TOWNSHIP OF LOPATCONG
PLANNING BOARD MEETING MINUTES

7:00 pm

August 27, 2025

Chairman Samson called the Planning Board Meeting to order.

A Prayer was offered followed by the Oath of Allegiance.

Chairman Samson 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 Ledger and The Express-Times and by posting a copy on the bulletin board in the Municipal Building."

Present: Members Coyle, Caughy, George, Lawler, Mengucci, Palitto, Weeks, Vice-Chairwoman DiLeo, Chairman Samson. Also present were Attorney Bryce, Engineer Wisniewski and Planner Bloch

Old Business:

Minutes – Approve the minutes of July 23, 2025. Motion to approve the minutes by Member Palitto, seconded by Vice-Chairwoman DiLeo. Roll call vote:
AYES: Members Caughy, George, Mengucci, Palitto, Weeks, Vice-Chairwoman DiLeo, Chairman Samson
NAYS: None
ABSTAIN: Members Coyle, Lawler

New Business:

Carmco, Inc. – 189 Strykers Road – Block 100, Lot 6.08 – Preliminary and Final Site Plan – Completeness and Hearing.

Attorney Peck – Good evening, Mr. Chairman, members of the board. For the record my name is Mark Peck, Attorney with the Florio, Perrucci law firm on behalf of the applicant Carmco. We are here tonight seeking preliminary and final site plan approval with bulk variance relief to construct an approximately 8,000 square foot commercial building with associated site improvements on a 5-acre flag lot located at Block 100, Lot 6.08 which is also known as 189 Strykers Road; although I think we have to get a new address from the assessor. It is in your ROM District and as I indicated we needed bulk variances and the design waiver. Rather than going through all the variances, they are as set forth in Mr. Bloch's August 22 letter. I will note that almost all of them have to do with buffering and for like parking lot,

open space and islands, things like that that certainly make sense in like a commercial retail center complex or something like that but when you see the nature of this application, you know, I think we certainly have ample justification to request those variances. Anyway, as indicated, the subject property it's in an interior flag lot located west of Strykers Road approximately 1600 feet south of Rt. 57 about a 3rd of a mile or so. Just east of the property between the subject property and Strykers is the North State Materials asphalt plant as well as a trucking company which completely fronts on Strykers. South of the property, is a self-storage facility as well as Precast Concrete Manufacturing company. There is a trucking facility and a tree farm to the north and a self-storage facility is located to the west and access to the property is from Strykers by way of a private roadway shared with North State Materials. Here tonight we have Bryce Good as both our engineer and planner and we also have, he'll be giving the testimony tonight but we also have Maria and Rich Bittone who are in fact Carmco not planning on offering direct testimony from them but to the extent there is any historical or operational questions, we can swear them in and they would be happy to answer. So, without belaboring the point, I'd like to call Bryce Good.

Attorney Bryce – Mr. Good, if you'd raise your right hand, do you swear and affirm the testimony that you are about to give the board is the truth, the whole truth and nothing but the truth?

Engineer Good – Yes, sir.

Attorney Bryce – Thank you very much. State your name, spell you last for the record.

Engineer Good – Bryce G-o-o-d.

Attorney Peck – Thanks Bryce. Could you give the board the benefit of your educational and professional background?

Engineer Good – Sure. I have a Bachelor of Science from Pennsylvania State University in Agricultural Engineering. I have been working as an engineer for nearly 35 years. I am a licensed professional engineer in the State of New Jersey and 19 other states. My license in New Jersey is current and active. I have given similar testimony probably 50+ times in the State of New Jersey and other states, unfortunately, I have not been in front of this Planning Board. I also represent municipalities 14 different boards in the State of New Jerey and Warren, Somerset and Hunterdon County.

Attorney Peck – And your license, is your engineering license is in good standing?

Engineer Good – Yes, sir.

Attorney Peck – And, as a planner?

Engineer Good – I do not have a planning license.

Attorney Peck – Oh okay, my apologies. I'd like to move Mr. Good as an expert in the field of engineering.

Attorney Bryce – Sounds good.

Attorney Peck – Bryce, could you describe the existing conditions both on the site and in the surrounding area?

Engineer Good – Sure. What I have on the presentation board is the existing conditions plan from our application; it's nothing different; it's the same plan that was submitted in February. As Mr. Peck had noted, we are on a private road. Pointing on the map, is a teardrop cul-de-sac. Our property is this oddly shaped parcel here. On the property, there is a cell tower, the driveway to the cell tower and a drainage easement around an existing drainage basin. That basin was constructed and approved through a subdivision plan that was done back in 2012 for the adjacent lot, Lot 6. The property is also as a JCP&L right-of-way that goes through the western portion of the property. In addition, there is an access to our neighbor, Stowaway Storage, that was approved as part of the site plan that was approved by this board back in 2018. There's also a small grading improvement in the corner of the property; the southern corner. The existing condition of the property is beyond the area of the drainage basin and other things, is the remaining approximately two acres and currently, that contains millings. Those millings have been added onto the property over the years. As noted, the next-door neighbor is an asphalt facility and what I will show you next is an exhibit.

Attorney Peck – Can you mark it as Exhibit A-1 with today's date.

Engineer Good – Yes, sir. I have copies for the board if they would like to have copies. What I will explain is this is called Exhibit A-1 with today's date and the aerial imagery is taken from Big Maps. What we're showing on this aerial so, Exhibit A-1 is an aerial showing the region of the property. In the middle of the aerial, you'll see our property line, a black line, a little hard to see the aerial, you'll see it there in the middle. We've got State Highway 57, 22 and Strykers Road and our neighbors around us and you can see on this aerial the existing condition of the property with the basin, just knowing the operation from their neighbor's asphalt plant kind of encroaching on our property which is okay. So pretty well shows you where the property sits compared to our neighbors and what the existing conditions look like today.

