

TOWN OF PHILLIPSBURG PLANNING BOARD RESOLUTION NO. 2021-4

**RESOLUTION FOR APPROVAL OF UPDATED AMENDMENT TO TOWN OF
PHILLIPSBURG REVISED PHILLIPSBURG COMMERCE PARK GENERAL DEVELOPMENT
PLAN FOR THE FORMER INGERSOLL RAND PROPERTY KNOWN AS BLOCK 3401, LOTS
1, 3, 4, 5, 6, 7, 8 AND 9 (FORMERLY 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 3301, LOTS 1, 2, 4, 4.01, 5 and 6)
IN CASE NO. 15-004**

**PR Bridge I78 Phase II Owner Urban Renewal, LLC – Applicant/Owner
One Gatehall Drive, Suite 201
Parsippany, New Jersey, 07064**

Application #2021-8

WHEREAS, PR Bridge I78 Phase II Owner Urban Renewal, LLC (hereinafter “Applicant”) has applied to the Town of Phillipsburg Planning Board (“Board”) for an updated amendment to the Town of Phillipsburg Revised Phillipsburg Commerce Park General Development Plan, in Application #2021-8, to reduce the number of buildings on Block 3401, Lot 1, from two warehouse structures to one warehouse structure, in Phase 2 of the development known as Bridge Point 78 (the “Application”); and

WHEREAS, by Resolution dated November 23, 2015, the Board approved an amendment to the General Development Plan (“GDP”); and

WHEREAS, by Resolution dated October 24, 2019, the Board approved an amendment to the GDP; and

WHEREAS, by Resolution dated July 23, 2020, the Board approved an amendment to the GDP; and

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

WHEREAS, due to the public health emergency necessitated by the COVID-19 pandemic, pursuant to both the Executive Orders of the Governor of the State of New Jersey and the existing laws of the State of New Jersey, public gatherings have been limited in size, space, location and duration; and

WHEREAS, due to the public health emergency necessitated by the COVID-19 pandemic, pursuant to both the Executive Orders of the Governor of the State of New Jersey and the existing laws of the State of New Jersey, public bodies, such as the Board, are expressly authorized by law to conduct public meetings remotely through the use of audio and video technology; and

WHEREAS, due to the public health emergency necessitated by the COVID-19 pandemic, it was the decision of the Board that it was in the best interests of the Board, the Town of Phillipsburg, the Applicant and the public for this Application to proceed without further delay, consistent with the Executive Orders of the Governor of the State of New Jersey and the existing laws of the State of New Jersey; and

WHEREAS, the Board was of the opinion, after consultation with its professionals, that the Board could consider this Application remotely and that its consideration would not be impeded whatsoever by considering the Application remotely; and

WHEREAS, the Applicant appeared virtually before the Planning Board at a regularly-scheduled meeting on June 24, 2021, at which time it was decided by the Board that it was in the best interests of the Board, the Applicant and the public that the Application be considered at a specially-schedule meeting; and

WHEREAS, it was announced publicly at the June 24, 2021 meeting that the Application would be carried, without the necessity of publication of further notice, to July 12, 2021, at 7:00 p.m.; and

WHEREAS, the Applicant, nonetheless, provided notice of the specially-scheduled meeting to neighboring property owners and others entitled to notice, as well as publication pursuant to the Town of Phillipsburg Code and N.J.S. 40:55D-12; and

WHEREAS, a virtual special public hearing was held on July 12, 2021, which was noticed in accordance with the Open Public Meetings Act N.J.S. 10:4-6, et seq., where the Applicant, represented by Karl P. Kemm, Esq., presented an explanation concerning the updated amendments proposed to the GDP; and

WHEREAS, the 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 the following:

- A. Town of Phillipsburg – Application for Amended General Development Plan, dated June 10, 2021, which subsequently included a July 12, 2021 Certification from the Collector Taxes that realty taxes are current;
- B. “Updated Amended General Development Plans” Set for I-78 Logistics Park Lopatcong Urban Renewal, LLC, PR Bridge 178 Phase II Owner Urban Renewal, LLC, Proposed Bridge Point 78, prepared by Dynamic Engineering, dated June 9, 2021, revised July 2, 2021, consisting of three (3) sheets (Cover Sheet, Updated Amended General Development Plan, and Amended General Development Plan); and
- C. “Updated Amended General Development Plan Report” for I-78 Logistics Park (PR Bridge 178 Phase II Owner Urban Renewal, LLC), consisting of thirty-seven (37) pages and Appendices A, B and C, prepared by Dynamic Engineering and signed by Brett W. Skapinetz, P.E., P.P. and Joseph G. Jaworski, P.E., C.M.E., C.F.M., dated August of 2019, and last revised July of 2021.

