

**Lake Musconetcong Regional Planning Board**  
**Regular Meeting**  
**March 16, 2022**

Chairman Riley opened the Regular Meeting at 7:00 p.m. with a reading of the Open Public Meetings Notice which was sent to the Daily Record and New Jersey Herald on January 20, 2022 and was sent to the Clerks of the four municipalities, the State and the two counties.

**OATH OF OFFICE:** Chairman Riley administered the Oath of Office to Shawn Potillo.

**ROLL CALL:**

Robert Hathaway - present  
Joseph Keenan - present  
Rosemarie Maio - present  
Greg Poff – present (arrived @ 7:11 pm)

Shawn Potillo - present  
Steven Rattner - present  
Rudy Shlesinger - present  
Lester Wright - present  
Earl Riley - present

**MODIFICATIONS TO THE AGENDA:** Additional communication and bill listed.

**OPEN TO THE PUBLIC:** Chairman Riley opened the meeting to the public.

Ray Guyre informed the Board that someone damaged the other side of the shed by the conveyor, noting the side is “knocked in.” There was nothing in the shed. A tree also fell at the site and he cut the tree branches. Chairman Riley expressed his opinion they should remove the damaged shed and put another shed on the property. Mr. Hathaway stated they can put a new shed on the property and, as long as it is put in the same location and is the same size or smaller, no new permit will be required. It is a “permit by rule” by the State if you are not making any changes. The regulation is the same for Roxbury, as long as you are not changing the location or adding anything larger in size. Chairman Riley suggested a smaller shed. Mr. Hathaway stated an 8’ x 12’ is the largest you can have without a zoning permit. Mr. Hathaway also said he may be able to get a shed donated and he will work on that. The Board agreed they should take down the existing shed and get a new one. Chairman Riley noted the present shed is dry-rotted and wet-rotted and one side of the shed is completely gone. Chairman Riley suggested putting down stone and getting an 8’ x 10’ shed and place it on blocks. The Board agreed they need to replace the shed.

Seeing no one further from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

**ACTION ON MINUTES:** On motion by Ms. Maio, seconded by Mr. Wright, the Minutes of the February 16, 2022 regular meeting were approved on majority voice vote. Mr. Potillo abstained.

**COMMUNICATIONS:** : The following communications have been placed on file:

02-17-22 Amy Rhead, Roxbury Clerk – Appointment of Shawn Potillo to LMRPB  
03-14-22 Netcong Borough – check in the amount of \$10,151.51 re: 2022 budget contribution (\$9,351.51) and herbicide treatment (\$800.00)

On motion by Mr. Keenan, seconded by Mr. Hathaway and carried by unanimous voice vote, the communications were accepted.

(Mr. Poff arrived.)

**OATH OF OFFICE:** Chairman Riley administered the Oath of Office to Greg Poff.

**REPORTS OF COMMITTEES:**

**Canal Society** – There was no report.

**Musconetcong Watershed Association** – Mr. Rattner stated he has no report on the MWA. Mr. Rattner informed the Board the Department of Interior sent a letter to the NJDEP Commissioner about the lack of cooperation and not being responsive. Mr. Rattner also informed the Board that the Musconetcong Sewerage Authority and other sewerage authorities have been involved in litigation for years. The IEA wants all sewerage authorities to meet their drinking water standards. Mr. Rattner stated the Sewerage Authority cannot meet the standards and their expert showed they will not have an effect on the river by not making the standards. To date none of the sewerage facilities have reached an agreement.

