

**TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2022-8**

**WHEREAS**, it is the intention of the Phillipsburg Land Use Board (“Board”) to ensure that the application and the enforcement of the “Town of Phillipsburg Zoning Ordinance,” Chapter 625 of the Town of Phillipsburg Ordinances, is done in accordance with the New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, *et. seq.* (“MLUL”) and is applied in a fair, non-discriminatory and uniform manner with the understanding that, at times, minor deviations from the Zoning Ordinance and the MLUL are necessary to carry-out the overall intent and purpose of the law in order to promote the general health, safety and welfare of the Town; and

**WHEREAS**, the Board recognizes the financial costs and inherent delays in involved in any development application which comes before it and intends, when possible, to minimize those costs and delays; and

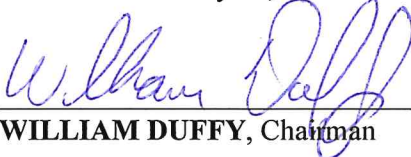
**WHEREAS**, the Board has determined that the preceding goals will be furthered by granting discretion to the Town’s Zoning Department to make decisions to grant or to deny zoning permits with regard to “accessories” that may violate the Setbacks in the Zoning Ordinance; and

**NOW THEREFORE**, the Board grants unto the Town’s Zoning Department discretion to issue or to deny zoning permits with regard to “Accessories” that may violate the Setbacks in the Zoning Ordinance; in accordance with the following directions:

1. “Accessories” for purposes of this Resolution include, but are not necessarily limited to, whole house generators, condensers, HVAC units, appliances, fences, decks, porches, patios, pools, sheds and gazebos.
2. In determining his discretion, the Zoning Officer shall consider all of the following:
  - a. The intent and the purposes of the “Town of Phillipsburg Zoning Ordinance,” Chapter 625 of the Town of Phillipsburg Ordinances;
  - b. The New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, *et. seq.*;
  - c. The Uniform Construction Code;
  - d. Relevant New Jersey Statutes and Administrative Code;
  - e. The age of the subject property;
  - f. The character of the surrounding neighborhood;
  - g. The health, safety, and general welfare of the community;
  - h. The overall utility of the proposed encroachment to the service of the property;
  - i. Whether the proposed encroachment will materially affect the utility, use and enjoyment of the adjoining properties;
  - j. The economic cost to the property owner with the encroachment versus without the encroachment;
  - k. The aesthetics of the subject property; and
  - l. The safety and integrity of the subject property.

3. In accordance with the law, any applicant who believes that he has been aggrieved by a decision of the Zoning Department has the right to appeal that decision to the Land Use Board.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Land Use Board was duly adopted at its regular meeting on the 23<sup>rd</sup> day of June, 2022, by a majority of the aforesaid members approving the oral approval for the contents herein on May 26, 2022.

  
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**WILLIAM DUFFY, Chairman**

Dated: June 23, 2022