WHEREAS, the Board having considered the letter of the Town Planner, dated June 21, 2021, the contents of which the Board adopts and incorporates its finding of fact by reference herein; and

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

1. Brett W. Skapinetz, P.E., P.P., who is the Applicant's engineer; and
2. Craig W. Peregoy, P.E., who is the Applicant's traffic engineer.

WHEREAS, the following documents were marked as Exhibits at the July 12, 2021 hearing and were discussed and testified to by the Applicant's witnesses. These are now included as part of the record:

1. A-1: Curriculum Vitae of Brett W. Skapinetz, P.E., P.P.;
2. A-2: Sheet 3 of the Updated Amended General Development Plans, depicting the existing 2 warehouse configuration;
3. A-3: Sheet 2 of the Updated Amended General Development Plans, depicting the proposed single warehouse configuration;
4. A-4: Letter from Fire Chief Richard Hay, dated July 12, 2021; and
5. A-5: Curriculum Vitae of Craig W. Peregoy, P.E.

WHEREAS, Brett Skapinetz, P.E., P.P., a New Jersey Licensed Engineer and Licensed Professional Planner, who after being sworn and accepted as an engineering expert, based upon Exhibit A-1 provided testimony on behalf of the Applicant. Mr. Skapinetz discussed the “Updated Amended General Development Plan,” which is marked as Exhibit A-2. He stated this is Phase 2 of the entire redevelopment project. He testified that on Lot 1, which is the entirety of Phase 2, there will be one building instead of 2 buildings. He then marked and displayed Exhibit A-3 which is the GDP layout for Phase 2 containing 2 warehouses, for comparison. He testified that the existing layout contains 2 warehouses with a total footprint and gross square footage of 1,672,818 sq. ft., and the proposed single warehouse which has a

footprint of 1,285,365 sq. ft. and with the two mezzanine areas has a total floor area of 1,842,549 sq. ft. He testified that the number of parking spaces, truck loading docks and truck-trailer parking spaces all increase in this Plan. He stated that the impervious coverage decreases from approximately 75% of the entire site to approximately 69% of the site. The Board then asked a few questions regarding the proposed building height and received satisfactory responses.

The Board then asked Mr. Skapinetz to go through Town Planner's June 21, 2021 letter, which he did to the Board's satisfaction. There was a discussion regarding the estimated number of employees on site, the number of work shifts and the length of the shifts. Mr. Skapinetz testified that it was estimated there would be approximately 1075 employees in two to three shifts, which includes seasonal workers, but does not include truck drivers. Mr. Kemm stated that there could be three shifts per day and a 24 hour per day operation for an anticipated e-commerce tenant that may lease the proposed building. The Board Engineer suggested that the Board authorize on-site work 24 hours per day, and up to three shifts per day to avoid the need for further Board approval in the future. Mr. Skapinetz then addressed the Town's parking requirements. He stated that the Applicant seeks a reduction in number of required parking spaces, but noted this proposal includes more parking spaces than in the existing GDP.

Mr. Skapinetz then testified the existing GDP requirement that that 10' right-of-way and sidewalk on Roseberry Street be constructed and stated he did not believe that extending the right-of-way made sense due to the existing sidewalk on the westside of the street and that due to the topography on the east side of the street that substantial site work would be required to accommodate a sidewalk on the east side of the street. The Town Planner commented that she essentially concurred and believes there are existing pedestrian safety measures in place; and the Board agreed to waive the requirement that a 10' right-of-way and sidewalk on Roseberry Street be constructed. There was further discussion whether mature trees in place already provide a buffer on Roseberry Street and if disturbance of those trees would make the site less safe. It was noted that there is a sidewalk on the other side of Roseberry Street and further noted that by not constructing additional sidewalks, the impervious coverage of the overall site would not increase. The Board requested that the area of overgrown, mature trees on Roseberry Street be cleaned up and possibly supplemented, and the Applicant agreed as a condition of approval to work with the Board Planner and Board Engineer in this regard.

