

POTTER AND DICKSON

ATTORNEYS AT LAW
194 NASSAU STREET

PRINCETON, NEW JERSEY 08542

(609) 921-9555

R. WILLIAM POTTER
MEMBER N.J. AND CA. BARS

PETER D. DICKSON
MEMBER N.J. AND D.C. BARS

TELECOPIER
(609) 921-2181

March 16, 2023

The Hon. Kevin M. Shanahan
Judge of Superior Court
Somerset County Courthouse
20 N. Bridge Street, 3rd Floor
Somerville, NJ 08876-1262

Re: Morrisette v. Town of Phillipsburg Town Council, WRN-L-000341-22:
Trial Brief On Fifth Count Of Complaint In Lieu Of Prerogative Writs -
Conflicts Of Interest

Dear Judge Shanahan:

We represent the plaintiffs in this case. Please accept this letter brief in lieu of a more formal brief as our trial brief in this matter. In the interests of economy, as discussed at the case management conference on January 5, we have limited this brief to just one issue, from Count Five of our complaint, namely, that disqualifying conflicts tainted the vote on this ordinance, and the ordinance must therefore be vacated. The law is quite clear.¹

Statement Of Relevant Facts

In this prerogative writs action, we challenge Ordinance 2022-30, which the

¹ We note that no answer has been filed to our complaint. As the court knows, our complaint pleads four other counts. We reserve the right to brief these other counts in the event that the conflicts issues do not dispose of the case.

Town Council of Phillipsburg adopted on second reading on November 1, 2022, by a vote of 3-1 with Council President Harry Wyant recusing himself. Although he did not give a reason, he has recused himself from previous votes stating that he owned property within 200 feet of the affected property. This ordinance (but not its referenced "Exhibit A") purported to amend the Phillipsburg Redevelopment Plan to permit the construction of a 360,000 sq. ft. refrigerated warehouse on the last undeveloped parcel of riverfront land in the Town (the Site), but referred to an "Exhibit A" which is incompatible with the Ordinance's recitals. The ordinance is Plaintiffs' Exhibit 1. "Exhibit A" is Plaintiffs' Exhibit 2.

"Exhibit A" proves just how confused and confusing the Council's votes are -- the essence of arbitrary and capricious. The document that Phillipsburg represented to plaintiff David Morrisette as the "Exhibit A" referenced and included in Ordinance 2022-30 is dated November 7, 2018 and amended April 20, 2021; the amendment was approved in Ordinance 2021-14, which is the ordinance we challenge in the companion case of WRN-L-000248-21. It is labeled "District 5 Amendment - Riverside Industrial Riverfront Redevelopment Plan (RRP)." Ordinance 2022-30 describes "Exhibit A" as "the Town will amend the revised RRP ... as specifically set forth in the attached EXHIBIT A ... (collectively the '**District 5 Amendment - RRP**')." Thus the document given to plaintiff Morrisette does appear to be the attachment referenced in Ordinance 2022-30. Certification of

David Morrisette (Morrisette Certification) ¶¶ 2, 14-16.

However, this "Exhibit A" has nothing to do with Ordinance 2022-30, to which it is a purported exhibit. For obvious example, Ordinance 2022-30 purports to approve a 360,000 sq. ft. refrigerated warehouse with a 65-foot height approval and a rail link. "Exhibit A" refers to a 520,000 sq. ft, non-refrigerated warehouse with no mention of any rail link. The Town is just making this up.

At no point in either the Land Use Board proceeding that resulted in final site plan approval in LUB Resolution No. 2022-12, September 22, 2022, or in the two Council meetings in which Ordinance 2022-30 was considered, was there any mention of, let alone discussion of, any "Exhibit A." There is no proof in the record that the Council ever knew about the contents of "Exhibit A," let alone considered it in adopting Ordinance 2022-30. No one seems to have had the slightest interest in the serious discrepancies. There's an obvious explanation: the disqualifying conflicts of interest we set forth in this brief. The details of the proposed construction are contained in the Resolution of Approval for final site plan application approved by the Town's Land Use Board (LUB), discussed below.

By way of background, Ordinance 2022-30 is at least the third recent attempt by the designated redeveloper of the Site, Peron Construction, to obtain Council approval for building a large distribution warehouse on this previously

undeveloped riverfront site.² By the terms of the current redevelopment plan prior to these attempts, the site is zoned for a mixed use residential, retail and recreational development, and industrial warehouses are not permitted. Plaintiffs' Exhibits 4, 5. There is no evidence in the record that the property owner/redeveloper has made any recent effort to develop the site in accordance with the redevelopment plan's requirements. Morrisette Certification ¶¶ 3-5.

Earlier, on May 4, 2021, the Council adopted Ordinance 2021-14, making an amendment to the Redevelopment Plan to permit Peron to construct a 520,000 sq. ft. truck distribution warehouse on the Site. (The "Exhibit A" which was referred to in Ordinance 2022-30 refers to this proposal and approval.) This included a request to the Department of Environmental Protection ("DEP") to take a portion of the Site out of Green Acres protection. The DEP refused. Plaintiffs in this case and others challenged Ordinance 2021-14, alleging, among other things, that several Council members who voted on the ordinance were disqualified from voting due to conflicts of interest. The case was docketed as WRN-L-000248-21.

After evasive and woefully incomplete answers to the plaintiffs' discovery requests

² Ordinance 2022-30 identifies the applicant and redeveloper as "Peron Construction LLC," as do the Land Use Board Resolutions, while the Ordinance 2021-14 identifies the applicant and redeveloper as "Peron Construction, Inc." We cannot say whether there are really two different limited liability entities, with the LLC being separately formed for the purpose of developing this property; lenders commonly require that individual projects be isolated in separate limited liability entities.

to the Town, plaintiffs obtained a substantial amount of information confirming the disqualifying conflicts through Open Public Records Act (OPRA) requests. The parties fully briefed and argued this issue and we incorporate our briefs and evidence by reference. In the case management order dated January 5, 2023, the court ruled that it would hold that case in abeyance pending the outcome of this case.

While the challenge to Ordinance 2021-14 was pending, Peron applied for preliminary and final site review and approval. The preliminary site plan hearing was on January 27, 2022, memorialized in Land Use Board Resolution 2022-2. On August 16, Peron made a presentation to the Council for a revised warehouse proposal. 1T.³ The final hearing was on August 25, memorialized in Board Resolution 2022-12, dated September 22, 2022. 2T. Plaintiffs' Exhibit 3. Applicant Peron presented numerous witnesses and reports summarized in the first seven pages of the Resolution, but very unusually for a project of this scope, the entire hearing took less than an hour including public comment. 2T.

Four items in this final site plan approval are of interest. The proposed

³ The transcripts submitted with this brief are referenced as follows:
 Town Council hearing August 16, 2022, referenced as
 "1Tpage#:line#."
 Land Use Board hearing August 25, 2022, referenced as
 "2Tpage#:line#."
 Town Council hearing November 1, 2022, referenced as
 "3Tpag#:line#."

project is now described as a 420,000 sq. ft. refrigerated warehouse; the reduced size is reflected at least in part by the DEP's refusal to allow the Green Acres properties to be developed. Second, the Board approved Peron's request for a "waiver" to not supply an environmental report for this environmentally sensitive riverside property. Third, Peron was represented by Mark R. Peck, Esq., an attorney in the law firm of Florio, Perrucci, the law firm in which Michael Perrucci, the owner of Peron, is a partner.⁴ 2T4:16-19.

Fourth, and pertinent to Count Five and this brief, Peron committed in its application to acquire and demolish two properties at 560 and 562 South Main Street, "in order to construct roadway improvements." Plaintiffs' Exhibit 3 at 1. A consistent concern and source of opposition to these warehouse proposals is the extensive truck traffic they would generate in Phillipsburg, a small town with mostly narrow streets unsuitable for large trucks. The demolition of the two properties was to allow for a wider area for trucks going to and from the warehouse to turn right, to the south, away from the central business district. Morrisette Certification ¶¶ 7, 10.

The preliminary and final site plan plats clearly identified these two properties as included in the "SITE," so there is no question of their legal

⁴ This would appear to violate Advisory Committee On Professional Ethics Opinion 743 (July 23, 2022), which the court previously brought to the parties' attention in WRN-L-000248-21.

significance. Plaintiffs' Exhibits 6, 6a and 6b. Exhibit 6 is the two page site plan plat submitted to the Warren County Planning Board for its site plan approval at its meeting on February 27, 2023, which we discuss below. Examining the dates on the plat shows that it has been used in previous proceedings, including presumably the Land Use Board. The title of the document is "Preliminary and Final Major Site Plan For Peron Construction LLC." Exhibits 6a and 6b are enlargements of portions of the plat to show that the "SITE" explicitly includes the two properties at 560 and 562 South Main Street.

As of August 22, 2022, the date of this final site plan approval, the only authorization for this type of development, not allowed in the redevelopment plan, was Ordinance 2021-21, the one challenged in WRN-L-000248-21, which was still pending a decision by this court.

On October 4, 2022, Council members Marino and Piazza, Jr., attempted twice in the same meeting to adopt an ordinance that would authorize the Peron warehouse application(s). The minutes of that meeting, Plaintiffs' Exhibit 7, reflect that the proposed ordinance mirrored Ordinance 2021-21, and at least one Council member was of the view that such an ordinance interfered with the pending litigation. Plaintiffs' Exhibit 7 a p. 8 (Council Member Kennedy). The motion to approve the ordinance failed, 2-1, with two members abstaining. Member Piazza Jr. seconded the motion and voted in favor. Council President Wyant said

he abstained because he owns property within 200 feet. Id. at 8.

Later in the meeting, Michael Perrucci, the owner of Peron, addressed the Council complaining about its lack of approval. Plaintiffs' Exhibit 7 at 8-9 (identified as "MP"). Other members of the public also commented on the warehouse proposal(s), including plaintiff David Morrisette. Id. at 10.

Significantly, another name partner of Mr. Perrucci, Douglas J. Steinhardt, Esq., also addressed the Council in favor of the proposed warehouse(s). Id. at 10. Mr. Steinhardt is the Warren County Republican Chairman and in that capacity, as we discuss below, exercises a substantial degree of power over Republican candidates for elective office in Phillipsburg. (To reinforce this point, he was also recently the Chairman of the Republican State Committee.)

Perhaps not coincidentally, after Messrs. Perrucci and Steinhardt had spoken, Council members Marino and Piazza, Jr., renewed their motion to adopt an authorizing ordinance, and that motion also failed by 2-1 with two members abstaining. Id.

On November 1, 2022, the Phillipsburg Council adopted on second reading Ordinance 2022-30, which we challenge here, by a vote of 3-1. Plaintiffs' Exhibit 1. The ordinance purported to adopt an amendment to the redevelopment plan to change the zoning to industrial "to accommodate the aforementioned purposes as specifically set forth in the attached **EXHIBIT A**; and (ii) to permit a 65-foot

building height...." Id. at 1, emphasis in original. It bears repeating that the referenced "Exhibit A" actually refers to the earlier project under review in WRN-L-000248-21. Ordinance 2022-30 plainly refers to the newly modified Peron proposal. The size of the project is reduced to 320,000 sq. ft., because it now included a rail connection with the Belvidere and Delaware Railway, which was not a part of previous warehouse proposals, and the warehouse is to be refrigerated. Morrisette Certification ¶ 15; Plaintiffs' Exhibit 1.⁵

Council President Harry Wyant recused himself from voting on this ordinance, apparently because he owns property within 200 feet of the property affected by the ordinance. However, Council Member Randy Piazza, Jr., did not recuse himself and voted in favor of the ordinance, despite the fact that his parents, Randy Piazza, Sr., and Susan, own a residence at 309 Mercer Street, which is across the street from the properties at 560 and 562 South Main Street,

⁵ The obvious reason for the railroad connection is to assuage concerns about the increase in large truck traffic in the town. According to its own website, this railroad serves five small towns in New Jersey and West Easton, Pennsylvania. <http://www.brwrr.com/Freight/bdrv059.htm>. In summer months, this line is heavily used for passenger excursions: <https://877trainride.com/rivertrain.htm>. This would seem to be a very poor tactic for trying to reduce the use of trucks to serve a 320,000 sq. ft. refrigerated warehouse full of perishables. Because this connection had never been part of any prior proposal, there is no credible record evidence to support any notion that it can accomplish anything in reducing truck traffic in the town. However, as events before the County Planning Board show, the rail link has been abandoned.

and well within 200 feet of the South Main Street properties. Morrisette Certification ¶¶ 11,12, Plaintiffs' Exhibits 8, 9. The site plan, Exhibits 6, 6a and 6b, clearly refer to 560 and 562 South Main Street as part of the "SITE."

As we set forth next, this is a disqualifying interest, and Ordinance 2022-30 is void.

There are separate and independent grounds to disqualify Member Piazza, Jr., as we discuss below, but the 200-foot rule is simple and dispositive.

The plan for this property has apparently changed yet again, however. On February 27, 2023, the Warren County Planning Board voted to disapprove another proposal by Peron, this time to construct a 420,000 sq. ft. warehouse, but with no rail connection. There is no mention of a refrigerated warehouse or raising the permitted height to 65 feet. Plaintiff's' Exhibit 10 at 2. It appears the refrigerated warehouse plan has been abandoned, but that still leaves open the question of exactly what the Council was voting on Ordinance 2022-30 back on November 1, 2022, since "Exhibit A" does not refer to a refrigerated warehouse or a 65-foot height. Phillipsburg Council Member Piazza Jr., is also the Vice Chair of the Warren County Planning Board and he recused himself from voting on the Peron site plan, which the County Planning Board voted to disapprove. Morrisette Certification ¶ 17; Plaintiffs' Exhibits 6, 6a, 6b, 10.

Finally, as we discuss in detail below, Member Piazza Jr., has received

significant campaign aid from the Warren County Republican Committee, and will be seeking it again, and the Chair of that committee is Mr. Perrucci's name law partner, Mr. Steinhardt.

ARGUMENT: Council Member Randy Piazza, Jr. Is Disqualified From Voting On Ordinance 2022-30: The Ordinance Is Invalid

1. Member Piazza's Parents Own Property Within 200 Feet Of The Property That Is Affected By The Ordinance

The essence of our argument is well summarized by the decisions in Care of Tenaflly v. Tenaflly, 307 N.J. Super. 362 (App. Div. 1998); Barrett v. Union Tp. Committee, 230 N.J. Super. 195 (App. Div. 1989); and McNamara v. Borough of Saddle River, 64 N.J. Super. 426 (App. Div. 1960). Two statutory provisions are involved.