**Site Plan Review/Stream Encroachment** – Mr. Wright reported he met with the Board's attorney, Cliff Lundin, after the Netcong Land Use Board hearing on FJZ's application for a change of use variance. Mr. Wright stated, originally the site was going to be used by three different companies and it would be a warehouse. At some point, one company (NJ Transit) came in and took over the whole site. Mr. Wright noted someone from Byram approved the site plan. Chairman Riley said he believes it was someone from Byram because the permitting/zoning is out-sourced by Netcong. Mr. Hathaway clarified that Netcong's Zoning and Board of Adjustment is handled in-house. The out-sourced service is the construction/building department so the approval being referenced is approval for construction. The site plan was approved by Netcong's Land Use Board and Byram gave a Certificate of Occupancy for the construction. Mr. Hathaway noted Netcong approved the site plan and use; however, the use at the site now was not approved and they are in violation of the original approval. Mr. Wright stated the site went from a warehouse with 3 bays down to one area for NJ Transit and they are doing basic maintenance. It is no longer a warehouse. Mr. Wright noted that when asked what kind of work is being done, they said basic maintenance. The Fire Inspector from Netcong noticed freon at the site and he asked what else they are doing. Mr. Wright expressed a serious concern with what is being done. The applicant put in a huge door in order to put in 40-foot buses. They are not supposed to be doing this work. Chairman Riley said his concern is, if they are doing unauthorized maintenance and they have freon on the site, what if they have oil or fuel leaks while doing the maintenance. He questioned where does the floor drains go; into the lake or into a contributory and then into the lake. His primary concern is the potential for pollution in the lake. Chairman Riley stated, if the applicant can prove that there is an absolute secure method to stopping anything from going into the lake, he would be okay with the use, but they must prove it. Ms. Maio noted the applicant is presently in violation of their approval. Chairman Riley said that is an issue for Netcong, it is not a Board issue. Mr. Hathaway stated Chairman Riley's testimony that he felt there should not be vehicle repairs at the site is referenced in the approval and it is clear they are repairing vehicles at the site. Mr. Hathaway said Netcong has served violation notices on the applicant and they have paid fines. They are now before the Land Use Board requesting a "D" (Use) Variance. Mr. Rattner stated he has witnesses that saw them steam cleaning an engine. The County inspected the site and could not determine if there were any pollutants they could find in the drain. They met the County's standards. It is a concern of the Board that if something spills, it will go into the lake. Chairman Riley noted the Board can only raise concerns and object to the use. It is Netcong's decision whether or not to approve the use. Mr. Poff noted Cliff Lundin's email as to whether or not he should push for a denial or multiple conditions on any approval. Chairman Riley asked the Board what they want Cliff to pursue. Ms. Maio noted in order to get a "D" Variance, you must show that what you are doing is for the good of the general public and how

not doing it would be a detriment to the public. Mr. Hathaway said is also has to be a lesser intensity for the “D” Variance and the proposed use is a much greater intensity. Mr. Rattner noted, if they receive approval for the “D” Variance, they will need to go before the County Planning Board. On motion by Ms. Maio, seconded by Mr. Wright and carried by majority voice vote, the Board authorized Chairman Riley to direct Cliff Lundin to continue to pursue a denial of the change in use. Mr. Hathaway, Mr. Politto and Mr. Rattner abstained.

**Lake Awareness** – Ms. Maio reported Stanhope Day will be held on June 12, 2022 so the Board will move forward with the fishing contest on that day. Ms. Maio will get the information to the schools. Chairman Riley will order the trophies and purchase the prizes. The Clerk will send a letter to the Sportsmen Federation, through John Rogalo, requesting their annual donation of \$300 and will send a letter to Ramsey’s requesting a donation. Mr. Wright offered to try and get donations from establishments he frequents. Chairman Riley noted, in the past, the Board set up a table at Stanhope Day. The Board agreed they would set up a table again this year. Chairman Riley asked the Board members to let him know if they are able to help setting up and manning the table during the day.

