

LAND USE MINUTES
MARCH 25, 2021

Chairman Duffy called to order with announcement of Proper Notice and Board Policy followed by Flag Salute.

ATTENDANCE: Mr. Turnbull, Mr. Rooney, Mr. Bengivenga, Mr. Brotzman, Mr. Duffy, Council Vice President Fulper, Mr. Hanisak, Mr. Penrose, Mr. Samarelli, Mayor Tersigni, Mr. Zwicker were all present.

RESOLUTIONS: 445 James Street Final Resolution Adoption
Mr. Brotzman made a motion, second by Mr. Hanisak. Yeas were Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Samarelli, Mr. Bengivenga, Mr. Zwicker and Chairman Duffy. No, Nays and Council Vice President Fulper and Mayor Tersigni Abstain.

COMPLETENESS / PUBLIC HEARING: NONE

CORRESPONDENCE: NONE

NEW BUSINESS: Discussion Riverfront (Howard Street) Resolution 2020-239 & 2021-27

Chairman Duffy said that council passed the two resolutions, one deals with re-development of areas three and the second one deals with the redevelopment of area 5. Both were included in the packet. Planning Board will make a recommendation to the Council concerning these resolutions. Chairman Duffy asked Attorney Wilhelm if the Mayor and Councilman are going to recuse themselves from voting on this, but they can take part in the discussions. Attorney Wilhelm said so we are clear that it is not necessary that they do, but he would advise that they do nothing precludes them from voting on it. You know that the Mayor is the Executive and is going to play a role in approving or disapproving a redevelopment plan. Council certainly is going to play a role in it, so while they can vote as part of the body it's going to come before them in a different capacity, so he would recommend they not, but the decision is of course, theirs.

Angela Knowles: Specifically, as you mentioned two districts, three and five and to determine whether the proposed amendment is consistent with the master plan.

This is a process that is common and, in fact, is required of any proposal to amend the redevelopment plan so you should have all received my report dated every 25th 2021 outlining our review of the master plan and our assessment of the proposed amendment.

So, to give a little background in history on the riverfront redevelopment plan the riverfront redevelopment area was designated an area in need of redevelopment pursuant to the local redevelopment and housing law.

By Phillipsburg town council back in August of 2005 it generally covers the length of the Delaware river waterfront from around fifth street at the northern end down to personal street at the southern end.

And it now incorporates six districts have varying uses and character and that was done purposefully to designate those districts, based on the uses and character of those areas.

The riverfront redevelopment plan we have today was created after an evaluation in November of 2012 which concluded that certain provisions of the 2005 plan should be revised.

One of the recommendations suggested reconfiguring and expanding the riverfront redevelopment area districts to better reflect the existing in the future land uses in those particular areas and that's where we got those six districts from.

In this report we are focusing on one lot in district three, which is known as the recreational heritage district, and to lots in district five which is known as the River riverside residential district and we are specifically we're looking at blocks. Sorry block 21 or two lots one, two and 11 and I am going to attempt to share my screen, so that I can show you.

So those are the lots that we are looking at so initially this area was proposed for several hundred-unit apartment complex that never really materialized and the past 15 years the town has struggled to find a suitable use for the site.

We are now embarking on a similar process to what was done back in 2012 where we're looking at whether or not a proposed amendment is consistent with the goals of the master plan and more specifically, these particular parcels are suited for sighting and industrial use in this district, which is the proposed use so on the whole, it appears that the proposed amendment is consistent with the goals and objectives of the 2004 master plan and the intent of the 2017 Riverfront Redevelopment Plan.

This area has a history of manufacturing and light industry, which means it has always been considered a suitable location for these types of uses.

Since the adoption of the redevelopment plan, the town has embarked on redevelopment activities elsewhere along the riverfront where residential uses are proposed and are perhaps better suited in those districts.

The proposed amendment speaks to the goals of the 2004 master plan and that its proposing to locate industrial uses in a more favorable location in town. Which it would be adjacent to an existing industrial zone, the whole area on Howard street there is zoned light industrial. and it would be out of sight from residential and downtown uses and it is also adjacent to the existing rail transport, so I'll go through some of the details on the parcels and the proposed amendment so in our review we focused on this subject parcel which I showed you the map before it's approximately 43 acres in size, all three lots are currently vacant with overgrown vegetation.

Lot one is about seven and a half acres that is the one located in district three the recreational heritage districts and it is identified on the town's recreation and open space inventory as municipal open space as part of this project, the town's requesting a diversion from the NGDP to remove this property from the inventory, so that it can become part of the redevelopment plan for this project.