Attorney Peck – Now, can you explain what is proposed?

Engineer Bryce – Sure. The display on the board is the site plan.

Attorney Peck – That was submitted with the application.

Engineer Bryce – Correct. This is what was submitted with the application in February. This is, nothing has changed on this plan so you have it in your package. What we're proposing is, as Mr. Peck had noted, the partially 8,000 square foot building in the east, southeast corner of the property. This building will have an office in the corner here and four truck bays to be used for large vehicle servicing.

Chairman Samson - What page is that on?

Engineer Good – I'm sorry sir, Sheet 3 of 9.

Chairman Samson – What is it?

Engineer Good – Three of 9. So, this falls under, as mentioned, this is in the ROM Zone. A permitted use in the ROM Zone is the integrated industrial office park development which allows the type of building we're proposing. Accessory use of the property which is also permitted in the ROM Zone, is bulk storage. So, what we're proposing with the bulk storage is parking for equipment and trucks and we have various sized trucks proposed to be able to park here and utilize this lot.

Attorney Peck – When you say trucks, a lot of this would include like heavy construction equipment; things like that as well as

Engineer Good – Right, correct.

Attorney Peck – highway trucks

Engineer Good – Trucks you're looking at WB 67 to 340 those are your big semi-trailers. Single unit trucks there parking spaces for those as well and then we're also utilizing the property for some heavy equipment storage and parking as well. In the proposed condition, as I mentioned the existing condition has millings, we're proposing paving where we're showing parking for the heavy vehicles, large trucks. Also showing paving for the passenger vehicles that are going to be utilizing the millings. Paving for the large trucks is going to be heavy duty paving meant for semi-trailers to park on. The other parking passengers is going to be a little bit lighter duty paving. One of the waivers we are going to be asking for is the ordinance requires that all areas be paved. So, if we're looking at having equipment on the property, we'd like to keep the millings in the middle of the property because of any pavement we would put there, would be torn up the use of heavy equipment we'd be putting there. Heavy equipment means dozers, backhoe's, dump trucks, things like that and the turning movements with that equipment would tear up any pavement so we're asking for a waiver to keep the millings in the middle. Like I said, we're going pave where we're going to park. In the middle, we'd like to keep the millings. One of the unique aspects of this property is being on a private road, there is no front yard; it's all side yards. So, we're going to have some variances due to the fact that we're going to be a side yard. As I mentioned earlier, the usual property is about 2 acres up to 5 acres. If you subtract out the setbacks, we're now down to about an acre. So, we have 1/5 of our property that's usable. So that's part of it and we'll get into that as we get into the variances why we're asking for the building to be located where it is at. As already previously mentioned, we have parking; we have 12 passenger vehicle parking and then 32 parking spaces for the trucks. We are going to be adding lighting, landscaping to the best of our ability. The property is located on a private road that has an existing water line on it, also existing gas and existing electric. We are going to tie the new building into those utilities. We're proposing a septic system. We are not proposing to connect to any sewer; we are proposing a septic system for this property. The stormwater basin, like I said, was designed previously. When that was designed, and we can get into that once we get to the engineer's report, but it was designed and sized for both properties. In that stormwater report

at that time, this property was assumed to be impervious for future development, which we're proposing. So, the basin, we do not propose any changes to the basin because it is sized properly. We'll get into that once we get into the engineer's report. Then general overview of the property and what we're proposing. Exhibit A-2, very similar in nature, but this is a little bit more zoomed in. Same aerial, same date, zoomed in version just to give a little bit better view of what the property looks like today and how it's going to compare with what we're proposing.

Chairman Samson – Bryce, where did you say the building is going to be?

Engineer Good – South/southeast corner of the on the exhibit. So, looking at the site plan, which is Sheet 3 of 9. For purposes of explanation, the grey hatch area is the pavement, the light duty pavement for the passenger vehicles make like a kind of a L reversed L shape. The building sits in that crook of that L. There is a solid line around the building and there's four bays or dash lines and the office is this little square down there. It sits in the south/southeast corner.

Chairman Samson – So, these lines you have here, this isn't the truck parking; this is something else?

Engineer Bryce – So, the bays, that's the inside of the building bays.

Chairman Samson – All right, I see and then this dark line here is the outline of the building.

Engineer Bryce – Correct. So, looking at Exhibit A-2, like I said, the main purpose of this is to kind of get a better view of what's happening today and talk about what we're going to do and what we're proposing. Once again, the property line is shown on the dark black line. It's a little hard to see in the aerial. You can see what our neighbors have and don't have. The existing basin you can see a lot clearer here. You can see the vegetation around the basin on the westerly side of the property. You can see on the northerly side – you can see better what I was explaining earlier that the, our friends and neighbors next door have used the property a little bit for their plant activities. Obviously, that's going to change once we do our activities assuming an approval. We're going to have a wall back here, a small wall using mafia blocks; you know what a mafia block is, it's the big concrete four foot by four-foot, six-foot, tung and grove just sit on top of each other, real good for keeping a little bit of soil back so if a semi-trailer backs into it, it's not going to damage anything. So, that's going to be proposed here. We have some lighting proposed back here as well and some landscaping. Then the parking for the semi-trailers will be back here along this side here, which is the easterly side, will be for passenger vehicles, our building is going to sit right down in here. We're going to have some more semi parking along next to the building and some parking back over in this corner over here. Basically, what you're seeing on the site today, is what we're really proposing to do. At the end of the tear drop cul-de-sac, that's there today, you'll see that there's basically two driveways. One is a straight line over to our storage neighbors, as I mentioned earlier, and then there is the one that is a little bit north of that, that kind of goes up the hill. In the package, there's plans that we showed and that we provided to you, we have shown the north access driveway for our site. Based upon the comments from Mr. Wisniewski, we're going to

