TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2025-3

RESOLUTION GRANTING SITE PLAN EXEMPTION AND VARIANCES IN CASE NO. 2025-1

WARREN COUNTY HABITAT FOR HUMANITY, INC. – Applicant/Owner
31 Belvidere Avenue
Washington, New Jersey 07882

Block 309, Lot 13
74 Bullman Street

Application #2025-1

WHEREAS, Warren County Habitat for Humanity, Inc. (hereinafter referred to as the "Applicant") applied to the Town of Phillipsburg Land Use Board ("Board") for a Site Plan Waiver/Exemption pursuant to Section 510-9 of the "Town of Phillipsburg's Site Plan Ordinance of 1979" and pursuant to N.J.S. 40:55D-51; and Bulk Variance Approval pursuant to N.J.S. 40:55D-70(c), for the construction of a single family home on an unimproved vacant lot owned by the Applicant, on the property known as 74 Bullman Street and identified on the Town of Phillipsburg Tax Map as Block 309, Lot 13, located in the Town's R-50 Residential Zone (hereinafter the "subject property"); (collectively "the Application"); and

WHEREAS, the Board satisfied itself that proper notice was given to neighboring property owners and to all others entitled to notice, as well as publication pursuant to both the Town of Phillipsburg Code and to N.J.S. 40:55D-12, on or about March of 2025; and having satisfied itself that it had jurisdiction over the Application; and

WHEREAS, the Applicant appeared before the Board at a regularly-scheduled meeting on March 27, 2025, and was represented by Alan Lowcher, Esq., at which time the Board considered the February 24, 2025 "Application for Site Plan Exemption" and the February 16, 2025 "Application for Minor or Conventional Site Plans" and the Board Engineer's March 6, 2025 review letter, and the Board having determined that said Application was complete; and

WHEREAS, public hearings were held on April 24, 2025, May 22, 2025 and June 26, 2025, the Applicant, being represented by Alan Lowcher, Esq., presented a brief explanation concerning the Application, *to wit*, a request for Site Plan Waiver/Exemption to permit the construction of a single-family home on an unimproved vacant lot, and bulk variances approval; and

WHEREAS, the Board Engineer and the Board Attorney were satisfied that the Board's determination of the application's completeness, which was made on March 27, 2025, remained accurate; and

WHEREAS, the Board being satisfied that the application had been made accessible to the public by both being posted on the Town of Phillipsburg's website and being physically available for

inspection with the Secretary of the Board; and

WHEREAS, the Board has received certain documentation and reports from the Applicant, the Board's professional consultants and other Interested Parties, all of these having been given due consideration and being the following:

A. Town of Phillipsburg "Application for Site Plan Exemption" for Block 309, Lot 13, dated February 24, 2025;

B. Town of Phillipsburg – "Application for Minor or Conventional Stie Plans" for Block 309, Lot 13, dated February 16, 2025;

C. Certification from the Collector of Taxes, dated February 19, 2025, that realty tax payments are exempt;

D. Certification from Collector of Taxes, dated April 2, 2025, that sewer payments are exempt;

E. Site Plan entitled: "Proposed Site Plan, Single Family Residential Dwelling for Block 309, Lot 13, Town of Phillipsburg, Warren County, New Jersey" prepared by ND Engineering, LLC, last revised June 11, 2025, consisting of two sheets;

F. Plan View – architectural drawings prepared by H2M Architects + Engineers, Inc., last revised June 11, 2025, consisting of two (2) sheets and five (5) photographs;

G. Letter from Town of Phillipsburg Fire Chief, dated February 28, 2025;

H. Arial map of site from Google, dated April 3, 2025; and

I. Summary of recent project completed by Applicant, consisting of three pages; and

WHEREAS, the Board has considered the review letters of the Board engineer dated March 6, 2025, and June 16, 2025, the contents of which the Board adopts and incorporates its' findings of fact by reference herein; and

WHEREAS, the Applicant is requesting the following variances from the Town Ordinances:

A. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit a lot size of approximately three thousand five hundred and seventy-five square feet (3,575' sq.) where L.O. 625-8(B) and L.O. 625-80 require a minimum lot area of five thousand square feet (5,000' sq.) – which is an existing non-conforming condition which the Applicant does not propose to change;

B. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit lot frontage of approximately twenty-seven and one-half feet (27.5') where L.O. 625-8(B) and L.O. 625-80 require fifty feet (50') of lot frontage – which is an existing non-conforming condition which the Applicant does not propose to change;

C. Three "c" variances, pursuant to N.J.S. 40:55D-70(c), to permit side yard setbacks of three feet (3') on both sides of the home where L.O. 625-8(E) and L.O. 625-80 require a

side yard setback of five feet (5'), and five feet (5') on one side of the proposed shed where L.O. 625-14 requires one story accessory buildings in the rear yard; and

D. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit lot coverage of approximately forty-two and nine-tenths percent (42.9%) where L.O. 625-8(C) and L.O. 625-80 permit a maximum of forty percent (40%) lot coverage; and

WHEREAS, the Applicant presented the sworn testimony of the following individuals on April 24, 2025, and/or May 22, 2025:

1. Ben Eskow, who is the Applicant's Executive Director;
2. Nevitt S. Duveneck, P.E., who is the Applicant's engineer;
3. Joseph E. Flynn, Ed.D., R.A., who is the Applicant's architect; and
4. Joseph C. Ciserano, AIA, NCARB, who is the Applicant's architect; and

WHEREAS, the following documents were marked as exhibits at the April 24, 2025, May 22, 2025 and June 26, 2025 hearings and were discussed and testified to by the Applicant's witnesses. These are now included as part of the record:

1. Exhibit "A-1": Professional Qualifications of Nevitt S. Duveneck, P.E., dated April 21, 2025;
2. Exhibit "A-2": Summary of recent project completed by Applicant, consisting of three pages;
3. Exhibit "A-3": Arial map of site from Google, dated April 3, 2025;
4. Exhibit "A-4": Set of six (6) photographs depicting fire damage to structure previously on the subject property, dated January of 2016;
5. Exhibit "A-5:" Plan View – architectural drawings, prepared by H2M Architects + Engineers, Inc., dated May 19, 2025, consisting of five (5) sheets;
6. Exhibit "A-6": Site Plan entitled: "Proposed Site Plan, Single Family Residential Dwelling for Block 309, Lot 13, Town of Phillipsburg, Warren County, New Jersey" prepared by ND Engineering, LLC, last revised March 31, 2025, consisting of two sheets and five (5) photographs;
7. Exhibit "A-7": Curriculum Vitae of Joseph E. Flynn, AIA:
8. Exhibit "A-8": Curriculum Vitae of Joseph C. Ciserano, AIA, NCARB;
9. Exhibit "A-9": Town of Phillipsburg Fire Chief's February 28, 2025 letter; and
10. Exhibit "A-10": Certifications of Board Members Matthew Noel, John Penrose and Edward Saultz regarding prior hearings; and

WHEREAS, on April 24, 2025, the Applicant first offered Ben Eskow, who is the Applicant's Executive Director, who after being sworn, testified regarding the purpose and goals. He has worked for the Applicant for the past thirteen (13) years and oversees the operation. He stated the Applicant is a IRS 501(c)(3) organization and is affiliated with Habitat for Humanity International. The Applicant covers Warren and Sussex Counties. He stated that the mission of Habitat for Humanity is to put God's love into

action by building homes and hope. He stated the Applicant has been building homes in Warren County for the past twenty-five (25) years. The need for housing, the ability to pay and the ability to invest sweat equity are the criteria for housing eligibility. Mr. Eskow testified that the Applicant has completed five (5) projects in Phillipsburg and also provides housing rehabilitation projects. He offered Exhibit "A-2" which is a summary of the Applicant's completion of the last project completed in Phillipsburg. He testified that there are deed restrictions on the property transfer.

