

PHILLIPSBURG LAND USE

Amended MINUTES 10/27/22

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

MINUTES: Minutes dated 9/27/22 motioned made by Mr. Brotzman and second by Mayor Tersigni. **YEAHS:** Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Mr. Rooney **NAYS:** None **Abstain:** Vice Councilman Zwicker **Absent:** Chairman Duffy **Executive Meeting Minutes dated 9/22/22** motion made by Mayor Tersigni second by Mr. Penrose Mayor **YEAHS:** Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Mr. Rooney **NAYS:** None **Abstain:** Vice Councilman Zwicker **Absent:** Chairman Duffy

RESOLUTION: NONE

COMPLETENESS: 145 Washington Street was deemed incomplete due to no representation being at the meeting and the applicant is an LLC and requires representation. Motion made by Mayor Tersigni **YEAHS:** Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Mr. Rooney, Vice Councilman Zwicker **Absent:** Chairman Duffy. **Avantor 600 North Broad Street:** Attorney Peck represented Applicant who is applying for a Canopy Solar facility over parking lot. He called Michael Thomas as the first witness, and he was sworn in by Attorney Wilhelm. His CV is exhibit A-1. Motion made completeness made by Mayor Tersigni and second by Mr. Brotzman. **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker. **NAYS:** None **Recuse:** Mr. Hanisak **Absent:** Chairman Duffy. Hearing will be on November 21, 2022

HEARINGS: 326 South Main Street: Attorney Peck represented the applicant. Wayne Ingram Engineer was deemed an expert witness at the September 22, 2022, meeting and His CV was introduced as Exhibit A-1. This property is a residential and Grace Baptist church and the applicant wants to sub divide the property. They do not know the future use of the property, but once divided will have a better idea. There are D variances. Minimum front lot, minimum lot area, minimum yard setback, minimum side yard setback, parking variance. Realtor Joseph Cash, realtor for PC7REO was sworn in by Attorney Wilhelm. He said it has been 6 years since the property was acquired. Nobody wants to take responsibility for the 2 lots. If subdivide there will be more interest in buying. Engineer Wayne Ingram was at the completeness and deemed an expert witness. Sworn in by Attorney Wilhelm. His CV was introduced at the 9/22/22 meeting as A-1. He went into detail of how the line for the property would be divided. No objection to permanent and temporary waivers outlined in VanCleaf Letter dated 10/21/22. All utilities will be separated. Robin Coe Donaldson doesn't have a problem with the project, but said the roof is really bad and needs to be fixed to make it more marketable. **Approval for Six variances** per page 17 of VanCleaf Engineers review Letter dated 10/21/22 motion made by Mr. Penrose and second by Mr. Brotzman. **YEAHS** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** None **Recuse:** Mayor Tersigni Councilman Kennedy **Absent** Chairman Duffy. Approve Permanent Waivers motion made by Mr. Hanisak second by Mr. Brotzman **YEAHS** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** None **Recuse:** Mayor Tersigni Councilman Kennedy **Absent** Chairman Duffy. Approval for 326 South Main Street Major Subdivision preliminary and final site plan motion made by Mr. Hanisak second by Mr. Brotzman **YEAHS** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** None **Recuse:** Mayor Tersigni Councilman Kennedy **Absent** Chairman Duffy. **75 & 83 South Main St. (Elks Building)** Attorney Mark Peck represented the applicant. Completeness was approved at 9/22/22 meeting. Commercial on first floor and apartments on other floors. Wayne Ingram CV introduced as Exhibit A-1 at 9/22/22 meeting. Exhibit A-2 Architect Jessica Pisapia Margulies, AIA was sworn in by

Attorney Wilhelm. Minimal exterior changes to the property. The two windows will be doors. 2 Stores and 31 1&2 Bedroom 3 three bedroom. Mr. Penrose had questions about Fire escapes. Mr. Ingram said when permits are issued, they will comply with the fire escapes. Parking was the primary concern of the board. They are going to try and configure parking area by the slope. Will modify the lighting. There will be EV stations, one of which will be ADA. Parking spots will be short but there are offsite parking permits through the town. No stormwater impacts. No objection to VanCleaf report dated 10/25/22. Applicant will go to town Council for Sidewalk issue along Pleasant Alley. 3-4 parking spots will be lost if they need to put in sidewalks. Public Comment on project: Robin Coe would like to see a parking garage. Kevin Keyser said it is a good project but need to downsize because of parking. David Morrisette brought up the ordinance and parking in the town lots. Shawn was very excited about the future of Phillipsburg and feels the project is too big because of parking issues. Motion was made to approve permanent waivers in VanCleaf engineer letter dated 10/25/22 2B, 2F, 2J, 3K by Mr. Hanisak and second by Mr. Penrose. **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy **Absent:** Chairman Duffy. Motion was made for parking variance 55 parking spots proposed 74 is the ordinance VanCleaf letter dated 10/25/22 was made by Mr. Penrose and second by Mr. Turnbull. **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** Mr. Rooney **RECUSE:** Mayor Tersigni, Councilman Kennedy **Absent:** Chairman Duffy. Motion was made for Final and Conventional Site Plan Approval by Mr. Penrose and second by Mr. Turnbull. **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy **Absent:** Chairman Duffy

