

LAND USE MINUTES

AUGUST 25, 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, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker, ABESNT: Mr. Bengivenga, Mr. Rooney

MINUTES: Minutes for 07/25/22: Motion made by Mayor Tersigni second by Mr. Brotzman YEAHS: Mr. Brotzman, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker, ABESNT: Mr. Bengivenga, Mr. Rooney: NO NAYS Executive minutes for 07/28/22 Motion made by Mayor Tersigni second by Mr. Penrose : YEAHS: Mr. Brotzman, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker, ABESNT: Mr. Bengivenga, Mr. Rooney NO NAYS

RESOLUTION: 2022-10 Bridge Phase II amendment to Site Plan Motion made by Mayor Tersigni second by Vice Chairman Zwicker YEAHS: Mr. Brotzman, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker, ABESNT: Mr. Bengivenga, Mr. Rooney NO NAYS

COMPLETENESS/HEARING: Hearing for 671 Memorial Parkway Block 1003 Lot 4 & 8 (Quick Chek) for Major Site Plan. Attorney Tuvel went over specifications for the building. There are no updates to the plans. 5660 sq. ft with convenient store and 16 fuel positions. Highlights for the project will be better lighting upgrade stormwater, driveways, and signage. Agreed to all Technical Review. Very little variances and building will have a better setback. Stuart Kimmel Real-estate Manager at Quick Chek talked about the history of Quick Chek. The store and gas station will be open 24 hours with 40-50 employees. Like to hire local people for positions. **Tung-To Lam**, PE was sworn in by Attorney Wilhelm and testified as the

Engineer who works for Bohler. He talked about the layout of the property and how they will be making upgrades to stormwater since there is problems with flooding in that area. Landscaping will create a much nicer image of the property. New curbing and sidewalks on both twenty-two and Elder Ave. There will be no tractor trailers on site, and they will meet ADA requirements. Also, will be putting a crosswalk on Elder Ave. 55 parking spots are proposed with 2 being charging stations. 6 Month work from beginning to end. DOT takes up to 18 months for approval. Mr. Duffy raised concerns about the lighting with residents being directly behind the store. Mr. Lam said it will be good and not affect the residents. Trash will always be enclosed and not visible. Quick Chek will maintain and take care of the property maintenance including grass cutting. **John Corak** Traffic Engineer talked about access to the store will have two entrances. One from 22 and one from Elder Ave. He performed traffic studies during peak hours and there will be no problems. The 2 Design Waivers he agrees with Mr. Lam and the parking spaces needed. Mr. Duffy asked about deliveries from 22 and not from Elder. All deliveries will be in and out of 22. **Elizabeth McMannis**, a Principal with Kyle & McManus Associates was sworn in by Attorney Wilhelm She went over some key points of the plans. One being that the driveways will be a little wider than Town Code. Does not see any problems with the variances. She talked about the signs and compared them to some of the other businesses on 22. She feels it will be a massive improvement to the property. Increase the setback by 30 ft. **Public Comment:** Roman, the renter of the Luke oil said it would have known that Quick Chek was coming, he would not of leased the gas station. He did wish them luck and said since they met all variances there is nothing, he could do about it.

Exhibits: A-1 Tung-To Lang (CV)

A-2 Arial Exhibit dated 08/05/22

A-3 Site Layout Plan 06/13/2022

A-4 Rendered Elevations and Canopy Elevations 05/07/22

A-5 John Corak (CV)

A-6 Elizabeth K. McManus (CV)

A-7 Fire Department Review dated 07/25/22

Hearing: 170 Howard Street Block 2102 lot 2.02 Block 2015 Lot 1 & 3 Attorney Peck opened the hearing that Peron Construction will comply with all preliminary review made by VanCleef. Brad Bohler Engineer for Bohler Engineering was sworn in by Attorney Wilhelm. His CV was introduced as exhibit A-1. He also said that Peron will comply with the review letter dated 7/22/22. A-2 Overall Site Plan was introduced as Exhibit A-2. Tim O'Brien engineer for VancCleef always asked for street cleaner at building. Applicant will ask for a Waiver but will have a smaller version to comply. Mr. Richard Lev Senior Consultant was sworn in by Attorney Wilhelm and his CV was Exhibit A-3. He stated all Storm water rules are being followed Remediation and Capping requires Engineering controls. Landscape plans are consistent with the plan. John Wichner, traffic Engineer was sworn in by Attorney Wilhem and his CV is Exhibit A-4. Nothing has changed from preliminary to final. Peron has acquired two properties an S. Main and McKean St. for traffic route. Tim O'Brien asked about the Fire Lane Extension, and he referred that to the architect. Oliver Franklin, Senior Architect was sworn in by Attorney Wilhelm and his CV is exhibit A-5. No changes in the Architecture Plans. He introduced Exhibit A-6 Floor Plan, A-7 Elevations North & West. Sprinkler System will be what the Police and Fire Chief recommend. Fire Lane: Meets requirements. A-8 Exhibit is the eye Level View of the building. Public Comment on 170 Howard Street: Kevin Keyser talked about cleaning up the property. He also has an issue with the hotspots and how it could affect the neighborhood. Mr. Morrisette said there will be a decision from the courts soon. Court heard testimony in August. He asked that this be tabled until decision is made.

Exhibits: A-1 Bradford Bohler

A-2 Overall Site Layout Plan

A-3 Richard Lev, C.P.G., LSRP

A-4 John Wichner, P.E., PTOE

A-5 Oliver H. Franklin Sr AIA Senior Architect

A-6 Proposed Floor Plan

A-7 Proposed exterior Building Elevations

A-8 Eye Level View

A-9 Fire Chief Report dated August 5,2022 (Update)

PUBLIC COMMENT: NONE

EXECUTIVE SESSION: NONE

ADJOURNMENT: Motion made by Mayor Tersigni and second by Mr. Brotzman:
YEAHS: Mr. Brotzman, Chairman Duffy, Mr. Hanisak, Councilman Kennedy, Mr.
Penrose, Mayor Tersigni, Mr. Turnbull, Vice Chairman Zwicker, ABESNT: Mr.
Bengivenga, Mr. Rooney NO NAYS

Submitted By: Kelly Lefler Land Use Secretary