WHEREAS, the Chairman then asked the Board members if they had any questions and there were none; and

WHEREAS, on April 24, 2025, Nevitt S. Duveneck, P.E., was the Applicant's next witness, who after being sworn, provided very brief testimony regarding the application. His Professional Qualifications was marked as Exhibit "A-1" and he was accepted as an engineering expert by the Board upon unanimous voice vote. He testified that he prepared an amended site plan because: (a) the original site plan failed to include a shed which is always part of the Applicant's project; and (b) he recognized that a variance for exceeding lot coverage is necessary. Mr. Duveneck testified with regard to the proposed dwelling that the Applicant's focus is to make a house match the neighboring houses so that the new home blends into the community. As for this application, the front yard setback variance is requested so that the house is consistent with the setbacks of the neighboring homes. He testified that a driveway is proposed so that the homeowner has a place to park and does not exacerbate the parking problem in the neighborhood. As for the site plan waiver/exemption request, Mr. Duveneck explained that the reason for the request is that given the Applicant proposes to construct a single-family home that is consistent in structure with the other homes in the neighborhood that formal site plan is not necessary. Mr. Lowcher then explained that the Applicant is seeking the variances for lot size and lot frontage because of the existing size of the lot which formerly had a single-family home. Mr. Lowcher then explained that the front yard setback and the side yard setback variance requests are made due to the lot configuration with which Mr. Duveneck concurred. Mr. Lowcher then solicited planning testimony from Mr. Duveneck at which time the Board attorney interjected and inquired if the witness is being offered as a planning expert. Mr. Lowcher then agreed that planning testimony from Mr. Duveneck was not appropriate. Mr. Lowcher then discussed the Board Engineer's March 6, 2025 letter's technical comments. He stated that the Applicant would comply with items 1 through 5. With regard to technical comment #6, Mr. Duveneck testified that the intention is to have sidewalks replaced in the existing walkway, but that the proximity to the adjacent property does create some challenges. With regard to technical comment #7, Mr. Duveneck stated that the existing concrete wall on the rear of the property will remain, and that the parking area is anticipated to run against the wall, but that the wall may need to be torn down and rebuilt after the parking area is constructed. With regard to technical comment #8, he stated that the Applicant will comply. With regard to technical comment #9, Mr. Duveneck stated that the Applicant will attempt to

limit the overhangs to one foot (1') and would reduce the side yard setbacks by one foot (1'). With regard to technical comment #10, the Applicant concurs that it has a survey and will submit the same as a condition of approval. Mr. Lowcher then stated that the Applicant would comply with all outside agency requests; and

WHEREAS, the preceding testimony caused the Board engineer to discuss the overhangs and side yard setbacks at which time Mr. Duveneck stated that the request would be to reduce the side yard setbacks to one and one-quarter feet (1.25') and would reduce the front yard setback further to be consistent.

WHEREAS, the Chairman then asked the Board members if they had any questions and there were many questions and a discussion which regard to the side yard setbacks and the proximity of the proposed dwelling to the adjacent house including the distance between the foundations of the proposed dwelling and the adjacent houses. The Board engineer asked if there was evidence of an easement for the subject property to enter onto the adjacent properties for maintenance which Mr. Duveneck said there were none; and

WHEREAS, the Board was concerned about the proximity of the houses to one another, it was suggested by the Board attorney that the Applicant may want to consider continuing the hearing to submit a further modified application to address the Board's concern; and

WHEREAS, the Applicant did not offer any additional witnesses, documents or evidence on April 24, 2025, but requested the application be carried to May 22, 2025, in order to address some concerns raised by the Board; and

WHEREAS, the meeting on April 24, 2025, was opened to the public by the Chairman on April 24, 2025, and there were two people who commented, *to wit,* Brenda Grammes of 76 Bullman Street and Linda Corona of 72 Bullman Street. Ms. Grammes gave a history of the home prior to it burning in 2016 and explained how the fire damaged her home. She believes that there is insufficient area for construction vehicles on the property. She also expressed concern that the foundation of her home could be impacted by construction. She was strongly against a home being erected on the subject property. Ms. Corona expressed similar concerns; and

WHEREAS, the Chairman then called for a vote on the Applicant's request to carry the application to May 22, 2025, and a Motion was made by Mr. Penrose and seconded by Mr. Zagra, which was unanimously approved upon voice vote; and

WHEREAS, on May 22, 2025, the public hearing was continued where the Applicant continued to be represented by Mr. Lowcher, who explained that the Applicant considered the Board's comments and the public's comments at the prior meeting and were proposing changes to the application with regard to the location of the dwelling, and wished to have the Applicant's engineer, Mr. Duveneck, and the Applicant's architect, Mr. Flynn, provided some comment; and

