

**TOWN OF PHILLIPSBURG
LAND USE MEETING
FEBRUARY 25, 2021**

Chairman Duffy opened the meeting at 7:05 pm stating this meeting is being held in accordance with the Open Public Meetings Act, by posting the notice to the Express Times and Star Ledger and providing the same to the Town Clerk.

It is the policy of the Town of Phillipsburg Land Use Board not to hear cases after 10:00 pm and no new witnesses after 10:30.

Attendance: Mr. Turnbull, Mr. Rooney (Absent), Mr. Bengivenga, Mr. Brotzman, Chairman Duffy, Council Vice President Fulper, Mr. Hanisak, Mr. Penrose, Mr. Samarelli, Mayor Tersigni, Mr. Zwicker.

Resolution:

Romark Resolution: Chairman Duffy – You received the resolution regarding the guardhouse. Do I hear a motion on this resolution? Mr. Brotzman motioned and Mayor Tersigni second. All Yea's and no Nay's.

Ingerman Development Company, LLC – Denying Preliminary Site Plan, Use Variance and Bulk variance Approvals in case No. 19-001. Only members that were present in September 2020 are eligible to vote on this resolution. Keith Zwicker made the motion and Mr. Samarelli second. Yeas were John Penrose, Mr. Samarelli, Vice Chairman Mr. Zwicker and Chairman Duffy, Mayor Tersigni and Council Vice President Recused themselves. No Nay's.

Completeness/Public Hearings: NONE

Correspondence: NONE

New Business: NONE

OLD Business:

445 James Street: Mr. Endleston stated that this was initially presented as a lot with minor subdivision. They heard a lot of comments of board members as well as many from the public, who felt it was too dense of development for this track,

so therefore the application has been amended to provide for you to look at minor subdivision. Chairman Duffy wanted to make sure the board was aware of two things. First. This is a continuation, the notices that were sent out earlier continued over because we told people as they came to the meetings that the meeting would be carried to this meeting. The second is that the taxes are up to date with the property. Mr. Edleston said clarified that there will only be two homes proposed on the lots, not the multifamily or duplex that some had questioned previously. Christopher Nusser, Engineer, needed to be sworn in again, since this was a new application. Attorney Wilhelm swore Mr. Nusser in for the record. Mr. Nusser gives his credentials, which have been put into record as exhibit one. Three exhibits have been noted for the record. Exhibit one being Mr. Nusser Select Professional Experience document. Exhibit two is the revised plans dated 1/11/21. The third is letter from State of New Jersey Department of Environmental Operations.

Mr. Nusser went on to talk about the property Block 2307 Lot 5, 445 James Street Phillipsburg NJ. He shared his exhibits, which were put into record as exhibit two. The property will be two lots and not the original three. Both will be equal in size.

Variance for 445 James Street would be for Front Yard setbacks and Parking in the rear of the property. Vote was taken as follows: Mr. Penrose made a motion and Mr. Brotzman second. All Yea's with Mayor Tersigni recusing himself.

Waivers for 445 James Street would be for design utility and curbing. Vote was taken as follows: Vice Chairman Zwicker made a motion and Mr. Penrose second. All Yea's with Mayor Tersigni and Council Vice President Fulper recusing themselves.

Application for 445 James Street would be for application with provisions of the waivers and variances. The requirements, the applicant comply with all the technical comments required by the engineering department as set forth. My Edleston stated it is for the grant of minor subdivision approval and preliminary and final site plan approvals. Attorney Wilhelm said YES. Mr. Penrose made a motion and Mr. Samarelli second. All Yea's with Mayor Tersigni recusing.

Old Business: Land Use Plan and Open Space discussion: Angela Knowles did not have anything new for this month. She distributed the plans and maps last month and gave her presentation at that time. She did receive comments back from the Attorney, but other than that she had not heard any other comments. Angela would like to have a public hearing next month, but Chairman Duffy and Attorney Wilhelm feels that more time is needed for our neighboring municipalities to receive proper notice in a timely manner. April will be better. March 15th is the deadline for members to make comments. Mr. Savario would like the maps sent to him as a link so he could see them better. Angela will do that.

Minutes for 1/28/21 Motion for approval was Mayor Tersigni second by Mr. Samarelli. All Yea's no Nay's

Bill's List with addition of Attorney Wilhelm \$756.00 Motion for approval was Mr. Bengivenga second by mayor Tersigni. All Yea's and No Nay's

Public Comment

David Morsette wanted to let Chairman and the board know that he feels they are doing a great job with the meetings and they're very enjoyable. Mr. Morsette mentioned that chairman Duffy wanted the waist hullers on Main Street to appear at this meeting with site plans or action was going to be recommended by the board. Has this company ever presented anything before the board during your 10 years and what is the status of them presenting themselves in front of the planning board? Chairman Duffy does not know if they ever presented site plans or application at all that he is aware of. At the last meeting the town's business manager said that he would get together with the town attorney and engineer to discuss the situation. Chairman Duffy did not know the outcome at this point.

Mr. Meyner wants to make sure he will be heard about the Stateline proposal. Chairman Duffy assured him that will be coming to the public. He gave a deadline for the to the board members to make any comments to the planner. The planning board wants it to be correct for the March meeting and have public hearing in April.

Frank McVey got on a little late but wanted to know if the district five was presented tonight. Chairman Duffy said no, it will be presented next month. He also wanted Chairman Duffy not to refer to him as Councilman at the meeting for legal reasons.

Theresa Chapman had questions about the riverfront development plan and the plans that Mrs. Knowles will be presenting. Does it impact the Delaware River Park at all? Chairman Duffy said this will be discussed at the next board meeting. Is River Park Green Acres? Attorney Wilhelm replied that is a question that should be addressed at the people meeting. She also wanted to know if the bill for \$9,567 is a recurring monthly fee to take care of Bridgepoint 78. Chairman Duffy said this is the work that the engineer or the planner has done for the project. Stan Schrek from Van Cleef explained the charges are for escrow work that is done by them and not a monthly fee.

Adjournment Motion made by Mr. Samarelli and second by Mr. Penrose
All Yea's No Nay's

Respectfully Submitted
Kelly Lefler
Land Use Board Secretary