Mr. Skapinetz then commented on the Stormwater Management Plan and said it will comply with Town requirements. As for the other issues in the Town Planner's letter such as the fiscal report, the communities facilities plan, housing plan and local service plan, Mr. Skapinetz testified that they were not addressed because there is a minimal change in the use of the site under the proposed plan. Mr. Skapinetz addressed the July 12, 2021 letter from the Fire Chief which was marked as Exhibit A-4. Mr. Skapinetz said all of Chief's concerns will be/have been addressed in pending application for Amended Site Plan Approval.

WHEREAS, Mr. Skapinetz was asked to address the comments contained in the Town Planner's June 21, 2021 review letter and stated that the Applicant was prepared to work with the Board's Engineer and the Town's Planner to address all of the comments in the letter; and

WHEREAS, the Board was satisfied with Mr. Skapinetz' testimony, especially in light of the Board Engineer's and the Town Planner's comments and review, such that the Board did not have any additional questions or comments; and

WHEREAS, Craig W. Peregoy, P.E., was offered as the second witness, who after being sworn and accepted as a traffic engineering expert, based upon Exhibit A- 5, provided brief testimony on behalf of the Applicant. Mr. Peregoy stated that the circulation plan issues raised in the Town Planner's June 21, 2021 letter would be addressed. Additionally, in response to the Board's concerns regarding on-site signage

for truck traffic, the Applicant agreed as a condition of approval to create a plan showing on-site directional signage, which would be added as Exhibit D to the Updated Amended General Development Plan Report. Mr. Perego also discussed that further studies will be undertaken and eventually a traffic light will be installed at the intersection of Rand Boulevard, Center Street and Roseberry Street, which will be operational prior to receiving the last final certificate of occupancy for the Bridge Point 78 development; and

WHEREAS, the Board was satisfied with Mr. Perego's testimony, especially in light of the Board Engineer's and Town Planner's comments and review, such that the Board did not have any additional questions or comments; and

WHEREAS, the Applicant did not offer any additional witnesses, documents or evidence; and

WHEREAS, the Board asked for public comments, and having heard none; and

WHEREAS, the Board considered all of the preceding; and

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

1. The property in question is located in the Phillipsburg Commerce Park Redevelopment Area and is subject to the Revised Phillipsburg Commerce Park Redevelopment Plan (the "Redevelopment Plan").
2. The Redevelopment Plan allows for a general development plan pursuant to N.J.S. 40:55D 6 et seq. (a "GDP") and the Board has previously granted GDP approval and Amended GDP approval.
3. The Board finds that the Applicant has submitted the proper materials and provided the appropriate testimony in support of the proposed Updated Amended GDP.
4. The Board finds that the Updated Amended GDP complies with the objectives in N.J.S. 40:55D 6 et seq., the objectives of the Redevelopment Plan and is consistent with goals of the Town Council and is in the best interests of the public.

NOW THEREFORE, BE IT RESOLVED THAT the Board hereby approves the Updated Amended GDP, subject to the conditions contained herein; and

NOW THEREFORE, BE IT RESOLVED FURTHER THAT the Updated Amended GDP approval granted herein for new Phase 2 (1 Building with a total floor area of 1,842,549 sq. ft.) shall not operate to void the existing approvals for previous Phase 2 under the Amended GDP (2 Buildings totaling 1,672,818 sq. ft.), provided however, that the existing approvals for previous Phase 2 under the Amended GDP shall be deemed relinquished and voided upon the Applicant obtaining building permits for the Updated Amended GDP approval for new Phase 2 granted herein.

ROLL CALL VOTE

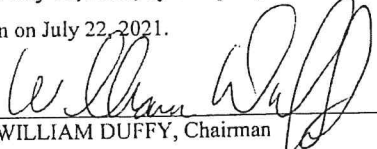
Ayes: Chairman Duffy, Mr. Zwicker, Mr. Brotzman, Mr. Rooney, Mayor Tersigni, Mr. Samirelli, Mr. Penrose, Mr. Hanisak and Mr. Turnbull

Nays: None.

Abstentions: None.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Planning Board was duly adopted at a specially-scheduled meeting on July 12, 2021, by a majority of the aforesaid members approving the oral approval for the contents herein on July 22, 2021.

Dated: July 22, 2021


WILLIAM DUFFY, Chairman