**Lake Management** – Mr. Hathaway reported he and Chairman Riley will be meeting with Solitude this Friday to discuss the Board’s financial position with them as far as a payment plan. They will also discuss the selection of chemical for this year and how it will be deployed. Mr. Hathaway noted there was a substantial ice cover this year which deters the weed growth. It is too early for Solitude to conduct a survey so they may not be able to make that decision on Friday. The management strategies will be determined after their survey. Mr. Hathaway said he will hold them to the same price. It is also his intention to discuss with Solitude if they could deploy the probiotic for the Board. Mr. Hathaway also reported it is time to do the goose addling and he asked the Clerk to invoice the Borough of Netcong for the goose addling fee. Mr. Hathaway said, in the past they used the jon boat and his boat, but it is much easier using the jon boat and he asked for volunteers to help. Mr. Hathaway noted there is a larger number of geese than in the past. Mr. Hathaway also noted they will need 3 people to addle the swan nests. Mr. Hathaway commented the lake is greatly improved since they have been administering the addling program. Mr. Hathaway said they will need to order the probiotic and he will have a better idea on the order after the meeting with Solitude. He will not have to place the order before the next meeting. Mr. Hathaway also reported he discussed with his insurance company about coverage for deployment of the probiotic and it is covered under his license. He believes the Board should make sure they are covered. Mr. Hathaway said he has not yet contacted the Board’s insurance company, as he intends to speak to Solitude about having them administer the probiotic. After Friday’s meeting, if needed, he will contact the Board’s insurance company.

**Operating Budget** – There was no report.

**TREASURER’S REPORT:** The Treasurer’s Report was emailed to the Board. Mr. Potillo asked about the \$4.09 electric bill and if it was for the shed they just discussed. Mr. Hathaway told him it is for the main maintenance shed that is located on the other side of the lake in Stanhope. This is a metal shed with electricity. On motion by Ms. Maio, seconded by Mr. Rattner and carried by unanimous voice vote, the Treasurer’s Report was accepted and placed on file.

**BILLS:** On motion by Mr. Hathaway, seconded by Mr. Poff and carried by the following unanimous roll call vote, the following bills are to be paid if and when funds are available:

Operating Account:

Ellen Horak - Clerk's Monthly Compensation \$ 550.00

Lake Management Account:

JCP&L – electric at shed \$ 4.09

Solitude Lake Management- Lake Management Services (03/01) \$2,249.00

ROLL CALL:

Mr. Hathaway - yes

Mr. Keenan - yes

Ms. Maio - yes

Mr. Poff - yes

Mr. Pottillo - yes

Mr. Ratner - yes

Mr. Shlesinger – yes

Mr. Wright – yes

Chairman Riley - yes

**NEW BUSINESS:**

Backhoe – Chairman Riley noted a previous discussion about purchasing a new backhoe with the funds from the sale of the AM 2000. He has been looking on Gov Deals and saw one; however, it was not in good condition and has multiple hydraulic leaks. Chairman Riley said he is looking for something that the Board would be comfortable with him making a bid on. The Board is a member of Gov Deals as a bidder. Chairman Riley said the backhoe needs to be 4-wheel drive, reliable and road worthy. Presently, the Board depends on Netcong and Stanhope DPW to bring the harvester in and out of the water. Year's ago, the Board did this themselves with the backhoe and he would like the Board to be able to do it again. They need a newer backhoe to do what is needed and he thinks the price range will be between \$5,000 and \$10,000. Mr. Hathaway disagreed with the price range, stating they could not get what was described for less than \$25,000. Mr. Hathaway noted it must be a good machine in order to tow the harvester. Ms. Maio questioned the possibility of renting a backhoe. Mr. Hathaway noted the backhoe is only used during the 14-week season and he believes leasing one would be a good idea. The Board agreed. Mr. Hathaway will look into leasing a backhoe and Chairman Riley will continue looking on Gov Deals.

**OPEN TO THE PUBLIC:** Chairman Riley opened the meeting to the public. Seeing no one from the public wishing to speak, Chairman Riley closed the public portion of the meeting.

**ADJOURNMENT:** On motion by Mr. Hathaway, seconded by Ms. Maio, and carried by unanimous voice vote, the meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Ellen Horak, Clerk