The Local Government Ethics Law provides in relevant part:

[n]o local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.
[N.J.S.A. 404:9-22.5(d), emphasis added.]

The Municipal Land Use Law provides that written notice of a land use application shall be given to "the owners of all real property ... within 200 feet of the property that is the subject of the hearing..." N.J.S.A. 40:55D-12b.

The cases consistently apply these provisions to follow a per se rule that

disqualifies any municipal official - council or land use board member - from voting on any measure as to which the official or a member of his or her immediate family has an "interest" or an "involvement" in property within 200 feet of "the property that is the subject of the hearing."

In McNamara, supra, the council was voting on a zoning ordinance that set minimum lot sizes for public and parochial schools, which would have the effect of limiting the size of a proposed Saddle River Country Day School. A council member with a long history of opposing the school voted in favor of the amendment. He owned property less than 200 feet from the site. The court invalidated the ordinance. The court held that:

The Legislature has declared that the owners of any property within 200 feet of property to be affected by an appeal to a board of adjustment shall be served with notice of the proceedings at least ten days before the hearing. N.J.S.A. 40:55-44 [the predecessor statute to the current 40:55D-12b]. This is tantamount to a declaration of interest in the zoning treatment of a particular property on the part of those owning other property within 200 feet.

[McNamara, 64 N.J. Super. at 430, emphasis added.]

The court will note the McNamara court's choice of words: "any property within 200 feet of property to be affected by an appeal...." (emphasis added). A more complete discussion of the factual background of this case can be found in the lower court opinion, McNamara v. Borough of Saddle River, 60 N.J. Super. 367 (Law Div. 1960), which the Appellate Division incorporated by reference. But the

per se rule of a disqualifying interest is in the Appellate Division opinion. The appellate court held that

The issue is whether or not [a councilman] had a disqualifying interest in the subject matter of the ordinance. His motives in voting for it ... are immaterial. If there is "interest," there is disqualification automatically, entirely without regard to actual motive, as the purpose of the rule is prophylactic, that is, to prevent the possibility of an official in a position of self-interest being influenced thereby to deviate from his duty to be guided only by the public interest in voting as such official.

[McNamara, 64 N.J. Super. at 429-430, emphasis in original.]

Although the Piazza, Sr., house is not explicitly in the text of Ordinance 2022-30, it is most certainly "property within 200 feet of property to be affected" by the Ordinance. There is no question that the Ordinance was intended to authorize the large warehouse development that was the subject of LUB Resolution 2022-12. That proceeding included the acquisition and demolition of 560 and 562 South Main Street. McNamara is also controlling here. The court noted that the subject ordinance there, "while general in its surface scope, had for its realistic objective the regulatory restriction or prohibition of the use of the property leased to plaintiff Saddle River Country Day School as a day school. The whole history of this litigation indicates that the property mentioned was the real subject of the ordinance, at least so far as relevant for present purposes." McNamara, 64 N.J. Super. at 430 (citation omitted). As guidance the court quoted "the famous dictum in Bailey v. Drexel Furniture Company, 259 U.S. 20, 37, 42 S.Ct. 449, 66 L.Ed. 817

(1922) (Child Labor Tax Case), [that] courts must be 'blind not to see' truths which '[a]ll others can see and understand.'"

In this case, what everyone "can see and understand" is that Ordinance 2022-30 can only refer to the Peron warehouse project given final site plan approval by the LUB in Resolution 2022-12. There would be no reason at all for Ordinance 2022-30 to amend the redevelopment plan unless it was to provide legal authorization for the large warehouse, as described at length in the LUB proceeding that was memorialized in LUB Resolution 2022-12. That's because a court challenge to the previous authorization, Ordinance 2021-12, was pending a potentially adverse decision from this court. If that pending challenge were to be successful, then the redevelopment plan would not authorize industrial warehouses in this district. Ordinance 2022-30 references Peron in its introductory clauses, and references a "manufacturing and storage" use. There is no proposal that could be intended as the subject of this amendment other than the Peron warehouse.

Finally, the plat for the site plan clearly identifies 560 and 562 South Main Street as included within the "SITE." Plaintiffs' Exhibits 6, 6a and 6b. In both Care of Tenafly v. Tenafly, supra, and Barrett v. Union Tp. Committee, supra, the court held that disqualification and voiding of the challenged ordinance was mandated because the "member of an immediate family" was a parent, as is

the case here. In Care One, a zoning board member's mother owned commercial property across the street from the proposed development. In Barrett, a township committee member voted in favor of a zoning ordinance that would permit a continuing care facility on property adjacent to a nursing home in which his mother was a resident. The applicants for the continuing care facility owned the nursing home. In its opinion, the court noted that "[t]he potential for psychological influences cannot be ignored." Barrett, 230 N.J. Super. at 201 (citations omitted). "It would strain credulity to conclude that [the] Councilman [] did not have an interest in seeing that his invalid mother was properly cared for in the facility that was owned and operated by the [applicant developers]." Id. at 204.

Thus, the per se disqualifier of the Local Government Ethics Law and the cases applies to Member Piazza by reason of his parents' house.⁶

We expect the Town to argue that the properties at 560 and 562 South Main Street are not "in" the redevelopment area and should by that reason alone not be subject to any conflict of interest claim based on being within 200 feet of "property to be affected" by the ordinance. This argument fails, first and foremost, because of the plain language of the Local Government Ethics Law and the holdings in McNamara, Care of Tenally and Barrett. There can be no serious dispute that the

⁶ We have not researched whether the 200-foot rule would apply to proceedings before the Warren County Planning Board, but the court need not address this question. N.J.S.A. 40:27-1 et seq., 40:27-6.6.

subject Ordinance is specifically intended to address the Peron property included in the final site plan approval by the Land Use Board, which explicitly includes demolition of 560 and 562 South Main Street. If Ordinance 2022-30 is void and this court overturns Ordinance 2022-14 in the pending companion case, there is no authorization for any industrial or warehouse use and no reason or authorization for the acquisition and demolition of 560 and 562 South Main Street.

The 200-foot per se rule is not negated by the Local Redevelopment And Housing Law, which grants certain powers to municipalities and redevelopment entities. N.J.S.A. 40A:12A-1, et seq. As set forth in the cases we discuss, it is a rule of conflicts of interest, to which there can never be any limitation based on artificial boundaries. This is a judicial reading of the Local Government Ethics Law and the Municipal Land Use Law, not the LRHL, and a very sensible and necessary one, too. Our courts have repeatedly emphasized the need for impartial decision-making by municipalities and their land use boards. These opinions have also reiterated that conflict of interest analysis is fact sensitive. But in the case of properties within 200 feet of property affected by a land use application, our courts have decided that that one fact alone conclusively settles the issue.

As the cases repeatedly emphasize, when a court analyzes a claim of conflict of interest in this context, the inquiry is not whether the official actually succumbed to temptation because of a conflict. The issue is whether the potential

for a conflict exists. See, e.g., Wyzykowski v. Rizas, 132 N.J. 509, 524 (1993), citing Griggs v. Borough of Princeton, 33 N.J. 207, 219 (1960). This is also described as whether the official has an interest in the measure not shared with the general public. Ibid. This kind of analysis relieves a reviewing court of the more confusing burden of judging whether the official did, in fact, act on the conflict. It also provides courts, and volunteer members of local government and their advising lawyers a bright line that is readily discernible.⁷

Thus, the location of the Piazza, Sr., property outside the formally designated redevelopment area is irrelevant. The site plan maps designate the South Main Street properties across the street from the Piazza St. residence as part of the "SITE." What everyone "can see and understand" is that Ordinance 2022-30 was specifically intended to authorize the Peron large warehouse project given site plan approval in Land Use Board Resolution 2202-12, and that an important part of that proposal was to acquire and demolish two properties within 200 feet of the Piazza Sr. residence.

This conclusively settles the issue. Member Piazza Jr., is disqualified because "a member of his immediate family" owns property within 200 feet of "property to be affected by" Ordinance 2022-30. The ordinance is therefore void

⁷ Although the court has held a ruling on WRN-L-00248-21 in abeyance, we note that the extensive conflicts in that case and this one demonstrate that Phillipsburg seems to have trouble grasping the requirements of conflicts law.

because of Member Piazza's vote.

While the 200-foot rule obviates the need for any extensive analysis before voiding Ordinance 2022-30, there are independent and separate grounds for disqualifying Member Piazza from any vote on any ordinance or resolution relating to or affecting the Peron property, and therefore independent and separate grounds for voiding Ordinance 2022-30.

2. Council Member Piazza Is Disqualified By Our Well Settled Conflict Of Interest Law

Ordinance 2022-30 identifies the owner of the Site as Peron Construction LLC, the designated redeveloper of the Site. As we set forth in our briefs and evidence in the companion case WRN-L-00248-21, Peron is owned by Michael Perrucci, Esq., a name and founding partner in the Florio Perrucci law firm: "Mike Perrucci is Co-Founder and Partner of Florio Perrucci Steinhardt Cappelli Tipton & Taylor. Mike is also the owner of Peron Construction, Inc., a real estate development company...." <https://www.floriolaw.com/attorney/michael-j-perrucci/>

A. Member Piazza Is Running For Mayor Of Phillipsburg As A Republican; Mr. Perrucci's Name Law Partner Douglas Steinhardt, Esq. Is Chair Of The Warren County Republican Committee, Which Can Be Expected To Provide Substantial Funds To Member Piazza's Campaign

On January 4, 2023 (the day before the case management conference in this matter), Member Piazza Jr., announced that he would run for the office of Mayor

of Phillipsburg. Morrisette Certification ¶ 20; Plaintiffs' Exhibit 11. Member Piazza Jr., and his father and mother are members of the Warren County Republican Committee. Id. at ¶ 13; Plaintiffs' Exhibit 12. Mr. Perrucci's name partner Mr. Steinhardt is Chairman of the Warren County Republican Committee: "Doug is also the New Jersey State Senator representing the state's 23rd legislative district and Chairman of the Warren County Republican Committee. He is the former Chairman of the New Jersey Republican State Committee and Mayor of Lopatcong Township." <https://www.floriolaw.com/attorney/douglas-j-steinhardt/>

On December 12, 2022, Member Piazza Jr., posted in his official Town Facebook account that "[t]his weekend I had the privilege of voting for Doug Steinhardt to fill the vacant NJ-23 [Senate] seat. Our community and Phillipsburg will be in good hands. We had a good discussion about the future of Phillipsburg and his involvement." The accompanying photograph includes Messrs. Steinhardt (center) and Piazza, Jr. (right). Morrisette Certification ¶ 13; Plaintiffs' Exhibit 13. It is more than reasonable to assume that Member Piazza Jr., and Mr. Steinhardt also discussed other "future" events such as Member Piazza's candidacy for Mayor. According to his Twitter account, Mr. Steinhardt had announced his intention to seek the Senate seat on September 27.

<https://twitter.com/DSteinhardtEsq>

On February 8, the political website New Jersey Globe reported that Warren

County Republicans would be supporting Member Piazza for Mayor, intending to oust incumbent Todd Tersigni.

<https://newjerseyglobe.com/local/after-losing-gop-support-for-re-election-phillipsburg-mayor-will-switch-parties-again/>. Morrisette Certification ¶ 21; Plaintiffs' Exhibit 14.

Member Piazza, therefore, vitally needs the support of Mr. Perrucci's partner, Mr. Steinhardt, the Republican County Party Chairman, if he is to obtain the Republican nomination for Town Mayor. If the Globe article is true, then he undoubtedly already has that support. If true, it is inconceivable that the County organization would have decided to support Member Piazza without the express support of the organization's Chairman, Mr. Perucci's name partner Mr. Steinhardt.

Moreover, and much more to the point, if he obtains the nomination, Mr. Piazza Jr. would expect substantial financial and in-kind support from the Warren County Republican Committee, as he did when he ran for Council in 2019. The Election Law Enforcement Commission post-election filing for the 2019 slate of Republican candidates for the Phillipsburg Mayor and Council (Messrs. Tersigni, Wyant and Piazza, Jr.) shows that the majority of the \$10,937 of in-kind contributions came from the Warren County Republican Committee, in the amount

of \$7,691.49. Morrisette Certification ¶ 22; Plaintiffs' Exhibit 15.⁸

As we set forth above, Mr. Steinhardt spoke at the October 4, 2022 Council meeting in favor of the Peron warehouse. Plaintiffs' Exhibit 7. Needless to say, Mr. Steinhardt had no need to remind Member Piazza Jr. (and the other Republican Council members) of his political office and power over their political futures. His remarks may have even prompted Member Piazza Jr. to attempt a second attempt at an authorizing resolution on October 4.

The applicable law is clear and unambiguous. In addition to the holdings of McNamara, Care of Tenafly and Barrett, we rely on the two lead Supreme Court cases. In Wyzykowski v. Rizas, supra, the Court stated the test for disqualification:

An actual conflict of interest is not the decisive factor, nor is "whether the public servant succumbs to the temptation," but rather whether there is a potential for conflict." A conflicting interest arises when the public official has an interest not shared in common with the other members of the public.

Another way of analyzing the issue is to understand that "[t]here cannot be a conflict of interest where there do not exist, realistically, contradictory desires tugging the official in opposite directions." [Wyzykowski, 132 N.J. at 524, emphasis added; citations omitted.]

⁸ As we noted above, Council President Wyant recused himself from the vote on the proposed ordinance rejected on October 4 and Ordinance 2022-30, apparently because he owned property within 200 feet of an affected property. However, it is worth noting that he was a member of this slate of benefited candidates, and would also be disqualified for the same reasons as Member Piazza Jr.

The second lead case is Piscitelli v. Garfield ZBA, 237 N.J. 333 (2019), in which the Court addressed facts analogous to those in this case. In Piscitelli, the actions of the Garfield Zoning Board of Adjustment were scrutinized because the application for development was presented by several trusts in which Dr. Kenneth Conte, the President of the Garfield Board of Education, and members of his immediate family, had an interest. Five members of the zoning board were either employed by the Board of Education or had immediate family members who were so employed. No Board member disqualified himself or herself, and the application was approved.

On appeal, the Appellate Division affirmed the Board, and upheld the denial of the plaintiffs' request to take discovery on whether any Board members were patients of Dr. Conte or his physician or dentist brother. Some discovery was undertaken in the Law Division.

