

**Town of Phillipsburg  
Planning Board Meeting  
535 Heckman Street  
Minutes for Aug 22, 2019**

Chairman Kent Corcoran called the meeting to order at 7:00 pm and led the meeting with the Pledge of Allegiance. Those Present were: Mayor Stephen Ellis, Councilwoman Danielle Degerolamo, Chairman Corcoran, Keith Zwicker, David P. Morrisette, Dominick Vangeli, Roseanne Rohm, Darren Bodogh, James Stettner, and Bernard Rooney. Also in attendance were William Mandry, Planning Board Attorney; Mr. Stan Schrek, Engineer and Ms. Charee Carney, Recording Secretary.

**Minutes**

Mr. Zwicker motioned to approve the minutes and Mr. Morrisette seconded. The motion carried with abstentions from Councilwoman Degerolamo, Mr. Vangeli, Mr. Bodogh and Mr. Rooney.

**Case 19-001 220 Stockton - Site Plan**

Mayor Ellis and Councilwoman Degerolamo were recused from the meeting. Attorney Mandry asked the applicant if they had an objection to the Mayor and Councilwoman being in the room. The attorney for the applicant replied that it was up to Councilwoman and Mayor -that the applicant does not have an objection.

Attorney Coffee representing the applicant is applying for a major site plan. They are proposing a three (3) story building which will consist of sixty-seven (67) age restricted affordable multifamily units - sixty (60) one-bedroom units and seven (7) two-bedroom units. There will also be amenities for the residents in the building. The applicant is asking for a d1 variance to permit a senior residential development in the I-1 zone and c variances for the side yard setback of 24.7 feet, front yard setback of 19.1 feet and to permit 45 parking spaces.

Mr. Brett Skapinetz, engineer, was sworn in for testimony. Mr. Schrek went over the general submission checklist with the board. 2a and b c are accepted, and d e f and g are temporary waivers and recommended the board to deem the application complete.

Mr. Rooney motioned to deem the application complete and Mr. Zwicker seconded. The motion carried.

Mr. Skapinetz described the current condition of the property and how there was a fire on the property. He then described the proposed project and showed the board exhibit 1a - survey of the property. Then he brought out the aerial map of the same view exhibit a2. Exhibit a3 is entitled Site Plan Rendering - colorized version of site plan and survey. He said there will be a single driveway and moving the existing driveway to the north to ease the entry of the driveway. Residents will be able to easily pull into the parking spaces. Mr. Schrek and Mr. Skapinetz

referenced the letter from the fire chief, suggesting they take the driveway all the way around the building to have proper access to the other side of the building, if needed. Mr. Skapinetz said that they will be installing sprinkler systems and providing access to that side of the building is problematic. There is a drop-in grade on the other side, will be taking away from the green space and do not see that it is feasible. He feels that it would only be a temporary drive and would increase the impervious coverage. Mr. Zwicker said that there is one there now.

The fire hydrants will be provided. There is not a water main in front of the property, but this is one north and south. They are planning to use the water main that is to the south of the building because it has better pressures and flows. Mr. Scheck said the application is only for the preliminary approval so the issues with the fire chief should remain open and said there can be enhanced sprinklers.

Mr. Skapinetz explained the access of the building and new sidewalks for pedestrians. The utilities will be with Aqua. From a stormwater standpoint, there are areas of concrete and pavement and he feels they will have a reduction in impervious coverage. They will do additional measures if needed for stormwater and water quality and will be planting numerous plantings and shrubs around the area. There will be a retaining wall along the north of the property and about twelve and a half feet high and proposing ten decorative LED light fixtures, that will be fifteen feet high with no light spillage over the property lines. There will be one monument sign with backlit lighting.

When it comes to variances, they are asking for variances for a residential building in an industrial zone, which more is required than a residential zone. They are asking for 24.7 feet on the southerly corner and 19.1 feet for the front yard setback and 40 feet from the residential zone. As for parking, they are asking for a variance for the parking of 45 spots. The driveway width of 45 feet for the trucks.

They will be applying to the county and the soil conservation district.

Chairman Corcoran asked if the top of the drawing was a building that was encroaching on the property. Mrs. Skapinetz said yes, and the building is currently not being utilized with the walls not being complete. There is a notch of about six feet that enters in. The owner of that property also owns the property being discussed property. They are working on an arrangement of an easement or a carving off a portion of the building.

