

POHATCONG TOWNSHIP LAND USE BOARD

Regular Meeting

Tuesday, July 9, 2019

Municipal Building, 50 Municipal Drive, Phillipsburg, NJ 08865

NOTICE

In accordance with N.J.S.A. 10:4, adequate notice of this meeting has been provided by mail to the Star Gazette and the Express Times; a notice of this meeting and all other regular meetings of the Land Use Board of Pohatcong Township, which notice sets forth the time, date and location of this meeting by prominently posting said notice on the bulletin board in the municipal clerk's office.

The meeting opened with a moment of silent prayer followed by the flag salute.

The meeting was called to order by Chairman Willever at 7:30 P.M. with the following members present: Mr. K. Melvin, Mr. Mirenda, Ms. R. Melvin, Mr. Swinicki, Ms. Smith-Bohn, Mr. Williams, Ms. McGuinness (arrived at 7:34 p.m.), Mr. Vergalito, and Mr. Willever. Also present were Planner James Kyle (arrived at 7:34 p.m.) and Engineer Wayne Ingram. Mr. Babinsky, Mr. Cyphers and Board Attorney Anthony Sposaro were absent.

PUBLIC COMMENTS ON AGENDA ITEMS

None.

APPROVAL OF MINUTES

Mr. Melvin made a motion to approve the minutes for the June 24, 2019 meeting as written seconded by Mr. Mirenda. The motion carried with the following roll call vote.

Ayes: K. Melvin, R. Melvin, Mirenda, Smith-Bohn, Williams, Willever, Swinicki

Nays: 0

Abstaining: Vergalito

Absent: Cyphers, McGuinness, Babinsky

RESOLUTIONS

- Pohatcong Solar Farm** – Block 93, Lot 5.05 – Carpentersville Road – AH Zone Preliminary & Final Major Subdivision

The Board reviewed the draft of the resolution as written by Attorney Sposaro. The attending members who were eligible to vote on the resolution were Mr. K. Melvin, Mr. Mirenda, Ms. Smith-Bohn, Mr. Willever, Ms. R. Melvin, Ms. McGuinness, Mr. Swinicki, and Mr. Williams.

Mr. Melvin made a motion to approve the resolution as presented, seconded by Mr. Mirenda. The motion carried with the following roll call vote.

Ayes: K. Melvin, Mirenda, Smith-Bohn, Willever, R. Melvin, McGuinness, Swinicki, Williams

Nays: 0

Abstaining: Vergalito

Absent: Cypher, Babinsky

2. Pohatcong Solar Farm – Block 93, Lot 5.05 – Carpentersville Road – AH Zone- One-Year Extension of Preliminary & Final Major Site Plan approval

The Board reviewed the draft of the resolution as written by Attorney Sposaro. The attending members who were eligible to vote on the resolution were Mr. K. Melvin, Mr. Mirenda, Ms. Smith-Bohn, Mr. Willever, Ms. R. Melvin, Ms. McGuinness, Mr. Swinicki, and Mr. Williams.

Mr. Melvin made a motion to approve the resolution as presented, seconded by Ms. R. Melvin. The motion carried with the following roll call vote.

Ayes: K. Melvin, Mirenda, Smith-Bohn, Willever, R. Melvin, McGuinness, Swinicki, Williams

Nays: 0

Abstaining: Vergalito

Absent: Cypher, Babinsky

NEW BUSINESS

1. Tesla, Inc. – Block 75, Lot 1.01 – 1300 Route 22 – Minor Site Plan – B-3 Zone – Completeness Determination - Application Submission date: June 25, 2019

In attendance for the applicant was Attorney Duncan Prime. Attorney Prime stated that the applicant, Tesla, is proposing to install on the existing Wawa property eight (8) electric vehicle charging stations. He stated that two (2) will be used solely by Tesla cars and the other six (6) can be used by other electric car owners. Engineer Wayne Ingram stated that the applicant has asked for five checklist item waivers but that they still need to submit their certificate of ownership to the Board. Attorney Prime stated that they are in the process of getting the owner's certification and should have it before the August 13th meeting.

A motion was made Mr. K. Melvin, seconded by Mr. Williams to deem the application as incomplete due to the owner’s certification not being submitted and to set the public hearing for August 13, 2019 pending that the application be deemed complete at that meeting. The motion carried with the following roll call vote.

Ayes: K.Melvin, R. Melvin, Mirenda, McGuinness, Swinicki, Smith-Bohn, Willever, Williams, Vergalito

Nays: 0 Abstaining: 0 Absent: Babinsky, Cyphers

2. Bruce James LLC – Block 109, Lot 44 – 595 Route 627 – R-4 Zone- Use Variance & Minor Site Plan – Completeness Determination -Application submission date: June 13, 2019

In attendance of the applicant was the applicant David Powers. Engineer Wayne Ingram stated that there is an existing residential building on the property that the applicant is proposing to renovate with an addition for use as a cooking school and a two-bedroom apartment. The applicant has applied for minor site plan approval and a use variance. Engineer Ingram noted that the applicant has asked for waivers for several checklist items. He stated that documentation has been provided regarding the septic system’s adequacy to handle the current residential use but noted that Warren County Health Department approval will be required for the adequacy of the septic system for the proposed use of the property. Engineer Ingram also stated that the applicant needs to provide a current survey of the property signed by a licensed New Jersey Land Surveyor and a Highlands Applicability Determination form.

A motion was made Mr. K. Melvin, seconded by Mr. Mirenda to deem the application as incomplete because the septic system adequacy has not been confirmed by the Warren County Health Department, a current survey signed by a licensed New Jersey Land Surveyor, and Highlands Applicability Determination form needs to be submitted for review and that pending submission of those items the public hearing on this application can be set for August 26th. The motion carried with the following roll call vote.

Ayes: K.Melvin, R. Melvin, Mirenda, McGuinness, Swinicki, Smith-Bohn, Willever, Williams, Vergalito

Nays: 0 Abstaining: 0 Absent: Babinsky, Cyphers

3. Discussion on Shimer School Redevelopment Plan – Block 44, Lot 1 & Block 45.02, Lot 13

Planner James Kyle stated that last year the Board was authorized by the Governing Body to do a study to look at redevelopment of the Shimer School site, Block 44, Lot 1 and Block 45.02, Lot 13. He stated that the public hearing on the redevelopment plan will be held on July 22nd and that legal notices have been sent out for that hearing. Planner Kyle stated that this is a non-condemnation redevelopment plan

and that after the public hearing the Land Use Board can make a recommendation to the Governing Body.

Ms. Smith-Bohn asked about contamination on the site. Planner Kyle told her that he can provide the Licensed Site Remediation Professional (LSRP) number so that she can see information for the site.

The Board had a brief discussion regarding possible redevelopment of the Phillipsburg Mall. Planner Kyle stated that he will be talking with the Governing Body about that matter in the near future.

PUBLIC COMMENTS

None.

CORRESPONDENCE

1. Warren County Planning Department (June 28, 2019) – Approval of Pohatcong Solar Farm Site Plan, Block 93, Lot 4 & 5, without conditions.
2. Warren County Planning Department (July 2, 2019): Tesla, Block 75, Lot 1.01, deemed incomplete.

Mr. Melvin made a motion to adjourn the meeting at 8:25 pm, seconded by Mr. Vergalito. All were in favor.

Respectfully Submitted,

Barbara Margoese
Land Use Board Secretary