change that and we would ask that change be considered as a condition of any approval that might be given to us. We're going to use the southern driveway, which is the more established wider driveway. It gives a little bit better slopes to get into the property. It's really what's being used today. So, on your plans you'll see we have traffic circulation, we have the driveway proposal. Assuming any sort of approval or condition of that, we would revise to provide better access to the site. We would reclaim anything that's short northerly driveway, put that back into its vegetative state, doesn't need to be paved, we don't need to use it. Any questions on the exhibits we provided, the exhibits we proposed? We do have two review letters from your professionals that I could go through those at some point but any questions at this time?

Member Weeks – Can you show me on the map where you're changing your driveway, please? Exactly point to it or how you plan on getting in.

Engineer Good – Right there. That's the existing driveway that's there. There's also an existing driveway here. We're going to use this one, right here. The lower one.

Attorney Peck – And, that goes right out to Strykers?

Engineer Good – And, that goes right out to Strykers on the private road.

Engineer Wisniewski – Pretty much abuts the driveway down to Stowaway. It puts it right next to it and it sort of curves off.

Engineer Good – The driveway to Stowaway is currently paved.

Engineer Wisniewski – Question – where the septic systems proposed? It was unclear on the plan and I, you know, know there's some separation requirements from the health department and the basin it's near, so I wasn't certain where that currently is being planned.

Engineer Good – It is not designed. Our plan would be to place it in the southern portion either in this corner, the end of the parking lot or down here below the parking lot where it best fits. Once we get to design and

Engineer Wisniewski – Best for the disposal bed assuming, it's a small office space.

Engineer Good – Yeah, it's going to be a small office space. The septic system on this will not be large. So, our plan is to utilize the two areas within our property to the south of the building.

Engineer Wisniewski – That will also be in the building setbacks.

Engineer Good – That's correct.

Engineer Wisniewski – That will be an additional condition. The Health Department will have some input on that as well assuming that application have been filed.

Engineer Good - We have not made those applications at this time. We were waiting to see how this application goes. The outside agency approvals will be taken care of as a condition

of approval. Speaking of the setback, and I know we're going to get into the variances later, as I mentioned, we're all side yards; it's all 50-foot setbacks. I mentioned we have about an acre left to utilize this property and you see in the aerials; our neighbors are all industrial in nature. We want to make sure we kind of stay with the nature of the neighborhood getting any large vehicle of the sort into this site and have it usable, we're really limited if we stay inside those setbacks. That's why we're asking for a lot of variances that are outside the setbacks. For the building a setback. The cul-de-sac shape, as you can see the property is kind of weird, irregular shaped, it's an odd shape and size so, there's really a reason why we had to squeeze the building in down toward the bottom. The cul-de-sac creates, a little bit of an S curve in the property line there.

Member Lawler – The building itself, what's the square footage of the bays compared to the office area and how tall are the bays in height compared to the office area in your changing elevation and height as well?

Engineer Good – So, for the building, we don't have architectural plans at this time. The design of the actual building is not finalized. It's one story at this time we're planning on not having any different elevations between the bays and the office because we want to have those connected. The bays themselves are 20-feet wide and the whole width of the building and the office is down in this little corner down here, very small office.

Member Lawler – Inaudible, truck bays per say because otherwise figuring at least 20-feet height.

Engineer Good - They would be high enough to be, to fit a truck into but it would still

Member Lawler – Inaudible

Engineer Good – Possibly. It hasn't been designed yet, but it would be big enough to get trucks in.

Engineer Wisniewski – Like a Morton building, I guess.

Attorney Peck – Most likely and we'll set within the box drawn by bulk regulations of the zone. Obviously, if we don't, we're back here.

Engineer Good – The zone requires less than two stories and less than 45-feet high. We'll definitely be well within those regulations.

Member Coyle – The two areas you have set aside for the septic system, are there any reasons why a septic system would not fit in anyone of those spaces?

Engineer Good – We do not anticipate that being a problem because we don't anticipate this being a very large septic system; office, one bathroom used during the day. It's not going to be a very large septic system so, we do not anticipate having a problem with fitting that in that location. Obviously, we get into the design and the health department has comments and issues we'll have to come up with something different and we'll have to meet the setbacks of, you know, from the bay stand and anything else that is on the property so, you know, what we

would request that Mr. Wisniewski was saying, that we need a variance for the septic and setback, we'll request that. If we don't need it, then we don't need it, you know, if the design ends up causing us to change, we comply.

Engineer Wisniewski – If it isn't anywhere not in the setback, graveled area, can't have a disposal that's under parking.

Engineer Good – Right. So, I think that no matter where we're at, we're going to meet some sort of setback or easement or something.

Engineer Wisniewski – It needs to be in a grass, natural

Engineer Good – Which is very limited on this site. Any other questions before we enter into the, your professionals' reports?

Attorney Peck – Go onto Mr. Wisniewski's engineering report first?