James Haley, architect, was sworn in for testimony and an expert witness. Mr. Haley described the building as the front being the head and the back with the residential wing. There will be a community center in the front and a large wrap around porch. The management suites are near the lobby. The second floor has a two-story lobby and community space and another wrap around porch. They want the residents to use the outdoor space so there is good lighting. The back of the building has a vertical garbage drop. The third floor only has residential apartments. Mr. Haley presented exhibit A5 which was a blown-up version of the residential wing, showing the layouts of the apartments. The open concept apartments have a washer and dryer,

peninsula style kitchens, large accessible bedroom and bathroom. Each also have a patio or balcony. The one-bedroom apartments can be occupied by two people. The two-bedroom apartments are similarly designed. Exhibit A6 is partial plan entrance and common areas, which is the head of the building. They have an entrance vestibule and a large wrap around covered patio close. There will be a large lobby with glass looking over the two-story community space and large fitness center, small wellness center, package room and large mail quiosk area and elevators with no basement. The amenities can only be utilized by the residents.

Exhibit A7 shows the driveway entrance, they matched the building to the neighboring style and will attempt to match the brick. There will be large windows, wrap around covered patio, which they anticipate a large use by the residents. The building is consistent with their other buildings and are energy star certified, with lap siding, large sliding doors. The entire building will be water sealed, moisture sealed, air sealed which will control sound, filtered odor and movement of air. The appliances are energy star with a direct vent. They have the Enterprise Green Community Certification and will be using recycled materials. They have extensive experience on industrial zones and building near trains and feel their building will be sound and odor proof.

Mr. Shrek asked for a definition of affordable senior housing. Attorney Coffey explained the affordability restrictions that can dictate how much rent is being collected from the residents which are standards that are set by the state. Some of the apartments will be for moderate income and some will be for low income households and is based on the area that they are in and the median household income. The age restricted requirement in this area is 55 or older. So, everyone in the household must be 55 or older. Mr. Schrek said that they are trying to meet a fair share obligation, but the town does not have one. The units are affordable, but the town does not have an affordable requirement and asked if they had conversations with the housing authority.

Mr. Joe Jeffrey Long, owner of Ingerman fact and expert witness, was sworn in for testimony. The area for the building is out of a fair share requirement, but they are looking to meet the senior requirement in Phillipsburg. The median incomes for people to live on this property is \$41,700 to \$62,000 but can live there until at the 140% median income level. The median household income in Phillipsburg is \$41,000. The one-bedroom apartments rent ranges from \$900 to \$1075 and the two-bedroom rents range from \$1050 to \$1275 per month.

Mr. Schrek asked if they are regulated by any board and Mr. Long said they must comply with the deed restriction that gets recorded on the property and have a long-term deed restriction to make sure they stay targeted to these households. They must do income tests yearly and is regulated by the state and US Department of Treasury.

Mr. Schrek asked if we are in any way conflicting with the Phillipsburg Housing Authority. Mr. Long said, "not at all". He feels that it would be a nice addition to the housing authority and gear towards the middle-income Phillipsburg residents. So, the people that do not make the income Housing Authority income requirements might be a candidate for these apartments. Mr. Long feels there is a large market for the apartments in the proposed project. They are marketing

towards anyone who applies but the core market is generally who lives in the area already and utilize affirmative action practices. They are marketing towards senior housing, not section 8 or low-income housing.

Chairman Corcoran asked about the pilot and Mr. Long said, I don't know if this is the appropriate venue for that conversation". Attorney Coffey said that the pilot is being considered by the governing body and is pending and not heard yet.

Mr. Couri Chase, traffic engineer, was sworn in for testimony and considered an expert witness. He evaluated the traffic that would be generated but the resource they use does not have affordable senior housing to refer to, but senior housing was available. They anticipate 22 maximum trips during the peak hour of standard senior housing. NJDOT and ITE have a threshold of 100 trips for a significant increase during peak hour so this project will be a very low traffic generator. The existing conditions will not change, and no one will notice a difference in the area.

As for parking, one space per unit is required (67 apartments) for this development and proposing 45 spaces. The ITE has parking generation data for senior housing and suggests 41 vehicles and suggests 28 vehicles for affordable senior housing facility. So, they feel 45 spaces are adequate. In relative to the eight (8) existing facilities Mr. Long, and they have a demand for 38 spaces in relation to units and feels that the data correlates. They are asking for a variance for the driveway width and the drive aisle and feel that the wider driveway and the more generous drive aisle will help the type of driver accessing this facility and help accommodate the fire vehicles for circulation.

