

**TOWN OF PHILLIPSBURG
LAND USE MINUTES
JANUARY 27,2022**

Chairman Duffy opened the meeting at 7:00 PM stating this meeting is being held in accordance with the Open Public Meetings Act, by posting the notice to the Express Times and Star Ledger and providing the same to the Town Clerk.

It is the policy of the Town of Phillipsburg Land Use Board not to hear cases after 10:00 PM and no new witnesses after 10:30 PM. Followed by Flag Salute

ATTENDANCE: Mayor Tersigni swore in Our new Council Member Keith Kennedy. Also announced was the resignation of Tony Austin.

Present Were: Mr. Bengivenga, Mr. Brotzman, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Mr. Zwicker, Mr. Rooney.

RESOLUTIONS: NONE

COMPLETENESS/PUBLIC HEARINGS:

COMPLETENESS: NONE

HEARINGS: Peron Construction LLC 170 Howard Street Block 2102 Lot 1 & 2

Mr. Amin Sharifi was sworn in by Attorney Wilhelm to replace Civil Engineer Brad Bohler to answer any questions that the Board or Public had about the project.

Attorney Wilhelm asked Councilman Kennedy if he watched the Zoom recording of the January 6, 2022, meeting and he listened to it on 1/10/22. Attorney Wilhelm also asked Mr. Brotzman if he was able to watch the Zoom video of January 6,2022 and Mr. Brotzman said he did. This made both eligible to vote on the preliminary application. It was then determined there would be six members that could vote. Attorney Wilhelm also introduced Fire Chief Hays updated status dated January 25, 2022, as exhibit A-17. Chairman Duffy Recused himself and turned the Peron Hearing portion over to Vice Chairman Zwicker. Mr. Peck said that the witnesses that testified on 1/6/22 were available if there were any questions from the Board or Public. John McDonough, John Wichner, Oliver Franklin, and Amin Sharifi replace Brad Bohler. There were several public comments both for and against the project. Listed are the names of the public comments.

Josh Wanisko, Blaine Fehley, Kevin Keysner, Mark Valli, Randy Piazza Sr., David Morrisette, Philip Mugavero, Mary Jo Harris, Jamie Williams, Patricia Rosnagle, Theresa Chapman, Dan Boyce, Bonnie Sarno, Helene Oberly, Louis Cartabona, Janice Hosbach, Robert Fulper, New Rodgers, Robyn Coe. Some of the concerns are truck traffic, fumes, size of trucks on South Main Street. Public comments for the project were about creating jobs and this would bring ratables to the town plus help with the garbage drums and homeless that are taking up that space now. Vice Chairman Keith Zwicker talked about how the developer tried for 15 years to get housing there and it has not worked out. He is for the project if the Howard extension Rd. goes through for truck traffic. Mr. Bernie stated that he is not for the project, but did say that if the project

goes through, the Howard Street extension would need to be addressed. He also is concerned about the safety.

Mr. Peck Addressed the Board before voting about the application. Through this application they feel they have presented thorough testimony from their site and traffic engineers, architects, and planners and through the current zoning it makes this a permitted use. He also wanted the Board to keep in mind that VanCleefs consistency report recommends the Howard Street extension, but not require it. He also, said that the Howard Street is not part of the application. He agrees that the extension would be preferable alternatives and fully support that and the applicant will do whatever it can to assist the town in pursuing the Howard Street extension and seeing it complete, however the applicant has not been able to acquire the necessary private properties that are necessary for construction of this extension and the owner has made it clear that he is unwilling to sell the only way to construct this would be by eminent domain. He also noted to the public that this will bring many good jobs to the town. Keith Zwicker at that point said he thinks it is a viable project and should move forward. Mr. Peck said he thinks it would be appropriate for the board to come to impose a condition saying they have to work with Council to try and acquire Howard Street. Mr. Zwicker said it should go back to Council, it's their responsibility for the safety, like Mr. Rooney said for the master plan to be reinforced which is Council's decision. Planning Board is only looking at a use determination. Mr. Kennedy stated that he is against the project because of the truck traffic. He's not against the project but is against the location. He also had a question about the litigation regarding the conflict of interest. Attorney Wilhelm said he could not speak on that because he is not involved in the litigation other than he knows its active.

Motion to approve permanent design waivers that were requested in the application and addressed by town Engineer Stan Schrek with the understanding that the Board is asking Mr. Shrek and the applicants engineer to work toward finalizing an agreement.

