

## LAND USE MINUTES

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

**Minutes:** Minutes for approval date 06/26/23 motioned by Mayor Tersigni and second by Mr. Bond. All Yeah's No Nays. **Abstain:** Bernie Rooney, Mr. Hanisak **Absent:** Mr. Brotzman

**Resolution:** Resolution 2023-11 660 Memorial Parkway approval was motioned by Mayor Tersigni and second by Mr. Penrose **Yeah's:** Mr. Bond, Mr. Penrose, Mr. Turnbull, Mayor Tersigni, Mr. Zwicker, Chairman Duffy **Abstain:** Mr. Rooney, Mr. Hanisak, Councilman Kennedy **Absent:** Mr. Brotzman

**Executive Session Minutes** from 06/26/23 were motioned by Mr. Turnbull and second by Mr. Penrose **Yeah's:** Mr. Bond, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Rooney, Mr. Hanisak **Recuse:** Councilman Kennedy, Mayor Tersigni **Absent:** Mr. Brotzman

**Hearing for vote was continued from 6/26/23 meeting for 64 Filmore Street.** Did not have a quorum for vote on that night. Mr. Rooney listened to the 6/26/23 recording on 7/26/23 and was present at the 5/25/23 meeting. Mr. Turnbull listened to the 5/25/23 meeting on 7/20/23 and was present for the 6/26/23 meeting. Mr. Penrose listened

to the 5/25/23 meeting on 7/14/23 and was present for the 6/26/23 meeting. A Quorum was established, and votes were taken. Motion was made by Vice Chairman Zwicker and second by Mr. Penrose for **Use Variance**. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull Vice Chairman Zwicker and Chairman Duffy. **Nay's:** None **Abstain** Mr. Hanisak **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman Motion made for 14 Bulk Variances by Vice Chairman Zwicker second by Mr. Penrose. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker and Chairman Duffy. **Nay's:** None **Abstain** Mr. Hanisak **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman Motion made by Vice Chairman Zwicker and second by Mr. Bond for Permanent Design Waiver. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull Vice Chairman Zwicker and Chairman Duffy. **Nay's:** None **Abstain** Mr. Hanisak **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman. Motion made by Mr. Penrose and second by Mr. Bond for Preliminary and Final Site Plan Approval. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Penrose, Mr. Turnbull Vice Chairman Zwicker and Chairman Duffy. **Nay's:** None **Abstain** Mr. Hanisak **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman.

**Hearing for 1-3 Davis Street** was held for a Minor Subdivision. Attorney Edleston represented Applicant Harry Wyant who would like to change from tenant occupied to owner occupied. Harry Wyant was sworn in by Attorney Wilhelm. The house now is a double with 3 bedrooms in each house. He wants to draw a line down the common wall to subdivide the two properties. If he keeps it the way, it is at least one will be a rental and he would like to see homeowners. He will comply with conditions as mentioned on page 8 of VanCleaf report except for the sewer. He would have to jackhammer the kitchen floor to put another sewer line to the one property. He feels it would not be feasible to do that. Tom

O'Brien town Engineer recommends seeking the sewer engineer to approval sewer as is. There were no public comments. Motion was made by Vice Chairman Zwicker second by Mr. Rooney for 5 permanent design waivers. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nay's:** None **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman. Motion made by Vice Chairman Zwicker second by Mr. Rooney for 18 bulk variances. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nay's:** None **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman. Motion made by Vice Chairman Zwicker second by Mr. Rooney for Preliminary and Final Subdivision approval. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Nay's:** None **Recuse:** Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Brotzman. **Hearing for 34 Colby Street** was held for Subdivision, lot line adjustment. Attorney Wilhelm recused himself as he conflicted with the application and Attorney Greg Gianforcaro presided. The attorney for the applicant was Attorney Brian Grace. Applicant Christopher Khopazy was sworn in by Attorney Greg Gianforcaro and questions were asked by his attorney why he was there for the subdivision. He proceeded to tell the board that when he bought the property and had a survey done that the accessory structure behind his lot is on 38 Colby. He did not want the house to go because of the market in 2021. No additions have been made since the purchase of the property. He has off street parking. Moving the line would put the shed and deck in his property at 34 Colby and not 38 Colby. Applicant will follow all recommendations in Engineer O'Brien's letter. This will not affect 32 Colby and will only change 38 Colby. Mr. O'Brien would like a dye test done for the sewer. Mayor Tersigni asked if the applicant was aware when he bought the

property. Mr. Kophazy said he found out through the survey. 38 Colby is owned by the Mullins, and they have no objection to the change. There was no public comment on this application. Motion was made by Mr. Rooney and second by Mr. Penrose for 12 permanent waivers  
**Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Nay's** None **Abstain:** None **Absent:** Mr. Brotzman. Motion was made by Mayor Tersigni and second by Mr. Rooney for 7 variances  
**Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Nay's** None **Abstain:** None **Absent:** Mr. Brotzman. Motion was made by Mayor Tersigni and second by Mr. Penrose for Preliminary and Final Subdivision approval **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Nay's** None **Abstain:** None **Absent:** Mr. Brotzman.

**New Business:** Preliminary Investigation to Determine Whether the Proposed Study Area, Block 1005 Lot 3 Qualifies as An in Need of Non- Condemnation Redevelopment Report from VanCleeef Engineering Public Notice sent to Express Times. Town Engineer Tim O'Brien went through the report dated July 13, 2023, which can be found on the Town website, the Municipal Clerk's Office, and with the Land Use Secretary to review. Mr. O'Brien determined that this property in is need of redevelopment.

**Correspondence:** None

**Bill's List:** None

**Old Business:** None

**Public Comment:** None

**Executive Session:** None

**Adjournment:** Motion made by Mayor Tersigni and second by Vice Chairman Zwicker. **Yeah's:** Mr. Bond, Mr. Rooney, Mr. Hanisak, Mr. Penrose, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Nay's** None **Abstain:** None **Absent:** Mr. Brotzman.

Submitted by Kelly A. Lefler Land Use Secretary