

LAND USE MEETING MINUTES REORGANIZATION

JANUARY 26, 2023

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. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Absent:** Mr. Rooney, Mr. Brotzman

Minutes: Approval of minutes dated 12/15/22: Motion made by Mayor Tersigni second by Mr. Penrose **Yeas:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy

Absent: Mr. Rooney, Mr. Brotzman **Abstain:** Mr. Bond **Nays:** None

Nomination of Chairman: Mr. Penrose nominated Mr. Duffy second by Mayor Tersigni. Mr. Duffy accepted the nomination. All members present Voted yes and Mr. Duffy was elected as Chairman.

Nomination for Vice Chairman: Mr. Penrose nominated Mr. Zwicker second by Mayor Tersigni. Mr. Zwicker accepted the nomination. All members present voted yes and Mr. Zwicker was elected as Vice Chairman.

Appointment of Board Secretary: Mayor Tersigni nominated Kelly Lefler second by Mr. Penrose. All members present voted Yes and Kelly Lefler was appointed as Land Use Board Secretary.

Appointment of Recording Secretary: Mayor Tersigni nominated Kelly Lefler second Mr. Zwicker. All members present voted Yes and Kelly Lefler was Appointed Recording Secretary.

Appointment of Professional Planner: Mayor Tersigni nominated VanCleaf and Mr. Zwicker second. All members present voted Yes and VanCleaf was appointed as Land Use Planner.

Appointment of Land Use Attorney: Mayor Tersigni nominated Attorney Scott Wilhelm second by Mr. Penrose. All members present voted yes and Attorney Scott Wilhelm was appointed as Land Use Board Attorney.

Appointment of Land Use Engineer: Vice Chairman Zwicker nominated VanCleaf second by Mayor Tersigni. All members present voted yes and VanCleaf was appointed Engineer for Land Use.

Adoption of Land Use Meetings and Times: Motion made to accept by Vice Chairman Zwicker second by Mayor Tersigni. All members present voted yes, and meetings and times was adopted.

Official Newspaper Express Times/Star Ledger: Motion to adopt made by Mayor Tersigni second by Mr. Penrose. All members present voted yes, and Official newspaper was adopted.

Adoption of Robert Rules of Parliamentary Procedures: Motion to adopt made by Mayor Tersigni second by Mr. Penrose. All members present voted yes and adoption of Robert Rules and Parliamentary Procedures was adopted.

Resolutions: Resolution 2023-1: 180 North Riverview Rd. Site Plan Exemption Approval: Motion made by Mayor Tersigni second Mr. Penrose. **Yeas:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Mr. Zwicker, Chairman Duffy. **Nays:** No Abstain: Mr. Bond **Absent:** Mr. Rooney, Mr. Brotzman. **Resolution 2023-2** Avantor 600 North Broad St. Preliminary and Final Major Site Plan Approval: Motion made by Mayor Tersigni Second by Mr. Penrose **Yeas:** Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman

Zwicker, Chairman Duffy **Nays:** None **Abstain:** Mr. Bond **Recuse:** Mr. Hanisak **Absent:** Mr. Rooney, Mr. Brotzman

Appointment of Backup Land Use Attorney Gregory Gianforcaro:
Motion made by Mayor Tersigni second by Vice Chairman Zwicker
Yeas: Mr. Bond Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman

Redevelopment Committee Leader No Nomination. Keith Zwicker. All present voted Yes.

Completeness: 34 Colby Place Minor Site Plan Application. Attorney Wilhelm recused himself for this application due to conflict and Attorney Greg Gianforcaro presided. completeness was motioned by Mayor Tersigni second by Vice Chairman Zwicker. **Yeas:** Mr. Bond Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman. Parkside Estates (Manor House) **Bl 2701 Lot 5.05 Lot 7** Completeness Incomplete Minor Subdivision motioned by Mayor Tersigni second by Mr. Penrose **Yeas:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman **Abstain:** Mr. Bond. Parkside Estate (Manor House) **Block 2701 Lot 5.04 Lot 8 & 9** Completeness Incomplete Minor Subdivision motioned by Mayor Tersigni second by Mr. Penrose **Yeas:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman **Abstain:** Mr. Bond **Bl 2701 Lot 5.05 Lot 7** Completeness Complete with waivers dated in letter from VanCleaf dated 1/17/23 Major Subdivision Completeness motioned by Mayor Tersigni second by Mr. Penrose **Yeas:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:**

None **Absent:** Mr. Rooney, Mr. Brotzman **Abstain:** Mr. Bond **Block 2701 Lot 5.04 Lot 8 & 9** Completeness Complete Major Subdivision with Waivers from VanCleaf letter dated 1/17/23 completeness motioned by Mayor Tersigni second by Mr. Penrose **Yeahs:** Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman **Abstain:** Mr. Bond **BI 2701 Lot 5.05 Lot 7** Completeness. No representation for Completeness. **540 Marshall Street** Completeness with VanCleaf letter dated 1/13/23 and Attorney Wilhelm's. Deemed complete motion made by Mr. Penrose second by Mr. Hanisak. **Yeahs:** Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nays:** None **Absent:** Mr. Rooney, Mr. Brotzman **Recuse:** Mayor Tersigni. Three residential and 1 mixed use buildings.