The Supreme Court reversed. Piscitelli, 237 N.J. at 345. The Court's discussion begins, "[t]he overall objective 'of conflict of interest laws is to ensure that public officials provide disinterested service to their communities' and to 'promote confidence in the integrity of governmental operations.' Thompson v. City of Atlantic City, 190 N.J. 359, 364 (2007))." Piscitelli, 237 N.J. at 349. The Court adds, "[a]n essential guarantee of the common law is the right 'to a fair and impartial tribunal.'" Piscitelli, 237 N.J. at 350, quoting Wyzykowski v. Rizas, *supra*,

132 N.J. at 522.

Here is the heart of the Court's holding:

We reverse and remand for further proceedings to decide whether any Zoning Board member had a disqualifying conflict of interest in hearing the application for site plan approval and variances in this case. The trial court must assess two separate bases for a potential conflict of interest. First, did Dr. Kenneth - as president or a member of the Board of Education - have the authority to vote on significant matters relating to the employment of Zoning Board members or their immediate family members? Second, did any Zoning Board members or an immediate family member have a meaningful patient-physician relationship with any of the three Conte doctors? If the answer to either of those questions is yes, then a conflict of interest mandated disqualification and the decision of the Zoning Board must be vacated.

[Piscitelli, 237 N.J. at 340 .]

The Court noted that the first inquiry should focus on "whether Zoning Board members might have had reasons to apprehend that Dr. Kenneth would in the future vote on such matters -- matters that clearly would give rise to a personal interest and the potential for a disqualifying conflict." Piscitelli, 237 N.J. at 358.

Also persuasive is Haggerty v. Red Bank Borough, 385 N.J. Super. 501 (App. Div. 2006), in which the court confronted a challenge to two separate resolutions on a bifurcated application, the first granting a density variance and the second approving site plan and a bulk variance. As to the second resolution, the challenge was filed within the 45 day rule of R. 4:69-6, but over a year after the first

resolution. Among the plaintiffs' claims was that the Vice Chair of the Zoning Board, acting as chair because the chair had recused himself, was also in a conflict of interest. (The trial court had denied plaintiffs' initial request to expand the record on their conflicts of interest allegations, finding that they were too speculative.)

On appeal, however, the Appellate Division reversed. It found that the Vice Chair was in a conflict of interest, and therefore, "[a]s a result of [the Vice Chair's] participation, the Board proceedings, in their entirety, are void and must be set aside." Haggerty, 385 N.J. Super. at 527 (emphasis added). Thus, the court found that a conflict of interest so tainted the proceedings that a complaint filed a year out of time would still be considered. Haggerty, thus, held that one conflicted member would suffice to void the board's action, and a sufficient number of non-conflicted votes in favor would not save the voided approvals.

See also Randolph v. Brigantine Planning Board, 405 N.J. Super. 215, 232 (App. Div. 2009), in which the court voided a site plan approval because the Chair of the Board had been in a ten-year unmarried relationship with the brother and fellow employee of the Board's appointed professional engineer. The opinion contains an extensive discussion of the law of conflicts. The court's decision to void the site plan approval was made even though the Board Chair did not participate in or vote on ultimate approval, which passed by a 6-1 vote.

Applying these cases to Member Piazza is straightforward and conclusive. His relationship with County Party Chairman and Mr. Perucci's name partner Mr. Steinhardt is "an interest not shared in common with the other members of the public." Wyzykowski, supra, 132 N.J. at 524. When Member Piazza voted in favor of Ordinance 2022-30, he was a few weeks away from making public his decision to run for Mayor, and in that race he would need the support, intangible and tangible, of the Chair of the Warren County Republican Committee. Given his membership - and his father's and mother's - on the Committee, it strains credulity that he did not have some indication (or more) of Mr. Steinhardt's approval and support. Mr. Steinhardt is not only the name partner of the owner of Peron, Mr. Perrucci, but he spoke in favor of the Peron proposal on October 4. This is certainly the type of interest that creates "realistically, contradictory desires tugging [Member Piazza] in opposite directions." Id. Mr. Steinhardt, as Chair of the County Republican Committee "has the authority to vote on [or control, as Chair] significant matters relating to the" nomination and election of Phillipsburg Council members. Piscitelli, supra, 237 N.J. at 340. Member Piazza "might have had reasons to apprehend that [Mr. Steinhardt] would in the future vote [or decide] on such matters [as who would get the Republican nomination for Phillipsburg Mayor or support in the general election] -- matters that clearly would give rise to a personal interest and the potential for a disqualifying conflict." Id.

B. Member Piazza's Father Spoke In Favor Of The Ordinance And His Property Would Benefit From It

There are two additional reasons to disqualify Member Piazza and void the ordinance.

First, it cannot be denied that his parents' home would benefit from the proposed acquisition of 562 and 564 South Main Street and construction of a wider turnout. Trucks traveling to or from the warehouse would not back up into the area around that residence because a too tight turn onto Main Street (in either direction) would slow them down. These are concrete benefits in reduced diesel engine pollution and noise.

Second, and obviously closely related, Mr. Piazza, Sr., spoke in favor of Ordinance 2022-30 on November 1, 2022. 3T19:25, -20:1-8, 11-25, -21:1-21. This alone is further ground for disqualifying his son. See, e.g., Meehan v. K.D. Partners, L.P., 317 N.J. Super. 563, 565 (App. Div. 1998).

Conclusion

One person's "influence" is another's "conflict of interest." Not one of these recent warehouse proposals has been free of conflicts of interest on the part of Phillipsburg Council members. This is not a coincidence. The original proposal, for a 560,000 sq. ft. warehouse and elimination of the Green Acres preserved land on the Site, was conflicted because the Florio Perrucci law firm had rendered very

valuable legal services to several Council members who had been sued by Town employees who had been mistreated and harassed and demoted because of their political views. The firm also defended one Council member who had been arrested for DUI among other driving offences. In all cases, the Council member faced significant personal jeopardy. The Florio Perrucci firm was under no obligation, legal or otherwise, to seek or accept these representations. The conflicts of interest were created by these representations. These were intentional and avoidable actions. The obvious inference for this court is that the law firm sought and/or accepted these representations because it hoped that the Council members would look favorably on any decisions that might impact the law firm or its founding and senior partner Mr. Perrucci, who had a large warehouse proposal in the works. That is exactly what happened. But it crossed the line set by law.

In this case, the conflict in part preceded the proposed action. Mr. Perrucci's law partner Mr. Steinhardt as Chairman of the Warren County Republican Committee exercises significant control over the political destiny of the Republican members and candidates for Phillipsburg public office, if only because the County Committee is by far the most significant source of campaign funding. That is a disqualifying conflict for any such candidate or elected official. But the conflict was exacerbated by the proposal to acquire and demolish 560 and 562 South Main Street, to the benefit of the parents of Council Member (and Mayoral

candidate) Piazza Jr. It was further exacerbated when Mr. Steinhardt chose to address the Council in person and advocate for that meeting's proposal.

For all these reasons, Ordinance 2022-30 is void because of the numerous disqualifying conflicts of interest of Council Member Randy Piazza, Jr.

Respectfully submitted,

POTTER AND DICKSON

By /s/ Peter Dickson

Peter Dickson

NJ Attorney ID No. 001661979

Enclosure: List of Exhibits

Service: by eCourts

List of Exhibits

Exhibit 1, Town of Phillipsburg Ordinance 2022-30

Exhibit 2, Town of Phillipsburg District 5 Amendment - Riverside Industrial Riverfront Redevelopment Plan, as amended April 20, 2021 (aka "EXHIBIT A")

Exhibit 3, Town of Phillipsburg Land Use Board Resolution No. 2022-12

Exhibit 4, Town of Phillipsburg Revised Riverfront Redevelopment Pl

Exhibit 5, Town of Phillipsburg Amended Riverfront Redevelopment Plan, April 26, 2018 Draft

Exhibit 6, Preliminary & Final Major Site Plan for Peron Construction, LLC, Cover Sheet and Overall Site Layout Plan

Exhibit 6a, Enlargement of USGS Map on Exhibit 6

Exhibit 6b, Enlargement of Aerial Map on Exhibit 6

Exhibit 6c, Enlargement of Tax Map on Exhibit 6

Exhibit 7, Town of Phillipsburg Town Council Meeting Minutes, October 4, 2022

Exhibit 8, Deed from Jeanne Mayer of 309 Mercer Street to Randy S. Piazza and Susan Piazza, dated February 13, 1981, for Lot 806 in Block 67 on the tax map of Phillipsburg, recorded as Instrument 255472 in Volume 760 Page 235 among the Land Records of Warren County, New Jersey

Exhibit 9, Screenshot of 309 Mercer Street, Phillipsburg showing relationship to 560 South Main, with screenshot of 560 South Main Street, and screenshot of data sheet of 309 Mercer Street

Exhibit 10, Warren County Planning Board Agenda, Monday, February 27, 2023

Exhibit 11, Screenshot taken by David Morrisette of January 4, 2023, announcement of Randy Piazza, Jr., candidacy for mayor of Phillipsburg

Exhibit 12, Warren County Republican Committee List from Warren County Votes, Official Website of Warren County Elections, printed March 16, 2023

Exhibit 13, Screenshot taken by David Morrisette of the Council's Facebook Page, December 12, 2022, of Councilman Randy Piazza's statement of voting for Doug Steinhardt

Exhibit 14, New Jersey Globe story, "After losing GOP support for re-election, Phillipsburg mayor will switch parties, again," February 8, 2023, as copied by David Morrisette

Exhibit 15, copy of post-election filing at the Election Law Enforcement Commission for the "Committee to Elect Tersigni, Wyant & Piazza," obtained by David Morrisette

Exhibit 16, Town of Phillipsburg Town Council's Minutes of the September 6, 2022, Meeting.

POTTER AND DICKSON

ATTORNEYS AT LAW
194 NASSAU STREET

PRINCETON, NEW JERSEY 08542

(609) 921-9555

R. WILLIAM POTTER
MEMBER N.J. AND CA. BARS

PETER D. DICKSON
MEMBER N.J. AND D.C. BARS

TELECOPIER
(609) 921-2181

March 16, 2023

The Hon. Kevin M. Shanahan
Judge of Superior Court
Somerset County Courthouse
20 N. Bridge Street, 3rd Floor
Somerville, NJ 08876-1262

Re: Morrisette v. Town of Phillipsburg Town Council, WRN-L-000341-22:
Trial Brief On Fifth Count Of Complaint In Lieu Of Prerogative Writs -
Conflicts Of Interest

Dear Judge Shanahan

We are filing our trial brief today, late, for which we apologize. A brief explanation is in order.

As the court is aware, in the companion case, Kormandy v. Town of Phillipsburg Town Council, WRN-L-000248-21, the Town refused to provide perfectly reasonable discovery, thus compelling plaintiffs to obtain the relevant information by way of requests under the Open Public Records Act (OPRA). The Town continued in this misbehavior in this case.

We made requests for two critical items. First, the challenged Ordinance 2022-30 purports to have an "Exhibit A," but no such document has ever been publically disclosed or posted as required by law. Plaintiffs' counsel requested that

defendants' counsel provide a copy and when nothing happened, plaintiff David Morrisette made an OPRA request for this document on January 3, 2023, repeated his request on January 19, 2023, and followed up on January 27, 2023. Despite OPRA's plain mandate that any record requested that is not included within an OPRA exemption must be released within seven days, no "Exhibit A" was provided until Wednesday, February 15, 2023, and only because Mr. Morrisette made a personal visit to the Town Hall.

In addition, as the court knows, plaintiffs are required to provide transcripts of the relevant municipal meetings. With the submission of this brief, the plaintiffs have filed three transcripts in this docket.¹ Mr. Morrisette made an OPRA request January 10, 2023, for the recordings on the Land Use Board and Council meetings that we discuss in this brief, so that a certified court reporter could prepare the transcripts. The recordings were not made available until a few days before our trial brief was initially due, and in the instance of the critical November 1 meeting, when the ordinance was adopted on second reading, the wrong recording was delivered. The correct recording was not delivered until

¹ The three transcripts are referred to as follows:

Council Meeting August 16, 2022, is referred to as "1T;"

Land Use Board Meeting August 25, 2022, is referred to as "2T;" and

Council Meeting November 1, 2022, is referred to as "3T."

Wednesday, February 15, 2023. Thus, the lateness of this brief and exhibits.

On January 25, 2023, defense counsel wrote to the undersigned plaintiffs' counsel objecting to our attempts to obtain "Exhibit A" and the recordings. The stated excuse was the pendency of this litigation. But it is well settled that no OPRA request can be refused or objected to because there is pending litigation. OPRA provides that "all government records shall be subject to public access unless exempt." N.J.S.A. 47:1A-1. No exemption applies here. "A party's right to access public records is not abridged because it may be involved in other litigation with the governmental agency required to respond to the OPRA request." MAG v. Division of ABC, 375 N.J. Super. 534, 544-5 (App. Div. 2005).

Of course the briefing schedule will have to be adjusted. In keeping with the original schedule, we suggest that the defendant's brief be due thirty days from today, or April 17, 2023.

We appreciate the court's consideration.

Respectfully submitted,

POTTER AND DICKSON

By /s/ Peter Dickson

Peter Dickson

NJ Attorney ID No. 001661979

Service: by eCourts

attended the Council and Land Use Board meetings I refer to in this certification and recorded them with my camera.

3. The current redevelopment plan for this Site was adopted in 2013 as an amendment. I certify that Exhibit 4 is a true and correct copy of the relevant excerpts of the 2013 amendment to the redevelopment plan. The Site is referred to as "Riverfront District 5 – Riverside Residential." Permitted uses include residential, first floor retail museums, parks and recreation and (continued) railroad right of way. The concept is stated as a mid-rise townhouse development. Nothing like a large warehouse of any kind is a permitted use.

4. A draft amendment to the redevelopment plan was prepared in April 2018, but never adopted. I certify that Exhibit 5 is a true and correct copy of the relevant excerpts from the unadopted 2018 plan amendment. It makes no changes in the provisions for District 5. No warehouses of any kind are permitted.

5. So far as I am aware, there has not been any attempt in recent years to develop the site in accordance with the Master Plan and reexamination reports. So far as I am aware, there has not been any attempt in recent years to develop the site in accordance with the current redevelopment plan. Nor am I aware of any effort by Peron to persuasively prove that the 2013 plan's objectives for this Site are unworkable.

