

**Town of Phillipsburg
Planning Board Meeting
50 Sargent Ave (Grace Street Entrance)
Minutes for Jan. 25, 2018**

Chairman Corcoran called the meeting to order at 7:02 pm and led the meeting with the Pledge of Allegiance. Chairman Corcoran read the Open Public Meeting Acts Statement. Those Present were: Mayor Stephen Ellis, Chairman Kent Corcoran, David P. Morrisette, Jennifer McBride, Rosanne Rohm, Darren Bodogh, Keith Zwicker, and Bill Duffy. Also in attendance were William Mandry, Planning Board Attorney; Mr. Stan Schrek, Board Engineer; and Ms. Charee Carney, Recording Secretary.

Reorganization of the Board - Swearing in of new members.

Council selection will be next month. Bernie Rooney was selected for a two year term. He is not present so he will be sworn in at the next meeting.

Mr. Zwicker nominated Mr. Corcoran as chairperson and Ms. Rohm seconded. The motion carried. Mr. Morrisette nominated Mr. Zwicker as Vice Chairman and Ms. Rohm seconded. The motion carried. Mr. Corcoran nominated Mr. Morrisette for secretary and Ms. Rohm seconded. The motion carried. Mr. Zwicker nominated Bill Mandry as the Planning Board attorney and Ms. Rohm seconded. The motion carried. Mr. Zwicker nominated Stan Schrek as the Planning Board engineer and Mr. Bodogh seconded. The motion carried.

Mr. Bodogh motioned to accept the Planning Board dates for the upcoming year with one modification to the December meeting date be changed from December 27th to December 20th and Ms. Rohm seconded. The motion carried. Mr. Zwicker stated that the UEZ will change their November meeting so not to conflict with the Planning Board meeting. Ms. Rohm motioned to accept the Express and Star Ledger as official papers and Mr. Bodogh seconded. The motion carried.

Mr. Duffy nominated Mayor Ellis, the new councilperson and Mr. Morrisette as the new finance committee and Ms. McBride seconded. The motion carried. Mr. Bodogh motioned to adjourn this portion of the meeting and Ms. Rohm seconded. The motion carried.

Old Business - Iglesia Pentecostal Church Case 17-001

Iglesia Pentecostal Church was moved to the top of the agenda. Iglesia Pentecostal Church's application was deemed complete when pertaining to proper notice and tax and sewer certification.

Attorney Peck gave a brief introduction. Mr. Schrek read the review and believes all of the waivers are warranted except for 4, 8 and 9.

Mr. Zwicker motioned to deem the application complete with the exception of 4, 8 and 9 from the engineers review and Ms. McBride seconded. The motion carried.

Attorney Mandry explained the d variance scenario. Churches are inherently beneficial, a positive criteria because they promote the general welfare. The applicant is not required to prove the positive criteria. They have to discuss the negative criteria because it will be impacting on the neighborhood.

Attorney Mark Peck presented Pastor Joel Figueroa and his wife from Clover Drive in Easton PA and were sworn in for testimony. The church was established in 2008 and has grown to 35 to 45 people to date, with no employees. They will be using the building to worship on Sundays from 1pm to 330 pm and Bible study on Tuesday at 730 to 9 pm. There is prayer service or youth group on Thursday around 7pm. The current church is on 81 Broad and would like to move to Elder Ave because they want their own space and the other tenants where they are currently sometimes interfere with services. They will have more flexibility and parking at the new building. They have a 15 passenger van and can pick up people for services which will be parked at the Pastor's personal home. There do not have any deliveries. The trash may have to be taken with congregants if not allowed by the town.

Attorney Mandry stated that the parking lot and the building, must have the same owner and there must be an easement obtained.

Mr. Schrek stated that the architect showed that there will be seating for 120 congregants and 43 parking spaces, but the site plan has 264 which is not correct.

Matthew Wilder, engineer, was sworn in for testimony and considered an expert witness. Mr. Wilder presented the board with an aerial map from 1956 from USGS maps and is very similar today. He described the site and the surrounding area and then explained the use of the church and the offices and then the parking. They have 120 seats and 570 square feet of offices which creates a requirement for 43 parking spaces. The Sunday school room, meeting rooms and offices provide 96 seats which require 39 parking spaces. Mr. Wilder does not believe a variance is needed for off street parking. As for the impervious coverage, he is not aware of any ponding on the property that was built before 1956. He believes the impervious coverage would be an existing condition and not exacerbated by this application.

Chairman Corcoran asked if they are going to do any landscaping, lighting, and vegetation. Mr. Wilder stated there is not but recommends there be adequate lighting especially because of the Tuesday and Thursday evening classes. They would have to do an analysis. There is no landscaping or signage proposed. Attorney Peck stated that the applicant will work with the town and provided landscaping if so desired.

