

## LAND USE MINUTES

APRIL 27, 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:** Councilman Kennedy, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Bond, Mr. Rooney

**Absent:** Mr. Hanisak, Mr. Brotzman

**Minutes:** Dated 3/23/23 approval motioned by Mayor Tersigni second by Mr. Turnbull **YEAHS:** Mr. Penrose, Mr. Turnbull, Councilman

Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy

**NAYS:** None **ABSTAIN:** Mr. Bond, Mr. Rooney **ABSENT:** Mr. Brotzman, Mr. Hanisak

**Resolution:** 2023-9 (145 Washington Street) Major Subdivision motioned by Mayor Tersigni second by Mr. Penrose **YEAHS:** Mr.

Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** Mr. Bond, Mr. Rooney **ABSENT:** Mr. Brotzman, Mr. Hanisak

**Completeness:** 1-3 Davis Street was represented by Attorney Edleston who questioned why this would be a major subdivision in Tim O' Brien's VanCleaf Completeness Review. Tim explained the reasons as lot area, setbacks, and road frontage. Attorney Wilhelm said that a minor subdivision is very broad and that decision for it to be Minor or Major is up to the Board. A motion was made by Mr. Penrose and second by Mr. Bond to consider this as a minor subdivision. **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Vice chairman Zwicker, Chairman

Duffy. **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy  
**ABSENT:** Mr. Brotzman, Mr. Hanisak. Chairman Duffy asked if this would be 2 parcels and no more. It would not fit more than 2. Harry Wyant, owner of the property was sworn in by Attorney Wilhelm for questions that may be asked about the property. Mr. Rooney asked if this would be rentals and Mr. Wyant wants to subdivide for owner occupied individual homes. Sewer connections were also addressed, and Mr. Wyant said this would be very expensive if he was made to put in separate sewer lines. He would have to take out both kitchens and concrete floors. Conditions of the approval required by the sewer authority. Mr. Penrose asked who would be responsible for the sewer and Mr. Wyant said it would be part of the deed. Completeness for minor subdivision was motioned by Mr. Penrose and second by Vice Chairman Zwicker. **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Vice chairman Zwicker, Chairman Duffy. **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy **ABSENT:** Mr. Brotzman, Mr. Hanisak. Completeness for 64 Filmore Street Minor Site Plan. Attorney McNally represented the Applicant Joseph Sirmarco. Minor site plan since this exceeds the 2000 square foot ordinance. Board has decision to deem minor or major site plan. Motion made by Mr. Bond and second by Mr. Penrose to consider this a minor Site Plan. **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Vice chairman Zwicker, Chairman Duffy. **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy **ABSENT:** Mr. Brotzman, Mr. Hanisak. Attorney Wilhelm swore in Joseph Sirmarco soon to be owner of property. He testified that this project would take about 6 months from start to finish. Mayor Tersigni talked about how long it has been since this property has been occupied. Motion was made for completeness and use variance by Vice Chairman Zwicker and second by Mr. Bond **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Vice chairman Zwicker, Chairman

Duffy. **NAYS:** None **RECUSE:** Mayor Tersigni, Councilman Kennedy  
**ABSENT:** Mr. Brotzman, Mr. Hanisak.

**Hearing:** 213 Broad Street Norwescap Minor Site Plan Application. Attorney Peck represented the applicant and talked about this Food bank needing a loading doc. Mark Valli CEO of Norwescap was sworn in by Attorney Wilhelm. This location is a food bank that serves around 2000 residents in the Phillipsburg Area. They need to bring 213 Broad Street up to code to improve food bank storage. At the present time Norwescap needs to rent space because there is not enough space currently for trucks to bring in food. This project would increase storage by 50%. Mr. Rooney and Mayor Tersigni voiced about how much Norwescap does for the community. Attorney Wilhelm swore in Benjamin Horten professional Architect as a witness to explain the project. His CV is A-1. Plans dated 1/16/23 were entered as exhibit A-2, Broad Street plans with Loading doc. The loading doc is not being used for residential pickup, so it does not require ADA parking. Fire Department report was entered as exhibit A-3. Sidewalk is not needed because the asphalt is acceptable. No landscaping is required. R. Rooney asked how the ordinance can be changed so this type of project does not have to come to the Land Use Board. Attorney Wilhelm said that only the Town Council can change this. Motion was made by Mayor Tersigni and second by Vice Chairman Zwicker for preliminary and Final Site Plan Approval **YEAHS:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy  
**NAYS:** None **ABSTAIN:** None **ABSENT:** Mr. Brotzman, Mr. Hanisak  
**Correspondence:** None

**New Business:** Committee formed for Fee schedule change for Land Use. Mr. Bond , Chairman Duffy and Vice Chairman Zwicker will be working on recommendations

**Bill's List:** None

**Old Business:** Circulation Element Plan will be ready within the meetings.

**Public Hearing:** None

**Executive:** No action taken at this time.

Mr. Rooney asked if someone could someone, please look into OOPS car shop on Morris Street. Still parking cars on the street. Mayor Tersigni said he would have the Zoning Officer look into it.

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

Submitted by Kelly Lefler Land Use Secretary