6. Every time a warehouse proposal is put forth by the site owner, Peron Construction, it changes.

7. I am a 27-year resident of Phillipsburg and love this town. I served for a time on

the Planning Board, and I am very familiar with the Town and its neighborhoods and residents. The Town consists almost entirely of narrow streets including in the historic and picturesque downtown area through which trucks serving the proposed warehouse would travel to get to major highways. My wife and I have devoted a substantial amount of time to speaking to residents and businesses that would be adversely impacted by the large warehouses and the extensive truck traffic they would generate.

8. On August 25, 2022, the Land Use Board voted to approve the proposed Peron site plan to develop a 420,000 sq. ft. warehouse on the site. I attended this meeting and recorded it and I retain the recording. Before the Board's decision was memorialized, the Town Council began considering zoning changes for a changed project to permit a rail connection, increased building height to 65 feet, and that the warehouse would be 360,000 square feet and refrigerated. I attended and spoke at the Council's September 6, 2022, meeting about the changed project, as noted in the minutes, Exhibit 16 at 9-10. The Board memorialized in Resolution 2022-12 on September 22, 2022, the vote taken on August 25, 2022, as if there were no changes proposed. After the Board's memorialization, the Town Council continued to consider zoning changes for the changed project. Exhibit 1.

9. Land Use Board Resolution 2022-12, Exhibit 3, identifies the applicant and redeveloper as Peron Construction LLC.

10. The site plan proposed to acquire two properties at 560 and 562 South Main Street and demolish them. The proposal contemplates that trucks would go in and out of

the Site on McKeen Street, at the southern end of District 5. The stated purpose of this was to construct a wider right turn from Keen Street onto South Main Street. This would supposedly give trucks going to and from the proposed warehouse a greater incentive to stay out of downtown Phillipsburg by making that turn easier. Not coincidentally, this would also lessen or eliminate opposition from downtown business owners, who did not want trucks clogging the downtown and making it harder for their businesses.

11. Randy Piazza, Jr., is a Member of the Town Council. His parents Randy Sr. and Susan own a residence at 309 Mercer Street. I certify that Exhibit 8 is a true and correct copy of a deed I retrieved from the County.

12. The Piazza Sr. residence at 309 Mercer Street is on the next block from the two properties at 560 and 562 South Main Street that are to be demolished as part of the warehouse approved in Ordinance 2022-30. Exhibit 9 is a screenshot from Google Maps that I took that shows the location of the Piazza Sr. residence at 309 Mercer Street, and 560 and 562 South Main Street, and two pages from njparcels.com that show the relevant properties. While I haven't measured the exact distance, the Piazza Sr. property is certainly less than 200 feet from 560 and 562 South Main Street. It appears to be about 30 feet.

13. Member Piazza and his parents Mr. Piazza Sr. and Susan Piazza are all members of the Warren County Republican Committee. The County Committee website is at <https://www.warrencountygop.com/>. The website identifies Douglas J. Steinhardt, Esq., as County Chairman and the Piazzas as members. I certify that Exhibit 12 is

screenshots taken from the website.

14. On November 1, 2022, the Phillipsburg Council approved on second reading Ordinance 2022-30, which we are challenging in this action. The Ordinance purported to amend the redevelopment plan to change the land use for the Riverfront Redevelopment Area District 5 from Riverside Residential to Riverside Industrial, with the stated purpose of permitting Peron to construct a 320,000 sq. ft. industrial refrigerated warehouse on the last undeveloped riverfront property in Phillipsburg. The Ordinance includes a proposed rail link. According to the text of the Ordinance, it incorporated an "Exhibit A." Exhibits 1 and 2.

15. This "Exhibit A" to Ordinance 2022-30 has never been posted on the Town website or made available to the public as "Exhibit A." Both I and my counsel have made repeated requests for a copy of this "Exhibit A." I made requests pursuant to the Open Public Records Act (OPRA).

16. Not until February 15, when I made a personal visit to the Town Hall to pick up an audio file, was I given a copy of that "Exhibit A," Plaintiffs' Exhibit 2. As the court will see, this "Exhibit A" has nothing to with the project supposedly approved in Ordinance 2022-30.

17. The warehouse proposal has again changed. On February, 27, 2023, I attended (remotely) the meeting of the Warren County Planning Board as it considered a new proposal by Peron. The proposed warehouse is now 420,000 sq. ft., is not refrigerated and has no rail link. I certify that Exhibit 6 is a true and correct copy of the engineer's

plat for the proposed warehouse that was considered at the Warren County Planning Board meeting. Exhibits 6a and 6b are enlargements of portions of the plat that show that the 560 and 562 South Main Street properties are explicitly included in the "SITE." I certify that Exhibit 10 is a true and correct copy of the agenda for the meeting.

18. Council Member Randy Piazza Jr. is the Vice Chair of the Warren County Planning Board and recused himself from voting on the Peron proposal. The Board disapproved the proposal, but it is my understanding it will return to the Board after making changes.

19. On December 12, 2022, Member Piazza posted on his Council Facebook page – not his personal Facebook page – that he "had the privilege of voting for Doug Steinhardt to fill the vacant NJ-23 Senate seat. We had a good discussion about the future of Phillipsburg and his involvement. Congratulations!" I certify that Exhibit 13 is a screenshot I took of that Facebook page.

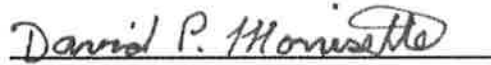
20. On January 4, 2023, Member Piazza announced that he was running for Mayor of Phillipsburg as a Republican. I certify that Exhibit 11 is a screenshot I took of the announcement.

21. It appears that Member Piazza already has the support of the Warren County Republican Committee, according to a story on the well-regarded political website New Jersey Globe (a website that Senator Steinhardt often quotes in his Twitter feed). Again, Senator Steinhardt is the Chairman of the County Republican Committee. I certify that Exhibit 14 is a true and correct copy of a New Jersey Globe story dated February 8, 2023,

just four days after Member Piazza's announcement. It reports that Republicans are supporting Member Piazza for Phillipsburg Mayor (and ousting incumbent Todd Tersigni).

22. In these local races, the support of the County Committee is essential. An example will suffice. In 2019, Member Piazza and Harry Wyant ran as Republicans for the Phillipsburg Council, together with Todd Tersigni, then running for Mayor. They won. According to their post-election filing, the ticket took in \$11,201.85, of which \$7,691.49 were in-kind contributions from the Warren County Republican Committee chaired by Mr. Steinhardt. I certify that Exhibit 15 is a true and correct copy of the post-election filing at the Election Law Enforcement Commission for the "Committee to Elect Tersigni, Wyant & Piazza."

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


David P. Morrisette

Dated: March 16, 2023.

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
PHA COMMUNITY BUILDING
535 FISHER AVENUE
PHILLIPSBURG, NEW JERSEY 08865

TUESDAY, AUGUST 16, 2022

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING

PRESENTATION OF ROB DEBEER, DIRECTOR OF
DEVELOPMENT, PERON CONSTRUCTION
RE: HOWARD STREET PROJECT

TRANSCRIPT ORDERED BY:

DAVID P. MORRISETTE
5 Fairview Heights
Phillipsburg, NJ 08865

MEMBERS OF THE PHILLIPSBURG TOWN COUNCIL:

HARRY WYANT, COUNCIL PRESIDENT
LEE CLARK, COUNCIL VICE-PRESIDENT
KEITH KENNEDY, COUNCILMAN
PETER MARINO, COUNCILMAN
RANDY PIAZZA, JR., COUNCILMAN

OTHERS PRESENT:

MAYOR TODD M. TERSIGNI
LORRAINE LOUDENBERRY, Acting Municipal Clerk

APPEARANCES:

RICHARD WENNER, ESQ., Town Attorney

MEDIUM: Court_20220816_176905.dcr

DATE: August 16, 2022

TIME: 7:20 p.m. to 7:40 p.m.

Lynn Cohen-Moore, AD/T 368

A **UTOMATED TRANSCRIPTION SERVICES**
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Laurel Springs, New Jersey
(856) 784-4276
(856) 784-7254 (fax)
autotranscripts@comcast.net

I N D E X

PAGE

Peron Construction Presentation. 3

By Rob DeBeer

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(Whereupon, there was a Call to Order, Open Public Meeting Act Statement, Invocation and Flag Salute, Roll Call, Approval of Minutes, Summary of Bills List. Thereafter, the following occurred 7:20 p.m.)

COUNCIL PRESIDENT WYANT: Now we have a presentation from Peron. Are you ready? Thank you.

MR. DEBEER: Thank you. Can you hear me? Is this on?

COUNCIL PRESIDENT WYANT: I don't know whether it's on. But --

MR. DEBEER: Is it on now?

COUNCIL MEMBER: Now it is.

MR. DEBEER: Okay, thank you.

Council President, Mayor, Members of Council. Thank you for having us here tonight. My name is Rob DeBeer. I am the Director of Development for Peron Development, the owner and developer of the property down along Howard Street. We are here tonight to give a brief update on the project but also to request a minor amendment to the redevelopment plan that was passed under an Ordinance to permit this development, to reach the building height allowable down there from 50 feet which is currently allowed to 65 feet. The reason for the change is we are now under agreement to

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1 sell this property to a national coal storage
2 development company who, by virtue of their, the way
3 that their buildings are set up, they need the
4 additional building height, which I'll get into
5 briefly.

6 The company we are under agreement with is a
7 nationally known cold storage developer. They are
8 operational in a dozen states and about 4 million
9 square feet of refrigerated cold storage space in the
10 country here. They have done an exhaustive search of
11 properties up here in the Northeast, focusing in New
12 Jersey, Pennsylvania. We got connected with them a
13 handful of weeks ago; a couple months ago, have gone
14 through the initial stage of, you know, property due
15 diligence and site reconnaissance. And they've
16 ultimately decided that this is where they want to
17 locate their facility. In order for them to proceed
18 with their plan, which would be a modified site plan
19 approval, they need to or we need to seek an amendment
20 to the redevelopment plan that would allow the building
21 height for them to construct their building.

22 As I said, currently the plan that we have,
23 which we're actually appearing before the Planning
24 Board next week, seeking final site plan approval, is a
25 420,000 square foot building with a 50-foot building

1 height. Eventually, there will be a plan that will
2 follow that which would be a modified site plan for a
3 building that will be upwards of 65 feet tall. But it
4 would be a smaller building, roughly 300,000 square
5 feet. And again, we'll get further into some of the
6 details.

7 But essentially, for us to be able to move
8 forward, we need to start the process of an amendment
9 with the Council and its redevelopment authority to
10 make a modification to allow for the building height.
11 The building itself, and I'll show you plans in a
12 minute.

13 Although 65 feet sounds like a larger
14 building, it's actually a 55-foot tall building that
15 they need. But because of the nature of the
16 refrigerated and cold storage use, there's really
17 significant heavy mechanical equipment that goes along
18 with their operations. That mechanical equipment has
19 to sit on -- sits on the roof of the structure. So the
20 building itself is about 55 feet, setback from the
21 building about 20 or 25 feet or so. They would have
22 another structure, an enclosed structure, that would
23 house all the mechanical systems that would then
24 provide for the conditioning of the space, which is
25 about 10 feet, which is why we're seeking the 65-foot

1 modification.

2 In previous discussions and meetings with the
3 Town staff, we've been asked to sort of present
4 documents that I think we had shared earlier but that
5 I'll share here tonight, and I apologize, I don't have
6 an easel, but to get a sense of the placement of this
7 building in the Howard Street area -- oh you do; thank
8 you, -- and sort of put them in Howard Street as well
9 as from the river side.

10 (Pause)

11 MR. DEBEER: Thank you so much. So just to
12 reorient everybody. You're familiar with the site.
13 I'll speak loud. You have Howard Street here. Here's
14 the river. And here is the Millville rail line. Reach
15 the access down to the Township park. What you're
16 seeing here is the existing 420,000 square foot
17 building that we've proposed that's gone through
18 preliminary site plan approval. And this site plan
19 application is before the Planning Board Thursday of
20 next week.

21 Just to give you a sense of where we are.
22 What we have here is this is the first view from the
23 river side. So building here on the left, this is what
24 is currently going through the approval process. This
25 is a 50-foot building. Next to it, it's the same view

1 shed, (phonetic) this is a 65-foot building. Now again,
2 we just took a very simple block diagram of the
3 building itself to show sort of what the total massing
4 is. But again, this building design will be slightly
5 different, which I'll show you in the last page that I
6 have here.

7 That's the view from the river side. That's
8 the same one there. And again you can see some of the
9 screening that has been proposed. This is what is
10 presently proposed on the 420 building, and this is
11 what it would look like with the building slightly
12 taller. That's the view from the river side. We were
13 also asked to present the view from the Howard Street
14 Side. So if you're on Howard Street, this is the
15 existing building that's going through the approval
16 process at the moment now, at 50 feet high. This is
17 that same building at 65 feet high. Again you can see
18 what it looks like from Howard Street.

19 Now, again, we did this in a simple block
20 diagram. And obviously this building will be different
21 as part of the amended site plan approval. The
22 building has a much different shape than the fairly
23 generic 420,000 square foot box which is what we
24 proposed. So I was able to get it from our end user
25 here.

1 This is a -- this is an actual building of
2 theirs that they have down in the south. So this is an
3 operational, roughly 300,000 square foot cold storage
4 facility. You can see, although it's not diagramed
5 here, but the building height itself is roughly about
6 55 feet. As you can see here, these are the housed
7 mechanical equipment that sits on top of the building.
8 So again, while the building's 55, there's significant
9 mechanical equipment that's needed to refrigerate the
10 entire space. That ends up getting housed in an
11 essentially 10-foot box that sits up on the roof.
12 So that brings the total building height to 65 feet.

13 Now as part of these conversations with the
14 Town, the Administration and the staff, there were some
15 questions and concerns about taller building height,
16 fire access, control, all those types of things. In a
17 meeting with the Fire Chief, the Construction Official,
18 and they asked those same questions too. The building
19 is 55 feet. Phillipsburg's fire trucks and apparatus
20 will have the ability to get to the top of this
21 building.

22 The mechanical equipment that sits roughly 10
23 feet higher is actually set back about 20 or 25 feet
24 from the building edges. And then there's a separate,
25 essentially building on top that has an actual

1 staircase and ladder system on the outside. So in the
2 event of a fire, in the event of an emergency, the Fire
3 Department has access to the building. And then from
4 the building, you have access to the top of the
5 mechanical equipment.

