and get this thing tailored in a form that everybody is comfortable with and get it up to the Highlands and then start that process so we can finally get the zoning in place. It looks like the town, I don't know, I can't say that, I should say it looks like we are moving toward getting our COAH straightened which means then we are getting closer to being able to actually comply with all the Highlands regulations.

Chairman VanVliet – Just as a comment looking at the, you talked about the COAH adjustment there

maybe something in the works that's going on that we'd have to consider that for a rezoning in the area so we're looking at taking and converting the Highway Business along 57 so we might want to see how that's going to develop. It looks like it might be moving along fairly quickly and becoming to a resolution on that where we would have to incorporate

Members talking over each other.

Planner Ritter – If that's the final decision yeah it should be incorporated in this. All the current things; we should include as much as we can at this stage because to go through the process and to eventually revise and adopt a new master plan and send it up to Council you want to get everything in it we can do at one time just to wrap all the loose ends up but also because this is all going under the Highlands grant money so it is not a cost to the town directly.

Chairman VanVliet – That was really our objective the past year to not send out three or four plan revisions but to undertake one large one that the Highlands could pay for.

Planner Ritter – So that's it. I suggest we think about it and we just have a time at the next meeting where we can kick it around again and we'll move it toward hopefully getting a consensus on where we want to go.

Member Pryor – George, I thought it was thorough and it hit on all the issues; giving us something to discuss and I'd like to thank you for the effort.

Chairman VanVliet – I'd like to thank you also. There's a lot of information in there; we'd have to do a lot of digging into our ordinances and local zoning laws to come out to find out what lots where.

Planner Ritter – We have a very good inventory and what's vacant and what's not. It is a starting point and it is a process that does involve the Board so don't be bashful; lay the issues out and we'll see if we can get them worked out.

Chairman VanVliet – I call for public comment. Seeing none, a motion to adjourn. Motion by Mayor McKay, seconded by Member Pryor. All in favor.

Respectfully submitted,

Margaret B. Dilts
Secretary