

Land Use Minutes

January 25, 2024

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.

Swearing in of New Appointees: Chairman Duffy Swore in new Board Members, Meliss Paulus, Timothy Zagra, Reggie Branch, Matthew Noel and Mayor Piazza Jr.

Vice Chairman Zwicker took over the meeting for nominations of

Chairman: William Duffy was the only nomination and Mayor Piazza Jr made the motion to appoint Mr. Duffy and Councilwoman Paulus seconded. **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Mr. Zwicker. **NAYS:** None **ABSTAIN:** None

Mr. Duffy took over the meeting as Chairman and asked for nominations of Vice Chairman. Mr. Zwicker was the only nomination and Chairman Duffy made the motion and Mr. Penrose seconded the motion. **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Duffy. **NAYS:** None **ABSTAIN:** None

Appointment of Board Secretary Kelly Lefler was motioned by Vice Chairman Zwicker and second by Mr. Bond. **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Appointment of Recording Secretary Kelly Lefler was motioned by Vice Chairman Zwicker and second by Mr. Bond **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Executive Session: No executive session was needed.

Appointment of Professional Attorney Scott Wilhelm was made by Vice Chairman Zwicker and second by Mayor Piazza **YEAHS:** Mr. Bond, Mr. Branch, Mr.

Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Appointment of Professional Engineer Tim O'Brien Van Cleef was motioned by Chairman Zwicker and second by Mayor Piazza **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Adoption of Scheduled Meetings and Dates was motioned by Mr. Branch and second by Mr. Zagra **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Redevelopment Committee: Chairman Duffy asked Vice Chairman Zwicker to head the committee asked the Board to let Chairman Zwicker know if they would like to be on the committee.

Adoption of the Official Newspaper Express Times and Star Ledger was motioned by Vice Chairman Zwicker and second by Mr. Zagra **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Adoption of Robert Rules of Order as Parliamentary Procedures was motioned by Mr. Zagra and second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Resolutions: None

Completeness/ Hearing:

Completeness: None

Hearing: 170 Howard Street. Chairman Duffy recused himself from the hearing and Vice Chairman Zwicker continued with the hearing for 170 Howard Street. Attorney Tipton represented the applicant Peron Construction for the project. Attorney Wilhelm swore in four witnesses, Bradley Bohler-Engineer, John Wichner-Traffic Engineer, John Mannino-Architect, John Taikina-Planner. Rob Debeer Gave a brief history of the project. The original building was 420K sq feet and went to 375K

Sq. ft. when the refrigeration was coming in. Since then, they have found a new location and the new one will be

328K sq. ft. Brad Bohler introduced an exhibit dated 1/25/24 and was put in the record as A-3, Ariel Exhibit. He reviewed the property and the McKeen Street entrance. Peron Construction has purchased the two houses on the corner and will take them down to make accessibility easier for trucks to turn. He stated that the location is an industrial location. He also went over removing part of the buffer and redoing that to make the appearance much better. Exhibit A-4, Overall Site Layout Plan was introduced into the record which was the old site plan and Exhibit A-5 in the new Overall site Layout Plan. The construction will be done in one stage with two driveways west and east along with a fire road. There will be 215 Parking spaces and 368 is required so a variance will be needed. The lighting will not change. They will comply with the Fire Chiefs letter Exhibit A-6 updated on January 19, 2024. There will be 700 trees on site. Board Engineer Tim O'Brien asked about the Hoard St. extension and Mr. Bohler said that will not be addressed at this time. They acquired 2 houses on South Main Street to make the entrance better. Also, working with the rail company to improve the rail. They are waiting for the final DEP which could take up to 6 weeks. They are asking for 6 Permanent Waivers and 11 C Variances. John Wincher, Traffic Engineers CV was introduced to the record as Exhibit A-7. He went over purchasing the two properties on South Main Street for truck traffic. There is a proposal to make the exit onto South Main Street from Howard Street a no left turn. There will also be signal improvements at that intersection. There will be a 22% traffic reduction with a smaller building. He also talked about the number of trucks per day. The Rail is tenant specific to who that will be and at this time they do not know. They are working with the County to address their comments. Board Member Riggie Branch asked if trucks would be coming from East or West and Mr. Wichner said that would be from the East. Mr. Bond asked questions about the rail system. John Mannino Architect for projects CV was introduced into record as Exhibit A-8. Exhibit A-9 is the current plan and Exhibit A-10 is the revised Plan. He gave testimony on the difference of the property. This will be a single-story building with a 36" clear height. There will be one building sign 1400 Sq. Ft. He talked about the fire connections. Lighting will be wall mounted and there will be small dual head at each door. Highly insulated panels will be installed to meet state standards. Noise and odor will be up to the tenants to comply. John Taikina, Planner for the projects CV was introduced as Exhibit A-11. He went over the loading docs and setbacks that will require a variance. Mr. Zagra asked about the