Engineer Good – Sure. So, Mr. Wisniewski has issued a report on August 22nd. We'll go with how the board wants to look at this. If you want to go through every single comment we can, if you want to just go into the highlighted comments, we can do that with the understanding that we're, we agree with Mr. Wisniewski's comments. There's really nothing in this letter that caught us off guard or caused us, it's not that we couldn't meet your requirements a lot of these things are just minor adjustments to the plan

Attorney Peck – Except we're asking like with Comments 2.2 and 2.3 that are on Page 3, those are design waiver requirements.

Engineer Good – That is correct.

Attorney Peck – That has to do with, we're requesting millings in lieu of pavement for certain areas.

Engineer Good – So, 2.1 talks about the driveway access we already discussed that and we're going to move that down below, we're going to keep this access cause this access to this self-storage was meant to be an emergency access for fire access for the self-storage and this side of that property line. That was approved in the site plan approval in 2018. So, that was an approved driveway emergency access. We are proposing to keep that because of that. 2.2, we are asking for a waiver that talks about the millings and you know, the paving which we talked about already. One thing we would like to, that the plans do not show, we doing as part of the revisions of any revisions as approved conditions would be that in the front of the building, right now we're showing that being millings to make it better access for the vehicles that would be entering the bays, we're going to propose a 50-foot concrete or asphalt apron to the building. That's not drawn on the plans, but we would like to do that. Beyond that, everything else is shown as millings staying we would ask for the waiver that they stay. 2.4, we will add the signage as necessary.

Attorney Peck – 2.5, we'll recommend and a request parking stops near the building but the rest of the site

Engineer Good – So, yeah, this talks about wheel stops for the passenger vehicles to make sure they don't go off the pavement, they don't hit the building. We're going to propose to do that. We'll put bollards at the end of the corner of the building to protect the building. We're asking on the mafia block wall to not having wheel stops for the trucks there. Trucks all have different wheel basis to the back of the truck. Wheel stops could cause a problem with how the trucks could park, the local one which is the low flat beds that haul heavy equipment have a different height and we don't want to have an issue. The wall is only like 4-foot high so the big mafia blocks could bump into it. It's not going to be a detrimental issue so, we're asking contrary to the comments, no wheel stops along the wall.

Member Weeks – The wall, is it 4-feet high above grade?

Engineer Good – Yes.

Member Weeks – Alright so, they can have something to stop them.

Engineer Good – So, what happens today is the Tilcon, Northern States property is above us. So, in order for us, and as I noted, they're kind of using this, they go over into our property, we want to push that back, at least back to where our property is so we need a little more room.

Chairman Samson – So, the retaining wall is going to be like a block retaining wall something backed up to it. Alright, it's not like the truck is going to hit it; it's going to knock the mafia block over.

Engineer Good – No, yeah, the mafia block

Chairman Samson – It's going to have something backed up against it so that will stop it.

Engineer Good – Yeah, so you'll have the slope coming down then the mafia block is going to go in the dirt.

Chairman Samson – How much office space do we have here. Did you call that out or cause that, that's the parking, how many spots do they need.

Engineer Wisniewski – Passenger vehicles.

Chairman Samson – Isn't that what we are talking right now, the passenger vehicles.

Engineer Good – So, we're proposing an office right now based upon our parking table because it's one space per 200 sq. foot for office. We're proposing 400 sq. ft. office; not very big. A bathroom and a desk.

Engineer Wisniewski – It's 4 passenger vehicles …

Engineer Good – And, then the rest of the building still requires per ordinance passenger vehicle parking so that's why we're proposing twelve. 2.6, we'll add the details. Right now, for the handicap accessible, we're looking at, cause it's right next to the building, we're probably (inaudible) that detail will be added. As I mentioned earlier with the truck

circulation plan, the comment was that there's Jersey barriers on this side of the existing millings basically protecting anything going over into the basin now. Obviously, the Jersey barriers can be moved; we're not going to move it. We don't have to. Both change in the driveway, we're going to change the circulation plan anyway so, we'll address that comment.

Engineer Wisniewski – Are those functioning as a retaining wall right now or there just on grade?

Engineer Good – They're on grade. They're just kind of there is protect anybody using the property from going into the stormwater basin.

Attorney Peck – I think we're good up until 3.04.

Engineer Good – Yeah, so the rest we'll just, we already discussed or we will revise or add as commented. 3.04, is the plan soil erosion, soil erosion, soil control plan that's a temporary stabilization just want to clarify with Mr. Wisniewski.

Engineer Wisniewski – Usually, it's just a customary to have notes and details for stabilization during construction.

Engineer Good – Okay. We can add those notes. I mean the property is almost 100% impervious so, it's not in a lot of areas where we could do temporary stabilization but we'll add the notes as a condition of approval. 3.5, talks about the Highlands. The Highlands Council provided a report; they had two conditions. We'll revise our plans to remove any notes about fertilizer because they don't want any fertilizer. I think we can do a lot of detail on the landscaping plan that we have. We're proposing some landscaping. Okay, we know it does not meet the ordinance. We need variances for that. If we kept it general at this point, just the evergreen bushes and trees, the Highlands Council is concerned that we're using native vegetation. So, what we will do, as part of Mr. Bloch's letter as well, we will provide a landscaping schedule of what actual varieties of those that we're talking about. So, we'll make sure we meet the Highlands comment and the Planner's comment. 3.06, meet stormwater comment. I don't want to bore everybody, except the engineer with this response. Love stormwater and I'll talked about it to you all day long. So, as I mentioned previously, previous approval, site plan approval for the adjacent property. That's is something prior to that noted that the basin is necessary for our neighbor on 6 and it would be used for our lot 6.08. In reviewing those stormwater calculations that were approved, at that time, our lot 6.08, was assumed to be impervious as I mentioned earlier. So, in our stormwater report, we acknowledge that. That was done prior to the current regulations on stormwater. So, the basin is sized for both properties being developed and being developed with all impervious surface. So, there is really no need to do anything with stormwater but we want to go a step further because stormwater regulations did change. We want to say that we meet the current ones. So, that's what we did in our calculations. So, I think, you know, A is kind of talking about that (inaudible) make it clear what was included, what's not included. Like I said, in its original calculation that was done, was 7 to 10 years ago; 14 years ago. It was assumed that this was impervious. That's what we're proposing. We did an analysis with the new regulations and comments B through E there's some tweaks to be made to our calculations for

