

LAND USE MINUTES

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

Minutes: Minutes dated 02/23/23 and 03/09/23 were motioned by Mayor Tersigni and second by Mr. Brotzman **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSENT:** Mr. Rooney, Mr. Bond

Resolutions: 2023-6 Granting Preliminary and Final Major Subdivision Manor House Block 2701 Lot 5.04 Lot 7 was motioned by Mayor Tersigni and second by Mr. Hanisak **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** Councilman Kennedy **ABSENT:** Mr. Rooney, Mr. Bond Resolution 2023-7 Granting Preliminary and Final Subdivision Manor House Lot 5.04 Lot 8 & 9 Motioned by Mayor Tersigni Second by Mr. Turnbull **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** Councilman Kennedy **ABSENT:** Mr. Rooney, Mr. Bond Resolution 2023-8 Motion made Granting Variances and Preliminary and Final Site Plan Approval motion made by Mr. Brotzman and second Mr. Penrose **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Chairman Duffy **Recuse:**

Councilman Kennedy, Mayor Tersigni **ABSENT:** Mr. Bond, Mr. Rooney,
NAYS: None Vice Chairman Zwicker N/A due to voting no on
Completeness.

Completeness: 660 Memorial Parkway (McDonalds) Attorney Walters represented the Applicant for the Minor Site Plan. Michael Jeitner Engineer for the project was sworn in by Attorney Wilhelm His CV was entered as Exhibit A-1. Waivers are existing and existing site will not change. Want to have a 2-lane drive-up. Parking will go from 42 to 35, which will still be in compliance. Tim addressed that this is a minor site plan, and the footprint will not change only the outside. Motion for completeness was made by Mayor Tersigni and second by Vice Chairman Zwicker. **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSENT:** Mr. Rooney, Mr. Bond.

213 Broad Street (Norwescap) Attorney Mark Peck represented the applicant. This project is a minor site plan and to renovate the existing warehouse. Attorney Peck wanted the board to take note that this project is being funded by a state grant. Must be allocated by June 30, 2023. If they must come back to the board to determine a minor or major site plan that would jeopardize the timing for the grant. Project manager David Ulassin was sworn in by Attorney Wilhelm and said that the construction is simple and a one-shot deal on the loading dock. Taxes are paid to date. Motion for Completeness was made by Vice Chairman Zwicker and second by Mr. Brotzman. **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSENT:** Mr. Rooney, Mr. Bond.

Hearing: 145 Washington Street came back to the board with a way to address the board's concerns on parking. Original hearing was 2/23/23 were the Applicant said he would make changes to the plans to address

the parking issue. Attorney Sachs spoke on behalf of the applicant. Debra D'Amico was sworn in at the last meeting and showed revised plans. Lot B will have parking when they slide back the house. She did go into the neighborhood and looked at parking and there were 8 spots at peak time. They will do a sanitary dye test and replace the sidewalk and curb. Exhibit A-3 was introduced as revised plans. The final Plat for preliminary and final that was sent for review was introduced as Exhibit A-4. The Mayor had a question about parking in the garage and not using it as storage. David Eddings owner of the property was sworn in by Attorney Wilhelm and he testified that the garage will be used for parking. Public Comment on Hearing: Dave Morrisette thanked the applicant for listening to the residents' concerns. **Exhibits:** A-1, Deborah D'Amico, A-2 Variance Plan, A-3 Survey, A-4 Final Plat Motion for variances was made by Mayor Tersigni and second by Mr. Penrose **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Abstain:** Councilman Kennedy **Absent:** Mr. Rooney, Mr. Bond. Motion was made by Mayor Tersigni and second by Mr. Brotzman **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None, **Abstain:** Councilman Kennedy **Absent:** Mr. Rooney, Mr. Bond. Motion was made by Mayor Tersigni and second by Mr. Penrose for Preliminary and Final for Minor Subdivision **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Abstain:** Councilman Kennedy **Absent:** Mr. Rooney, Mr. Bond

Correspondence: NONE

NEW BUSINESS: NONE

BILL'S LIST: Attorney Wilhelm motion made by Mayor Tersigni second by Mr. Brotzman **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr.

Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Absent:** Mr. Rooney, Mr. Bond

Old Business: Circulation Element Plan update. Kelly has not received any letters or emails for the plan.

Public Comment: Wanted to thank Mr. Zwicker helping to not have Center Street as a truck route. The state has agreed with the town about Center Street not being a truck route. Tim O' Brien will be going back to the DOT for final. It was asked what Mr. Morrisette does when he videos the meeting. He said he posts clips, and the Land Use Board has gotten good reviews. Attorney Wilhelm said since he is a private citizen he could show what he wants. Mr. Brotzman feels he should not only show clips. Mr. Morrisette also said if someone is speaking, he does not cut them off, he shows the whole thing.

Executive Session: Motion made to go into executive session by Vice Chairman Zwicker and second by Mayor Tersigni **YEAHS:** Mr. Brotzman, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **Absent:** Mr. Rooney, Mr. Bond **NO ACTION TAKEN**

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

Submitted by Kelly Lefler Land Use Secretary