

**TOWN OF PHILLIPSBURG  
PLANNING BOARD RESOLUTION**

**RESOLUTION FOR APPROVAL FOR AMENDMENTS TO AMEND GENERAL  
DEVELOPMENT PLAN**

**I-78 Logistics Park Phillipsburg Urban Renewal, LLC-  
Applicant/Owner  
One Gatehall Drive, Suite 201  
Parsippany, New Jersey  
Block 3201, Lots 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07,  
7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.031, 7.032, and 7.033;  
Block 33.01, Lots 1, 2, 4, 4.01, 5 and 6 and a portion of  
Old Collector Road right-of-way  
Application #15-004**

**WHEREAS,** I-78 Logistics Park Phillipsburg Urban Renewal, LLC, (hereinafter referred to as the "Applicant") applied to the Town of Phillipsburg Planning Board (hereinafter referred to as the "Board"), for an Amendment to the General Development Plan (hereinafter referred to as "GDP"), for the construction of Logistics/Assembly/Office buildings with their own parking lots and other facilities for the property known as Block 3201, Lots 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.031, 7.032, and 7.033; Block 33.01, Lots 1 and 2 with a street address of Lock Street/Gate Street Rear; Block 33.01, Lots 4 and 4.01 located on Green Street; Block 3301, Lot 4.022 known as the Roseberry Street right-of-way, also known as a portion of the old collector road right-of-way to the east of the intersection of the Roseberry Street right-of-way and the Center Street right-of-way as depicted on Sheet 32 of the Phillipsburg Tax Map; Block 3301, Lot 5 with a street address of 651 Green Street; Block 3301, Lot 6 with a street address of 501 Green Street, located in the

Phillipsburg Commerce Park Redevelopment Zone and Plan with several addresses commonly known as 942 Memorial Parkway, Lock Street/Gate Street Rear and locations on Green Street located in the Town of Phillipsburg; and

**WHEREAS**, the Applicant is requesting an Amendment to the original approved General Development Plan Case No. 15-004 dated November 23, 2015, (hereinafter referred to as the "GDP"); and

**WHEREAS**, the Applicant has submitted an Amended General Development Plan Report prepared by Brett W. Skapinetz, P.E., P.P., and Joseph Jaworski, P.E., C.M.E., C.F.M., prepared August 2019 in accordance with Section 5.3.3 of the Revised Redevelopment Plan; and

**WHEREAS**, this Board has authority to amend the GDP of the Applicant. N.J.S.A. 40:55D-45.6 provides that, once a general development plan has been approved by the Planning Board, it may be amended or revised upon application by the developer and approved by the Planning Board; and

**WHEREAS**, the Applicant has submitted an updated Phasing Schedule provided on Table B in the Amended General Development Plan Report of August 2019. The modification of the timing schedule is permitted pursuant to N.J.S.A. 40:55D-45.4 as the Board has taken into consideration prevailing economic and market conditions, anticipated and actual needs for non-residential space within the municipality and region and the availability and capacity of public facilities to accommodate the proposed development; and

**WHEREAS**, the Applicant conducted a public hearing and has received approval of amendments to the GDP from the Town Council of the Town of Phillipsburg on September 17, 2019, after appearing before the Town Council on that date and as

confirmed in writing by the Municipal Clerk, Victoria Kleiner on September 24, 2019; and

**WHEREAS**, the Board having satisfied itself that proper notice was given to neighboring property owners and others entitled to notice, as well as publication pursuant to Town Code and N.J.S.A. 40:55D-12; and

**WHEREAS**, the Application was deemed complete by the Board at its meeting of September 26, 2019.

**WHEREAS**, the Planning Board has received certain documentation and reports from the applicant, the Board's professional consultants and others, these having been given due consideration and being:

- A. Transmittal letter dated September 5, 2019 submitted by Dynamic Engineering with attachments.
- B. Application for Amended General Development Plan.
- C. Application Rider for Amended General Development.
- D. Town of Phillipsburg Resolution for General Development Plan Approval dated November 23, 2015.
- E. Certification of Taxes under cover letter submitted by Brach Eichler LLC, dated August 29, 2019.
- F. Environmental Impact Statement prepared by Excel Environmental Resources, Inc. and Engineering & Land Planning date September 5, 2019.
- G. Amended General Development Plan Report prepared by Dynamic Engineering Consultants, PC dated August 2019.
- H. Amended General Development Plan Set entitled "Amended General Development Plans..." by Dynamic Engineering Consultants, PC dated August 22, 2019 consisting of 13 sheets.
- I. Economic and Fiscal Impact Analysis - Phillipsburg Update, prepared by 4ward Planning, dated September 10, 2019 and signed by Todd J. Poole; and

**WHEREAS**, the Board having considered the report of the Board Engineer dated September 12, 2019, the contents of which the Board adopts and incorporates into its finding of fact by reference; and

**WHEREAS**, the Applicant presented the testimony of the following individuals:

1. Brett W. Skapinetz, P.E., P.P.; and

**WHEREAS**, the Board asked for public comments and having heard from Kelly Lefler; and

**WHEREAS**, the following material was marked as an Exhibit at the hearing and was discussed and testified to by the Applicant's witnesses. These are now included as part of the record:

A-1 Amended General Development Plan August 22, 2019; and

**WHEREAS**, a public hearing was held before this Board on September 26, 2019, where the Applicant, represented by Susan R. Rubright, Esquire, stated that the Applicant is seeking Amendments to the GDP. Attorney Rubright gave a brief history of the project and why the Applicant is seeking the requested relief from the Board; and

**WHEREAS**, Brett W. Skapinetz, P.E., P.P., a New Jersey Licensed Planner and Engineer, after being sworn and testified as an Expert Licensed New Jersey Engineer and Planner provided testimony on behalf of the Applicant. Mr. Skapinetz described the modifications to Plan relative to the layout of the property and modifications to the GDP are as to the timing schedule. There are changes to project layout to relocate the connector road to the north resulting in modifications to the lot areas and building footprints. Buildings #1 and #2 have been consolidated into Building #1. Footprint adjustments were proposed premised upon economic

conditions, architectural design and market demands to Buildings #3, #4, #5, #6 and #7. Engineer Skapinetz explained the areas that would be modified and the areas that would remain consistent with the original Plan. He indicated that Rand Boulevard will be moved further to the north and closer to Building 1. Building 1 will increase in size. Due to the demolition of Building 24, the Applicant is reducing 23,000 square feet of floor area. Mr. Skapinetz confirmed that the previously approved square footage of Buildings 1 through 6 and Building 24 has been modified. Engineer Skapinetz gave his opinion that the modifications were minimal. The amendments to the GDP created conditions substantially similar to the previously approved; and

**WHEREAS,** Mayor Ellis indicated that the Town Tax Assessor needed to be apprised on the demolition of Building 24. Engineer Schrek confirmed that he will send the information to the Tax Assessor. Mr. Schrek opined that the testimony of the Applicant was satisfactory for acceptance of the Amended GDP; and

**WHEREAS,** Vice Chairman Zwicker inquired about green space and if there were amendments concerning the recreational aspect of the GDP. Engineer Skapinetz replied that the recreational space and the wildlife area in Lopatcong were removed. The green space is preserved as bird habitat or part of the Watershed Association. Engineer Schrek indicated that the area can be used for compensation to Green Acres and that there is a benefit to the Town; and

**WHEREAS,** Kelly Lefler addressed her concerns. She indicated that she spoke to a representative from the Applicant about buffer issues. Ms. Lefler indicated that the berm was not placed where it was originally planned. The wall is aesthetically unappealing and the residents are

concerned with graffiti. There was discussion between the Applicant, Ms. Lefler and the Board about extension of the berm. Engineer Schrek indicated that Valley View area is the closest residential section to the project and that everyone will do their best to work with the neighborhood to solve their concerns. He is confident that the residents' concerns will be addressed by the Applicant; and

**NOW, THEREFORE,** as a result of the Applicant's presentation, testimony, exhibits presented by the Applicant's witness as aforesaid and the documentation submitted, the Board finds, as follows:

1. The Applicant is I-78 Logistics Park Phillipsburg Urban Renewal, LLC, seeking to amend the previously approved General Development Plan approved by the Town of Phillipsburg under Resolution of approval Case No. 15-004 dated November 23, 2015.