6 There's also access to the entire roof system
7 that will be from inside of the building. You know,
8 again I don't have many details on that. That'll be
9 part of the construction documentation that comes in
10 and part of the review that goes through with your
11 Construction Official, the Fire Department, and
12 everyone else that gets involved in it.

13 But essentially, this would be the operation
14 that these folks would be looking to do here in
15 Phillipsburg. They are, as I say, a nationally known
16 Cold Storage developer. They are active in the
17 Southeast and in the Midwest. They are making a first
18 foray into the Northeast here. They have very high
19 hopes for this site.

20 Like I said, we have -- we are proposing a
21 420,000 square foot building. These folks are going to
22 come in with a modified site plan that actually reduces
23 the building size to roughly 300,000 square feet. It is
24 a two-shift facility. They anticipate roughly 100
25 employees that will be working here. The pay here is

10

1 pretty good. The working conditions are they are
2 admittedly tough, because the folks who work here have
3 to be prepared to work in cold temperatures. But the
4 pay is measured from that. Their starting salaries or
5 starting wages are between 25 and \$31 an hour. So these
6 are -- these are pretty good jobs that are going to be
7 for the folks here.

8 The other thing that they're doing, which I
9 think is really exciting that we didn't (phonetic) have
10 on our 420,000 square foot plan is they are redesigning
11 the sites so that way they have access to the railways
12 that's down there. So they can run a short rail off of
13 existing freight rail line that will allow freight rail
14 to come back and docking operations, which helps reduce
15 some of the concerns and burdens we have with truck
16 traffic on the roads.

17 They anticipate that in this building, they
18 are roughly 80 truck trips a day if there's no rail
19 access at all. That number goes down and potentially
20 goes down substantially with the rail connection. The
21 condition being who are the tenants that make up the
22 individual spaces and, you know, if they are actual
23 rail users. So although they will be the developer and
24 owner of the facility, what they call pallet positions
25 will be leased out to nationally recognized food brands

11

1 that I can't name necessarily. But if you open up your
2 fridge or pantry, it would be all the names that you'd
3 be familiar with. They take certain pallet positions
4 in the building. So depending upon who they ultimately
5 sign up as sub-tenants of those food brands that go in
6 here. Again, if it's somebody who uses heavy bulk
7 products, a lot of that potentially comes in and comes
8 out by rail. Ultimately, the decision of how much rail
9 will be up to the user groups that go in here. But they
10 are making the rail connection. They anticipate having
11 a lot of rail access here. And that 80 trips per day
12 that they anticipate in the truck situation, with no
13 rail access, goes down substantially perhaps to as low
14 as 25 trips per day.

15 So from -- from a user group standpoint, you
16 know, we're -- we're very happy with this group. We
17 understand the concerns from the community, from the
18 Administration, Council, about the (indiscernible) and
19 how to control traffic. We've taken steps to acquire a
20 few properties in the corner of South Main and
21 (indiscernible) Street to help alleviate and make that
22 better. We're excited about this because this is
23 actually far fewer truck trips than would have
24 otherwise been generated from the other building we
25 have. Again, just going by the "ITE" manual which was

12

1 taken upstate, I believe the Planning Board, we're
 2 seeking for approval on Thursday of next week,
 3 projecting 252 truck trips a day. So this 80 is far
 4 less and certainly if that rail connection is made and
 5 user groups are using that rail connection, that number
 6 goes down pretty substantially.

7 So we are excited to have them here. We are
 8 moving at a -- they are moving at a very quick pace.
 9 We are moving at a very quick pace to accommodate them.
 10 As I said sequentially, we are still moving forward
 11 with getting this building hopefully approved at the
 12 meeting next week. We expect very shortly thereafter,
 13 this group then would come -- would come in and they
 14 will be sort of the next applicant. We would work with
 15 them. But they will be presenting either sketch
 16 planing or perhaps go right to a preliminary site plan
 17 approval process for a site that is a somewhat re-
 18 engineered redesigned. But again, for a smaller
 19 building, for a building that has rail access, and a
 20 building that is -- will be taller than what we have
 21 -- what we had proposed before.

22 So the process for us to get really kicked
 23 off with the amendment request that we have before
 24 Council, as we dealt with already, to permit the taller
 25 building height, so that these folks can really get

13

1 engaged and start designing the site, getting it
 2 approved, getting it constructed, and then being a
 3 member of the community here.

4 COUNCIL PRESIDENT WYANT: Any questions,
 5 council?

6 COUNCIL VICE PRESIDENT CLARK: Yes, Council
 7 President, if I may.

8 I just want to thank you for the
 9 presentation. I believe the public really appreciate
 10 this. I'm going to be frank. My biggest concern are
 11 trucks. Well the rail, that did catch my attention,
 12 and we did kind of do a briefing on this. I know you
 13 said that utilize -- utilization of the rail is
 14 dependent on the tenants that are inside the actual
 15 facility itself. So it could be as low as 25 trips a
 16 day. Is that between two shifts? Or --

17 MR. DEBEER: That's the total number. So the
 18 total number of trips per day that they propose that
 19 they would generate in a no-rail situation is roughly
 20 80 truck trips a day. As -- if the tenant mix that
 21 they have becomes very rail dependent -- it's really
 22 heavy bulk goods that come in here. And again, that's
 23 the difference between if they are, if they have a
 24 bottled good company that has everything cased up in a
 25 pallets versus the (inaudible) rail, versus somebody

14

1 that has more of a fresher component that perhaps
2 doesn't do well in a longer time to rail. So the tenant
3 mix will determine how much of it will go out by rail.
4 But in any event, we believe that there's going to be
5 some rail usage here, which would, which would decrease
6 that 80 truck trips a day.

7 COUNCIL VICE-PRESIDENT CLARK: Okay, and
8 could you just share with the public what kind of jobs
9 are we talking about here?

10 MR. DEBEER: So I'm glad you asked. So these
11 are jobs that, as I said pay very well, 25 to \$31 an
12 hour starting salaries. That is above the industry
13 standard that we're seeing for most warehouse
14 developments because it's not easy labor. Given the
15 conditions inside, it's just cold, right. So their --
16 their biggest challenge that they have is they almost
17 have to over hire, because they anticipate having sort
18 of employee fatigue and burnout at some point when
19 folks are just, they don't want to be in the cold
20 environment. That said, they've never had an issue for
21 hiring in any of the communities that they've been in.
22 What they've done, what we've asked is for them to
23 commit to partnering with Norwescap. We've had a
24 handful of meetings with the folks over there to help
25 sort of create a workforce development program. So that

15

1 way, those jobs that are going to be available in this
2 facility, if Norwescap is involved, that those can be
3 tailored to job training programs, and assistance to
4 try and find some folks in our local population who can
5 obviously take these jobs.

6 COUNCIL VICE-PRESIDENT CLARK: Thank you.

7 COUNCILMAN KENNEDY: Yeah, yeah, thanks for
8 the presentation. It was very well done. My concern is
9 it's not always easy to bring the railroad to the table
10 to get that approval for that access. So that's going
11 to be a big thing for me. I mean, yeah, if we could
12 knock the truck traffic down to 20 some trips a day,
13 that would be great. But I would want to know that we
14 have an agreement with the railroad, you know, for that
15 to happen.

16 MR. DEBEER: Sure. So, the history of this
17 project goes far back. Harry, you probably remember
18 better than anybody else up here. But even back to the
19 approval we had in 2005, we -- a part of our
20 stormwater design had us discharging underneath the
21 rail line, which necessitated us getting what they call
22 an occupation agreement with the operators of the rail
23 road, which we had signed and executed back in 2007.
24 I've been in contact with Kean Burenga and Chris Cotty
25 who owned the railroad. We are getting an updated

16

1 agreement based upon some moderate changes to the site
2 plan. So that's in the process working itself out. And
3 then I can tell you that they are excited about the
4 opportunity of having a user here in Phillipsburg,
5 right where they're located, to be able to get on those
6 particulars. They need to be worked out, right. But
7 from the most important thing is from an engineering
8 perspective, this site can be designed to help
9 accommodate so that way that rail access can be made. I
10 think the biggest reason that it can is because they're
11 actually building a smaller building than we were. By
12 reducing the footprint of the building it allows for
13 more space and growth per grade path so that way that
14 grade change isn't so severe, and they can actually get
15 that short rail line in here.

16 So the plan they're looking at would be I
17 believe, for two spurs to connect to the building. So
18 that way those user groups that are rail based that
19 want to use the rail will be located in pallet
20 positions that can get right onto the rail access to go
21 both in and out. The majority -- the majority of the
22 incoming -- I should say the majority of the rail
23 freight would be incoming more so than outgoing because
24 they get prepackaged -- will be smaller, but there's
25 certainly some outgoing rail opportunities as well too.

17

1 So, you know, as soon as we kind of get through this
2 process, we have a redevelopment plan that permits
3 their use of their building height, their next step is
4 to come in, sit down with Chris Cotty, sit down with
5 those folks of the railroad and really be able to
6 hammer that out so that that works.

7 COUNCILMAN KENNEDY: Okay. And it's --
8 there's also pending litigation, you know, for this.
9 Do we have to wait till that's resolved one way or
10 another to proceed? Or --

11 MR. DEBEER: I don't believe so.

12 COUNCIL PRESIDENT WYANT: What they're asking
13 for tonight is to send this to the Planning Board.

14 COUNCILMAN KENNEDY: Okay.

15 COUNCIL PRESIDENT WYANT: I don't think that
16 that has any bearing on the case --

17 COUNCILMAN KENNEDY: Okay.

18 COUNCIL PRESIDENT WYANT: -- you know, at
19 all.

20 TOWN ATTORNEY WENNER: It doesn't, no. And
21 it's a necessary step in order to, -- what they're
22 really requesting is an amendment to the redevelopment
23 plan, as Mr. DeBeer pointed out initially in his
24 presentation. That requires, -- there's two different
25 ways of doing it. But in either situation, it requires

18

1 Planning Board review of that request. So I think what
2 Mr. Debeer is asking for tonight and the Council
3 President indicated, was refer it over for a
4 preliminary investigation, not preliminary, but for an
5 investigation and report by the Planning Board as to
6 whether an amendment to the redevelopment plan to
7 increase the building height to 65 feet is consistent
8 with the Master Plan and the overall goals and
9 objectives of the development plan in the Town of
10 Phillipsburg. So --

11 COUNCIL PRESIDENT WYANT: Right. Thank you.
12 Councilman Marino.

13 COUNCILMAN MARINO: I think it's a good
14 project.

15 Number one, Phillipsburg is a railroad town,
16 so that's great. They're going to see some railroad
17 traffic.

18 Number 2. The biggest thing is it's going to
19 take traffic, truck traffic out of downtown. But the
20 best thing in a town with 19% poverty, it gives these
21 people an opportunity to make great money. Right, you
22 have to work hard and we all did. So I think it's a
23 really good thing for the Town of Phillipsburg, for the
24 people of the town. And actually the biggest thing,
25 more tax ratables, great project.

19

1 Thank you.

2 COUNCIL PRESIDENT WYANT: Councilman
3 Piazza.

4 COUNCILMAN PIAZZA: Sure, I -- you answered
5 one of my questions. I was wondering how you decrease
6 the warehouse size by over 100,000 square feet and
7 still maintain the 100 jobs you were talking about
8 before. But if they overstaff, that's ugh, I think
9 that explains that.

10 I do have a question about -- last year, Mr.
11 Cotty had sent a email in support of this project to
12 myself and I believe then Council President McVey. He
13 suggested -- he brought up the idea that maybe an
14 interchange for McWane-Ductile could be incorporated
15 into that. Was that ever looked at?

16 MR. DEBEER: So that would be a conversation
17 that would have to happen with this user that's coming
18 in.

19 COUNCILMAN PIAZZA: Okay.

20 MR. DEBEER: With both the rail operators as
21 well McWane-Ductile. So I recall that conversation
22 with Chris. I think he and I had that conversation on
23 the phone. Ultimately, to me, I think that there's
24 there's some logic there, but I can't speak for the end
25 user.

1 COUNCILMAN PIAZZA: Sure. Just one other
2 question. We had some plans. And I don't know, I'd
3 spoken to your group about continuing trails through
4 that property because it sits right in the middle of
5 what could be a trail system. Is that, is that
6 something that could also be negotiated?

7 MR. DEBEER: Yes. So the plan that we have,
8 again, the generic (phonetic) there. But the 420,000
9 square foot proposal that we have before the Planning
10 Board next week does include a rail -- trail connection
11 system, right, so folks are able to get up to, to I
12 believe it's the Howard Street.

13 The new plan would continue to have that. It
14 might take a different shape, given some of the
15 modifications to the site plan that they're going to do
16 as part of their amended site plan process. But it was
17 made clear by us to them during our conversations and
18 negotiations over selling to them that that'd be --
19 it's an important component.

20 COUNCILMAN PIAZZA: Okay. I think that would
21 go a long way with the Community, items like that.

22 MR. DEBEER: Sure.

23 COUNCILMAN PIAZZA: Thank you. That's all I
24 have.

25 COUNCIL PRESIDENT WYANT: Okay, there's --

1 if the Council wishes, we can make this Resolution 2022-91
2 to refer this amendment to the Planning Board.

3 COUNCILMAN PIAZZA: I'd like to motion.

4 COUNCILMAN MARINO: I'll second it.

5 COUNCIL PRESIDENT WYANT: Well, just to put it on
6 the --

7 COUNCILMAN PIAZZA: -- just to -- oh, we'll vote
8 on that now?

9 COUNCIL PRESIDENT WYANT: No, we'll just add it
10 to the, you know --

11 COUNCILMAN PIAZZA: Consent.

12 COUNCIL PRESIDENT WYANT: -- to the agenda.

13 MR. PIAZZA: Add it to the consent agenda?

14 COUNCIL PRESIDENT WYANT: Right.

15 COUNCILMAN PIAZZA: Okay.

16 COUNCIL PRESIDENT WYANT: That motion is to add
17 it to the consent agenda.

18 COUNCILMAN PIAZZA: Right.

19 COUNCIL PRESIDENT WYANT: Second?

20 COUNCILMAN MARINO: I second.

21 COUNCIL PRESIDENT WYANT: Okay. All in favor?

22 (Ayes: Wyant, Clark, Kennedy, Marino, Piazza

23 Nays: None)

24 COUNCIL PRESIDENT WYANT: Okay, we'll add that to
25 the consent agenda and it will be 2022-91. Okay.

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MR. DEBEER: Thank you very much.
COUNCIL PRESIDENT WYANT: Okay, thank you very much.
All right. We'll move on to the habitability hearings. And we're going to have the habitability hearing for 234 Fillmore Street.
(Whereupon, presentation of Rob Debeer, requested portion of meeting, concluded 7:41:25 p.m.)