Exemptions: 596 Elder Ave. Site Plan Exemption accept ADA compliance a Compact car parking spots. Attorney Mark Peck represented Applicant. Applicant will be opening a Mediterranean Restaurant. No changes to building or parking but will allow for ADA and compact cars. Will also have outside dining during the warmer months. Signage will be whatever town code allows. They will install building sconces for more light. Not installing sidewalks will be going to Town Council. They would like to keep the buffer of trees instead of sidewalks. No comments from the public. Mayor Tersigni said he supports this project. **Exhibits:** A-1 Jessica Margulies Architect A-2 Dyes Test A-3 Building Photos. Motion made for Site Plan Exemption accept ADA compliance and compact cars parking spots made by Mayor Tersigni second by Vice Chairman Zwicker **Yeahs:** Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Absent:** Mr. Rooney, Mr. Brotzman **Nays:** None

Exemption: 600 North Broad Street Avantor Site plan exemption building 126. Attorney Mark Peck represented the applicant. Need to modify roof to increase production of Benzyl Alcohol. No additional hazards. They will run for 72 hours and then package for several weeks. Robert Price Structural Engineer was sworn in by Attorney Wilhelm. He showed where the roof will be raised 6%. Roof will not change skyline other buildings are taller. **Exhibits:** A-1 Robert Price CV Structural Engineer A-2 Roof Elevation A-3 Fire Chief Letter Motion made for 600 North Broad Street Avantor Site Plan Exemption Building 126 approval by Mayor Tersigni second by Mr. Penrose **Yeas:** Mr. Bond Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Recuse:** Mr. Hanisak **Nays:** None

Hearings: 577 577 Memorial Parkway Minor Site Plan Application with Variance. Attorney Peck represented the applicant for 577 Memorial Parkway. D-1 variance change of use of 1st floor from commercial to residential. There will be 3 apartments. There will be 5 parking spots with one of them being ADA. Tim O'Brien talked about the technical review letter. Sidewalk needs to conform with ADA and would need a waiver. Applicant will go to Council to use existing black top. There will be no EV spaces. Will work to get the lighting that is not working now to work. No landscaping but will work with Tim for better appearance. Craig Stires was sworn in by Attorney Wilhelm. He was expert witness that prepared site plan. Mark Zgoda Architect for the applicant was sworn in by Attorney Wilhelm. He showed the existing condition of the building now. Motion made for **Minor Site Plan Completeness D-1 Use variance** made by Vice Chairman Zwicker second by John Penrose **Yeas:** Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker Chairman Duffy **Nays:** None **Recuse:** Mayor Tersigni **Absent:** Mr. Rooney, Mr. Brotzman Accept and Grant 8C Variances motion made by Vice Chairman Zwicker second by Mr. Penrose **Yeas:**

Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nays: None Recuse: Mayor Tersigni Absent: Mr. Rooney, Mr. Brotzman Accept and Grant 3 Waivers** motion made by Vice Chairman Zwicker second by Mr. Penrose Yeahs: Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nays: None Recuse: Mayor Tersigni Absent: Mr. Rooney, Mr. Brotzman Minor Site Plan Approval** Yeahs: Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nays: None Recuse: Mayor Tersigni Absent: Mr. Rooney, Mr. Brotzman.** No public Comment **Exhibits: A-1 Craig Stires CV, A-2 Color Rendering Site Plan A-3 24 Color Photos, A-4 Dye Test, A-5 Mark Zgoda CV. A-6 Existing conditions Drawing**

Correspondence: NONE

New Business: NONE

Circulation Update: The work is completed, and public hearing will be scheduled for March 9th.

Bill's List: Attorney Wilhelm Land Use Bill motion made by Mayor Tersigni second by Vice Chairman Zwicker **Yeahs: Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy Nays: None Absent: Mr. Rooney, Mr. Brotzman**

Public Comment: Mr. Morrisette wanted to welcome new Board Member and thanked everyone for their Civic Duty to the Board. When evaluating he asked that the board keep the residents in mind is paramount. Mayor Tersigni thanked Land Use Board Members and welcomed Mr. Bond.

Executive: None

Adjournment: Motion made by Mayor Tersigni second by Mr. Penrose
Yeas: Mr. Bond Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor
Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Absent:**
Mr. Rooney, Mr. Brotzman

Submitted by: Kelly Lefler Land Use Secretary