As you saw on the map the lot kind of cuts in its oddly shaped it extends from the Delaware river park which is to the North West of the site that we are talking about and it's surrounded by a lot to in district five and you know they're just

from even from looking at the map, you can see, it would be logical to include this parcel in the proposed amendment to the redevelopment plan.

lot two was the bigger portion of the of district five with frontage on Howard street and it has we are access to the active railroad that parallels the river and then, a lot 11 is about four 4.8 acres in size it's located also within district five has frontage on Howard street and both lots two and 11 have boundaries, with the adjacent district six, which is the riverside commercial district. So, prior to this area being designated as part of the riverfront redevelopment area, the zoning for these lots was identified as manufacturing.

Back in the 1988 Phillipsburg master plan at that time the master plan had recommended changing the existing zoning from manufacturing to light, industrial and that zone was codified on the zoning map as like industry. In that iteration of the master plan and the zoning ordinance and it has this had in that ordinance had the same zoning regulations as the parcels that are currently on Howard street today, so, in light of the historical facts here the underlying zoning would be in line with that of the industrial zone on Howard street.

So, should the Council, you know move forward with the amendment we would recommend that

One the I to zone standards would be applied in the amended redevelopment plan, just to give these parcels a little more FLEX to the uses that would be located there and we'd also recommend that components of the recreational heritage district are incorporated, to make sure that the history and the natural assets of the area continue to be promoted within the development of these properties, and that was where I had showed you the proposed heritage trail system that those should we would recommend that they would be incorporated into any redevelopment plan.

Additionally, development in these districts was also proposed to enhance and provide access to the adjoining park and recreation facilities, including the proposed trail system. And again, we just recommend that those objectives be carry forward in any plan that was amended and adopted so given all these facts and the consistency review again, you know we conclude that the proposed amendment is consistent with the goals of the master plan.

Not to say it is perfect we do want to note that there are a few concerns, I think, with proposing to change permitted uses from residential to industrial, this would you know, almost certainly increase truck traffic and potentially automobile traffic in this area and the downtown which, as you are likely aware, is in the midst of planning for revitalization to a more pedestrian friendly area. And we notice in our report and we would caution, the town that in permitting any additional truck traffic obviously you know study would have to be done, but we would you know recommend that access to this site in particular try to avoid downtown as much as possible, and perhaps the town could revisit an initial proposal to the site, which was to extend Howard street south to bypass the downtown and intersect intersects with South Main Street somewhere around Center street and I realized this was probably a discussion for another time but we felt it was important to note this in the report, given all the revitalization work that's happening on South Main Street.

So, from all of this and the previous zoning designations is clear that the town envision this area which is close to the River close to the railroad as a nonresidential light industrial area and for these reasons we you know it appears that it is consistent with the master plan and the riverfront redevelopment plan, along with any conditions that might need to be met studies that would need to be done in terms of traffic. And that is in a nutshell, the report I realized was a lot of information, so I will gladly take any questions or comments.

Chairman Duffy asked the Board if anyone had any questions. Mr. Rooney said he is opposed to the recommendations. His concern is the truck issue.

Attorney Wilhelm wanted to point that Town Council made a request that the board determine whether the proposed changes are consistent with the master plan and the town's Riverfront redevelopment plan and the statute requires the town to send it and they have done that. The Town has delegated that responsibility to Ms. Knowles who did a report and the report is consistent with what she is supposed to do, and she conclude that it is consistent with the master plan and the Riverfront Redevelopment Plan that is the question you need to decide.

Attorney Wilhelm said he believes what Ms. Knowles is saying is that while it is consistent with the Master Plan and Riverfront Redevelopment Plan, she makes six recommendations.

1. Recommend the I-2 Zone standards be applied in the redevelopment plan for these parcels.
2. It is recommended that the amended zoning regulations reflect those of the existing I-2 District with components of the Recreational Heritage District to ensure the history and the natural assets of the area continue to be celebrated within the development of the properties.
3. District 3 focuses on recreation and railroad/canal heritage uses and is intended primarily for public recreational use such as parks and trails and associated tourism activities. It can also accommodate certain private tourism enterprises that complement the recreation/heritage experience such as the excursion train.
4. We would recommend the town revisit an initial proposal to the site which extended Howard Street south to bypass the downtown and intersect South Main Street somewhere around Center Street.
5. It would be good to see that the connections fall along the Riverfront behind the proposed industrial building.
6. Traffic studies are recommended.

Vice Councilman Fulper wanted to go on the record and say that while he respects the Council's opinion and given the fact that he is not precluded from voting on the rezoning, he is going to exercise his right to vote and do so in support of the project.

Mr. Brotzman agreed with it being consistent with the plan, but strongly urges the town before any warehouses or anything goes in into that area study the traffic, because of the location of the park nearby and the truck traffic.

Stan Shrek wanted to remind the board that the developer would still have to go through the full site plan approval, and all this comes back to the board for full deliberation study.

Mr. Samarelli asked if it will come back to the board with a traffic study and Stan Shrek said yes.

