

**TOWN OF PHILLIPSBURG PLANNING BOARD RESOLUTION NO. 2021-2**

**RESOLUTION ADOPTING AMENDMENTS TO THE LAND USE PLAN ELEMENT AND THE OPEN SPACE AND RECREATION PLAN ELEMENT OF THE TOWN OF PHILLIPSBURG'S MASTER PLAN**

**WHEREAS**, the "Municipal Land Use Law," N.J.S. 40:55D-25(1), vests the Phillipsburg Planning Board (hereinafter "Board") with the power to act in regard to the Town of Phillipsburg's Master Plan pursuant to N.J.S. 40:55D-28; and

**WHEREAS**, N.J.S. 40:55D-28 vests the Board with the power to prepare, adopt and/or amend the Master Plan, or any components thereof, to guide the Town's use of lands within the Town in a manner which protects public health and safety and promotes the general welfare; and

**WHEREAS**, N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis; and

**WHEREAS**, the Board adopted a Master Plan in accordance with the law in 1988, and subsequently adopted a Master Plan update on November 22, 2004; and adopted a Master Plan Re-examination Report on December 23, 2013; and

**WHEREAS**, the Town's Master Plan includes a Land Use Plan Element in accordance with N.J.S. 40:55D-28(b)(2); and

**WHEREAS**, the Town's Master Plan's Land Use Plan Element has not been amended previously;

**WHEREAS**, the Town's Master Plan includes an Open Space and Recreation Plan Element in accordance with N.J.S. 40:55D-28(b)(7); and

**WHEREAS**, the Town's Master Plan's Open Space and Recreation Plan Element has not been amended previously; and

**WHEREAS**, the Board had decided that it was appropriate to review the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element, and accordingly, directed the Town's Professional Planner, Angela Knowles, PP/AICP, LEED-AP, a New Jersey licensed professional planner, to undertake the review; and

**WHEREAS**, Planner Knowles has conducted the review and made her findings in a report dated February 25, 2021; and

**WHEREAS**, the Board has had adequate opportunity to review, and to comment on, the report; and

**WHEREAS**, the Board has provided notice of a public hearing to be held on April 22, 2021, pursuant to N.J.S. 40:55D-28(a); and

**WHEREAS**, due to the public health emergency necessitated by the Covid-19 pandemic, pursuant to the Executive Orders of the Governor 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 the Executive Orders of the Governor of the State of New Jersey businesses and gatherings have been open to the public in only a limited capacity; and

**WHEREAS**, due to the public health emergency necessitated by the Covid-19 pandemic, pursuant to the Executive Orders of the Governor 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 and the public for the public hearing to proceed without further delay, consistent with the Executive Orders of the Governor of the State of New Jersey; and

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

**WHEREAS**, at its regular meeting on April 22, 2021, the Board held a public hearing on the proposed amendments to the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element; and

**WHEREAS**, the Town Planner made a presentation which is consistent with her February 25, 2021; report and

**WHEREAS**, the Board asked for public comments, and having heard some;

**NOW THEREFORE**, as a result of the Planner's February 25, 2021 report, the presentation, testimony and exhibits presented, the Board finds as follows:

1. N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis.
2. The present time is appropriate for the Board to consider changes to the Town's Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element.
3. Planner Knowles' investigation, report and presentation are made in accordance with the law; are beneficial to the Board; and contain appropriate recommendations for amendments to the Town's Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element.

4. The proposed amendments to the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element, as set forth in Planner Knowles' February 25, 2021 report, are consistent with the Town of Phillipsburg's Master Plan.
5. The proposed amendments to the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element, as set forth in Planner Knowles' February 25, 2021 report, are consistent with the "Municipal Land Use Law," N.J.S. 40:55D-1, *et. seq.* and controlling law.
6. The proposed amendments to the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element, as set forth in Planner Knowles' February 25, 2021 report, have adequately taken into consideration the concerns, if any, of adjacent municipalities and are not inconsistent with adjacent municipalities' interests.
7. The proposed amendments to the Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element, as set forth in Planner Knowles' February 25, 2021 report protects public health and safety and promotes the general welfare.

**FURTHER, NOW THEREFORE, BE IT RESOLVED THAT** the Town of Phillipsburg's Master Plan's Land Use Plan Element and Open Space and Recreation Plan Element are amended in the manner set forth in Town Planner Angela Knowles' February 25, 2021, report, on motion of Mr. Zwicker and seconded by Mr. Brotzman; and

**IT IS FURTHER RESOLVED THAT** this Resolution shall be delivered to the Town of Phillipsburg Clerk, the Town Council and the Mayor so that the Town can take steps necessary to carry-out the purpose of this Resolution.

**ROLL CALL VOTE**

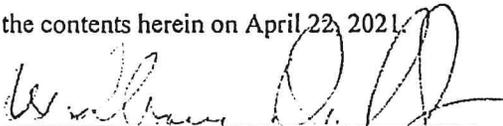
**Ayes:** Mr. Turnbull, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Samarelli, Mayor Tersigni, Mr. Zwicker, Chairman Duffy

**Nays:** None.

**Abstentions:** None.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Planning Board was duly adopted at its regular meeting on the 27<sup>th</sup> day of May 2021, by a majority of the aforesaid members approving the oral approval for the contents herein on April 22, 2021.

Dated: May 27, 2021

  
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WILLIAM DUFFY, Chairman