

# Land Use Minutes

October 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:** Councilman Kennedy, Mr. Turnbull, Mayor Tersigni, Vice Chairman Zwicker, Chairman Duffy, Mr. Hanisak, Mr. Bond **ABSENT:** Mr. Rooney, Mr. Brotzman, Mr. Penrose

**Minutes:** Regular Meeting Minutes and Executive Minutes approval was motioned by Mayor Tersigni and second by Mr. Turnbull. **YEAHS:** Mr. Hanisak, Mr. Turnbull, Councilman Kennedy, Vice Chairman Zwicker, Chairman Duffy **Abstain:** Mr. Bond **Absent:** Mr. Rooney, Mr. Brotzman, Mr. Penrose

**Resolution:** NONE

**Completeness:** None

**Hearing:** 154-156 Hudson Street for Minor Site Plan and Variance Approval. Attorney Aileen Brennan represented the applicant DWilliams Properties LLC. Debbie Williams, owner of the property was sworn in by Attorney Wilhelm. She testified that the first floor has two commercial tenants. On the 2nd floor there are 3 apartments, and each apartment has 3 bedrooms. The 3rd floor was at one time a meeting place. She also owns 159 South Main Street, which is a mixed-use property. She testified that she has no problems renting her units. She is looking to convert her third floor to 3 Apartments with 2 bedrooms each. Mr. Kyle, planner for the applicant, was sworn in by Attorney Wilhelm. His CV was introduced as Exhibit A-2. He introduced the court order that was won that the second floor could have 2 apartments. They will need a conditional use variance, 3-D variances for 3 apartments. Mayor Tersigni and Councilman Kennedy recused themselves at that point because of D variances. Engineer Bryce Good, Engineer

for the applicant was sworn in by Attorney Wilhelm. His CV was introduced as Exhibit A-1. August 29<sup>th</sup> revised plans have square feet of each apartment. Exhibit A-4 was introduced to show pictures and dates and times they were taken to show parking in the area. After their review, they feel there is enough parking to accommodate 3 apartments. They did not count any spaces in front of the Municipal Building. Also mentioned that there is a transit bus stop in the area. Also took into consideration the non-parking areas. Board Engineer Tim O'Brien would like lighting to come to code. The applicant had no objections and will comply. Trash was talked about and where is the trash located. It is located behind the building in a closure. Chairman Duffy asked who is responsible for the trash and response was the tenant is responsible for their own. She hired a Property Manager, and they will be responsible for making sure garbage is set out for pickup. Curbs and sidewalks will be repaired. ADA requirements does not have an elevator, but it never did. They will comply with all code enforcement. The Fire Chief had no objections but did not have a response from the Chief of Police. Applicant will get documentation from the Police Chief if needed. All existing signs that are on the building will be removed. There is a gate on Filmore street, and the applicant will assure the gate is operational (Will comply with the code). Plans will be modified to install trench drains for stormwater so ADA entrance can be done. Temporary and Permanent waivers were discussed, and applicant will comply. AT that point there were no Board questions for Mr. Bryce. Mr. Kyle planner for the applicant continued with his testimony. Mr. Kyle Showed ariel photos of the parking and was introduced as Exhibit A-5. R-50 Zone is for single family homes. Conditional use would permit for multifamily units. The court decision was for 2 apartments. The applicant is asking for conditionally to make it 3 bedrooms. The apartment plans do not meet the 1000 sq. ft. code. Each apartment will have its own laundry area. Mr. Bryce, after the last meeting he attended, went to the location to observe parking. He went between 8:30 -8:40 Pm and there was significant parking. Ms. Williams will accept Section 8 vouchers for affordable housing. He feels there will be plenty of room even if it does meet the 1000 sq ft. requirements. He reiterated that the bus and transit stops are a block away from the location. He talked about the Phillipsburg Masterplan and feels nothing has really changed. In the plan the town would take obsolete buildings and make descent housing. He feels that the town will gain since they will be new units. Tim asked if they would comply with affordable housing if it was

an issue, and they will. **Public Comment on hearing of 154-156 Hudson Street.** Joan Bury of Filmore Street is concerned about the parking in the area and feels the quality of life is being diminished. Where will the parking be if the residents have guests over. She also mentioned the building has missing bricks and would like to see them fixed. She said the snow is never plowed or shoveled and there are weeds throughout the front of the building. What is concerning to her the amount of people in each apartment and an issue with garbage. She would like to see positive change in the neighborhood. Mr. Brutows, owner of the convenience store on the corner is also concerned about parking. He said the tenants use his lot for parking. He said he is not against the units only has problem with parking. Lawrence Bury has concerns about the garbage. He has witnessed the tenants on the second floor throw their garbage out the window. He has picked up a lot of trash in that area because it blows down the street. Todd Tersigni said that he has called DPW there several times for garbage and weeds. Feels that residents are correct with what they are saying. Parking is right on the mark. The hearing will be carried until the December meeting without notice.

**Correspondence:** NONE

**New Business:** None

**Old Business:** Public Hearing on the Circulation Element of the Town of Phillipsburg Master Plan was postponed until October 26,2023. This will be carried without notice to the November meeting. There are amended plans to accommodate Highlands Suggestions. Mr. Bond asked if the suggestions of the committee would also be included, and Mr. O'Brien said yes.

**Public Comment:** None

**Good of the Board:** Chairman Duffy asked that everyone on the board needs to sign on to the new email that was given to everyone. He also mentioned early voting starts Saturday the 28<sup>th</sup> of October.

**Executive Session:** None

**Adjournment:** Motion made by Mayor Tersigni and second by Mr. Bond to adjourn. **YEAHS:** Mr. Bond, Mr. Hanisak, Mr. Turnbull, Councilman Kennedy, Vice

Chairman Zwicker, Chairman Duffy **Absent:** Mr. Rooney, Mr. Brotzman, Mr. Penrose

Submitted by Kelly Lefler Land Use Secretary