

PHILLIPSBURG AND USE MINUTES

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

Minutes: Minutes for 5/25/23 motioned to accept made by Mr. Brotzman and second by Vice Chairman Zwicker **YEAHS:** Mr. Bond, Mr. Brotzman, Vice Chairman Zwicker, Chairman Duffy **ABSTAIN:** Mr. Penrose, Mr. Turnbull **ABSENT:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni

COMPLETENESS/ PUBLIC HEARING: NO Completeness Public Hearing 64 Filmore Street continued from 5/25/23. There were not enough Board Members for a quorum but for Filmore Street with John Turnbull and John Penrose were not present at the 5/25/23 hearing. Mr. Rooney and Mr. Hanisak were not in attendance tonight but were present at the 5/25/23 meeting. The board and applicant decided to continue with testimony and vote will be on July 27, 2023. Kim Vella opened the testimony with Mr. Ross who is an expert witness for the Laundry Equipment that will be installed. Motion made by John Penrose and second by Mr. Bond to accept him as an expert witness. All in favor were YEAHS. Mr. Ross went over how he was brought into the project and feels good about the area. There will be 12 washers and dryers that will use less gas and electricity. The process from start to finish would be approximately 1 to 1 ½ hours. There will be no employees

there the whole time, but a couple times a day for cleaning. New exhibits were introduced but 7 & 8 will still be part of the record. A card system will be used at the Laundromat. Cash can be used to load money onto the card, but not at any machines. Mr. Ross talked about the noise of the machines, and he said the machines will not generate noise that will be heard outside. Security cameras will be set up both inside and outside. He went over the cost of the equipment and the owner will be doing some of the contract work since he is a contractor. Vice Chairman asked about maintenance and Chairman Duffy asked about the Lint trap Cleaning. Attorney Wilhelm stated that Mr. Sirmarco would still be under oath from 5/25/23. Mr. Sirmarco gave testimony that the store hours would be from 7AM to 10PM Monday through Sunday. He will have someone check in at the facility at least a few times a day. Security cameras will be both inside and outside. He feels that the cameras will benefit the area. He will be using the garage for storage of the supplies needed for the Laundromat. Mr. Sirmarco talked about the lighting in his plans but is willing to change them if the Board desires. Mr. Sirmarco attached exhibits for parking and feels there is sufficient parking for this area. He will comply with Fire Chief Letter. He is also willing to do sidewalk replacement or repairs, whatever needs to be done. Town Engineer Tim O'Brien asked about lighting and exhibit is entered into records about lighting. Board member Mr. Turnbull asked about security cameras and the monitoring of them. Mr. Sirmarco said the cameras will always be monitored. Chairman Duffy asked if he went there to on weekends for parking and Mr. Sirmarco said yes and there was parking. Gary O'Connor was an expert witness as the Architect for the property. He was sworn in by Attorney Wilhelm and accepted as an expert witness. Mr. O'Connor reviewed the property on Google maps. The building will have automatic door openings and handrails for ADA Compliance. He testified that sound will not be an issue for residents.

