

**PHILLIPSBURG  
LAND USE MINUTES  
FEBRUARY 24, 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:** Mr. Brotzman, Mr. Duffy, Councilman Kennedy, Mr. Hanisak, Mayor Tersigni, Mr. Turnbull, Mr. Zwicker, Mr. Rooney Absent was Mr. Bengivenga, Mr. Penrose

**RESOLUTION:** 2022-3, Granting Preliminary and Major Site Plan Approval and Bulk Variance Peron Construction, LLC Block 2102 Lot 2.02 Motion made by Mr. Zwicker Second by Mr. Turnbull. Yeah's were Mr. Brotzman, Mr. Hanisak, Mr. Turnbull, Mr. Zwicker. Nay was Councilman Kennedy. Absent was Mr. Penrose and Mr. Bengivenga, Recuse themselves were Mayor Tersigni and Mr. Duffy. PASSED 4-1

**COMPLETENESS/PUBLIC HEARING:** Bridge I-78 Phase II 1000 Rand Blvd Bl. 3401 Lot 8 came before the board with a site plan waiver to have a fence & gate placed around property at 1000 Rand Blvd. Bl. 3401 Lot 8.

Exhibit # 1 was From Joshua W. Wirry P.E., Project Manager for Dynamic Engineering. Since we did not have Mr. Wirry's credentials. Attorney Wilhelm swore him in and asked that he talk about his credentials to the Board. Attorney Wilhelm asked if the Board had any questions, and no Board Member did so Attorney Wilhelm Qualified him as an expert witness. (I did receive Mr. Wirry's CV and it is marked as Exhibit #1.) They want to secure the property when the building is closed. Mr. Wirry showed a plan for the fence and gate and was entered as Exhibit # 2, labeled Building #3 Fence Exhibit. The exhibit shows a six-foot-high black chain link fence and gates to allow fire and police access. Mr. Duffy asked if there will be any Personnel stationed at the gate and Mr. Wirry's reply was no. Motion would be for plan waiver to allow the construction of an approximate six-foot fence around the subject property, as illustrated in the applicant's engineers' drawings as modified and supplemented by the engineers February 18, 2022, review letter and further modified at today's hearing. Motion made by Mr. Brotzman second by Mayor Tersigni Yeah's were Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Mr. Zwicker and Mr. Duffy No NAYS, absent was Mr. Bengivenga and Mr. Penrose. PASSED 8-0

**JAOR HOLDINGS** Block 808 Lot 31 246 Morris Street requested a variance for a non-conforming use consistent with the applicant's application as modified by the Board Engineers review and as modified at this hearing.

Exhibits for this Application were #1 Christopher Nusser, PE, PP Senior Program Manager, Civil Engineering for Engineering and Land Planning Associates, Inc.

Exhibit 2, Preliminary and final Site plan OJR Auto Sales Plans Drawings 1-3. Exhibit # 3 Chief Hay Office of the Fire Chief Report.

Attorney for applicant Mr. Edleston opened by explaining the application and who would be the witnesses. Mr. Guzman who occupies the property, Mr. Ramirez is the sole proprietor of the property and Mr. Nusser were all sworn in by Attorney Wilhelm.

Mr. Ramirez testified that he wants to move his business from Hackettstown to Phillipsburg. He does restoration on vehicles after he buys them and then sells them. He would only have 5 cars at a time. There will be no signs or advertising at the location. Mr. Edleston asked how his clients contact him for the cars. He replied that his clients know him and will ask for a specific car and he will get it restore it and sell it to the client. Mr. Edleston also asked about where they would pick them up and he said at the location in question. Mr. Guzman testified that he runs his car repair shop out of this location and testified. Mr. Zwicker said he drove by the location today and were four cars in the back plus a trailer and some junk in the corner and asked if they plan on cleaning them up. He said he would clean it up if that is what is needed. Attorney Edleston asked Mr. Guzman that since he has been there has he had any complaints from the neighbors, and he said occasionally. He also said he is a one-man operation and Mr. Ramirez is only looking for a change of address. Mr. Nusser testimony involved going over Mr. O'Brien's technical comments on the plan, which is available for review in the office of the Land Use Secretary 120 Filmore Street. The review was very extensive to what would need to be done to improve the property to allow the applicants application. Mr. Nusser explained that someone calls Mr. Ramirez and says what kind of car they want, he looks for it and reconditions it and the customer picks it up. He also said that he sees there are concerns and that Attorney Wilhelm would be more than capable of drafting conditions on to the approval, so that it did not turn into something more at any point in time. There was talk of lighting, setbacks, driveway in the front of the building, sidewalks etc. There was talk of the vinyl fence by Mr. Duffy in the back of the building, which is the neighbor's fence. Mr. Nusser said there is nothing they can do about that, since they do not own it.