Chairman Duffy said it is important to note in the recommendations that Angela has pointed out the traffic studies and the extension of Howard St. He also pointed out the town has been trying to develop this property since the late 60's.

PUBLIC COMMENT ON Consistency Review Report for Zone 3 and 5 usage change

Cyndi, 25 Mercer Street Phillipsburg has concerns about the traffic and the children in the area.

David Morsette: 5 Fairview Heights Phillipsburg asked several questions that could not be answered since this is just to make the changes to the Riverfront redevelopment and master plan. Attorney Wilhelm said that it is everybody's right to speak, but things that are being asked can be answered at the time of application.

Theresa Chapman 362 Brainard Rd. Phillipsburg: Ms. Chapman asked questions about that Attorney Wilhelm said could not be answered since the application has not been submitted. Attorney Wilhelm summarized for the board what Ms. Chapman was saying. He believes Ms. Chapman is stating that she is of the opinion that the changes are not consistent with the master plan and more importantly the Riverfront redevelopment plan. So that for the board members it is something to consider in conjunction with Ms. Knowles report and all the other public comments that you heard today.

Sam Clarke: 12 Brainard St Phillipsburg also feels that changing it to light industrial is not consistent with the redevelopment plan. Attorney Wilhelm wanted to make it clear that nobody on the board suggests that it is irrelevant they are just clarifying that we have a very limited role. Mr. Clarke respectfully disagrees and thinks that this meeting is the first step to all those things.

Louis is speaking on behalf of his mother and father Lewis and Cynthia Hann who live at 25 Mercer St. Phillipsburg. He wanted to go on record as saying that he does not believe that this goes in line with the redevelopment goals and objectives. He does believe the redevelopment zones of two and five as they were mentioned tonight.

Maty Jo Harris. 9 Oak Ridge Rd Washington NJ (Community Developer Manager for Norwescap) She asked if the rezone included part of the current paved parking lot that is Delaware River Park. Ms. Knowles answered YES. So, she wanted to make a comment that she does not feel that it is consistent with the fact on page eight it is recommendation number 3 it talks about that area of recreational use such as park trails associated with tourism. You are now rezoning all of that to industrial that takes away everything that you made as part of your plan in 2017. Norwescap is a partner with the town. It is puzzling to her how in three years it is becoming industrial. Every plan written and for any type of revitalization they do based on proof plans that have been submitted approved by Council former and current. She would urge the board that when they are looking at changing the rezoning knowing that your community partners are spending a great deal of time and money, looking at current projects, and we are basing our decisions which ultimately to attract investors and specifically to the Delaware River Park area.

BOARD COMMENTS

Chairman Duffy wanted to point out that Howard Street was supposed to be for light industrial. Across the street there is light industrial, with some manufacturing and warehousing.

John Penrose asked if we do change the zoning to industrial and eight years go by and nothing is done can it be changed back to residential. Chairman Duffy said yes it can be changed back but would have to go through the same process.

Mr. Brotzman wants to know if they could pass this on stipulations that Ms. Knowles recommended. Attorney Wilhelm said this can be done.

Keith Zwicker made with the language of the auxiliary Rd and the recommendations of our planner attached to the motion. John Penrose agrees.

Attorney Wilhelm: The motion is to send a letter to the Town Council response to the letter, which was sent to the board, which would say the following: The Board is of the opinion that the proposed amendment to the Riverfront Redevelopment plan allowing industrial uses in districts three and five of the Riverfront redevelopment Plan is consistent with both the Riverfront Redevelopment Plan and the Towns Master Plan. However, the board recommends that the proposed

amendment be made in conformance with the specific recommendations set forth in the enclosed February 25, 2021 Consistency Review Report.

Roll Call: Amendment of Riverfront Redevelopment Plan with Recommendations made in Consistency Review Report.

Motion made by Mr. Bengivenga second by Mr. Penrose, Yeas were Mr. Brotzman, Mr. Penrose, Mr. Samarelli, Mr. Bengivenga, Council Vice President Fulper, Vice Chairman Mr. Zwicker, Chairman Mr. Duffy. Nay was Mr. Hanisak and Mayor Tersigni Abstain.

LAND USE OPEN SPACE DISCUSSION: No discussions public notice is posted and will be heard on April 22, 2021.

MINUTES: February 25, 2021 Motion: Mr. Brotzman, Second: Mr. Samarelli All in favor yes with no Nays

BILLS LIST: Motion, Mr. Bengivenga, Second: Mr. Samarelli All in Favor yes with no Nays.

PUBLIC COMMENT: NONE

ADJOURNMENT: Motion: Vice President Fulper, Second: Mr. Brotzman All in favor Yes with no Nays.

Respectfully Submitted
Kelly Lefler
Land Use Secretary