Mr. Schrek wanted a clarification of terms with age restricted and senior housing. Any age restricted developments he worked with and did not recall taking a discount on parking. He didn't understand why they are looking for a lower number of parking spaces. Mr. Chase said that age restricted is considered senior in terms in the resource they used to generate the parking spaces (55 and older).

A shuttle is also being coordinated for the seniors in this development once or twice a week. The shuttle will take the residents to various places in town, such as Target, Shoprite, medical facilities and the senior center. There is an already existing bus stop that can be utilized about a block away. The shuttle will be an additional route with Easton Coach and will not stay at the facility. Mr. Zwicker asked the location of the existing facility they are comparing this project to and Mr. Long responded Haddonfield NJ, Hopewell, Camden, Perth Amboy, Chester PA and Ambler PA. Mr. Zwicker was concerned the residents would require a car and not use the shuttle or walk a block to the existing stop. He felt that 75 cars would be more appropriate. Mr. Long disagreed and feels the data correlates and does not see the need for the cars Mr. Zwicker was suggesting. Mr. Rooney said that he drives, and all of his friends drive and did not agree with the applicant. The applicant feels that it would be a wasted space and impervious coverage and a less appealing facility by increasing the parking. The senior residents tend to go towards not having a vehicle in time. Mr. Rooney suggested they purchase the adjacent railroad

property. Attorney Coffey said that the railroad is still in use and are reluctant to relinquish property. Mr. Schrek asked if they inquired with the adjacent facility about parking and Attorney Coffey said they will look into it. Mr. Scapinetz said they can add about seven (7) more spaces which were banked if necessary, on the eastern end of the property. Mr. Bodoogh said that everyone in this area drives and he thought they'd have two (2) spaces per unit and what about people that are visiting for the holidays and nurses. Attorney Coffey said that if this application is approved, it would be conditional they would revise the parking to be one (1) space per unit and pursue shared parking off site for overflow. Mr. Zwicker suggested getting more parking in the back and Mr. Scapintiez said there's a change in grade and difficult to get to that grade.

The applicant asked for a five-minute break to discuss.

Attorney Coffey said they came up with a solution for the parking. Mr. Scapinetz referred to exhibit a3 and said to shift the 20 feet building to the railroad. They will keep the front portion the way it was. There is a drop-in grade and will have an exposure to the foundation. With the shift, the ten spaces can be mirrored, creating 25 spaces and 3 or more on the side creating 75 spaces. The side yard setback will now be 21 feet instead of 24.7 feet. Mr. Rooney said he is concerned about what the fire chief letter, access to the other side of the building. Mr. Scapintez said that when they come back for final this will be conditional, the fire chief's concern and upgrades to the sprinkler system with the NFP13 . Mr. Schrek said that it's not unusual to not have access to one side of the building.

Mr. Paul Phillips, Licensed Planner, was sworn in for testimony and considered an expert witness. He described the current location and uses, industrial, and said that the residential senior housing is not a permitted use. They require a side yard setback and a front yard setback and a setback for the driveway width and a residential zone variance. The d1 variance requires the positive and negative criteria balancing test. The senior housing is is considered inherently beneficial but needs to go through the tests for the d variance. He said this project provides senior housing and affordable housing and the NJ courts already see that it is inherently good. He took information and figures of the aging population in Phillipsburg and Warren County, incomes, and the master plan. One of the land use goals was to actively pursue senior housing and these goals have not been addressed. He said this property is underutilized and is an eyesore and feels the impact by the nearby commercial and residential properties will have a minimal impact on traffic. He thinks the project is compatible with the residential area on Stockton Street. The only issues relate to the property adjoins to a nonresidential use. The applicant is keeping a large separation from the railroad and greater from the residential property and adequate open space. Mr. Schrek said that he is giving the assumption that the board feels that this is an inherently beneficial use and feels the board should give feedback. Attorney Mandry said that whether the development is profit or not for profit is irrelevant, in terms of beneficial use. Attorney Mandry cited a case, once the affordable housing has been met, further affordable housing projects should retain their status for the purpose of the d variance application instead should have the d variance requirements. Mr. Phillips agreed with Attorney Mandry for the testimony. Attorney Mandry didn't feel the tests were necessary and recommended the board vote on whether the use is inherently beneficial.