CORRESPONDENCE: NONE

NEW BUSINESS: 125 Howard Street Site Plan Exemption. Represented by Attorney Kevin Hahn who introduced Rick Brown G & G Distributions and was sworn in by Attorney Wilhelm. This is a pet shampoo manufacturer for grooming animals. Adding interior equipment to produce products. Electrical work to power

machines. Drains for leaks. No exterior work will be done. There is sufficient parking. Deliveries during working hours from 8-5. No outside storage. Will follow guidelines made by Fire Department. Will go through Warren County Board of Health. There is plenty of lighting. Sanitary sewer is connected to the system's. Seek waiver for sidewalks which they will go to Council. A-1 Survey, A-2 Michael Campbell Letter A-3 Plans Motion made for Site Plan Waiver/Exemptions 510-9B ordinance made by Mayor Tersigni second by Mr. Brotzman. **YEAHS:** Mr. Rooney Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni Vice Chairman Zwicker **NAYS:** None **ABSENT:** Chairman Duffy

OLD BUSINESS: Consistency Review Letter Report Amendment to the Riverfront Redevelopment Plan Riverside Industrial District No. 5. Attorney Peck Consistency letter addresses the height building and change from 50 ft to 65 ft. for cold storage. Town Council sent resolution 2022-191 to Land Use Board to undertake investigation. Land Use Board had VanCleaf do the report and bringing it back to the board. **Requested Conditions/Restrictions** • The maximum building height is limited to 55 feet, with additional a height allowance for installation of mechanical and utility systems to be installed up to a height of 10 feet from the roof line and shall result in overall building envelope height of not more than 65 feet. • All rooftop mounted mechanical and utility systems shall be screened, to be consistent with the Master Plan goals to limit visual and noise impact of surrounding properties/zones/uses. • All rooftop mounted mechanical and utility systems must be installed in a manner and setback that enables access to the roof by the Town of Phillipsburg Fire Department and other emergency services. • Mechanical and utility systems should be understood to include refrigeration systems, ventilation systems, HVAC, solar panel systems and stormwater green infrastructure systems. It should not include backup power generators without sound attenuation or storage of fuels. • The rooftop mechanical area may not be used for storage of goods or products or office space. • The rooftop mechanical area may not be utilized for office space but should not prevent enclosed mechanical cabinets and/or equipment control enclosures or life safety egress systems. **Considerations** • The Applicant has as part of the amendment request has indicated the amendment would enable a cold storage facility that could utilize the railroad located adjacent to the property, which may require grading changes to the site. The Board and Council should consider if grading changes

provide for rail access that if the site layout permits rail access is made accessible to additional users in the Town, as this would be in line with prior consistency report of address the need to limit trucks on the Town roads. • In addition, the regrading for the rail connection, may enable additional river level access to the public and potential additional tourist access to the rail line, with this in mind the Board and Council should consider requesting plans that include improved rail access to the site review provisions to enable greater access to the river in conjunction with rail operator who would also benefit from such increase access. This provision would be consistent with the redevelopment plan goals for adjacent redevelopment recreation and open space area. In addition, this would be in line with the prior consistency report recommendations to address balance between these uses. **Public Comment on Consistency report:** Mary O'Sullivan asked who is responsible for re-zoning to industrial from residential. Attorney Wilhelm expressed that it is not the Land Use Board to follow up with Town Council's decision after the LUB has sent the Consistency report back to them. Who is responsible for railroad. She feels that trucks are a big problem in the town. Concerns of how high the building would be, and it will stick out. Robin Coe Concerns of how high the building will be, and it will stick out. Truck issues and this is the time to put restrictions. Bus stop at McKeen and pollution. Does not feel that 65" is consistent with the master plan. David Morrisette has concerns on the railroad. He has nothing against warehouses, and he was on the board that approved the opus Ingersoll Rand Property. Feels that warehouses do not fit ion the Riverfront Redevelopment Plan. Hope that the Board does not vote to change the to 65'. Also, concerns for Center Street Truck traffic. Rob DeBeer who also represents Peron Construction said that he has been in contact with the railroad and Peron will be responsible for the connection. Motion was made to send letter back to Council for Consistency review letter from VanCleaf dated 9/22/22 is consistent with the Redevelopment Plan by Mr. Brotzman and second by Mr. Penrose. **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Vice Chairman Zwicker. **Nays:** Mr. Rooney, Mr. Turnbull **Recuse:** Mayor Tersigni Councilman Kennedy **Absent:** Chairman Duffy

UPDATE ON CIRCULATION COMMITTEE: NONE

PUBLIC COMMENT: None

EXECUTIVE SESSION: None

ADJOURNMENT: Motion made by Mayor Tersigni second by Mr. Hanisak **YEAHS:** Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mr. Penrose, Mayor Tersigni, Mr. Turnbull, Mr. Rooney, Vice Chairman Zwicker **NAYS:** None **Absent:** Chairman Duffy

Submitted by: Kelly Lefler Land Use Secretary