

Town of Phillipsburg

Planning Board Meeting

310 Firth Street

Minutes for May 25, 2017

Vice Chairman Keith Zwicker called the meeting to order at 7:05 pm and led the meeting with the Pledge of Allegiance. Vice Chairman Zwicker read the Open Public Meeting Acts Statement. Those Present were: Mayor Stephen Ellis, Vice Chairman Zwicker, David P. Morrisette, Jennifer McBride, Dominic Vangeli, Rosanne Rohm, Darren Bodogh and Bill Duffy. Also in attendance were William Mandry, Planning Board Attorney; Alan Lowcher (stand in attorney for William Mandry) Stan Schrek, Board Engineer; and Ms. Charee Carney, Recording Secretary.

RESOLUTIONS

Master Plan – adjourned to the next meeting

Micro Molding - Case #16-007 (asking to connect 55 and 65 Howard)

Attorney Mandry stated that Micro Molding's resolution cannot be formalized because there were not enough members present that can vote.

Attorney Mandry wanted to clarify that the site plan stated that there are 65 spaces available, but testimony stated there were 63 and Mr. Duffy stated that if you count the spots, there are 63 spots and Mr. Schrek agreed.

OLD BUSINESS Heavenly Angels – Case # 16-006

Attorney Mandry and Mayor Ellis recused themselves.

Attorney Lowcher gave a brief history of the applicant and Case 16-006. He stated that they were given use variance relief on June 23, 2016 and memorialized the decision on July 28, 2016.

Mr. Schrek stated that there aren't any improvements to the minor site plan application and based on what is received he doesn't have any objections to deeming the application complete.

Mr. Duffy motioned to deem the application complete and Ms. McBride seconded. The motion carried.

Mr. Duffy motioned to classify the application as a minor site plan and Ms. McBride seconded. The motion carried.

Attorney Lowcher stated the address of the proposed daycare, 702 Sayre Ave, currently is zoned as a group home and the applicant is in front of the board to get relief from the condition of not being able to use the front door. They would like to use the front door as handicapped accessibility and they need a minor site plan approval. The notice for the meeting was advertised by the applicant, but the address for the applicant changed and that same address was used in the notice. Attorney Lowcher stated that the address of the property was correct, which is important, but the date for the meeting last year was incorrect, which was supposed to be June 23, 2016. Mr. Lowcher stated that the applicant is required to

publish the date, time, and location of the hearing, properly identification of the property, and nature of the matter to be presented, which was satisfied. Attorney Lowcher stated that the board has jurisdiction to proceed.

Attorney Edelston introduced the applicant, Walter Hartzel, and was sworn in for testimony. Carol Ronckovite, realtor, was sworn in for testimony. Gene Weber, engineer, was sworn in for testimony and considered an expert.

Attorney Edelston asked Vice Chairman Zwicker if he feels he can participate fairly and Mr. Zwicker stated, Yes.

Mr. Hartzel stated that they were not going to use the front door for drop off or pick up and were only going to use the back door, where the receiving area is. The American's with Disabilities Act requires an entrance for those with disabilities. An engineer designed an entrance in the rear and the Phillipsburg Building Department stated that it is seven inches too small to make the turn to provide a handicapped ramp. An ADA approved ramp exists in the front of the building and if use, would be for those with disabilities. The front door is locked at all times, but will have cameras for walkup and a bell. There is now a fence for a barrier to restrict those who would try to park out front and walk to the front entrance.

Mr. Edelston presented evidence in the form of pictures. Mr. Hartzel explained the pictures that were of the building on 702 Sayre Ave and the area down the street, taken that day at 2 pm. He passed the evidence to the board and the public.

Mr. Hartzel prepared and passed out a transportation and demographic report, compiled from the existing facility for information from Sept of 2016 to May of 2017, where the people are traveling from, how long it takes to drop off and pick up, and the times they come.

Mr. Hartzel feels that the students walking will probably increase, opposed to the current location on Chambers Street. All of the children are residents of Phillipsburg NJ. The children are not handicapped.

Mr. Hartzel anticipates 10 employees for the new building, 5 part-time and 5 full-time.

Ms. McBride asked if this application is approved, will they pursue handicapped applicants. Mr. Hartzel stated that the restrictions for receiving handicapped clients are extremely cumbersome and expensive and the building is not set up for handicapped children. No they will not. Mr. Schrek stated that if the application is approved they will have to petition for a designated handicapped spot and the applicant would be responsible to provide for the signage.

Mr. Duffy asked if the clientele increases in the summer and if the pickup changes and Mr. Hartzel stated that it does not, but the clients will have longer hours. Mr. Hartzel stated the play area will be just a play yard. There will not be any equipment constructed.

Ms. Rohm asked if they have a bus for the children and Mr. Hartzel responded the children will be walked to the school because the building is centrally located and a bus will not be needed.

Mr. Schrek asked Mr. Hartzel to explain an environment letter received. Mr. Hartzel responded an RAO report was conducted to make sure it was completely safe for children. The state requires a soil sample that was not done. Heavenly Angels used another Environmental Agency to perform it correctly. Mr. Hartzel stated they will submit the report to the town engineer as soon as it is received.