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CERTIFICATION

I, Lynn Cohen-Moore, the assigned transcriber, do hereby certify the foregoing transcript of proceedings, Digitally Recorded, of the Phillipsburg Town Council Meeting on August 16, 2022 is prepared to the best of my ability and is a true and accurate compressed transcript of the meeting as recorded.

AUTOMATED TRANSCRIPTION SERVICES

/s/ Lynn Cohen-Moore

AOC #368

Lynn Cohen-Moore

TOWN OF PHILLIPSBURG LAND USE BOARD MEETING
535 FISHER AVENUE
PHILLIPSBURG COMMUNITY ROOM
PHILLIPSBURG, NEW JERSEY 08865

THURSDAY, AUGUST 25, 2022

PHILLIPSBURG LAND USE BOARD
RE: 170 HOWARD STREET FINAL SITE PLAN

TRANSCRIPT ORDERED BY:

DAVID P. MORRISETTE
5 Fairview Heights
Phillipsburg, NJ 08865

MEMBERS OF THE PHILLIPSBURG LAND USE BOARD:

TODD TERSIGNI, MAYOR
WILLIAM DUFFY, CHAIRMAN
KEITH ZWICKER, VICE CHAIR
BERNARD BROTZMAN
JAMES HANISAK
KEITH KENNEDY
JOHN PENROSE
JOHN TURNBULL

SCOTT WILHELM, BOARD ATTORNEY
TIMOTHY O'BRIEN, BOARD ENGINEER
KELLY LEFLER, BOARD SECRETARY

MEDIUM: Court_20220825_182123

DATE: August 25, 2022

TIME: 8:26:22 p.m. to 9:16:26 p.m.

Rebecca Y. Natal, AD/T 557
A **UTOMATED TRANSCRIPTION SERVICES**
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Laurel Springs, New Jersey
(856) 784-4276
(856) 784-7254 (fax)
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2

1 CHAIRMAN DUFFY: We'll have Public Hearing on
 2 170 Howard Street, Final Site Plan. I am recusing
 3 myself from this hearing. I'm turning it over to Vice
 4 Chairman Zwicker.
 5 VICE CHAIRMAN ZWICKER: Kelly, can you take a
 6 roll call? See who else has signed the sheet, first?
 7 BOARD SECRETARY LEFLER: Sure. Okay. Mr.
 8 Brotzman?
 9 MR. BROTZMAN: I'm good, because --
 10 BOARD SECRETARY LEFLER: Just -- you're here.
 11 MR. BROTZMAN: Okay.
 12 BOARD SECRETARY LEFLER: Mr. Hanisak.
 13 MR. HANISAK: Here.
 14 BOARD SECRETARY LEFLER: Mr. Penrose.
 15 MR. PENROSE: Here.
 16 BOARD SECRETARY LEFLER: Mr. Turnbull.
 17 MR. TURNBULL: Yes.
 18 BOARD SECRETARY LEFLER: Councilman Kennedy.
 19 COUNCILMAN KENNEDY: Here.
 20 BOARD SECRETARY LEFLER: You're being --
 21 recusing yourself.
 22 COUNCILMAN KENNEDY: Yeah, uh.
 23 BOARD SECRETARY LEFLER: Oh, so that
 24 (inaudible). You're recusing?
 25 COUNCILMAN KENNEDY: I'm recusing. Yeah.

3

1 BOARD SECRETARY LEFLER: Uh, let's see. We
 2 have Mayor Tersigni.
 3 MAYOR TERSIGNI: Present.
 4 BOARD SECRETARY LEFLER: Are you recusing
 5 yourself or what are you doing?
 6 MAYOR TERSIGNI: Yes.
 7 BOARD ATTORNEY WILHELM: You have to say
 8 whether you are participating or recusing.
 9 BOARD SECRETARY LEFLER: You have to say what
 10 you're doing.
 11 MAYOR TERSIGNI: Excuse me?
 12 BOARD ATTORNEY WILHELM: State whether you're
 13 participating or recusing.
 14 MAYOR TERSIGNI: The Amendment to the
 15 Riverfront Redevelopment Plan?
 16 BOARD SECRETARY LEFLER: We're not
 17 (inaudible).
 18 BOARD ATTORNEY WILHELM: No. On the
 19 application for 170 Howard Street.
 20 MAYOR TERSIGNI: Yeah, right.
 21 BOARD ATTORNEY WILHELM: Are you
 22 participating or recusing.
 23 MAYOR TERSIGNI: Recusing.
 24 BOARD ATTORNEY WILHELM: Thank you.
 25 VICE CHAIRMAN ZWICKER: Thank you. We have a

1 --
2 BOARD SECRETARY LEFLER: Vice Chairman
3 Zwicker.
4 VICE CHAIRMAN ZWICKER: I'm present. So we
5 have --
6 BOARD SECRETARY LEFLER: And Chairman Duffy.
7 CHAIRMAN DUFFY: I'm recusing.
8 VICE CHAIRMAN ZWICKER: All right. So, we're
9 five.
10 BOARD SECRETARY LEFLER: So we have five,
11 we're good.
12 VICE CHAIR ZWICKER: So -- so we have a
13 quorum.
14 BOARD SECRETARY LEFLER: We have a quorum.
15 VICE CHAIR ZWICKER: Yes, sir. Mr. --
16 MR. PECK: Great. Thank you very much. For
17 the record, my name is Mark Peck. I'm an attorney with
18 the Florio Perrucci law firm here on behalf of the
19 applicant, Peron Construction, LLC.
20 Before we get going, we have provided and
21 published and served all the necessary notices and
22 provided the necessary affidavits to the Board, so this
23 Board does have jurisdiction to proceed.
24 Back on January 27 of this year, this Board
25 granted preliminary site plan approval with bulk

1 variances to permit the construction of an
2 approximately 420,000 square foot industrial building
3 with associated improvements on land located at 170
4 Howard Street, which is Block 2102, Lot 2.02, and to
5 raze the structures at 560 and 562 South Main Street,
6 which is Lots 1 and 3 in Block 2105. That would be for
7 roadway improvements and signal reconstruction to
8 accommodate traffic to and from the stu- -- to and from
9 the site.
10 So we're now here for final site plan
11 approval. As Mr. Wilhelm will tell you, when you're
12 reviewing an application for final site plan, the
13 Board's review is limited to determining whether the
14 development plans conform with the zoning and site plan
15 ordinances, as well as any variances that have been
16 granted.
17 Here we've submitted final site plans based
18 upon the preliminary approval, and will comply with all
19 the pro- -- provisions and conditions of that
20 preliminary approval. We've received and reviewed, Van
21 Cleef's July 22, 2022 review memo, as well as the Fire
22 Chief's September 22nd, 2021 memo, which was updated
23 August 5 this year. And as set forth in our response
24 letters of August 5 and -- and August 23, we agree to
25 comply with virtually all the comments in those review

1 letters. But there are a few items that do call for
2 testimony which, of course, we'll provide.
3 So here tonight we have the following
4 witnesses. We have Brad Bohler. He's our -- our site
5 engineer. We have John Wichner, who's our traffic
6 engineer. Oliver Franklin our architect, and then our
7 planner John McDonough, if he's needed, as well as our
8 LSRP Richard Lev, if he's needed.
9 With that, we are ready to proceed. Thank
10 you.
11 BOARD ATTORNEY WILHELM: So, Mr. Vice
12 Chairman, jurisdiction is established as Mr. Peck said.
13 We have the proper abilities.
14 VICE CHAIRMAN ZWICKER: Thank you.
15 MR. PECK: Great. I'd like to call Brad
16 Bohler, please.
17 BOARD ATTORNEY WILHELM: Raise your right
18 hand.
19 B R A D B O H L E R, WITNESS FOR APPLICANT, SWORN
20 BOARD ATTORNEY WILHELM: Thank you. And
21 could we have -- could Mr. Bohler's resume moved,
22 marked as A-1. I think everybody is fairly familiar
23 with Mr. Bohler. He was confirmed as an expert at the
24 last hearing.
25 MR. PECK: Thank you.

1 DIRECT EXAMINATION BY MR. PECK:
2 Q So, Brad, can you refresh the Board with --
3 with the site plan we are proposing?
4 A Yes. So, in other words, the exhibit, Mr.
5 Wilhelm?
6 Q Yes, please.
7 BOARD ATTORNEY WILHELM: You may. You may.
8 MR. BOHLER: So this is a colorized site plan
9 with the landscaping on it that was submitted to the --
10 sorry, the (inaudible) to the Board was colorized for
11 the presentation purposes. (Inaudible) on top of the
12 page. Howard Street runs along the top of the -- of
13 the rendered portion, immediate warehouse in the
14 middle, goes at 420,000 square feet (inaudible) with
15 parking a plenty. There's a -- we have three site and
16 two access points, one near McKean Street on the east
17 side of Howard Street, and one further to the west
18 along the Howard Street area as well.
19 Two parking areas for cars. 154 parking
20 spaces to the east and 198 to the west. So it's 353 --
21 I'm sorry, 352 parking spaces for the facility, and
22 that was previously approved as a -- as a variance. We
23 do have 39 trailer spaces to the west of that location
24 as well.
25 For the overall site we also did maintain the

1 access drive that goes to the park to this southwest
2 the property. The last application, as part of the
3 proposal, we are proposing to remove the overpass --
4 the old rail overpass, that you're free to access those
5 parking spaces for emergency vehicles in -- in the
6 event that needs to be used at this parking lot at that
7 location.

8 Necessarily, the -- the proposal, there --
9 there hasn't been much in the -- in the way of changes
10 from the previous application to now, with the
11 exception that we would find stormwater requirements,
12 and I do have a number of testimony I will go through
13 with that. There's a review letter. But, and
14 generally, for final stormwater to meet the NJDEP
15 criteria, we do have our flood hazard permit in-hand.
16 There were a number of comments in the stormwater
17 section of the Van Cleef letter that was -- we were
18 asked to review above and beyond the DEP criteria and
19 we would certainly do that as part of our approval.
20 Would be given a one time and about a -- coverage
21 requirements which we noted our -- our response letter.

22 Q So, Brad, did you have the opportunity to
23 review the Van Cleef July 22nd --

24 A Yes.

25 Q -- 2022 review letter?

1 A I did.

2 Q And you participated in preparing the August
3 15, 2022 response letter from your office?

4 A Yes.

5 Q Okay. Do you want to -- and most of -- of
6 this letter shows where we agree to comply with the
7 comments and -- and we'll proceed accordingly.
8 Correct?

9 A Yeah, and the number of items that required or
10 requested some testimonial items about how to -- how
11 we're going to address certain things or how we would
12 want to comply with them. So I'll start with those and
13 any items that I -- I'm asking not to comply with I'll
14 -- I'll note to the Board. There's only a few and the
15 rest of them are just -- are really testimonial items.

16 So the first item is on -- on page 19. It's
17 letter J. I'm sorry. That's the right one. There are
18 some notes about a temporary waiver required, and we
19 believe we comply with this requirement, we will, but
20 Van Cleef didn't mention a temporary waiver. So we
21 would comply with that requirement for lighting
22 purposes.

23 With regards to letter -- item K, which is
24 also on page 19, it notes that these are -- light
25 fixtures should but cut off if it renders an apart- --

1 residential property lines. We don't have any
 2 residential properties around our area, but do we have
 3 a park to the south. So we would agree to comply with
 4 that requirement at that location and no -- no waiver
 5 would be required.

6 With regards to letter L, it's also another
 7 temporary waiver about providing fixture cut offs for
 8 our lights. And, again, we would comply with that
 9 requirement.

10 And then letter M is a -- a -- a temporary
 11 waiver as well. We do not need a waiver on that as
 12 well. We have a grid on our -- our lighting plan and
 13 we do show compliance with the ratio requirements for
 14 the town.

15 So those four waivers that were -- were noted
 16 in the -- the -- the Van Cleef letter will not require
 17 waivers from the application.

18 I'll move to -- I'm sorry. Page 20, letter
 19 P. As part of our preliminary approval, we agree to
 20 have sidewalks along the north side of the car parking
 21 spaces, and then also to provide a sidewalk to the west
 22 to the trailer spaces to provide access around, if they
 23 a park over there and walk from that location, to
 24 satisfy the waiver requirement that was granted as part
 25 of our approval.

1 If the Board feels that additional sidewalks
 2 are necessary and we do have a stormwater basin but we
 3 can't (inaudible). We've asked for the waiver from the
 4 Board for that requirement. We still feel we comply
 5 with that requirement based on our preliminary
 6 approval. So that's -- that's that for that site.

7 I'll move into the technical requirements
 8 which it starts on page 21. And it's 1B regarding the
 9 existing conditions. I made some notes. I'm sorry.
 10 That's the wrong one.

11 Okay. On 20 -- 22 it's in -- it's just above
 12 the demolition plan, BI. Just in general, general
 13 notes for the section references design guidelines and
 14 as a note to the Board we meet all the design
 15 guidelines as listed in your -- in your ordinance.

16 I'll move to page 23. It's the fifth item
 17 down. It's D III. This is, you know, I mentioned
 18 before that there's no disturbances on the -- the park
 19 area. Our goal is to remove the -- the overpass
 20 without going onto the park's property or the Green
 21 Acres property at that location.

22 With the exception of, I guess the next one
 23 down would be I -- IX, which is just below that one.
 24 And we're noting that we do need approval from the rail
 25 line to provide our -- our -- our stormwater discharge

1 below them. We've discussed this -- this previously
2 with -- with that group. And we have an -- an -- an
3 agreement in place from the previous developments of
4 residential. So we're going to reuse that and we're
5 going to renew that agreement with the development.
6 We've been discussing it with the rail line already,
7 that that's going to happen.

8 And skip ahead to page 26. This is under the
9 grading exception. And it will be IV. And there's a
10 note about the lining of the basins -- stormwater
11 basins at -- at these locations.