WHEREAS, Mr. Flynn was first offered, who after being sworn, gave brief testimony regarding his professional experience and offered to provide the Board with a Curriculum Vitae which was subsequently received and marked as Exhibit "A-7." He was accepted as an architectural expert by the Board upon unanimous voice vote. He testified that he prepared the architectural drawings that have been marked as Exhibit "A-5" and that the proposed dwelling is placed closer to Mitchell Avenue so that the front of the dwelling is in line with the rear of the dwellings of the neighboring houses and therefore gives the neighboring houses more room. He testified that the proposed house consists of three bedrooms, a kitchen, a living room, and a "sitting area." He stated the overall dimension of the house is twenty-two feet (22') by thirty-six feet (36') feet and that the height of the house is consistent with the heights of the neighboring houses. The Board members then asked a few questions. Mr. Flynn testified that retaining walls are proposed with a sidewalk from Bullman Street to the front of the house with steps and that the distance from Bullman Street to the house would be approximately sixty feet (60') to seventy feet (70'). There was some concern from the Board about a sidewalk in the middle of the property which does not exist with the other houses. Mr. Flynn stated that the Applicant is willing to adjust the limited distance between the houses to satisfy the Board. He testified that a chain link fence will be installed. The Board Chairman then recommend that the Applicant share the revised architectural drawings with the next door neighbors who expressed their concerns at the April 24, 2025 hearing to which the Applicant agreed. The Board Chairman inquired whether a basement would be constructed to which Mr. Flynn said that was to be determined, but that if there were there would not be an outside entrance to a basement. Mr. Flynn stated that the drawings include a front entrance and a rear entrance. The Board engineer then inquired whether the mechanical equipment would be positioned outside the house or inside the house to which Mr. Flynn stated that was to be determined, depending upon whether there was a basement. He stated that air conditioning is not planned for this house. The Board engineer confirmed that public water and sewer are available to serve the property; and

WHEREAS, the Chairman then asked the Board members if they had any additional questions and there were no more: and

WHEREAS, the Applicant's next witness was Mr. Duveneck, who after being sworn, testified that the drawing of the dwelling includes an outer limit of two and one-half feet (2.5') including the eaves and overhangs so that the actual walking distance between the dwelling and the neighboring houses will be greater than two and one-half feet (2.5'). He stated that the Applicant wants the proposed dwelling to blend into the neighborhood. He acknowledged that the backyard would be very small, but that recreational area would be available in the front yard. Mr. Duveneck testified that there will be electric appliances and heat pumps and that there will not be any gas used on the property; and

WHEREAS, the Applicant did not offer any additional witnesses, documents or evidence on May 22, 2025, but requested the application be carried to June 26, 2025, in order to address issues raised

at the previous meetings; and

WHEREAS, the Chairman announced that the public hearing on the application will be carried to June 26, 2025; and

WHEREAS, on June 26, 2025, the public hearing was continued where the Applicant continued to be represented by Mr. Lowcher, who explained that the Applicant considered the Board's comments and the public's comments at the prior hearings; and

WHEREAS, the Applicant's first witness on June 26, 2025 was Joseph C. Ciserano, AIA, NCARB, who after being sworn, provided testimony and was accepted as an architectural expert based upon his qualifications set forth in his Curriculum Vitae which has been marked as Exhibit "A-8." He testified that the Applicant revised the site plan to shift the proposed structure away from the structures on the two adjacent properties. He testified that the sidewalk is designed to be consistent with the existing sidewalk in the neighborhood. In response to a question from the Board engineer, Mr. Ciserano agreed to submit properly signed and sealed architectural drawings. The revised Site Plan was then identified and marked as Exhibit "A-6" by the Board Secretary. Upon a question from Board members, Mr. Ciserano discussed the side yard setbacks; and

WHEREAS, the Chairman then asked the Board members if they had any additional questions and there were none; and