consistency we could that as part of condition of approval. We just want to show that this basin that was built, actually it was built very nicely and it does meet the current regulations except of a couple. Those being: the original basin did not have a requirement because the regulations did not have a requirement for small green infrastructure. There're limits on what size drainage areas you can have with those. We don't meet those. That's with a 2.5 grade here. That was not a regulation at that time so, it was not, we don't meet that. So, there's that aspect of the current stormwater regulations that we do not meet. I'm not sure if we really need a waiver or anything from that because I'm not sure we really need to meet the current, we just wanted to show from a peak flow analysis, from a stormwater analysis, we actually do meet the current regulations which has the future and adjustments to the rainfalls and all those kind of things and we do. This is a, due to the karst features in the area, the carbon geology this is not an infiltration, it's a sand filter in the bottom. It's part of the resolution, part of agreement from the original development, was if there's any disturbance to that sand filter, that can be taken care of very cleanly and very nicely. There was an operation and maintenance plan provided with the original basin. We will modify that to be a more current operation and maintenance manual and that is comment F.

Mr. Wisniewski – The one clarification I'm just curious about it. As you mentioned, it's a small-scale green infrastructure for water quality treatment basically, there isn't really an opportunity to implement that on the site given the space constraints. Is there, there are some elements that could be used but they're not really conducive to heavy equipment as far as paving and things like that that couldn't provide some water quality treatment as part of the regulations. So, my question to you Mr. Good is when this basin was originally sized back in 2013 or 2018 whenever the site plan was finally approved, was there a requirement at that time to address water quality. I don't know if that was addressed at the time, you know, back, I know it's an infiltration basin (inaudible) the underdrain basin with a sand filter which is intended to treat the water quality, but I'm assuming that was all addressed as part of the overall design.

Engineer Good – That's my understanding when reviewing those calculations because we don't want to infiltrate, you know, that's the kind of treat the best we can, it's impervious sites how best can we treat cause, you know, cause even, like I said, this basin is not only for our property, it's for the neighbor as well. There's really no place on the neighboring property to do that due to the nature of the activities on that property. It's heavy equipment; it's impervious and there's just no place to do it. So, the only real way we can handle the water quality is how it is today, is with that sand filter.

Engineer Wisniewski – It would be helpful to see an updated O&M Manul that sort of addresses and brings the O&M Manual to todays in New Jersey being (inaudible) requirements for - phone ringing – inaudible.

Engineer Good – And, that is our plan. We take note of your comment and assuming there is an approval, we got that as with all your comments. We will address your comments.

Member Weeks – I would like to let you know that you need to send a report for me to the engineer once a year, showing all the maintenance that you've done because it has to go into

the town's stormwater report so that needs to be documented, all right, once a year sent out. All right.

Attorney Peck – Okay. We know that Tilcon, already has to test accordingly.

Member Weeks – That's what I'm saying, I don't know where you stand on that.

Attorney Peck – And we'll make sure of that.

Engineer Good – And, I think that's part of, we updated the O&M Manual, as you're stating, in the stormwater permit requirements the recording, it wasn't something that needed to be done (inaudible) okay, so, we want to make sure the town stays in, permits so that would the part of the update that we need to do on the O&M Manual to make sure that recording is being done. Any other questions on stormwater? Okay, Section 4 is landscaping. We already testified on the landscaping so, we'll focus on the lighting. 4.02, talks about the average foot candles within an industrial parking lot. Right now, we are showing a lighting plan that our averages are a little above the ordinance. The ordinance says between .5 and 1-foot candles. What we're going to do is revise that plan and do the best we can, you know, we're dealing with large trucks, large equipment, we get a lot of shadowing, a lot of you know, poles are high, we're going to ask for a waiver from this you know, to be able to get down below that 1-foot candle number with the shape of the property and concern over security and safety. Now, with that being said, I'm jumping ahead here a little bit, we're going to dim those down overnight. We're not looking to be intrusive with our lights. We want security and safety for the people using the property but we understand that we want to protect our neighbors but we also understand our neighbors have a lot of lights. So, we will dim our lights, we will modify, assuming there's an approval, to kind of; to try to get down most of that limited candle we are going to request a waiver just in case we can't and then we will address the other comments on the lighting. On 4.03, 4, 5, 4.06 we'll clarify that because we are doing truck parking and equipment parking. We're going to classify this as a 24/7 operation. The building itself probably will not be 24/7, but we will make sure we add enough to the plan that says that. As I already mentioned, we're going keep security lighting on. Any questions on the lighting concerns?

Engineer Wisniewski – Just to touch on 4.04 – just confirming, I know you mentioned you didn't have an objection to specifically for that they're dark sky and zero cutoff fixtures. They are not like angled, you know, almost like semi-stadium lights that reduce glare on, you know, people or any neighboring roadway.

Engineer Good – No, our proposed lighting fixtures are downward facing, dark sky compliant. We're not trying to light up our neighbors. A very good question, I did not bring that plan with me. Because of the size of the (inaudible) we have light poles over 20-feet. Due to the vehicles we're talking about, we would only go 20-feet, we're really casting a lot of shadows.