12 Essentially, that's been provided for. The
13 examination, Rick Lev is our PL on -- on our stormwater
14 design, who's the environmental scientist that works
15 with the -- the project. Our geotechnical engineer has
16 determined there's no harsh topography on site, so the
17 lining is really just to -- to address the -- the
18 environmental concerns from the LSRP.

19 The next item I'm going to hit is one just
20 below it. It's -- it's B. We provided a stormwater
21 management analysis and we went -- we went through the
22 entire review. Again, one -- one comment in that
23 section that we're asking not to comply with. The
24 remainder of this -- I -- I -- we will comply with,
25 with regards to the Van Cleef's letter.

1 Moving on to page 28. Under soil erosion,
2 there's a note about a -- a tire wash station. So
3 we've agreed to do that. A tire wash station -- we're
4 going to evaluate if that needs to be manned or not as
5 part of the construction. I would expect we'd start
6 the tire wash process without a -- a -- a manned
7 operation. We have a -- we'd have a hose at that
8 location. And if that doesn't work, in working with
9 Van Cleef in the field, we would have someone be manned
10 at that location as part of our construction.

11 Moving down to, I guess, three bullet points
12 down would be IV. It's regards to a (inaudible) street
13 sweeper. We would certainly use a street sweeper, if
14 we needed to use it for anything that track onto Howard
15 Street or McKeen. We may not have them on site at all
16 times, but we would use any methods that -- that's
17 required by Van Cleef or by the Sitgreeves District to
18 clean up those areas.

19 Okay. Moving ahead to page 32. It would be
20 -- XI, I'm sorry, XV, second one down. This is a note
21 that we are proposing to install and -- and as part of
22 the preliminary it's -- I'm sorry -- enlarge the water
23 main from McKeen Street down to Stockton and further
24 down to our next western driveway entrance to the ten
25 inch. And then also take that same line and go up

1 Stockton Street.

2 It's one of the alleys that's at that
3 location. There's a -- a 10 inch line at the end of
4 that location. So, basically, creating a larger loop,
5 though it's currently -- they have nothing -- there's a
6 six inch line.

7 When we do that construction, the goal is to
8 install the water line first, and then swap it over so
9 that there's no loss of water for any of those tenants
10 or common quarters in those locations.

11 Same with the fire hydrants. We would
12 connect the fire hydrants in as we go through so
13 there's no loss of fire protection at those locations.
14 And this will be designed by the water company as part
15 of the final construction.

16 All right, last one is -- on this page would
17 be the -- the full stormwater section. I mentioned
18 that upfront that we were -- we're intending to comply
19 with the request from Van Cleef, with the exception of
20 triple U, which is a coverage calculation requirement.
21 We believe that the calculation we have in that section
22 is fair and appropriate for the design, in accordance
23 with our-- our stormwater design requirements.

24 I think that's it for the -- the civil
25 items. I know we've submitted a traffic report and

1 architectural plans. Architectural plans haven't
2 changed since the preliminary so we can have the
3 architect come up here and talk about some of the
4 comments in that section or I can try to get
5 (inaudible) first.

6 VICE CHAIRMAN ZWICKER: Tim, do you have any
7 other questions? Anything now?

8 MR. O'BRIEN: I do. The applicant is
9 indicating they're seeking -- we made a recommendation
10 that they provide a street sweeper on site at all
11 times. They're looking for relief from that
12 recommendation.

13 Based on experience of similar sites in town,
14 having some type of sweeper that's equipment based
15 would be appropriate. It doesn't necessarily have to
16 be the traditional road sweeper you see, but it could
17 be a -- a three wheel sweeper that you might see more
18 on a utility job. At least if we end up tracking -- a
19 load drops mud down or tracks mud down on Stockton or
20 -- or McKeen, we can get that swept off before it gets
21 onto South Main and throughout the rest of the town.

22 MR. BOHLER: That -- that option is fine.
23 The smaller version -- we can have (inaudible) lay back
24 there.

25 VICE CHAIRMAN ZWICKER: Thank you.

1 MR. O'BRIEN: And then as regard to
2 stormwater, it should be addressed that they -- that
3 they'll have to comply with DEP requirements as per the
4 town code.
5 MR. BOHLER: Yep. That's not a problem.
6 VICE CHAIRMAN ZWICKER: Anything else?
7 MR. O'BRIEN: In terms of any changes, you
8 went through the change. Any minor changes you might
9 have had from preliminary to final with stormwater. Is
10 there any changes from the DEP approval for the flood
11 hazard that impacts what was previously considered
12 under preliminary?
13 MR. BOHLER: Asked for a few likely changes
14 in the bar attachment basin, but that was it.
15 MR. O'BRIEN: Okay. The other aspect is we
16 discussed lighting and you provided testimony that you
17 intend to comply with the town code. So we'll just
18 have to -- as a condition, I would recommend, if it is
19 action is taken, that -- that we verify that it's
20 compliant before construction. That's all the comments
21 I have on the site.
22 MR. PECK: Yeah. Huh?
23 VICE CHAIRMAN ZWICKER: You -- you can live
24 with that, right?
25 MR. PECK: Yes. Yes. Mr. O'Brien, we did

1 submit a report from the LSRP, but not until August
2 23rd. Was that report satisfactory and will the Board
3 need to hear because, you know, it's highly technical.
4 Through the Chair, does the Board the wish to
5 hear testimony from the LSRP?
6 MR. O'BRIEN: I recommend for the Board to at
7 least hear just an overview from the LSRP.
8 MR. PECK: Okay.
9 MR. O'BRIEN: Our -- our technical review
10 letter was related to LSRP was to understand if any of
11 the site improvements and the site remediation cleanup
12 would impact each other. That would be -- come up
13 during the time of construction. They did submit a
14 technical report to address our concerns, but I think
15 for the Board's -- Board's benefit, it'd be helpful to
16 hear from the LSRP directly.
17 MR. PECK: Okay. No, that's fine.
18 VICE CHAIRMAN ZWICKER: Ready to go?
19 MR. PECK: He's -- he's here.
20 VICE CHAIRMAN ZWICKER: Okay.
21 MR. PECK: So are there any further questions
22 from the Board or the public for Mr. Bohler?
23 VICE CHAIRMAN ZWICKER: Well, not from the
24 public.
25 MR. PECK: No, not from the public. Just the

1 -- oh, okay. Yeah, yeah, yeah. Okay. Okay. Well,
2 thanks. Thanks, Brad.
3 All right, do we want to call -- we'll call
4 Mr. -- Mr. Lev up now, who's our LSRP.
5 VICE CHAIRMAN ZWICKER: He can give us an
6 overview.
7 MR. PECK: Correct
8 R I C H A R D L E V , WITNESS FOR THE APPLICANT,
9 SWORN
10 BOARD ATTORNEY WILHELM: And we're going to
11 mark as Exhibit A3 is a CV which I have reviewed and I
12 would recommend he be adopted as an expert.
13 MR. PECK: Very good. Thank you.
14 DIRECT EXAMINATION BY MR. PECK:
15 Q Mr. Lev, you've -- you've had the opportunity
16 to review the July 22nd Van Cleef report?
17 A I did.
18 Q And you're familiar with the site?
19 A I am.
20 Q Okay. How, in -- in what -- capacity are you
21 familiar with the site?
22 A I've been involved with the site since 2005. At
23 that time, I was the project manager for Melick-Tully &
24 Associates, but we were subsequently acquired by GZA
25 GeoEnvironmental.

1 At that time I was project manager of the
2 soil preliminary assessment, site investigation,
3 remedial investigation, and preparation of the remedial
4 action work plan. That all got sent to DEP and
5 ultimately approved in 2006.
6 Q Okay. And what are -- what are the
7 environmental conditions on the site?
8 A This -- the -- the predominant concern is that the
9 site is blanketed with historic fill. It contains
10 contaminants consistent with what people would commonly
11 know as urban land. I don't want to bring anybody back
12 to high school chemistry, but we have lead and
13 polynuclear aromatic hydrocarbons in the soil. We also
14 have a couple of hotspots that are proposed to be
15 remediated at the onset of the redevelopment of the
16 property. They're relatively localized areas and they
17 would be in the upland area close to Howard Street.
18 Q Okay. And you submitted a report dated
19 August 22nd, 2022?
20 A I did.
21 Q Is there anything from that report that you
22 wish to bring to the Board's attention?
23 A I -- there was a comment that Brad had made about
24 the stormwater, and particularly the infiltration
25 issue. Because the sites are blanketed with -- with

1 contaminated fill, it's -- the -- the department -- the
2 -- the -- the NJ DEP stormwater management rules do not
3 want you to infiltrate rainwater into the ground.

4 So, to that extent, though all the heavy
5 lifting was done by Brad and his crew, the intent was
6 there's going to have -- they're going to have some
7 permeable pave- -- pavement underlaid by stone and
8 infil- -- to to prevent infiltration they'll have a --
9 I believe it's a 40 mil. barrier under these areas, so
10 that water does not flow into the -- into the sub
11 soils, and they also would be lining the basins in a
12 similar fashion.

13 The idea is that it prevents infiltration,
14 protects the environment, and is consistent with the
15 DEP stormwater rules and all of those are being
16 followed.

17 Q Rick, thank you very much.

18 VICE CHAIRMAN ZWICKER: Is it good, Tim?

19 MR. O'BRIEN: If you could just as part of
20 our review, the one aspect that (inaudible) on a
21 similar project, is is there any conflict you saw with
22 the proposed landscaping and the remediation plan
23 and/or capping plan?

24 MR. LEV: No. The -- the -- the remediation
25 and capping in the -- in the normal scale -- in the

1 normal scheme of events, capping of historic fill with
2 the contaminant levels that we have require both
3 engineering controls. Cap, building slabs, landscaped
4 areas, and an institutional control, the deed notes.
5 The -- the construction that's proposed is consistent
6 with DEP guidance and requirements for a
7 non-residential property. So the landscape plans are
8 all satisfactory from a [sic] environmental standpoint.
9 The -- the hardscape quality is suitable for protection
10 of human health, and safety, and the environment, as
11 well.

12 So the -- he plan would be the same. It's
13 graded out, the improvements get built, the hardscapes
14 go in, the landscaping and goes in, at that point a
15 deed notice is executed and the soil permit is obtained
16 from DEP department. At that point (inaudible).

17 MR. O'BRIEN: Thank you. That addresses all
18 my -- my prior letter I issued.

19 MR. PECK: Great. Thank you. Any -- any
20 other core questions for Mr. Lev?

21 All right. Thank you very much, Rick.

22 MR. LEV: You got it.

23 MR. PECK: I appreciate your coming out.

24 MR. LEV: No problem.

25 MR. PECK: Okay. Next, we'll call John

1 Wichner, our traffic engineer.
2 J O H N W I C H N E R, WITNESS FOR THE APPLICANT,
3 SWORN
4 BOARD ATTORNEY WILHELM: I have Mr. Wichner's
5 C.V. and we'll mark that. He's been before us before
6 and we know he's qualified. And -- and that's A-3?
7 BOARD SECRETARY LEFLER: Four.
8 BOARD ATTORNEY WILHELM: Four, that's right.
9 MR. PECK: Okay. Thank you very much.
10 DIRECT EXAMINATION BY MR. PECK:
11 Q John, you're -- you're familiar with the site
12 and you provided testimony during the preliminary
13 approval phase?
14 A Yes, that is correct.
15 Q Okay. And has anything changed with -- with
16 the traffic counts or projections from the preliminary
17 to the final?
18 A Nothing has changed between the preliminary and
19 final. There were a couple of additional analyses that
20 were performed as requested by the town back -- and I
21 can speak to it.
22 Q Yeah, so why don't you -- why don't you do
23 that?
24 A Sure. So a traffic study was submitted during
25 preliminary review. A -- a -- a revised traffic study

1 was then subsequently submitted to the Town for final
2 review -- a final -- for their plan review.
3 A -- a couple of highlights from that revised
4 traffic study. As Mr. Peck had referenced earlier,
5 there are two properties at the intersection of South
6 Main and McKeen Street that have been acquired in order
7 to perform roadway improvements, i.e., a larger radius
8 for the right turn movement from McKeen Street on to
9 South Main Street. What that does is it -- it -- it
10 prevents or it eliminates the need for trucks to make a
11 circuitous motion on the northern side of South Main
12 Street by going through the intersection, making a left
13 onto Sitgreeves, making another left on to Stockton,
14 another left onto South Main, which would -- which
15 would -- physically would be necessary if we do not
16 have the roadway improvements at the intersection of
17 South Main and McKeen.
18 And then, secondly, as was requested or
19 discussed during preliminary plan approval, the
20 applicant is agreeable to a no left turn for trucks on
21 the northbound approach of McKeen Street and South Main
22 Street. The -- the traffic Analysis does reflect that
23 with those two improvements all local service are --
24 are -- will be operated with the use of the local
25 services (inaudible).

1 Q Great, did you have -- did you have the
 2 opportunity to review the Van Cleef July 22nd letter?
 3 A I have. I have. Specifically on page 44, comment
 4 number three. It's headed of by the -- the -- a trip
 5 generation comparison letter. There are four sub
 6 comments under item number three.
 7 A and B are really combined. Since these
 8 comments have been issued, a -- a revised traffic
 9 impact study has been submitted to the town which shall
 10 reflect the -- the relationships and improvements which
 11 I just discussed.
 12 Items C and D really kind of go hand-in-hand.
 13 There is a -- there's a request to -- to ensure that
 14 the end user does not exceed the approved trips in the
 15 traffic study and -- and also subsequently to that, a
 16 request for a post development or a post occupancy
 17 traffic count, again, to ensure that trips remain
 18 consistent with the -- the -- the traffic impact study.
 19 We understand that request or/and that
 20 requirement, and we have no -- no -- no concerns with
 21 sharing the operations of the end user and then backing
 22 that up with a post development study afterwards.
 23 Q Great, thank you. Is there anything else
 24 that you'd like to bring to the Board's attention in
 25 connection with this application?

