

RESOLUTION 2023-77

WHEREAS, Avantor Performance Materials, LLC ("Avantor"), owns property at 600 North Broad Street, B. 101, L. 5, upon which it owns and maintains a manufacturing facility; and

WHEREAS, on December 15, 2022, Avantor obtained from the Phillipsburg Land Use Board ("Board") preliminary and final major site plan approval, with bulk variance relief, to install a canopy solar energy system over existing parking lots on the property; and

WHEREAS, it was noted during the hearing that there is an encroachment into the Fifth Street (J.T. Baker Way) right of way, as depicted on the Exhibit A site plan;

WHEREAS, this encroachment is in the form of a fence that has been at this location for many decades; and

WHEREAS, the encroachment does not interfere with traffic circulation, as depicted in the photos attached as Exhibit B; and

WHEREAS, this approval, for Application No. 2022-7, was memorialized by the Board on January 26, 2023 via Board Resolution 2023-2 ("Resolution"); and

WHEREAS, the Resolution, at Condition no. 6, requires Avantor to obtain "all necessary easements and/or rights of way over property belonging to the Town or within the Town's right-of-way"; and

WHEREAS, accordingly Avantor requests the Town's consent to continue the encroachment for purposes of replacing and maintaining the fence in the same location.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, that:

1. Avantor is hereby granted consent to replace and maintain the fence encroaching into the Fifth Street right-of-way, as depicted on Exhibit A, for so long as Avantor or its successors maintains a facility at this location.
2. If the said fence is removed or abandoned then the said consent shall terminate.
3. This Resolution shall take effect immediately.