Engineer Wisniewski – I'm sorry, the maximum light is 30-feet, your fixtures might be slightly less than that.

Engineer Good – We're within the ordinance.

Engineer Wisniewski – Twenty-five feet, I'm sorry.

Engineer Good -Thank you.

Attorney Peck – Everything else we can provide them, correct?

Engineer Good – That's correct. Miscellaneous comments we will comply with and that concludes Mr. Wisniewski's report unless there are any other questions or clarifications need on that.

Attorney Peck – Why don't we go through the variances and explain just why we're seeking each one because the justification for all of them I think is same so we could tie that up at the end but if you could just start with Mr. Bloch's report starting on Page 2. he begins to recite all the variances; bulk variances we need and so forth for the minimum side yard setback where 50-feet is required and we're looking for 11 ½ and 37 ½ feet.

Engineer Good – So, as I noted, and as Mr. Peck has noted, all the variances that we're asking for all fall in a category of a C-1 bulk variance. Due to the fact that we have a peculiar shape and size of the property, the first one is a side yard setback. As I mentioned earlier, we only have side yards. We're not on a public road so, not even front yards. As I noted, in order to do, with the curvature of the property due to the cul-de-sac, the limitation due to all easements on the west side, the angle of the northern property line, really limits what we can do, so we kind of put the building down next to the road and that puts it inside the setbacks, so we're due to the fact that being able to access a building that's used for industrial type nature, this is not an office building like a dentist or anything like that, it's big, you need some room to move around the side. If you're getting small vehicles, this is big vehicles; we need some room to maneuver on the site. If we don't do that, it really makes the site not accessible to this type of use which fits into the nature of the neighborhood. So, we're asking for side yard setback for the building.

Attorney Peck – How about for the encroachment to the 25-foot buffer strip?

Engineer Good – The ordinance requires 25-foot buffer strip on all sides. As we noted here, what we're showing we're within that 25-foot. We, looking at the nature of the neighborhood and that's one of the things

Attorney Peck – Where are we buffering?

Engineer Good – We would be buffering our neighbors and that's why I mentioned

Attorney Peck – It would be like A-1

Engineer Good – A-2, yep, A-2 as I mentioned earlier, the, it shows our property in our immediate vicinity neighbors, A-1 buffers the whole area. We're buffering our neighbor to the east which is an asphalt plant and we have another large industrial semi-trailer, big box building, we've got the Precast building down here, then we have the self-storage over here. We have some vegetation and we're not taking any credit for it because it's within a basin, around the basin, we didn't count trees and shrubs. It is what it is. We're proposing to place

vegetation where we can. We don't have 25-feet so, we're asking for a variance from that because once again, same reasons I've been given and I don't want to sound like a broken record. If you look around, I'm not and I don't want to make a big deal about this cause I'm not trying to get anybody in trouble or talk about our neighbors; you look around the neighborhood, nobody has a 25-foot buffer.

Attorney Peck – And, that would tie into the next, the third bulk variance we're looking for which is you can't have outdoor storage within that 25-foot reserve buffer stripping so, it really, those are hand in hand.

Engineer Good – They are hand in hand as well as the parking.

Attorney Peck – Which is the next one, again, proposed parking extending into that 25-foot buffer area.

Engineer Good – Correct.

Attorney Peck – And, the next is off street parking where there shall be open space within the parking areas and landscaped islands.

Engineer Good – Correct. So, what the ordinance requires when you doing a parking lot and you can see it's a lot of parking lot, we have landscape islands, little peninsulas with some vegetation maybe a dogwood tree or another kind of shade tree, it's not really conducive for the kind of use we have here. We put an island in; it's going to be taken right out, day one. I don't know how a semi-trailer can get around that so, I think for the use they are proposing, and the shape and size, once again, I think it's kind of inherent this variance has to be asked for.

Attorney Peck – And, then likewise with the next variance; off street parking where there's landscaping requirements where 206 shrubs and 103 trees are required and we're proposing 86 shrubs and 35 trees.

Engineer Good – Correct. The, the calculation, correct me if I'm wrong, it's based upon the square footage of the entire property. As I noted earlier, we have five acres. We're saying only two of it is impervious. The rest of it is already landscaped maybe it's shrub, grass, it's, you know, not necessarily planted vegetation as part of the ordinance is concerned so we're not, we don't have space in the remaining area to plant the 309 items that are required. So, we're asking for a variance to allow to plant what we can.

Attorney Peck – The next variance again has to do with screening, but it comes back to the parking area being within the buffers.

Engineer Good – That's correct.

Attorney Peck – Do you have anything additional to add or it's the same testimony?

Engineer Good – Same testimony.

Attorney Peck – And then, I think that's it for the variances unless Mr. Bloch

Engineer Good – The one question I have for Mr. Bloch was No. 8 under screening, the ordinance specifically says it's front yard, we'll gladly ask for that variance, if necessary, I just wanted to ask the question. We don't have front yards. It's included; we will gladly ask for variances. We noted that the ordinance specifically says front yard.

Planner Bloch – The ordinance says where ever screening is required by the ordinance or by the board says screening shall be, shall extend the lesser of the required minimum front yard setbacks so technically, you don't have a front yard so, what's the requirement?

Engineer Good - We'll keep that one in and we're going to keep No. 9 in as well. It's a design waiver for grading the driveway which like I said, we're changing our driveway it's going to be less of a slope but just in case we can't meet that, we'll keep that waiver.

Attorney Peck – And, then we have the two other waivers we discussed this evening having to do with septic encroaching into the setback and the lighting possibly exceeding the one-foot candle.