WHEREAS, the Applicant's next witness was Mr. Duveneck, who remained under oath after previously being sworn, who testified that there are no longer overhangs on the sides of the proposed structure and instead there are just eves designed on the side, and that the overhangs are located at the front and the rear of the building. Mr. Duveneck testified that the proposed retaining wall would be approximately three feet (3') in height. He stated that the sidewalk along 72 Bullman Street will be removed. He stated that the new sidewalk will connect to the existing adjacent sidewalks. Mr. Duveneck testified that the home will have a covered porch with a concrete entrance. He testified that the design of the shed has been reduced from the original design, yet still requires a variance. As for the parking spaces, they are unchanged with the revised design. He testified regarding the dimensions of the proposed structure. The Board engineer and the Board attorney then inquired about the basis for the site plan exemption. Mr. Duveneck stated that site plan exemption was still requested in order to avoid having to get approval from the Warren County Planning Board for this single-family application, which he viewed as problematic and unnecessary. The Board attorney then confirmed the variances that were requested. Mr. Lowcher then addressed the Board engineer's technical comments set forth in the June 16, 2025 review letter and agreed that the Applicant would comply with all of the technical comments. At this time, the Board engineer inquired about further testimony regarding the site plan waiver request under L.O. 510-9, to which Mr. Lowcher stated that the impracticability and undue hardship includes seeking County approval. Mr. Lowcher and Mr. Duveneck noted that the site plan requirements essentially will be

addressed by the approvals required by the Town Building Department and that there is no need for formal site plan approval and that the only reason the Applicant is appearing before the Board is for variance relief. As for the intensity of the property use and change of the layout of the property, the Applicant's attorney stated that there will not be any change in lighting, buffering and landscaping which would not warrant site plan exemptions. Upon further questioning, Mr. Duveneck confirmed that the basement will include an outdoor entrance via door. At this time, Mr. Duveneck's testimony was completed.

WHEREAS, the Chairman then asked the Board members if they had any additional questions and there were none; and

WHEREAS, the application was opened to public comment and there was pubic comment by Linda Corona of 72 Bullman Street who stated that she acknowledges the changes in the design in the current plan from the original plan and further expressed concern that the occupant of the property would have a large front yard and a small backyard which is unsual; and

WHEREAS, the Board considered all of the preceding and also considered the Town's Master Plan, the Town's Zoning Ordinances, the Town's Site Plan ordinances and considered the comments and advice of the Board's engineer; and

WHEREAS, the Chairman called for a motion on the Site Plan Exemption/Waiver and a motion was made by Mr. Zwicker, and second by Mr. Penrose, to grant the Site Plan Exemption/Waiver as recorded below; and

WHEREAS, the Chairman called for a motion on the bulk variances and a motion was made by Mr. Penrose, and second by Mr. Bond, to grant the requested variances as recorded below.

NOW THEREFORE, as a result of the Applicant's presentation, testimony and exhibits presented by the Applicant's witnesses as aforesaid and the documentation submitted, the Board finds as follows:

1. The subject property is located in the Town of Phillipsburg R-50 Residential Zone.
2. N.J.S. 40:55D-1, *et. seq.*, the "New Jersey Municipal Land Use Law," provides for review and approval of all development applications, including Site Plans, by the Board.
3. The "Town of Phillipsburg's Site Plan Ordinance of 1979" provides for review and approval of all development applications, pursuant to L.O. 510-1, *et. seq.*, by the Board.
4. The Applicant must obtain either Site Plan Approval or a Site Plan Waiver/Exemption from the Board before it develops the subject property.
5. The Board has the authority to grant waivers from the provisions of Chapter 510 of the Town of Phillipsburg's Ordinances, *to wit*, the "Town of Phillipsburg's Site Plan Ordinance of 1979," pursuant to N.J.S. 40:55D-51.

