

## LAND USE MINUTES

February 23, 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, Mr. Rooney, Mr. Brotzman

**Minutes:** Dated 1/26/23 motion made by Mayor Tersigni second by Mr. Hanisak **YEAHS:** Mr. Bond, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** Mr. Rooney, Mr. Brotzman

**Resolutions:** **2023-3** 577 Memorial Parkway Resolution Granting Preliminary and Final Minor Site Plan Approval Bulk Variance and Use Variance 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 **Abstain:** Mr. Rooney, Mr. Brotzman **Recuse:** Mayor Tersigni **Resolution 2023-4** 596 Elder Avenue Granting Site Plan Exemption & Variances motion made 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 **Abstain:** Mr. Rooney, Mr. Brotzman **Resolution 2023-5** 600 North Main St. Granting Site Plan Exemption motion made by Mayor Tersigni second by Mr. Penrose **YEAHS:** Mr. Bond, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Abstain:** Mr. Rooney, Mr. Brotzman **Recuse:** Mr. Hanisak

**Completeness:** 3000 Rand Blvd carried to March 23,2023 660 Memorial Parkway carried to March 23, 2023

- **Public Hearing: 145 Washington Street Subdivision** Attorney Roselli presented for Attorney Sachs who could not make the meeting. Variance plan submitted to sub divide property. Existing Lot has 1(2) story dwelling. Debra D'Amico sworn in by Attorney Wilhelm as expert witness. Her CV is Exhibit A-1. She testified that they would take down deck and fencing subdivide into 2 lots and build like the existing house. There is parking on both sides of Washington St., and she feels there is plenty of parking. Tim asked about parking and asked if she visited the site. She did visit the site and feels the parking would not be a problem. He would like a dye test done on the existing house and they have no problem doing that. Mr. Rooney has concerns about parking and Mayor Tersigni wants to make sure this will be a single-family home. Debra D'Amico said it will be a single-family home. Concerns by residents were parking, too close to other home and take a look at parking when people are home. Attorney Roselli said applicant will add parking pad to new home and amend application. Applicant will continue application without notice on March 23, 2023. **Parkwood Court Major Site Division** Block 2701 Lot. 5.05 Lot 7 and Block 2701 Lot 5.04 Lt 8 & 9. Brian Tipton Attorney represented the applicant. Attorney Wilhelm swore in Thomas Fik professional Engineer. Mr. Fik talked about line adjustments to avoid going out on Green Street. Stormwater management would share basin with previous development. Condition of approval to see capacity when lots are developed. Time asked for a letter from HOA to add for stormwater. He also asked to comply with green infrastructure. Mr. Fleischer was sworn in by Attorney Wilhelm. Mr. Fleischer said he will

communicate with president of HOA to accept lots into the HOA. He will also address stormwater. Tim requires a letter of no contamination on lots 7, 8 & 9. At this time lots 8 & 9 do not have access to Parkwood Court, only Green St. Changing the lot lines will give access to Parkwood Court. There is development at this time for 8 & 9. Applicant agrees to do everything with 8 & 9. Mr. Zwicker all stormwater was factored into original plans. Mr. Duffy likes the idea of not having to come out on Green Street. No Public comment. **Exhibits: A-1** Thomas Fik, **A-2** Major Subdivision Plan **A-3** Proposed Lot Adjustment. **Parkwood Court** Block 2701 Lot 5.05 Lot 7 granting **(1) permanent waiver** motion made by Mayor Tersigni second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy. **Nays:** None **Abstain:** None **Recuse:** None **Parkwood Court** Block 2701 Lot 5.05 Lot 7 **(4) Variances** motion made by Mayor Tersigni second by Mr. Rooney, **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None Abstain: None **Recuse:** None **Parkwood Court** 5.05 Lot 7 Major Subdivision Preliminary and Final motion made by Mayor Tersigni Second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None Abstain: None **Recuse:** **Parkwood Court Block 2701 Lot 5.04 Lot 8 & 9** (1) Permanent waiver motion made by Mayor Tersigni second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Abstain:** None **Recuse:** None

**Parkwood Court Block 2701 Lot 8 & 9** (3) Variances motion made by Mr. Rooney second by Mayor Tersigni **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None Abstain: None **Recuse: None Parkwood Court Block 2701**

**Lot 8 & 9** Major subdivision preliminary and final motion made by Mayor Tersigni second by Mr. Hanisak **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Abstain: None Recuse: None 540 Marshall Street Site Plan**