Mr. Duffy asked about the handicapped ramp and if they plan to use it. Mr. Wilder stated that they do not plan to do any modifications to the ramp. Mr. Schrek stated that there are two handicapped spaces on the westerly side and assumes the entrance would be on Elder Ave.

and will have to get authorization from the municipal government to encroach on the municipal right away. Attorney Mandry asked if they are implying that the parking lot is a nonconforming existing condition. Mr. Wilder stated yes but they cannot prove that the cars in the parking lot in the photo from 1956 are for the building they are proposing to use.

Mr. Schrek stated that he prefers that they pull the parking spaces back so not to be in the municipal right away which will eliminate some of the paving. When they repave the lot, they have to be careful not to put water on someone else's lot. When they pull up the asphalt from before 1956, they will be able to create a planting area for low shrubs to block out headlights. Mr. Duffy asked about shrubbery for the easterly side and Mr. Shrek agreed they could be shrubbery there. Attorney Peck stated they will work with the board to what they see fit.

Mr. John Maddon, licensed professional planner, was sworn in for testimony and considered an expert witness. Mr. Maddon stated that a d1 use variance is required. Since the church is inherently beneficial to an area, so are accessories. The parking lot would be an accessory. He stated that there are no substantial detriments. He stated that there are more commercial buildings than residential in that area. This use is a much less intense use than another applicant. The parking lot creates less competition for on street parking. Mr. Maddon feels the use is a wonderful solution to the building.

Chairman Corcoran asked if they would be willing to put up signage saying "church use only" in the parking lot. Attorney Peck said they will put up signage. Mr. Maddon described the parking lot as tired looking and what they plan to do will be a wonderful upgrade to the parking lot. The property has been vacant and the improvements will be an upgrade than what's there now.

Mr. Duffy asked if they would be putting any sporting equipment in the parking lot that would prevent people to park in the lot or any outdoor fundraisers. The pastor responded no.

Mr. Zwicker told the applicant that if their congregation grows beyond the 120 seats, they will be required to go back in front of the board. The parking will be an issue. The application is for 120 seats, not beyond.

Mr. Bodogh asked if there will be any changes to the parking lot, entrances exits etc. and Mr. Maddon responded no.

Mr. Maddon stated that all of the c variances are for existing conditions and appears that it's been that way since 1956. If they reduce the amount of parking or reduce the setback, they will lose parking. With the improvements being proposed, it will improve the appearance. Attorney Peck assured the board that the applicant will work with the board to make improvements to the parking lot, as suggested.

Chairman Corcoran opened the meeting to the public. There weren't any comments from the public.

Mr Morrisette made a motion that the granting of the variance does not substantially impair the zoning ordinance and Mr. McBride seconded. The motion carried unanimously. The mayor did not vote.

Mr. Duffy motioned that the grant of the c2 would promote the purposes of the act and Mr. Zwicker seconded. The motion carried.

The next motion has conditions as mentioned during testimony and Chairman Corcoran stated that the parking lot must have signage showing that it is for church parking only. The applicant must also agree to the police being able to ticket those that are not supposed to park there, Title 39. If the board grows beyond 120, they must make application.

Mr. Zwicker motioned to accept the site plan and Mr. Duffy seconded. The motion carried.

The board took a five minute adjournment.

Resolution - Verizon Wireless 17-003

Ms. McBride motioned to accept the resolution with one modification, that she be added to the resolution for her attendance and Ms. Rohm seconded. The motion carried with one abstention from Mr. Zwicker.

Minutes

Mr. Duffy motioned to approve the minutes from 11-20-17 and Ms. McBride seconded. The motion carried.

Bills

Ms. Carney stated that there is not enough money in OPUS's and Verizon Wireless escrow accounts and Mr. Bob Merlot has stated that he will transfer additional monies to the planning board OPUS escrow. Mayor Ellis stated that he will give Ms. Carney access to those monies. Ms. Carney will send an email in the morning an email clarifying the balance of the OPUS escrow. Mayor Ellis stated that there is an additional invoice for OPUS. Mr. Zwicker stated that all escrows and invoices need to be approved by the board and Mr. Schrek stated that there are other invoices and escrows that are for town inspections for soil importation etc. Bridge Development will be making deposits to make the OPUS escrow current.

Chairman Corcoran stated that the resolution will not be signed until the invoices are paid. Ms. Carney stated that she needs assistance on how much to keep in escrow.

Mr. Duffy motioned to approve the bills and not pay anyone that does not have enough money in escrow to pay them and Mr. Bodogh seconded. The motion carried.

Mr. Duffy motioned go into executive session, no action anticipated and Ms. Rohm seconded. The motion carried.