6. That a waiver is an acknowledgment by the Board that conditions of the property are satisfactory and meet the requirements of the Town of Phillipsburg Ordinances.
7. N.J.S. 40:55D-51(b) states: "The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions of the site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question."
8. L.O. 510-9(C) authorizes the Board to grant a Site Plan Exemption if the criteria set forth in L.O. 510-9(A) & (B) are met.
9. L.O. 510-9(A) states that: "The Board, when acting upon an application for site plan approval, shall have the power to grant such exceptions from the requirements of site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question."
10. L.O. 510-9(B) states that: "An applicant for any development or change of use of property that does not increase the intensity or use of the property or change the layout of the site or undertake any structural expansion, and further, if it is not physically possible to meet the other requirements of the Zoning or Development Ordinances of the Town of Phillipsburg requiring additional parking, landscaping, buffering, lighting or other such facilities and is so certified, in writing, by the applicant, may file a written application for waiver of the site plan review on forms provided in the office of the administrative officer at least 10 days prior to the next regularly scheduled meeting."
11. A waiver, or an exemption, is an acknowledgment by the Board that conditions of the property are satisfactory and meet the requirements of the Town of Phillipsburg Ordinances.
12. The Board finds that a Site Plan Waiver/Exemption for this property is appropriate based upon the Completeness Review letters of the Board's Engineer dated March 6, 2025 and June 16, 2025; the presentation of the matter at the April 24, 2025, May 22, 2025 and June 26, 2025 public hearings; and upon consideration of all the evidence and exhibits presented at the hearings including, but not limited to, the following: (a) the fact that the Application is for construction of a single family home in an established residential area that is substantially similar to the existing homes in the neighborhood as well as the house that previously had been on the property; (b) the Applicant is a non-profit organization with an established reputation of providing quality affordable housing which is inherently beneficial to the Town; and (c) there is no reason for the

Applicant to seek approval from Warren County as the site does not involve County property and the burden of obtaining approval from the County is onerous and unnecessary.

13. The Board finds that the granting of the Site Plan Waiver/Exemption as set forth herein is appropriate and is not inconsistent with either the "New Jersey Municipal Land Use Law," N.J.S. 40:55D-1, *et. seq.*, Town's Master Plan or the Town's Zoning Ordinance.
14. The Board concurs that the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances thereby authorizing the granting of a Site Plan Waiver/Exemption as requested by the Applicant.
15. The Board concurs that, in all other respects, the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances.
16. That the Board has authority to grant variances from the provisions of N.J.S. 40:55D-1, *et. seq.*, the "New Jersey Municipal Land Use Law," pursuant to N.J.S. 40:55D-70 and pursuant to the "Land Subdivision Ordinance of the Town of Phillipsburg."
17. That a variance is a deviation from the strict application of Chapter 625 of the Town of Phillipsburg's Ordinances, *to wit*, the "Town of Phillipsburg Zoning Ordinance," as set forth therein pursuant to N.J.S. 40:55D-62, *et. seq.*, and the regulations established thereto.
18. That variances be granted as to the six (6) items noted above, and contained in the Board's Engineer letters dated March 6, 2025, and June 16, 2025, as more particularly set forth herein this Resolution.
19. That the subject property currently is vacant and formerly had a single-family home.
20. That granting the site plan exemption and the requested variances will encourage home ownership.
21. That the Applicant has met its burden as to the positive criteria under N.J.S. 40:55D-70(c)(1) in that by reason of the exceptional narrowness, shallowness or shape of the subject property that strict application of the existing zoning ordinances would result in an undue hardship and that exceptional circumstances exist to deviate from the strict enforcement of the existing zoning ordinances.
22. That the lot area, lot frontage, front yard setback and side yard setback deviations from the zoning ordinances are minimal and are consistent with the housing in the neighborhood.
23. That the Applicant has met its burden as to the negative criteria under N.J.S. 40:55D-70(c)(2) in that granting the requested variances will not be substantially detrimental to the public good and will not substantially impair the intent of either the Town's Master Plan or the Town's zoning ordinances as the zoning ordinances allow for deviations are minor and are consistent with the housing in the neighborhood.
24. That granting the site plan exemption and the requested variances will not harm the public at all.

25. That granting the site plan exemption and the requested variances will not affect the intensity of the use of the property.
26. That the proposed variances are not inconsistent with the Town's Master Plan.
27. That the proposed variances are not inconsistent with the "Town of Phillipsburg Zoning Ordinance," as set forth therein pursuant to N.J.S. 40:55D-62, *et. seq.*, and the regulations established thereto.
28. That the proposed variances are not inconsistent with New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, *et. seq.*
29. That the Applicant acknowledges that any plans to renovate, alter or otherwise change the existing site cannot take place in the absence of a site plan application to this Board.
30. That the Board concurs that, in all other respects, the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances.
31.