Mr. Weber stated, the site plan is more of a survey because they are not doing any improvement, other than traffic directional signs. The parking lot is behind the building with seven spaces. The existing easement allows access through the diocese property. The handicapped spot will be added.

Ms. Ronckovitch, the selling agent for 702 Sayre Ave., felt the property was perfect for a daycare and a lesser use than a group home which was a 24 hour facility. The building was already equipped for a child care center. She handed out pictures of the building and the area, a tax map and a satellite view and distributed it to the board that was taken the day of the hearing. She feels that the area has limited traffic.

Mr. Hartzel stated that the garage will be used by the owners of the building that is full-time staff, the existing lighting for the parking lot and both entrances are state approved and they do not prepare any food on sight. The children bring their own bagged lunches; the employees will just serve the food.

The fire chief approval was received, but the police chief letter, and the county letter of no interest, has not been received yet. These two letters would be required for approval.

Mr. Bodough asked if Heavenly Angels would be having any special events that would require additional parking and Mr. Hartzel responded that they have only ever had a preschool graduation but there were only about 3 children. So it would not alter the parking pattern.

Vice Chairman opened the meeting to the public for questions.

Michelle Davis, 722 Sayre Ave, stated she and her neighbors wrote and signed a letter about concerns. Attorney Lowcher stated that she can ask questions but she cannot speak for anyone that is not here. Ms. Davis asked if she could hand the letter out to the board and Attorney Lowcher stated that he will read the letter first.

Laura Sretenovic, 724 Sayre Ave, asked 45 families live in a half mile radius, is there going to be some sort of fence which forces kids to the rear of the building? Mr. Hartzel stated they would still enter the building from the rear door. She asked what if parents break the rules, and he responded that he can expel students for not abiding by the rules. Ms. Sretenovic stated that many people don't stop at the Ann Street stop sign and that it is dangerous. She stated that the pictures that were taken of the parking on the street were not representative for the pickup and drop off times and how are they going to make it safer for the children walking, especially in the winter. Mr. Hartzel stated they plan to use the routes that have crossing guards and signage would help which is a town council issue. The letter from the police would address that question.

Ms. Davis stated that Mr. Hartzel keeps stressing all Phillipsburg children that will be attending; she wanted to know where he lives. Attorney Lowcher stated that was already addressed, the address of the applicant is not material. She stated that she is going to assume that he is not a Phillipsburg resident.

Ms. Davis stated that the applicant claimed that the children will be walking to the daycare, when you exit you're in-between the two buildings and it's a one way street. What he didn't mention, that there is a stop sign and the people are going to pull out in-between parked cars and is very difficult to see without a sidewalk. The pictures that he took are not reflective of what the street looks like, as for parking. People are retired and most residents park on the street. She asked if he uses bussing. Mr. Hartzel stated that they will not. Ms. Davis was concerned about busses coming down Sayre Ave and not having enough room because of the cars parked on Sayre Ave. Ms. Davis asked where the employees are going to park. Mr. Hartzel responded that based the client report that he prepared, he feels that he will have enough parking for employees and for the client drop off, because of the staggered times the clients will be picked up and dropped off. They will only be using their property, not the street parking.

Ms. Davis also wanted to point out that she has been coming to the town to get information regarding this, and Charee has been wonderful. She has been kind, she has been patient, you have a wonderful employee here who really goes out of her time and makes time for us, for people who need the information and she wanted everyone to know that she is appreciated. Some of the board members thanked her and stated that they agree.

Barbara Simpson, representing Jeannette Febbo, 725 Sayre Ave, stated that there is heavy traffic and they speed. She cannot allow her grandson to go to the end of Webster Alley because the people whip around. Vice Chairman Zwicker stated that the traffic will get slower now because there will be people there and they will have to slow down. Ms. Febbo was concerned about people speeding and not see the dead end until the last moment, with the safety of the kids as the concern. Vice Chairman Zwicker stated that maybe the police could address her concern, like signage, "children playing" and felt she had a valid point. Ms. Febbo stated that there was a sign years ago and residents tore it out. Mr. Schrek stated that we are still waiting for the letter the police that would address traffic issues.

Robert Johnson, 701 Sayre, asked where the kids are going to be all day from 6am to 6pm, in that building, on that property, or roaming around the neighbor. Mr. Hartzel stated that the children will be supervised, in the building in the play yard, walked to or from the school. Mr. Johnson also wanted to let Mr. Hartzel know that he is not wanted in their neighborhood.

Valerie Carfaro, 699 Sayre, stated that the photos that were presented must have been photo shopped. She presented pictures that she took from her porch the day before the meeting at 4pm and stated that 2pm was not a good time. She explained each photo and marked each photo as evidence. Ms. Carfaro pointed out several cars that were parked on the street, that were not residents. She then pointed out Catholic Charities parking lot that had 7 open spots in their parking lot, but there are cars for Catholic Charities parking on the street.