John Fioro is representing the applicant. John Colasuonno was sworn in by Attorney Wilhelm and talked about the project. There will be 3 apartment buildings and 1 mixed use with grocery store on bottom and apartments above. Project will be in 2 phases. This will be senior housing with 84 housing units and grocery store. 98 parking spaces with 16 EV stations. Hoping for 7 days a week 7AM to 10PM operation hours. Mr. Duffy at this point asked about garbage, parking spots and handicap. Mr. Rentko, Engineer was sworn in by Attorney Wilhelm and went over in detail about parking and striping for parking. Garbage will have an area where the tenants will bring their garbage out. There will be elevators in each building. John Penrose asked about if utilities are underground and was answered with yes they are. Tim asked about generators onsite and that was also answered as yes. Stormwater was addressed by Tim and answered thoroughly by Engineer. Every Floor will have a laundry room and the bottom floor will have common area. Mr. Zwicker asked about the size of the apartments and there will be 1- and 2-bedroom apartments and studio apartments that will be 300 sq ft. – 500 sq. ft. Mr. Duffy asked if grocery store will have a separate garbage area and

recycling. Yes, there will be. Also, there will be locked windows and cameras installed for security. Planner Elizabeth Margulies was sworn in by Attorney Wilhelm. She went over in detail about bringing life back to the site. There will be a D variance needed to change it to senior housing. It is very important to bring a grocery store to the area. There are several buildings in the area that are housing. There are 7 variances, 1 D variance and 5 permanent waivers. for this project. They will update road frontage and landscaping. Mr. Duffy asked if there will be signage for the store and there will be according to town ordinance. He also asked if this was low income, and it will not be. And does this senior housing automatically limit no school children and the answer is there will be no school children. Mr. Brotzman asked if there is anyone interested in the grocery store and they have 3 tenants interested. Public comment on the project: Lee Clark feels this is extremely exciting. We need a grocery store and senior housing. We are a food desert. He has talked to residents and it is very difficult to go to the grocery store. He feels that this needs full support. It said that now it is an eyesore and embarrassment. Stewart: Grocery store should be built first. It's a mess right now and this would be a huge improvement. This project is exciting. Mayor Tersigni talked as a resident and pointed out how residents have to drive to another town for groceries. This will generate ratables and clean the property up. Mr. Morissette thinks the is great. Make a commitment that they will only hire Phillipsburg residents. Mr. Zwicker is very dissatisfied. Needs commercial building in a commercial area. Mr. Penrose said that this is a great opportunity for something to be done. **540 Marshall Street Block 1005 Lot 3 Preliminary and Final Site Plan** Mr. Rooney made a motion for D Variance (Use Variance) second by Mr. Bond

**YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Chairman Duffy. **NAYS:** Vice Chairman Zwicker **Recuse:** Mayor Tersigni **Absent:** None. Motion made by Mr. Rooney and second by Mr. Bond for 5 Permanent Waivers

**YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Chairman Duffy. **NAYS:** Vice Chairman Zwicker **Recuse:** Mayor Tersigni **Absent:** None. Motion made by Mr. Rooney and second by Mr. Penrose for 7 variances **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Chairman Duffy. **NAYS:** Vice Chairman Zwicker **Recuse:** Mayor Tersigni **Absent:** None. Motion made by Mr. Penrose and second by Mr. Brotzman for Preliminary and Final Site Plan Approval **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Chairman Duffy. **NAYS:** Vice Chairman Zwicker **Recuse:** Mayor Tersigni **Absent:** None

**Exhibits: A-1 CV for Joseph Rentko P.E., A-2 CV for Emanuel Obiora, A-3 CV for Elizabeth McManus P.P. A-4 Site Plan, A-5 Rendering Apartments, A-6 Rendering of Mixed Use Building, A-7 Overall Site Map**

**CORRESPONDENCE: NONE**

**NEW BUSINESS:** Land Use Digital Plan Discussion: Discussed briefly about changing to digital submission of plans and documents. Tablets should be supplied to all Board Members. Council would need to change the ordinance. Everyone liked the idea of digital. Suggested that we could look into the school district and how much they could get tablets for.

**OLD BUSINESS:** Circulation Element Special Meeting has been posted in the Express Times, Phillipsburg Website and posted on the town bulletin board. Hard copy will be available for the public

in Kelly Lefler's Office from 8-4 M-F. Mr. Morissette would like the circulation plan in digital format.

**PUBLIC COMMENT:** Stewart Ridley said going digital would-be great Mr. Morissette would like the circulation plan in digital format. Also was discussed about why LMR has not come to the Land Use Board for the business he is running. This needed a site plan change and has not come to the board. Town code enforcer and Mayor has jurisdiction over violations. Mayor Tersigni thanked everyone for the Marshall Street project.

**EXECUTIVE SESSION:** None

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

**Submitted by Kelly Lefler Land Use Secretary**