

LAND USE MINUTES
MAY 26, 2022

Vice Chairman Zwicker 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, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker **ABSENT:** Mr. Bengivenga, Chairman Duffy, Mr. Hanisak, Mr. Rooney

RESOLUTION: Resolution 2022-5 Granting site Plan Exemption and Variance for 725 Metz Street Block 405 Lot 6. Motion made by Mayor Tersigni Second by Mr. Penrose YEAHS were Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker **NAY'S NONE ABSENT:** Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy. **RECUSE:** Councilman Kennedy.

Resolution 2022-6 Granting Site Plan Exemption for 74 Howard Street Block 2007 Lot 1 Motion made by Mr. Brotzman Second by Mr. Penrose YEAHS were Mr. Brotzman, Mr. Penrose, Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker **NAYS NONE. RECUSALS: NONE ABSENT:** Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy.

COMPLETENESS: 43-45 South Main Street Block 903 Lot 47. Manny Montesino, Member of the LLC was sworn in by Attorney Wilhelm. Testimony will be required at the hearing which will be held on June 23, 2022. No objections to completeness waiver requested page 3 (H) of the Town Engineer VanCleef. Notices need to be sent out to 200 ft list and advertised in the Newspaper. 326 South Main Street Block 1503 Lot 14. Completeness for minor subdivision. Attorney Mark Peck is representing the applicant. Wayne Ingram Engineer for Applicant was sworn in by Attorney Wilhelm. They need to apply for Major Subdivision. Completeness and Final will be at the June 23, 2022, meeting. Site plan exemption for Verizon 116 S. Main Street Block 2806 Lot 1 was tabled.

Site plan Exemption for Advantor 600 N. Broad Street Block 101 Lot 5: Attorney Mark Peck is representing the applicant. Bryan Sullivan processing Engineer Manager has worked for Advantor for 17 years was sworn in by Attorney Wilhelm. He talked about how demand for what they produce which is specialty chemicals for bio farms has made the need for an addition to the facility. The facility now is over capacity, and this is needed so they can function properly. The building will produce organic salt. Thirteen new employees will be hired. No new restrooms and no new waterflows. Kevin Kammerer, civil Engineer for the project was sworn in by Attorney Wilhelm. He is the Engineer that worked on the plans for the addition. Blacktop is already there which the new building will be placed on. Stormwater is treated at the plant and will not cause any issues. No traffic issues and parking will not be affected with the additional employees. Warren County will send a no interest letter to the town.

EXHIBITS: A-1 Bryan Sullivan Process Engineering Manager
A-2 Kevin Kammerer Civil Engineering Leader
A-3 Overall Exhibit
A-4 Office of Fire Chief Hay Letter

Site Plan Exemption to comply with the town engineer Letter dated 5/20/22 Motioned by Mr. Brotzman and second by Mayor Tersigni. YEAHS were Mr. Brotzman, Mr. Penrose, Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker NAYS NONE. RECUSALS: NONE ABSENT: Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy.

CORRESPONDENCE: NONE

NEW BUSINESS: Preliminary investigation Area in need of Redevelopment 1116 South Main Street Block 2806 Lot 1 carried from March 24, 2022, without further notice. Report was made by VanCleeef Engineering and Stan Schrek went over the report in detail and it met the perimeters and did meet the criteria for it to be in need of redevelopment. Audra Frank of Stewartsville talked about how she rides by when going to Church and that Bill Benz has talked to an Architect from Germany to make a park there. Hoping you can use the Agway because of the Morris Canal being there. Bill Benz of Phillipsburg said it would be a wonderful place for greenway in the corners of entry into Phillipsburg. Build a park for people to visit. It would be good for the town without using a lot of capital. Volunteers could help build the park at no cost and it could tie in the walking

trails. Stan Schrek from VanCleeef said they should approach Mayor and Council about their plans and come back to the Land Use.

BILL'S LIST: NONE

OLD BUSINESS: Update on interpretation of Zoning Ordinance Definition: Memorandum was introduced to Board giving discretion to the Town's Zoning Department to make decisions to grant or to deny a zoning permit with regard to "accessories" that may violate the setbacks in the Zoning Ordinance.

"Accessories" for purposes of the memorandum include, but are not necessarily limited to, whole house generators, condensers, HVAC units, appliances, fences, decks, porches, patios, pools, shed and gazebos. Motion made by Mr. Brotzman Second by Mayor Tersigni. YEAHS Mr. Brotzman, Mr. Penrose, Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker NAYS NONE.

RECUSALS: NONE: ABSENT: Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy. Board needs to revisit the Zoning Ordinances and Building Codes which would need a sub-committee. Stan said it would need professional services to achieve this.

MINUTES: 4/28/22 Motion made by Mr. Brotzman Second by Mayor Tersigni YEAHS: Mr. Brotzman, Mr. Penrose, Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker NAYS NONE. RECUSALS: NONE ABSENT: Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy.

PUBLIC COMMENT: Audra Frank of Stewartsville commented about adopting the memorandum for Zoning is excellent and would like the committee to share what is put together for Zoning and Building.

EXECUTIVE: NONE

ADJOURNMENT: Motion made by Mayor Tersigni Second by YEAHS Mr. Brotzman, Mr. Penrose, Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker NAYS NONE. RECUSALS: NONE ABSENT: Mr. Bengivenga, Mr. Hanisak, Mr. Rooney, Chairman Duffy.

Submitted by Kelly Lefler Land Use Secretary