Engineer Good – So, as we mentioned we're looking for a hardship for the size, shape, configuration of the lot, detriments of the public good, we're located in an area of the town that suits this type of use, I'll say perfectly.

Attorney Peck – There probably won't be a substantial detriment that will impact the neighboring properties with these variances.

Engineer Good – I do not see that. I mean everything around us is similar in nature so I don't see any detriment to the public good. The property itself creates the hardship so, you know, in our opinion, these bulk variances are

Attorney Peck – And for type of use, you know, with the variances required if the zoning code requires it's really not a substantial detriment to the zoning ordinance because the kind of use that's contemplated so, we'll gain islands and some encroachment to the buffers just given the nature of the use and the type of property and the surrounding properties.

Engineer Good – That's correct, the use is permitted, the accessory use is permitted. As I mentioned about the landscape island just are not conducive.

Attorney Peck – Yeah, I believe that concludes our direct testimony if there's any questions.

Engineer Good – I have one item, I'm sorry. Mr. Bloch did have some comments on his last page. The one I wanted to address was the signage. At this time the applicant does not propose any signage. Of course, if, at any time in the future they decide to add signage, it will meet the ordinances, if it doesn't, they will be back in front of you.

Attorney Peck – So, that concludes your testimony. Thank you.

Engineer Wisniewski – I have one follow up regarding the outside agency approvals and the board is probably aware, has any discussions have there been any discussions with the Warren County Planning Board on this project? Has an application been made?

Engineer Good – Not at this time.

Engineer Wisniewski – That will be required.

Engineer Good – I will not against you but ..

Engineer Wisniewski – I'm not going to say anything else.

Engineer Good – I'm not going to say anything else either. We will go to the Warren County Planning Board.

Chairman Samson – Does anybody on the board have any questions for the engineer?

Member Coyle – Yeah, could you take your little light there and make like that's the truck coming down the drive and how it comes over and parks and how it backs up?

Engineer Good – Sure and in your package and I did not bring that plan so I apologize. There is a circulation plan so, what's going to happen the truck is going to come down the private road, off of Strykers Road, come in the driveway, go up this existing driveway, he's going to swing around and back in. As you can see from the aerial, there are trucks on here pretty close to where we proposing, now we proposing angle. We're not proposing trucks back here so they're going to come in and swing around and then they will back out, back in. These will pull right back out and go this way. A truck coming down here next to the bays, next to the office building, will come up circle around back in here, might be a little K turn but they'll go back in here and when they go out, they can swing out wide and go right on out. So, that's why, as I mentioned earlier, that's why we want to put the building down here, the parking is in the setbacks, within the buffer, we need this space to make these maneuvers.

Member Coyle – Where will all the shrubs going to go? The shrubbery.

Engineer Good – Back to the site plan to show you just to show you real quick. The little black symbols here is the line of shrubs and trees all along this edge and all along this side of the building over here. And, then we also have some shrubs right along here. We have trees and shrubs all along this slope here on the hill side. Once again, Tilcon is up hill of us. So, we're going to be along our parking and on the east, northeast side and around our building is where we are proposing to plant. As you can see existing these little dots here are what our neighbor has. That's their existing trees.

Member Weeks – I agree that you need to back your trucks up, I do understand that. You need room to back up safely. My other question is what's going to be kind of your operation; is it 24/7 or is it

Engineer Good – So, we're proposing right now that the property itself will be 24/7. The building, we don't anticipate being in operation 24/7. Probably doing repairs 24/7, office (inaudible).

Member George – In line with the bushes and trees, you seem to have a lot of space in the upper north/west corner there that looking pretty shabby. That seems like you could put some of the trees that you're not planting in the barrier over there which would also include your stormwater management.

Engineer Good – Just to clarify one point, at our north/northwest corner up by the cell tower, you're saying maybe request more plantings happen in that area, so that is a JCP&L right of way. So, the JCP&L right of way is right over top of the basin. You see this dimension right here so it actually goes off our property. The other line is right here off our property and enters our property and basically parallels the basin. The cell tower right now is in the (inaudible) it's a tower for JCP&L with the cellular attached.

Talking over each other

Member George – So, the easement goes vertically and cuts your property in half.

Engineer Good – The JCP &L right of way goes right like that.

Member George – over that entire section.

Engineer Good – the line is right there.

Member George – I see that one there on the right and you're saying

Engineer Good – The other one is off the property over here on that slope.

Member George – Oh, that's why I'm not seeing it, okay.

Engineer Good – Yeah, it is over on Stowaway's property. So, we would not be able to put large trees there. Maybe put some shrubs in. It still won't get us anywhere near what we need there.

Chairman Samson – Anybody else have anything? Public comments? So, is there anything here like any deal breakers, stuff that we

Attorney Peck – Yeah, that would conclude our testimony.

Chairman Samson – Because there is a lot information here, we have some conditions, the variances, I mean we could approve the bulk variances but do we want to get everything in writing before we vote for the approval or how do you want to do this?

Engineer Wisnieski – Well certainly what we would be looking for is supplemental stormwater information that will go in the manual. As you said, Mr. Chair, I don't think that's a deal breaker as long as the applicant agrees to provide that. You know in terms of the buffering, the buffering is understanding the site and as it's currently being operated, will be

operating in the future. It's certainly difficult to implement any additional buffering understanding the surrounding neighborhood and areas. I know a historically there's an application K & S Enterprises just up the road and they have bulk outdoor storage there and they were, you know, they had very minimal buffering but they did, they were held to a 25-foot set back there, but their property certainly can't compare the two because this property is much more constrained in terms of space and operational limitations so, certainly the applicant will then in turn, Mr. Good will prepare some more detailed landscaping plans for review by myself and Mr. Bloch will review. We can go through those requirements and making the best effort to address the buffering and screening and some of the areas on site at least from Strykers Road from some vantage point I think to the property.