Motion made by Mr. Zwicker second by John Penrose. YEAS were Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mr. Zwicker. Recuse Themselves were Mayor Tersigni, Mr. Duffy and Mr. Bengivenga Councilman Kennedy voted NO.

Passed 5-1

Motion to approve C-Variances that were requested in the application with the understanding that the applicants engineer, and Board Engineer are working to clarify some of those.

Motion made by Mr. Turnbull second by Mr. Hanisak. YEAS were Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mr. Zwicker. Recuse themselves were Mayor Tersigni, Mr. Duffy and Mr. Bengivenga Councilman Kennedy voted NO.

Passed 5-1

Motion Granting Preliminary Site Plan to construct an approximately 420,000 square foot warehouse on Block 2102 Lot 1 & 2 with associated site improvements.

Motion made by Mr. Zwicker and second by Mr. Brotzman YEAS were Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mr. Zwicker. Recuse themselves were Mayor Tersigni, Mr. Bengivenga and Mr. Duffy Councilman Kennedy voted NO.

JAOR Holdings Inc. Block 808 Lot 31 246 Morris Street: Attorney Wilhelm said at the request of the applicant, the hearing will be carried over to February 24, 2022, meeting with no further notice. This is everyone's notice that will be carried to the February 24, 2022, meeting.

1803 Lot 1 (150 Fleming Drive) Non-Condemnation Review: Angela Knowles the Board Planner from VanCleeef was asked by the Land Use Board for a report of this area in need of redevelopment preliminary investigation for Block 1803 Lot 1. This report was prepared according to the local redevelopment and housing law, the study was authorized by the Town Council and is referred to the Planning Board. The study was prepared based on that authorization. Angela concluded that the lot qualifies for non-condemnation redevelopment. Attorney Wilhelm wanted to clarify for the board, there are several factors to determine whether the properties in need of non-condemnation. If its in a UEZ zone the case is closed the Statute says it is need of redevelopment. By law, the planning Board is required to undertake a study and make a recommendation when Town Council directs them to an inquiry on a piece of property is in need of non-condemnation redevelopment. The Board has done that by employing Ms. Knowles to do so and she's made her recommendation. If it is adopted a letter will be sent to Council advising them that the board either believes it is need of non-condemnation or does not agree.

Motion made by Mr. Brotzman and second by Mr. Turnbull. Yeah's were Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mr. Duffy, Mr. Bengivenga. Nays were Councilman Kennedy and Mr. Zwicker. Mayor Tersigni Abstain.

NEW BUSINESS:

Interpretation of Zoning Ordinance Definition: Tabled

Motion for Angela Knowles Board Planner to take on a preliminary investigation to determine whether the proposed study area Block 2806 Lot 1 (1116 South Main Street) qualifies as an area of need of non-condemnation. Council resolution 2021-282. Motion made by Mayor Tersigni second by Mr. Penrose All YEAHS and no NAYS.

Motion for Angela Knowles Board Planner to prepare an amendment to the Riverfront Redevelopment plan to increase residential density and for such other bulk standard amendments as deemed appropriate by the Land Use Board and its professionals. Town Council resolution 2022-24.

OLD BUSINESS: NONE

MINUTES: DATED 1/6/22 Motion made by Mr. Zwicker and second by Mr. Turnbull all YEAHS and no NAYS.

PUBLIC COMMENT: Joe Paronee touched base about the redevelopment of the property and that he is the realtor involved on the property of 150 Fleming Drive.

Other comments from the public were made by James Flynn, Louis Cartabona and Mary Jo Harris who represents UEZ in Phillipsburg. She looked at the map and said this property at 150

Fleming Drive is in the UEZ Zone. Mary Jo has given the link to view who is in the UEZ Zone [Urban Enterprise Zone Business Eligibility Locator\(arcgis.com\)](http://arcgis.com)

EXECUTIVE SESSION: Motion to go into Executive Session was made by Mayor Tersigni and second by Mr. Brotzman All YEAHS and no NAYS

Return from Executive session was made by Mayor Tersigni and second by Mr. Penrose All YEAHS and no NAYS.

ADJOURNMENT: Motion made by Mayor Tersigni second by Mr. Turnbull All YEAHS and no NAYS.

Submitted By: Kelly Lefler
Land Use Secretary