Mr. Bodogh motioned, and Mr. Zwicker seconded that the use is inherently beneficial. The motion carried.

Mr. Phillips asked to continue with the test. Attorney Mandry asked if he has any concerns about the industrial zone in the area. Mr. Phillips said there is a railroad to the one side and underdeveloped, the north side is Tuscany Plaza -a variety uses in the building and feels it's not classic industrial and not inherently incompatible and the other industrial building is far removed on the other side of the rail line. Attorney asked if he was concerned about McWayne Manufacturing. Mr. Phillips feels that the railroad creates a physical and psychological barrier and is far removed, and the proposed building is right across the street from a residential area. Attorney Mandry said that there are fumes and sounds from the manufacturing building and asked if he took that into consideration. Mr. Phillips said that they understand that there is some noise impact but did not do a noise study and most of the amenities are indoors and they will hear what the rest of the residential area hears. Mr. Schrek said they have energy star sliding glass doors and the applicant is aware of the sound and noise in the area.

Mr. Phillips feels when it comes to the balancing test, the positives outweigh the negatives. The applicant is asking for bulk variances, the front yard setback, c-3 variance. They would like to keep the building away from the rail line as much as possible and the surrounding residential houses have a setback comparable than what is proposed by the applicant. Most of the amenities are in the front portion of the building and feels the variance should be granted with causing substantial detriment. The side yard setback has now changed to 21 feet because of parking. The parking is now a mute issue because they are going to now provide more than the required amount. When it comes to affordable housing, they do not have as many cars. Compared to similar projects, the residents had approximately ½ space per apartment. There will still need to be a vote for the RSRI. As for the c2 variance for the driveway width, 45.1 feet is proposed but is inclusive of the curbing on either side. Lastly, the building is located 40 feet from a residential zone, the I-1 zone requires 80 feet. The standard is there to protect the residential areas from industrial, but the proposed building is residential. So, Mr. Phillips does not see any substantial detriment.

Chairman Corcoran asked how this project is going to be financed and if the pilot is required. Mr. Long said that the pilot is required for the financing from the state for the tax credits. Mr. Zwicker said that we do not need affordable housing in Phillipsburg and asked if they plan to sell to someone else if they do not get the financing. They plan to have Phillipsburg residents. The criteria are set from a regional standpoint and do not plan to sell if they do not get the financing and will keep the property for the 30 to 45 years, they will not sell, or flip.

Mr. Rooney said that he would like the council to discuss the pilot and get some input from the town. The pilot is required to be approved by the governing body at a public meeting. Mr. Schrek asked about the resolution that was distributed to the board. Mr. Long said they are looking at a draft resolution and a resolution of need was read at council and said he it is open for discussion.

The meeting was then opened to the public.

Joan Pierce from 111 Sitgreaves Street, asked how this project is going to affect the sewer and water situation on Sitgreaves Street because it floods out when it rains. Right now, when it rains the water runs off, but the proposed project has a pipe network system and ties into the stormwater and sewer and expecting to reduce the runoff. Mr. Schrek said the situation will improve.

The meeting was closed to the public.

Attorney Mandry said that there was an affirmative vote that the use is inherently beneficial but there needs to be a vote whether the application substantially impairs the zoning ordinance, the zoning plan, the neighborhood, and the Master Plan. Chairman Corcoran said that the pilot is the key factor as well. We already have one active pilot and one dormant one. Even though the town will get a fair share of revenue, we still must pay for police and fire, etc. His recommendation would be to table this decision and wait to hear back from council about the pilot. Attorney Coffey said the application cutoff is September 12th and this is only a preliminary application and the pilot is a governing body decision and she did not know if the case law supports that kind of analysis (the planning board waiting to see what council has to say about the pilot). She said that there is case law that states the planning board ought not to consider the financial impact of affordable housing project and deliberating as to whether to approve it. Attorney Coffey said that if council decides not to approve the pilot, the application will be incomplete, and the project will be dead.

The board discussed the motion and how it should be stated.

Chairman Corcoran motioned to table the action and Mr. Stettner seconded. The motion carried.

The hearing is being closed for purposes of testimony and questions from the public the applicant asked for a special meeting and will be carried on Monday September 9th at 535 Fisher. There will not be a need to re notice by certified mail.

There was a motion to adjourn and seconded.

Respectfully submitted,  
Charee Carney  
Recording Secretary