Attorney Peck – Yeah, we gladly accept that as a condition; landscape plans to the satisfaction of the board professionals.

Engineer Wisniewski – So, you know, certainly that type of (inaudible) to the board or if you'd like to sort of delegate that to myself and Mr. Bloch that's obviously again, at your discretion, but otherwise, you know, we know the use is operating on some level right now as we see in the aerial exhibits and so, we understand what's going to be going on there as sort of going on there right now and I don't know if the board felt that they need to hear from the Bittone's, if they need any further detail the board would like certainly they're available tonight and certainly I'm satisfied with Mr. Good's responses to our comments and then we'll work together to the board's satisfaction.

Member Weeks – I think that it's better what they're doing all right will be better for the town, be better for the whole setup and you know, in the past, all right and structuring getting a building and everything in that fashion you know what I mean

Engineer Wisniewski – yeah sort of an undefined use right now.

Member Weeks – Right, they brought it up to fit the area. They're willing to work with us on the shrubbery and different things so, I will be okay with relinquishing to you.

Attorney Bryce – I feel the two biggest physical changes that the board would see on revised plans aside from the engineering details and all that good stuff, is the apron and the changed driveway and if that circulation plan is otherwise okay with Adam over the apron, that's really going to be the key changes usually you see on a plan.

Chairman Samson – But that could be a condition of approval.

Attorney Bryce – It could. That's what I'm saying, you wouldn't see much difference I don't think on the plan.

Member Lawler - So, the issue with the lighting and the candle power and all that, has any thought, because you were talking about shadows being casted, was any, was it looked into possibly adding fixtures, lighting fixtures to eliminate that shadow that's bringing you down and also on that point you said you would agree to lower power on the lighting put on the property and a certain plan be overnight what time would you be willing to do that?

Attorney Peck -10 pm to 7 am.

Engineer Good – So, to answer your second question is we will add a note to the plan that the lighting would be dimmed from 10 pm to 7 am. As far as your first question is concerned, most likely what will have to transpire in order to get closer to the ordinance level we want the average illumination across the site. Right now, it is pretty intense because we have the fixture, the double fixture. Most likely will end up adding poles to pull that intensity apart so that the average over the lot is better. So, to your point, I think we'll most likely going to be adding a pole or two changing how the light fixtures are configured to get that average down and that will help with shadow casting and things like that.

Engineer Good – But as we do modify the lighting plan to get closer to that ordinance, we will take that into consideration how to better configure the lights.

Mr. Bloch – Looks like a little struggle is that you have a giant dark spot in the middle of the parking lot and you don't want poles there because then it would be in the way of the trucks so

Engineer Good – That's why, I would say we are not sure we can get down below that one restriction because of the shape.

Chairman Samson – All right so, it seems to me that it would have to be three-fold, for the variances, for the completeness, for the conditions or can we wrap that all into one vote.

Attorney Bryce – You can wrap it all in together. If you want to specify the conditions you can. I have a pretty good list of the conditions that will also circulate of course to the board's professionals but you can certainly ask to entertain a motion if inclined to approve preliminary and final site plan approval with variance relief subject to conditions as noted and discussed during the presentation.

Chairman Samson – So, all the conditions, we've already spoke about. They're here in Adam's letter, right? We know what they are. We have the information and there's not going to be any hearsay about it. We know what they are.

Attorney Bryce – that's right Mr. Chairman so usually in my resolution is going to be the, I call it the cleanup, the applicant will comply with any and all conditions and requirements as contained in the review memorandum of the professionals and also in here we do have some other add on conditions that are going to be in of course, all right. I'll also include the planning Board Warren County Planning Board that's a standard condition. We're going to talk about the lighting and talk about improving the property in coordination with the planner and board engineer, revisions as to circulation of the driveway to the satisfaction of the board engineer and also revisions to apron area and site plan. Those are all the ones that I have in addition to the general ones.

Chairman Samson – A yes vote

Attorney Bryce – The septic I'm going to include as part of variance relief because it is potentially within the setback.

Secretary Dilts – And their hours of operation 24/7 or seven days a week.

Attorney Bryce – We don't really control that from a municipality. The municipality doesn't have an ordinance that generally defines business times.

Secretary Dilts – We generally have that in all of our resolutions.

Planner Bloch – It's not regulated by ordinance but the board could impose a way to

Secretary Dilts – It's a general question; it's only for their good.

Attorney Bryce – That's fine.

Chairman Samson – So, it's a 24-hour a day access put it in writing and then the approval from the County. So, then obviously a yes vote is going to be that we agree with all the bulk variances that we're going to give out right, conditions that we've all talked about and that you know it's complete and they agree with everything we talked about here today so, that being said, somebody like to make a motion to approve.

Member Palitto – Motion.

Member George – Second.

Roll call vote:

AYES: Members Coyle, Caughy, George, Lawler, Mengucci, Palitto, Weeks, Vice-Chairwoman DiLeo, Chairman Samson.

NAYS: None

Attorney Peck – Thank you very much.

Motion to adjourn the meeting by Member Lawler, seconded by Member Weeks. All in favor.

Respectfully submitted,

Margaret B. Dilts
Board Secretary

Adjournment – Motion to adjourn by Member Lawler, seconded by Member Weeks. All in favor.