Elizabeth McManus, Planner for the project, was sworn in by Attorney Wilhelm and excepted as an expert witness. Ms. McManus reviewed the property and town ordinances. She is aware of the variances needed for the project. She talked about how long the property has been vacant, which is over 60 years. This could bring the building back to life. Property is in the R-50 Zone which does not permit a Laundromat so this would need a use variance. Ms. McManus went into detail of the laundromats in Phillipsburg and how far away they are to this property and how beneficial it would be for the residents. Master Plan 2013 Page 7 supports businesses in residential areas. Housing goal page 7 is on point for what the applicant is proposing. Lighting and signage are helpful to ADA entrance to the building. The size of the sign will not be over pouring to the building. Engineer Tim O'Brien said if mounting is off the building it will need a variance. Chairman Duffy had a concern about how you can stop a load from behind started after 8:30 since it takes approximately 1 – 1 ½ hrs. per load. Answer was that there is no system to prevent that from happening. **Public Comment:** Steward Ridley said that he is familiar with the area. He agrees with most of what he heard and not anything that he disagrees with. Mr. Ridley thinks it would be very positive, especially with security cameras and lighting. There will be continuance of hearing for vote on July 27, 2023. **Exhibits:** A-1 Letter from Attorney McNally, A-2 Council Meeting Minutes dated 5/1/12, A-3 Survey from ELS Surveying LLC, A-4 Plot Plan, A-5 Withdrawn By Applicant, A-6 Exterior View from side on Summit Ave., A-7 Interior overall layout, A-8 Washer and Dryer layout, A-9 View of inside main entrance and waiting area, A-10 Fire Chief Review, A-11 CV for Elizabeth McManus, A-12 type of Dryer, A-13 Internal layout of laundromat , A-14 Vent System, A-15 Information on payment system, A-16 Location of Cameras, A-17 ADA Entrance Cameras and Back Garage, A-18 Lighting to replace Exhibit A-5, A-19 Parking Conditions

dated June 7, 2023 at 10:35 AM, A-20 Parking conditions dated June 8, 2023 at 3:07 PM, A-21 Parking conditions dated June 21, 2023 at 6:38 PM, A-22 Proposed Laundromat with new ADA accessible ramp, A-23 CV for Clifford Ross Metropolitan Laundry Machinery Sales, A-24 CV for Gary O'Connor Architect **Hearing 660 Memorial Parkway** Attorney Cheryl Lynn Walters represented the Applicant (McDonald's). Applicant would like to change a single lane drive-thru to double lane. Michael Jeitner, Engineer for Bohler remains qualified expert for project. Mr. Jeitner explained in detail how the new double lane drive-thru will work. He went over the percentage of inside and drive-thru sales. Discussed was the completeness review that includes sidewalks on both Marshall and Memorial Parkway. The applicant went to the Town Council and was denied a waiver for not putting in the sidewalks. They are working with Tim O'Brien, Town Engineer, to determine how this can be done on the Marshall Street side. Truck delivery will not interfere with the project. They have 96 seats which will require 32 parking spots. They will need a variance to reduce the number of parking spots. Signage will be taken from 3 to 2 signs. Keith asked about sidewalks and applicant is going back to council. Chairman Duffy had a question of how order two lanes go to one. The engineer said there will be cameras to determine who is getting the order. There were no public comments about this project. **Exhibits:** A-1 Mike Jeitner Engineer for Bohler A-2 Witness and Exhibit List A-3 Ariel View A-4 Site Plan A-5 Sidewalk Plan A-6 Signage Exhibit, A-7 Parking Study, A-8 Fire Chief Letter. Motion made by Mr. Bond and second by Mr. Brotzman to approve **2 variances** (Parking and Loading) **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Vice Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni. Motion was made by Mr. Brotzman second by Mr. Penrose for **1 partial waiver YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Vice

Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni. **Final Site Plan** motion made by Mr. Brotzman second by Mr. Bond **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Penrose, Mr. Turnbull, Vice Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni.

MR. PENROSE HAD TO LEAVE THE MEETING.

Correspondence: None

New Business: Motion made to move forward with Council Resolution 2023-99 Preliminary Investigation to Determine Whether the Proposed Study Area, Block 1005 Lot 3 Qualifies as An in Need of Non-Condensation Redevelopment was made by Vice Chairman Zwicker second by Mr. Brotzman. **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Turnbull, Vice Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni. Mr. Penrose was not present for this vote.

Public Comment: None

Executive Session: Motion made by Mr. Turnbull and second by Mr. Brotzman to go into Executive Session **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Turnbull, Vice Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni. Mr. Penrose was not present for this vote.

Adjournment: Motion made by Vice Chairman Zwicker second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Turnbull, Vice Chairman Mr. Zwicker, Chairman Duffy **Abstain:** None, **Absent:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy, Mayor Tersigni. Mr. Penrose was not present for this vote.

Submitted by Kelly Lefler Land Use Secretary