NOW THEREFORE, BE IT RESOLVED THAT the Applicant's request for a Site Plan Waiver/Exemption on the property, pursuant to Section 510-9(C) of the "Town of Phillipsburg's Site Plan Review Ordinance of 1979," for approval of interior renovations on the property as noted herein known as Block 309, Lot 13, located in the Town of Phillipsburg R-50 Residential Zone, is granted is hereby **GRANTED**, on Motion of Mr. Zwicker and Seconded by Mr. Penrose:

ROLL CALL VOTE

Ayes:	Chairman Duffy, Mr. Zwicker, Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Noel, Mr. Penrose and Mr. Saultz.
Nays:	None.
Abstentions:	None.
Recused:	None.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Applicant's request for six (6) variances from the "Town of Phillipsburg Zoning Ordinance," under Chapter 625 of the Town of Phillipsburg's Ordinances, pursuant to N.J.S. 40:55D-70(c), as noted above, are hereby **GRANTED**, on Motion of Mr. Penrose and Seconded by Mr. Bond:

ROLL CALL VOTE

Ayes:	Chairman Duffy, Mr. Bond, Mr. Branch, Mr. Brotzman, Mr. Penrose, Mr. Noel, Mr. Saultz Mr. Zwicker
Nays:	None.
Abstentions:	None.
Recused:	None.

AND IT IS FURTHER RESOLVED THAT the Applicant's request for Site Plan Waiver/Exemption and Bulk Variances as noted herein for the property known as Block 309, Lot 13, located in the Town of Phillipsburg R-50 Residential Zone, is granted subject to the express and unaltered conformation with the following conditions:

1. The Applicant shall be bound to comply with all comments contained in the Board Engineer's review letters dated March 6, 2025, and June 16, 2025, as modified at the April 24, 2025, May 22, 2025 and June 26, 2025 hearings, unless altered by this approval, including any comments contained in subsequent reports. In the event that the Applicant is unable to comply with any of the Board Engineer's requirements or recommendations, it is understood that it reserves the right to apply to this Board for relief therefrom.

2. The Applicant shall ensure that the development of the subject property is carried out in strict compliance with this Resolution with the understanding that any deviation therefrom which is deemed by the Board's Engineer's to be a significant deviation from the hereby approved shall require further review and approval by this Board.

3. The Applicant shall apply for, and obtains, approval from all other agencies and governmental bodies which may have concurrent jurisdiction over this project including, but not limited to, the Town of Phillipsburg Fire Chief, the Town of Phillipsburg Chief of Police, the Phillipsburg Sewer Utility, Elizabethtown Gas, Aqua New Jersey and Jersey Central Power & Light ("JCP&L").

4. The Applicant shall provide fully signed and sealed architectural and engineering plans by the appropriate licensed architects and engineers.

5. The Applicant shall procure, and provide copies to the Board, of all applications, licenses and permits required by all federal, state and municipal agencies.

6. The Applicant shall schedule a pre-construction conference with the Town Engineer's office at least two days prior to commencement of construction.

7. The Applicant shall pay all outstanding fees and deficiencies in the review escrow account and maintain current all real estate taxes, sewer and water charges pertaining to this site.

8. Any portion of any prior Site Plan or Subdivision approvals are hereby vacated to the extent they may be inconsistent with this Resolution.

9. The Applicant shall separate the shared sanitary sewer service into separate sewer service if deemed appropriate by the Phillipsburg Sewer Utility.

10. The Applicant shall install all mechanical equipment in the rear yard.

11. The Applicant shall ensure that all roof leaders are directed away from adjacent properties.

12. The Applicant shall verify sanitary laterals from the property connect to main sanitary sewer system by dye test.

13. The Applicant shall install, replace and/or repair all sidewalks and curbing along the frontage of the subject properties, in accordance with Americans with Disabilities Act ("ADA") requirements, as directed by the Town Engineer and/or the Town Code inspector.

14. The Applicant shall submit the AutoCAD to the Town Tax Assessor.

15. The Applicant shall have all plans, subdivisions and surveys signed and sealed by the appropriate professionals who prepared the same.

16. The Applicant shall address any overall site maintenance and code compliance issues based upon a review by the Town's Inspection Official.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Land Use Board on the 26th day of June, 2025, was duly adopted at its regular meeting on the 24th day of July, 2025, by a majority of the aforesaid members.

WILLIAM DUFFY, Chairman

Dated: July 24, 2025