Ms. Carfaro pointed out pictures of Ann Street, area next to the prospective daycare, no sidewalk, and stated the 40 to 80 children will have to walk on the street, with snow and ice. She was concerned that the children are going to be stuck in the building all day. Ms. Carfaro presented a picture of the small area the children will be playing next to the fence. She asked, how are they going to run and play in that squeezed area. Ms. Carfaro was also concerned the parents will go to the front door. Vice Chairman

Zwicker stated that was a school in the past and it had several grades which walked on those streets with no sidewalks and stated that we have to be fair.

Ms. Carfaro stated that she lived here 18 years and was upset that she never got a notice for the daycare. She stated that she is a renter and was appreciative that the neighbors informed her. Ms. Carfaro asked Catholic Charities to have the employees and clients park in the designated parking lot and the response, we can't control where people park. Ms. Carfaro is concerned that it's going to happen again.

It was stated that the handicapped parking spot is a requirement. Ms. Carfaro asked Mr. Hartzel directly, no disabled children will be allowed to apply? And Mr. Hartzel replied they are not licensed nor have the resources. The state requires a handicapped access or otherwise we wouldn't be here, but he also needed to apply for a site plan, as a condition.

Carol Barna, 715 Sayre Ave, asked if the employees are going to park in their parking spots. Ms. Barna was concerned about her mother, on oxygen, parking too far from the home. Mr. Hartzel stated that they will have enough room in the parking lot. Ms. Barna stated, what if they don't have enough room and they park in her spot and she can't walk that far. Mr. Morrisette stated that she can apply for a handicapped spot in front of their house or she can use the spot in front of the school.

It was asked if the board went to the site and looked it over and the board responded, yes. The residents were dumped on so many times in the past with the group homes and Catholic Charities.

Ms. Davis asked if any study has been done on property values of living next to a daycare and asked, are you going to lower our taxes? Vice Chairman Zwicker stated that the planning board does not decide.

Ms. Davis asked, on the hearing notice, does the name of the company or the LLC and the address have to be stated on there. Attorney Lowcher stated the name of the applicant, but not the address. Ms. Davis asked if the owner and the applicant are the same and it was stated that they are and doesn't understand why the address of the applicant does not have to be on the notice.

Ms. Sretenovic stated that the application will probably be approved and she hopes that it is successful, but when they have issues, the parents are probably going to park on the street, will he work with them, send out a notification if too many people are parking on the street. Mr. Hartzel stated that he has always worked with the neighbors in the past and will continue at the new location. He stated that the best way to reach him is by phone.

Dan Davis, 702 Sayre Ave, addressed Mr. Hartzel, he should have a clearer understanding what kind of neighborhood he is moving into and has a lot of eyes watching. They like their neighborhood the way it is. Mr. Davis spoke about the paper road that is a no parking zone and which he has been maintaining for 15 years and stated that no one will ever park or drive back there other than the power company. Vice Chairman Zwicker stated that you never know you might get that property and start to have to pay taxes on it, but usually one half goes to one side and half to the other. Mr. Davis a neighbor got the full piece of the land and he would like the same.

Ms. Carfaro asked if the applicant bought the property across the street and he stated that he did not.

Ms. McBride motioned to close for public comment and Mr. Morrisette seconded. The motion carried.

Attorney Lowcher stated that the positive criteria are already met because it is an inherently beneficial use. The residents speaking tonight spoke of the negative criteria, focused a lot on the front door.

Mr. Duffy motioned to grant relief from the conditions of prior use variance to permit the use of the front door as a handicapped entrance and Ms. McBride seconded. The motion carried.

Ms. McBride motioned to approve the minor site plan with conditions (to amend the site plan to show the handicapped parking space, signage, striping at applicants cost, Board engineers review, representations made by the applicant during this hearing, and all conditions of prior resolution) and Mr. Bodough seconded. The motion carried with one (1) nay from Keith Zwicker.

Attorney Mandry and Mayor Ellis joined the board.

OTHER DISCUSSIONS

Mayor Ellis asked isn't zoning about keeping your personal wealth intact and quality of life intact. Vice Chairman Zwicker stated that zoning doesn't address property values. In reference to the past case, he feels that it will bring the property values up because they are changing it from a group home to a childcare.

Mayor Ellis stated that he is very happy with this Planning board. He stated that he would to thank Angela Knowles and Stan Schrek for the Charrette and Charee for coming. The mayor and the board had discussions about the charrette and how wonderful it went.

Opus will be on next month's agenda. 540 Marshall application has to be discussed between the attorneys and the applicant will contact Charee.

MINUTES

Mr. Duffy motioned to approve the minutes from April 27, 2017 and Ms. McBride seconded. The motion carried.

BILLS

Ms. McBride motioned to approve the bills and Mr. Duffy seconded. The motion carried.

Mayor Ellis motioned to adjourned and Ms. McBride seconded.

There being no further business before the Board this evening, the meeting was adjourned at 9:32p.m

Respectfully submitted,

Charee Carney
Technical Assistant, Land Use