peak hours which will be known when tenants are in. Mr. Branch asked about the traffic and trains, and this also will be tenant specific. **Public Comment** on 170 Howard Street Project. Mr. Morrisette: He does think this is good for Phillipsburg. First it was to build housing and feels this will lower quality of life. This will be built in an overbuilt community next to a green acre's park and river. He is worried about truck traffic. He said he is glad to see the professionals are still here. Ms. Codiroli has concerns that there are still unanswered questions. She is worried about accidents on South Main Street and feels there should be more research before the decision. Attorney Wilhelm said that Councilman Lee Clark speaking would not violate the Sunshine Act. He does not think this is right. He is not against warehouses just in that location. He is all for bringing jobs and developers, just not this. Councilman Kennedy also spoke that he voted yes for the cold storage when the rail was coming. His main concern is traffic. Since they do not know who the tenant will be they may not want to use the rail. Randy Piazza Sr. lives near the project as he is for it. He said the owner has been trying to bring something to the town. Mr. Perucci, owner of the property talked about when he purchased the property in 2005 and tried to make it residential. He spent millions of dollars and talked to many builders, and nobody wanted to take the project on. He also talked about how he grew up in Phillipsburg and will not do anything that will hurt the town. If they can create 200-250 jobs, then they did a great thing. Rob Colontrelle who owns SMP trucking thinks it's a great idea. As the business owner that would go through his property, he is not for the Howard Street extension. He said it would clean up the property and create jobs.

Exhibits: A-1 Letter from Bohler, A-2 Bradford Bohler CV, A-3 Ariel exhibit, A-4 Overall Site Layout Plan Dated 8/25/22 A-5 Overall site Layout Plan dated 9/15/23 A-6 Fire chief Hay Letter, A-7 John Wichner CV, A-8 John Mannino CV, A-9 Eye level View of property dated 11/22/21, A-10 Level View of property dated 9/15/23, A-11 John Taikina CV.

Motion made by Mr. Bond for 6 Permanent Waivers and second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel Vice Chairman Zwicker **ABSTAIN:** Councilwoman Paulus, **RECUSE:** Chairman Duffy, Mayor Piazza Jr. **Motion made for 11 C Variances** by Mr. Brotzman and second by Mr. Penrose **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Vice Chairman Zwicker

ABSTAIN: Councilwoman Paulus. **RECUSE:** Mayor Piazza Jr., Chairman Duffy
Motion made to Amend Final and Preliminary Site Plan by Mr. Penrose and second by Mr. Bond. **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel Vice Chairman Zwicker **ABSTAIN:** Councilwoman Paulus, **RECUSE:** Chairman Duffy, Mayor Piazza Jr.

Correspondence: None

New Business: Motion was made to direct VanCleef Engineering to review the 540 Marshall Street Redevelopment Plan by Vice Chairman Zwicker and second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Vice Chairman Zwicker, Chairman Duffy **ABSTAIN:** Mr. Branch **RECUSE:** Councilwoman Paulus, Mayor Piazza Jr.

Minutes: Dated 12/21/23 Motion made for approval by Mr. Bond and second by Mr. Brotzman **YEAHS:** Mr. Bond, Mr. Brotzman, Vice Chairman Zwicker. All other Members were absent from the November meeting or are new board members.

Adjournment: Motion made to adjourn by Mr. Brotzman and second by Mr. Penrose **YEAHS:** Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Zagra, Mr. Penrose, Mr. Turnbull, Mr. Noel, Councilwoman Paulus, Mayor Piazza, Chairman Zwicker, Chairman Duffy **NAYS:** None **ABSTAIN:** None

Submitted by: Kelly Lefler Land Use Board Secretary