

LAND USE MINUTES
JUNE 24, 2021

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

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

RESOLUTIONS: NONE

COMPLETENESS/ PUBLIC HEARINGS:

Bridge Point Phase 2 Review of Amended GDP was postponed for a special meeting to be held on July 12, 2021.

PN Restaurant, Inc. C/O Phillipsburg Dev., LLC 680 Memorial Parkway
Ryan Kennedy from the Law Office of Steven's & Lee opened the discussion about the proposed redevelopment of Arby's/ Popeyes to be built on 680 Memorial Parkway formerly known as Aharts. Attorney Wilhelm let Mr. Ryan know that Mayor Tersigni would be recusing himself going forward because of the D variance involved in the application. Also, Council Vice President Fulper would have to recuse himself, but he was absent from the meeting. Mr. Ryan asked Kelly who would be eligible to vote tonight. Kelly proceeded to let him know there would be 7 eligible to vote.

Sworn testimony given by Scott Wilhelm were as followed.

1. Erik Liepins, Ra of Zelta Designs for Popeyes
2. Robert Grimaldi, RA for Arby's
3. Tung-To- Lam Project Team Engineer for Bohler Engineering
4. Paul N. Ricci, AICP, PP – Professional Planner

There were no questions from the Board after Erik Liepins testimony, for Arbys.

There were no questions from the Board after Robert Grimaldi, RA for Popeyes.

Mr. Bengivenga had a question for Tung-To-Lam about the garbage pickup. He states that there will not be enough room for the truck to position for the pickup. Mr. Lam gave him a few scenarios on how that can be done. Mr. Bengivenga feels it will be very challenging for the garbage. This will be looked at for a solution.

Stan Schrek, Engineer for the Town of Phillipsburg had some concerns about deliveries and the size trucks that may have a hard time getting into the property. Mr. Turnbull also had concerns on this issue. Mr. Lam said that most deliveries are made after hours. Stan also had concerns of drive-thru backup, which will need to be addressed. Council Vice President Zwicker had some questions about lighting. Mr. Lam explained that they designed the lighting to be sensitive to the surrounding neighborhoods.

Ed Baksh Phillipsburg Dev LLV the applicant for the property was sworn in by Attorney Wilhelm. He testified that he would oversee maintaining the entire property. He will make sure that the property is cleaned up and maintained moving forward. The hours of operation for Arby's are usually 10 AM to 11PM 7 days a week and Popeyes is usually 10:30 AM to 11:30 PM. These hours are dictated by the business. Employees for peak hours are usually 10 for Arby's and 4 for non-peak hours. Popeyes usually has 12 peak hours and 5 nonpeak hours.

Paul Ricci Professional Planner talked about the variances and technical issues. They are trying to keep with the character of the area.

President Duffy talked about the truck issues that may arrive on Marshall Street.

Mr. Kennedy thanked the Board and officials for working with them on this project.

ROLL CALL: 6/24/21 PN Restaurant C/O Phillipsburg Dev. LLC 680 Memorial Parkway To grant applicants variances as set forth by Board Engineer in Letter dated June 24, 2021, Pages 5-8.

YEA'S-7 NA'S-0 Mayor Tersigni Abstain due to D variances

ROLL CALL: 6/24/21 PN Restaurant C/O Phillipsburg Dev. LLC 680 Memorial Parkway to grant Design Waiver utility services 5-10-2 under the Town Ordinance as set forth in Board Engineer letter dated 6/24/21 on page 8.

YEA'S-7 NA'S-0 Mayor Tersigni Abstain due to D variances

ROLL CALL: 6/24/21 PN Restaurant C/O Phillipsburg Dev. LLC 680 Memorial Parkway Preliminary Major Site Plan Approval with Conditions on Storm Water Management.

YEA'S-7 NA'S-0 Mayor Tersigni Abstain due to D variances

ROLL CALL: 6/24/21 PN Restaurant C/O Phillipsburg Dev. LLC 680 Memorial Parkway Final Site Approval

YEA'S-7 NA'S-0 Mayor Tersigni Abstain due to D variances.

CORRESPONDENCE: NONE

NEW BUSINESS: Town Council has sent the ordinance to Land Use Board for a consistency review of the Master Plan to discuss and determine it is consistent or inconsistent with the master plan goals and objectives.

ROLL CALL: 6/24/21 Does the Board Agree that the proposed Ordinance by the Town to prohibit all recreational cannabis is Consistent with the Master Plan.

YEA'S-8 NA'S – 0

MINUTES: May 27, 2021

ROLL CALL: YEA'S – 8 NA'S – 0

PUBLIC COMMENT: NONE

ADJOURNMENT: ROLL CALL YEA'S -8 NA'S- 0