

TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2023-15

RESOLUTION ADOPTING AMEDMENTS TO THE CIRCULATION ELEMENT OF THE TOWN OF PHILLIPSBURG'S MASTER PLAN

WHEREAS, the “Municipal Land Use Law,” N.J.S. 40:55D-25(1), vests the Phillipsburg Land Use Board (hereinafter “Board”) with the power to act in regard to the Town of Phillipsburg’s Master Plan pursuant to N.J.S. 40:55D-28; and

WHEREAS, N.J.S. 40:55D-28 vests the Board with the power to prepare, adopt and/or amend the Master Plan, or any components thereof, to guide the Town’s use of lands within the Town in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS, N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis; and

WHEREAS, the Board adopted a Master Plan in accordance with the law in 1988, and subsequently adopted a Master Plan update on November 22, 2004; and adopted a Master Plan Re-examination Report on December 23, 2013; and

WHEREAS, the Town’s Master Plan includes a Circulation Plan Element in accordance with N.J.S. 40:55D-28(b)(4); and

WHEREAS, the Town’s Master Plan’s Circulation Plan Element has not been amended previously;

WHEREAS, the Board had decided that it was appropriate to review the Master Plan’s Circulation Plan Element, and accordingly, directed the Town’s Professional Planner, Timothy O’Brien, P.E., P.P., a New Jersey licensed professional planner, to undertake the review; and

WHEREAS, Planner O’Brien has conducted the review and made his findings in a report dated August 25, 2023; and

WHEREAS, the Board has had adequate opportunity to review, and to comment on, the report; and

WHEREAS, the Board has provided notice of a public hearing to be held on September 28, 2023, pursuant to N.J.S. 40:55D-28(a); and

WHEREAS, the Board announced a postponement of the public hearing at its September 28, 2023 meeting and again at its October 26, 2023 hearing, as the Board was seeking additional information in preparation for a public hearing; and

WHEREAS, at its regular meeting on November 20, 2023, the Board held a public hearing on the proposed amendments to the Master Plan’s Circulation Plan Element; and

WHEREAS, the Town Planner made a presentation which is consistent with his August 25, 2023 report; and

WHEREAS, the Board asked for public comments, and having heard two comments considered the same;

NOW THEREFORE, as a result of the Planner's August 25, 2023 report, the presentation at the November 20, 2023 public hearing, and consideration of all relevant information, the Board finds as follows:

1. N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis.
2. The present time is appropriate for the Board to consider changes to the Town's Master Plan's Circulation Plan Element.
3. Planner O'Brien's investigation, report and presentation are made in accordance with the law; are beneficial to the Board; and contain appropriate recommendations for amendments to the Town's Master Plan's Circulation Plan Element.
4. The proposed amendments to the Master Plan's Circulation Plan Element, as set forth in Planner O'Brien's August 25, 2023 report, are consistent with the Town of Phillipsburg's Master Plan.
5. The proposed amendments to the Master Plan's Circulation Plan Element, as set forth in Planner O'Brien's August 25, 2023 report, are consistent with the "Municipal Land Use Law," N.J.S. 40:55D-1, *et. seq.* and controlling law.
6. The proposed amendments to the Master Plan's Circulation Plan Element, as set forth in Planner O'Brien's August 25, 2023 report, have adequately taken into consideration the concerns, if any, of adjacent municipalities and are not inconsistent with adjacent municipalities' interests.
7. The proposed amendments to the Master Plan's Circulation Plan Element, as set forth in Planner O'Brien's August 25, 2023 report protect public health and safety and promote the general welfare.

NOW THEREFORE, BE IT RESOLVED THAT the Town of Phillipsburg's Land Use Board recommends that the Master Plan's Circulation Plan Element be amended in the manner set forth in Town Planner Timothy O'Brien's August 25, 2023 report, on motion of Mr. Rooney and seconded by Mr. Penrose; and

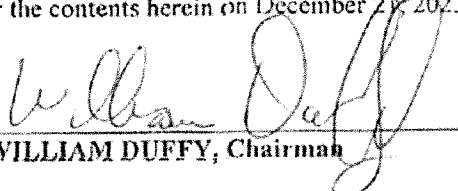
IT IS FURTHER RESOLVED THAT this Resolution shall be delivered by the Clerk of the Board to the Town of Phillipsburg Clerk, the Town Council, the Mayor, the Town Planner and any other person to effectuate the purpose of this Resolution.

ROLL CALL VOTE

Ayes: Chairman Duffy, Mr. Bond, Mr. Brotzman, Mr. Kennedy, Mr. Rooney and Mr. Turnbull.
Nays: None.
Abstentions: None

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Land Use Board was duly adopted at its regular meeting on the 20th day of November, 2023, by a majority of the aforesaid members approving the oral approval for the contents herein on December 21, 2023.

Dated: December 21, 2023



WILLIAM DUFFY, Chairman