

## LAND USE MINUTES

DECEMBER 15,2022

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

**MINUTES:** Minutes for 11/21/22 Motion made by Mayor Tersigni second by Chairman Zwicker **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** NONE **ABSTAIN:** Mr. Penrose, Mr. Turnbull

**RESOLUTIONS:** NONE

### **COMPLETENESS/PUBLIC HEARING:**

**COMPLETENESS:** 577 Memorial Parkway: Mayor Tersigni & Councilman Kennedy recused themselves because of a D variance. Applicant wants to change first floor commercial to residential. Taxes are paid to date. Tim O'Brien from VanCleaf went over Completeness Review dated 12/9/22. Motion for Completeness was made by Mr. Brotzman and Second by Vice Chairman Zwicker. **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy. **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy

**HEARINGS:** Avantor for Solar Canopies: Attorney Peck addressed that Completeness was approved on 10/27/22. Attorney Wilhelm swore in Engineer Michael Thomas as an expert witness. Solar System will be ground mounted over parking lot area. Presently there are 258 parking spaces, and they will continue to have 258 parking spaces and not lose any. There will be no interruptions for emergency vehicles. If gates are locked, they will provide access to emergency vehicles. There will be no issues and they will meet with Fire Chief to make sure

everything is accessible. Some utility poles will be removed, and they will work with JCPL for lighting. No odor will be generated. A switch gear makes a humming noise unlikely it can be heard. A copy of reference survey as noted in plans for flood hazard. Planner John McDonough was sworn in by Attorney Wilhelm who went over some of the plans. Solar panels will be used as car ports. Nature of the use is beneficial and it is a permitted use. The position of the solar panels will be on the North Main Side. This will also promote energy uses and will make the facility better.

**EXHIBITS** for Avantor: Michel Thomas Engineer Exhibit A-1, A-2 Preliminary and Final Site Plan, A-3 Sheet 8 of 30 Construction Site Plan, Exhibit A-4 Sheet 10 of 30 Utility Plan, Exhibit A-5 Page 23 of 30 Construction details, Exhibit A-7 Planner John McDonough. No public comments for this application

Motion for 3 variances set forth in VanCleaf Technical review dated 12/9/22 was made by Mr. Rooney and second by Mayor Tersigni **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** NONE **RECUSE:** Mr. Hanisak. Motion for Permanent Waivers 2B, 2C, 2D, 2J, 3D, 3N as set forth in VanCleaf Technical review dated 12/9/22 motion made by Mayor Tersigni and second by Mr. Penrose **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** **NONE** **RECUSE:** Mr. Hanisak. Avantor Preliminary and Final Site Plan approval motion 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, Chairman Duffy **NAYS:** NONE **RECUSE:** Mr. Hanisak.

**HEARING:** 180 North Riverview Rd. Attorney Edleston represented the applicant. This is a C variance which the applicant wants to enclose an area of the front porch for more living space. Variances are noted on the Waiver review from VacnCleaf dated 12/21/22. Lillian Estelle Flete, owner of the property was sworn in by Attorney Wilhelm but she needed her daughter Eleana Reynoso to also be sworn in. Fence and Pool on the application has been taken care of by a Zoning Permit approved by Pat Kays. Variance was for the porch setback. Single family home. No public comment on the application. Motion for Variances 2 & 4 on page 5 of VanCleaf letter dated 11/21/22 was made by Mayor Tersigni and second by

Mr. Rooney. **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Penrose, Mr. Turnbull **NAYS:** NONE Motion made for Site Plan Exemption approval by Mayor Tersigni and second by Mr. Brotzman **YEAHS:** Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Penrose, Mr. Turnbull. **NAYS:** NONE

**CORRESPONDENCE:** NONE

**NEW BUSINESS:** NONE

**BILL'S LIST:** NONE

**OLD BUSINESS:** NONE

**PUBLIC COMMENT:** NONE

**EXECUTIVE SESSION:** NONE

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

Submitted by: Kelly Lefler Land Use Secretary