

LAND USE MINUTES

AUGUST 24, 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, Chairman Duffy, Councilman Kennedy, Mayor Tersigni, Mr. Brotzman, Mr. Turnbull, Vice Chairman Zwicker **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose

Minutes: Minutes dated 7/27/23 was motioned to accept by Mayor Tersigni and second by Councilman Kennedy. **YEAH'S:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Brotzman **Absent:** Mr. Hanisak, Mr. Penrose, Mr. Rooney

Resolutions: Resolution 2023-12 64 Filmore Street was motioned by Vice Chairman Zwicker and second by Mr. Turnbull **YEAHS:** Mr. Bond, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Brotzman Recuse: Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Hanisak, Mr. Penrose, Mr. Rooney **Resolution passed.** Resolution 2023-13 1-3 Davis Street was motioned by Vice Chairman Zwicker and second by Mr. Turnbull **YEAHS:** Mr. Bond, Mr. Turnbull, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Brotzman Recuse: Mayor Tersigni, Councilman Kennedy **Absent:** Mr. Hanisak, Mr. Penrose, Mr. Rooney **Resolution passed.** Resolution 2023-14 34 Colby Place motion was made by Mayor Tersigni and second by Mr. Turnbull. **YEAHS:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Brotzman **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose **Resolution Passed**

Appeal Denial of Zoning Permit for 154-156 Hudson Street. Change of use from non-conforming to non-conforming is not permitted. Attorney Aileen Brennan represented Debbie Williams, owner of the property. Debbie Williams was sworn in by Attorney Wilhelm. Ms. Williams stated that she bought the property on December 8, 2022. She gave a picture that was entered as exhibit A-1 of groceries that were left behind at the location which showed it was a grocery store when she went to see the property. Photo was taken 8/22. The tenant was evicted and left groceries behind that she had to discard after purchase. Attorney feels that this does not meet abandonment of property for grocery store on 1st floor. There are tenants on the second floor. The mayor asked if registration was done, and Ms. Williams said yes. Vote was taken to overturn Zoning Officer decision. A motion was made to overturn by Mr. Brotzman and second by Mr. Turnbull. **YEHS:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Brotzman **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose **Denial was overturned by Land Use Board.** Attorney Wilhelm will send the decision to Zoning Officer Matt Hall.

Completeness/Hearings: Completeness for 154-156 was presented by Aileen Brennan, Attorney for Debbie Williams owner of property. Attorney Brennan asked that this application be considered for Minor Site Plan even though it would be considered a major Site Plan under the code. The building is not having outside changes only the third floor to 3 apartments. Engineer Bryce Good was sworn in by Attorney Wilhelm as an expert witness and approved for such. He stated that the only thing that would change in the exterior would be the fire escape. Nothing changing only going from meeting space to apartments. Town Engineer Tim O'Brien did state that this exceeds the definition of a minor site plan. Chairman Duffy asked what the square footage of the 3rd floor was, and Mr. Good said 3220 Square feet. Approval of minor

site plan was made by Mayor Tersigni and second by Mr. Bond **YEAHS:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Brotzman **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose. **Completeness** Town Engineer Tim O'Brien went over Page 3 of Engineer report 2A Needs to be on plan. 2B. Permanent waiver for street parking 2C. Applicant wants permanent waiver, Mr. O'Brien recommends temporary waiver, 2D Applicant asked for permanent Waiver. Mr. O'Brien recommends temporary waivers since there is grass in front of the building. 2E Applicant feels lighting is adequate, Mr. O'Brien consider temporary waiver for lighting. 2F Mr. O'Brien recommends temporary waiver for sewer capacity for new apartments. A motion for completeness was made by Vice Chairman Zwicker and second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Brotzman **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose. **NO HEARINGS**

Correspondence: None

New Business: None

Bill's List: None

Old Business: Public Hearing will be held on 9/28/23 on the Circulation Element of the Town of Phillipsburg's Master Plan.

Executive Session: None

Adjournment: Motion made by Mr. Turnbull, second by Mr. Bond **YEAHS:** Mr. Bond, Mr. Turnbull, Councilman Kennedy, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Brotzman **Absent:** Mr. Rooney, Mr. Hanisak, Mr. Penrose.

Submitted by Kelly Lefler Land Use Secretary