2. The amendments to the GDP designates a reconfiguration of the project layout specifying a relocation of the proposed connector road to the north of the property. That relocation of the road includes the modification of the lots and building footprints as more fully set forth in the Amended General Development Plan Report prepared for I-78 Logistics Park dated August 2019 and prepared by Brett W. Skapinetz, P.E., P.P., and Joseph G. Jaworski, P.E., C.M.E., C.F.M. Structures previously designated as Buildings 1 and 2 have been combined into a single Building #1.

3. Prevailing economic and market conditions and architectural design requires additional footprint adjustments relative to Buildings 3, 4, 5, 6 and 7.

4. A further modification to the original plan evidences that existing Building #24 has been removed from

the site and is no longer considered in the Applicant's development plans.

5. The Applicant's original GDP sets forth the construction of eight (8) buildings totaling 3,848,200 square feet as part of the proposed project.

6. The Applicant's proposed amendment to the GDP evidences the construction of the six (6) buildings and two (2) environmental equipment sheds on site totaling 3,850,653 square feet.

7. The Applicant further seeks to amend the GDP to address the schedule for project phasing, stormwater management configuration, inclusion of a solar field system, deletion of recreational facilities and the inclusion of environmental treatment facilities and shed compounds.

8. The prior GDP and the revised GDP are relatively consistent with the requested modifications and have been testified to by the Applicant's Engineer and Professional Planner as substantially similar to the originally submitted GDP Plan.

9. N.J.S.A. 40:55D-45.4 permits amendment of the Phasing Plan and N.J.S.A. 40:55D-45.6 authorizes amendments to General Development Plans by the Planning Board.

10. The Applicant has agreed to comply with all of the Town Engineer's comments contained in Mr. Schrek's report of September 12, 2019.

**NOW THEREFORE, BE IT RESOLVED,** that the Applicant's request for an amendment of the General Development Plan for the subject property originally prepared by Chester, Ploussas, Lisowsky Partnership, LLC, dated August 11, 2015, last revised July 31, 2017, is hereby amended and updated pursuant to the terms of the Applicant's submissions and more particularly the Amended General Development Plan

Report prepared August 2019, for I-78 Logistics Park by  
Brett W. Skapinetz, P.E., P.P., and Joseph G. Jaworksi,  
P.E., C.M.E., C.F.M.

**ON MOTION OF DEGEROLAMO AND SECONDED BY BODOGH  
(as to Amendment of the General Development Plan)**

**ROLL CALL VOTE**

Ayes: Ellis, Degerolamo, Zwicker, Morrisette, Lewis, Rohm,  
Bodogh and Rooney

Nays: None

Abstentions: None

**AND IT IS FURTHER RESOLVED,** that the Applicant's  
request for an amendment to the GDP is granted subject to  
the conditions below:

1. The Applicant shall be bound to comply with all  
comments contained in the Board Engineer's review reports of  
the Application dated September 12, 2019, unless altered by  
this approval, including any comments contained in  
subsequent reports. In the event that the applicant is  
unable to comply with any of the Board Engineer's  
requirements or recommendations, it reserves the right to  
reapply to this Board for relief therefrom;

2. That the Applicant pays all outstanding fees and  
deficiencies in the review escrow account and brings current



all real estate taxes, sewer and water charges pertaining to this site.

3. That the Applicant applies for an receives approval or letters of no interest from all other agencies and governmental bodies which may have concurrent jurisdiction over the project, including the Phillipsburg Fire Department and Phillipsburg Police Department.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Planning Board was duly adopted at its regular meeting on the 24th day of October, 2019, by a majority of the aforesaid members approving the oral approval for the contents herein on September 26, 2019.

Dated: October 24, 2019



KEITH ZWICKER, VICE CHAIRMAN

T. KEITH CARLSON