PUBLIC COMMENTS on JAOR: Brenda Rissmiller had concerns about how the operation runs at the present time and how cars are parked on the street, and they work on them in the street. Concerned about parking for the residents if more cars are brought to the site. Mr. Rooney had concerns about the same issues and has called the police on a few occasions. He referred to the site as a junk yard. He was also concerned that the corner where it is located is a bus stop with children. Chairman Duffy closed the public comment at that time. Attorney Edleston said that if the Board denies it you have exactly what's there now without any ability to clean it up by way of its own inner approvals. Chairman Duffy responded to his comment that he is sure the towns could enforce to clean up the site. At this point there was another roll call to make sure the 5 people that could vote were present. Mr. Brotzman, Mr. Hanisak, Mr. Turnbull Mr. Zwicker and Mr. Duffy were all present to vote. Because of the relief and D variance the application needed at least 5 votes. Attorney Wilhelm asked for a motion for expansion of the non-conforming use consistent with the applicants as modified by the board engineers review letter and as modified at the hearing. Motion made by Mr. Turnbull and NO second was made on the motion. The motion FAILED.

CORRESPONDENCE: NONE

NEW BUSINESS: Interpretation of Zoning Ordinance definition (Setbacks) Tabled from 1/27/22 Board came to the decision there would be a sub committee formed to address these issues. The sub-committee will be headed by Co-Chairman Zwicker. Pat Kays, Jack Daniels and Tim O'Brien representing the town will also be part of the committee.

OLD BUSINESS: NONE

MINUTES: Minutes from 1/27/22 (Regular and Executive) Motion made by Mayor Tersigni second by Mr. Brotzman. 8 YEAHS and 0 NAYS.

PUBLIC Comment: Robin Coe 344 South Main Street Phillipsburg asked about the Howard Street Warehouse. David Morrisette 5 Fairview Heights Phillipsburg He wanted to correct a mistake that he made in an email he sent about the time it is taking for the town to get back to him about the lawsuit pending for 170 Howard Street. He also wanted to commend the board on the great meetings, and he enjoys coming to them. Lorraine Watkins 606 Ohio Ave Pohatcong has concerns about the truck traffic through the neighborhoods if the Howard St warehouse happens. Theresa Chapman 362 Brainard Street Harmony Wanted confirmation on the lot of 170 Howard Street. The agenda said lot 1 and 11. She asked if that would null and void the vote. Attorney Wilhelm said as a clerical error that does not null and void the vote. She also asked if resolutions could be posted on the website before they are voted on for everyone to review and Chairman Duffy said they cannot be posted until approved. (The application, resolution and plans have the same block and lot which is Block 2102 lot 2.02) Joyce Watkins 606 Ohio Ave asked if there were future meetings about the warehouse. Mary Jo Harris Norwescap 88 South Main Street wanted to clarify for Joyce that there will be no further Land Use meetings but there will be a council meeting. Attorney Wilhelm said that's right.

Angela Knowles wanted to let everyone know that she will be leaving VanCleeef in a few weeks. Working with boards like ours you start to feel a little like family and part of a team. She said we did a lot of great work over the last couple of years and it's bittersweet and she is going to miss working on the projects and seeing them through, but there is a great team in VanCleeef that's going to continue moving forward and just wanted to say thank you.

EXECUTIVE SESSION: NONE

ADJOURNMENT: 8 YEAHS and 0 MAYS

Submitted By:  
Kelly Lefler Land Use Secretary