

R2022-109
GRANTING WAIVER TO OPEN, CUT OR EXCAVATE STREET
TO PROVIDE UTILITY SERVICE TO PREEXISTING RESIDENCE
PURSUANT TO § 545-39

WHEREAS § 545-39 of the Code of the Town of Phillipsburg prohibits the issuance of excavation permits for openings, cuts or excavations for a period of five (5) years in streets which have been reconstructed or resurfaced; and

WHEREAS Shafer Avenue in the Town of Phillipsburg was resurfaced in August 2017 and is subject to the provisions of § 545-39 of the Code of the Township of Phillipsburg; and

WHEREAS David Feaster resides at 233 Shafer Avenue in the Town of Phillipsburg;
and

WHEREAS David Feaster currently has no heat or hot water at his residence at 233 Shafer Avenue due to the failure of his oil-fired boiler; and

WHEREAS the homeowner is having a gas line run to 233 Shafer Avenue; and

WHEREAS Elizabethtown Gas, on behalf of Sharaey Morrison, has submitted an Application for Street Opening to the Town of Phillipsburg to install a gas line to service 233 Shafer Avenue; and

WHEREAS § 545-39 C. provides that a waiver for the issuance of an excavation permit may be issued during the five-year period “to open, cut or excavate in said street for the purposes of providing utility or other service to a preexisting residence or structure, but only upon application to the Town Council and for good cause shown;” and

WHEREAS pursuant to § 545-39 C. David Feaster has applied to the Town Council and explained his exigent circumstances; and

WHEREAS the five-year period applicable to Shafer Avenue is set to expire in August 2022;
and

WHEREAS pursuant to § 545-39 C. the Town Council finds that David Feaster has shown good cause;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Town of Phillipsburg, in the County of Warren, in the State of New Jersey hereby grants a waiver to issue a permit to the Elizabethtown Gas to open, cut, or excavate Shafer Avenue for the limited purpose of installing a gas utility line to service 233 Shafer Avenue; and

BE IT FURTHER RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, authorizing the issuance of a permit on behalf of the Town of Phillipsburg.

CERTIFICATION

I, Lorraine Loudenberry, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their May 3, 2022 meeting.

Lorraine Loudenberry
Acting Municipal Clerk