1 A No.
 2 Q Thank you very much.
 3 MR. PECK: Does the Board or -- or Mr.
 4 O'Brien have any -- any questions from Mr. Wichner?
 5 MR. O'BRIEN: I do. As it relates to the
 6 fire lane along Howard Street, are the spaces. There's
 7 potential that an extended area of -- of parking
 8 restricted may be required for -- through the building
 9 code that's being evaluated, that potentially the
 10 architect may be able to testify to. Do you find with
 11 the operation of the site that that fire lane has to
 12 expand along the frontage of the building? If that
 13 impacts your prior study?
 14 MR. WICHNER: It does not impact the prior
 15 study. I would like to -- to let the architect guy
 16 talk about the width of the roadway, therefore, the
 17 apparatus, you know, in -- in relation to having the
 18 building from a firefighting perspective. But from a
 19 -- a roadway or a traffic capacity perspective, no
 20 impacts.
 21 MR. O'BRIEN: Thank you.
 22 VICE CHAIRMAN ZWICKER: Anything else, Tim?
 23 MR. O'BRIEN: That's everything I had.
 24 MR. PECK: Good. Okay, thank you very much.
 25 I'd like to bring up, presumably, our final

1 witness, Oliver Franklin, our architect. I've also
 2 provided his C.V., I believe, and he's also testified
 3 before this Board.
 4 O L I V E R F R A N K L I N, WITNESS FOR THE
 5 APPLICANT, SWORN
 6 BOARD ATTORNEY WILHELM: And we will mark his
 7 C.V. as A-5, and he's accepted as a -- as a planning
 8 expert.
 9 MR. PECK: Thank you very much.
 10 DIRECT EXAMINATION BY MR. PECK:
 11 Q Mr. Franklin, you prepared the architectural
 12 plans for this project?
 13 A Yes.
 14 Q And you presented these plans during the
 15 preliminary phase of this approval process?
 16 A (No verbal response)
 17 Q And have there been any changes to the plans
 18 that you presented, you know, any change in the plan
 19 since preliminary to the present.
 20 A No.
 21 Q And can you just, you know, explain to the
 22 Board, refresh their memory as to, you know, what the -
 23 - what the building would look like?
 24 A Okay, so we have a 420,000 square foot structure.
 25 One of the comments was why we didn't have an entry off

1 of Howard Street. Well, based off of the topography
 2 and the slope of Howard Street it wouldn't even be
 3 practical for us to try to develop a -- an entry off of
 4 there. So what we decided to do was to put our main
 5 office entries on either end of the structure.
 6 BOARD ATTORNEY WILHELM: Mark, can you just
 7 tell the folks what that is? We'll mark that as 6-7
 8 exhibit.
 9 MR. PECK: That's the floor plan. Okay.
 10 BOARD ATTORNEY WILHELM: Thank you.
 11 MR. PECK: And this would be A-6?
 12 BOARD SECRETARY LEFLER: Yes. Is that the
 13 one dated June 8, 2021?
 14 MR. PECK: It's dated August 6th of 2021.
 15 BOARD ATTORNEY WILHELM: Okay. Thank you.
 16 MR. FRANKLIN: So those are the elevation on
 17 the same date. It would be A-2.
 18 MR. PECK: Should we call this A-7, or should
 19 we call it A-6? Like, if there's going to be more
 20 sheets, you know, with the tables.
 21 BOARD ATTORNEY WILHELM: How many more you
 22 think?
 23 MR. FRANKLIN: Two more.
 24 BOARD ATTORNEY WILHELM: Okay. Let's just do
 25 them separately.

1 MR. PECK: Okay. So this would be A7.
2 BOARD ATTORNEY WILHELM: And this is the
3 elevation?

4 MR. FRANKLIN: Yes.

5 BOARD ATTORNEY WILHELM: North and East,
6 about there?

7 MR. FRANKLIN: This is the north and west
8 elevations.

9 BOARD ATTORNEY WILHELM: Okay.

10 MR. FRANKLIN: So we propose two office
11 locations on either end of the north elevation. The
12 west east ends are defined by these parapets.
13 Intermediate banding, room color in-fill, that doesn't
14 (inaudible) the office box.

15 Now what we're trying to do here, since this
16 is a precast building which is pretty flat, we're
17 relying on our color scheme to kind of define and break
18 up the facade. So each parapet, this color here,
19 they're approximately 200 linear feet between one
20 another that's a -- a maroon color with a grey in-fill.

21 In between there, which they are 100 feet
22 apart, we added another grey element that has reveals
23 in between. You'll see that this runs across the whole
24 front of the house with the facade.

25 Now, one thing that happens on Howard Street

1 is on end our slab is five feet below grade. On the
2 opposite end, it is roughly 15 feet below grade. So we
3 feel the -- the height of that building is at 49 feet
4 on this -- on the side. So the fact that our building
5 is behind that slope, it -- it helps -- it reduces the
6 mass of buildings across the street.

7 In addition, we fill-in our color scheme, as
8 we break this up, roughly 50 feet, 100 feet, it's also
9 kind of in line with the buildings across the street
10 and how they -- they -- they're established.

11 You'll notice on the west elevation, we have
12 the same thing on the east elevation. We show a -- a
13 major entry, double doors, placing side panels. And
14 this is a -- with an accent grey strip in the middle,
15 with office windows flanking either side. So and that
16 -- that happens on -- on both sides so that it defines
17 that entry.

18 Okay. Now if you take a look at, kind of,
19 the development requirements. They talked about a
20 pattern of corners. We believe that as we raise the
21 parapet and lower the parapet that helps again, wake up
22 our facade here. In addition, we have a base that
23 carries throughout this structure. And it happens on
24 the other side. We have a reveal, and also a paint
25 strip to define that.

1 And that's -- that's pretty much what we have
2 for the elevations.

3 BOARD ATTORNEY WILHELM: And -- and Mark, it
4 -- that's architectural sheet A2, is that correct?

5 MR. PECK: That's correct.

6 BOARD ATTORNEY WILHELM: Okay. Thank you.

7 BY MR. PECK:

8 Q And can you identify the locations of the FDC
9 connections. Is that depicted on -- on this or is that
10 on a different exhibit?

11 A That's not depicted on the architectural.

12 Q Okay. Oh, okay.

13 A Basically, it's located on the northwest side of
14 the building. Now, the Fire Department agrees with the
15 location. Plus we requested -- they changed the
16 separation between poles, kept these seat.

17 Q The seats. So, (inaudible). Great. And
18 you've had the opportunity to review the -- the Van
19 Cleef July 22nd letter in your architectural comments?

20 A Yes. Yes, we have.

21 Q And you have -- take any issue with anything
22 contained in that letter?

23 A No. Just addressing some of the comments. The
24 first part of this presentation really dealt with item

25 A --

1 Q Right.

2 A -- of that. Item B, we just suggest as far as the
3 FDC. Our roof, it's -- it's going to be a white flat
4 coordinate slope that would only be utilized for
5 mechanical equipment and access for emergency and
6 maintenance.

7 We're talking about the -- the fire lane. I
8 think I'm going to leave that for last.

9 Now, fire protection for the building. The
10 sprinkler system is designed for NFPA 13 guidelines for
11 our proposed structure. The detail classifications of
12 the design will be determined during the design
13 process.

14 Building numbering and door numbering will
15 follow the requirements of the police department and
16 fire department.

17 The lighting fixtures are approximately at 25
18 feet. That's less than the 30 feet required and the
19 placement is based off of civil drawings.

20 So, green building. We're not designing to
21 green building standards, tor meeting the standards for
22 a particular certification, but we will try to
23 incorporate green -- green building design elements.
24 For example, (inaudible) materials, water conserving
25 fixtures, and more potential components. We'll also be

1 meet the New Jersey State energy code requirements in
2 opening windows, white roof and exterior wall
3 insulation.

4 Because of noise and odor, that will be for
5 the tenant that will be coming into the building. So
6 it'll be addressed at that time, following the codes
7 and regulations.

8 Q The fire lane? Ready to discuss that?

9 A Yes. The code -- the fire lane, as we read the
10 Code, the fire lane shown on site layout C303 meets the
11 requirement of IFC 2018 code for Section 503, point
12 1.1. And basically, what that says is you have to be
13 within 150 linear feet of any part from the parking lot
14 building. So on our west facing south side, we meet
15 that easily. On the Howard Street side those
16 intermittent parking areas, we more than have less than
17 150 feet travel distance to meet that requirement.

18 In addition, typically, the fire access roads
19 are twenty foot minimum. So if we look at how a
20 street, which is roughly 39 linear feet, if you
21 subtract ten feet for the -- the parking area, you're
22 still left with plenty of room for a [sic] apparatus to
23 -- to turn this -- transfer down the front of the
24 Howard Street side.

25 So based off of those two facts, we feel that

1 having parking in that intermediate fire area meets
2 code.

3 Q Okay. Is there anything else you'd like to
4 bring to the Board's attention?

5 A Just one other.

6 Q Great.

7 A A-8.

8 Q Colors that build upon (inaudible) view.

9 Okay.

10 A So basically what we see here, I believe this is
11 the northwest corner. No, northeast corner. So we're
12 identifying the major office block we're just creating
13 on both sides of the building. And we're kind of
14 representing we know that copy panels are flat. But
15 you can see how without color patterns we're really
16 breaking up that facade and the parking lot. We're
17 accentuating the entry.

18 And as you go down Howard Street as you play
19 with the colors, the dark colors in maroon, the latter
20 grey is here, that is really breaking up that -- that
21 facade, along with part of it being on grade.

22 Q Thank you.

23 MR. PECK: That concludes Mr. Franklin's
24 direct testimony. If the Board or professionals have
25 any questions?

1 VICE CHAIRMAN ZWICKER: Do you have any?
2 MR. O'BRIEN: No, I'm okay. Thank you.
3 VICE CHAIRMAN ZWICKER: Are you okay with the
4 -- the (inaudible) the comments about the roof and the
5 odor and the noise?
6 MR. O'BRIEN: Yes.
7 VICE CHAIRMAN ZWICKER: Okay.
8 MR. O'BRIEN: They indicated they would
9 comply with the Town's evaluations.
10 VICE CHAIRMAN ZWICKER: Anybody from the
11 Board? Any comments?
12 MR. PECK: Okay. I believe that concludes
13 our direct case.
14 VICE CHAIRMAN ZWICKER: Thanks. Now we open
15 it to the public.
16 BOARD SECRETARY LEFLER: Scott -- Scott, I
17 just have one question.
18 BOARD ATTORNEY WILHELM: Oh, go ahead.
19 BOARD SECRETARY LEFLER: The fire chief's
20 last.
21 BOARD ATTORNEY WILHELM: Yes.
22 BOARD SECRETARY LEFLER: Then do you want me
23 to do that as an exhibit also?
24 BOARD ATTORNEY WILHELM: Yes. Nine, yes.
25 What's dated as that January --

1 BOARD SECRETARY LEFLER: It's actually
2 updated status August 5.
3 BOARD ATTORNEY WILHELM: Prior 2/27/16. Put
4 it in correctly.
5 MR. PECK: Yeah, and we we'll comply with all
6 these requests and conditions contained there in.
7 VICE CHAIRMAN ZWICKER: Thank you.
8 MR. PECK: Thank you.
9 VICE CHAIRMAN ZWICKER: Okay. Is there
10 anybody from the public? State your name, address.
11 MR. KEYSER: Kevin Keyser, 563 South Main.
12 First of all --
13 VICE CHAIRMAN ZWICKER: Spell your last name.
14 MR. KEYSER: K-E-Y-S-E-R, 563.
15 VICE CHAIRMAN ZWICKER: Thank you.
16 MR. KEYSER: I live right across from 560.
17 First of all, in December I called the town, have the
18 property shoveled.
19 Right now, if I go park on McKeen, I have to
20 let my passenger out before I park. The weeds are as
21 high as my waist. We have school on August 29th.
22 Really? See you guys all vote, but I get it shoved
23 down my throat. Just like he said there's some
24 hotspots. How we get rid of that hotspots? Are we
25 taking the dirt out? It's shoved down my throat.

1 I gotta breathe it. All the others are
 2 renters around me. I'm a town -- I'm an owner. Why?
 3 Why? Are we going to address this? He said hotspots.
 4 I don't know. I'm not familiar with it. Is it going
 5 to be pulled out? We're saying oh, maybe they're
 6 gonna have a sweeper, maybe they're not gonna have a
 7 sweeper, maybe something.

8 Guess what? I have to go step in it, bring
 9 it in my house. Don't -- don't let this happen.
 10 Taxpayers are sick and tired of it. November is coming
 11 around.

12 VICE CHAIRMAN ZWICKER: Anybody else?
 13 MR. MORRISETTE: Good evening.
 14 VICE CHAIRMAN ZWICKER: State your name and
 15 address.
 16 MR. MORRISETTE: David Morrisette.
 17 BOARD SECRETARY LEFLER: Turn the microphone
 18 towards you, please. Thank you.
 19 MR. MORRISETTE: Is that better?
 20 BOARD SECRETARY LEFLER: That's much better.
 21 MR. MORRISETTE: Oh, wow. David Morrisette,
 22 5 Fairview Heights, Phillipsburg, New Jersey.
 23 About 30 years ago, my family chose to live
 24 in Phillipsburg. We love Phillipsburg and that's why
 25 we continue to live in this great town. We raised our

1 family in Phillipsburg. Other than the residents of
 2 Phillipsburg, the Delaware River is its greatest asset,
 3 and I'm sad to see that we're discussing putting a
 4 warehouse on the riverfront of the Delaware River.

5 I'm asking you to table the site plan hearing
 6 this evening or your vote on it, I should say, and to
 7 vote on anything else regarding Peron/Howard Street
 8 property.

9 I believe a Court decision will be handed
 10 down prior to the next Land Use Board Meeting that will
 11 vacate Ordinance 2021-14. Ordinance 2021-14 is the
 12 ordinance that rezoned the Peron/Howard Street property
 13 to industrial. If that ordinance is vacated what you
 14 see here currently is just noise. An industrial site
 15 can't be built on that property.

16 The Court heard oral arguments in August and
 17 the decision is due shortly. I was hoping it was going
 18 to be in before tonight, but it will be in shortly.
 19 And I recommend that you send -- if you -- when you do
 20 vote, if you're going to vote over my objection and not
 21 table it, I hope you recommend to the Council that they
 22 don't amend the Riverfront Redevelopment Plan. Okay?

23 What you're doing tonight, considering doing
 24 tonight, is a very serious step. I had a friend
 25 explain to me one time that when you pass the final

1 site plan it's analogous to when you have an adoption
 2 signing the final adoption papers, and that your
 3 signing and sealing that it's said and done. And the
 4 problem happens, in this case, you're going to find out
 5 when you sign those final adoption plans the child was
 6 not eligible to be adopted.

7 If the Court comes back and says that this
 8 property is not or that it vacates the ordinance, this
 9 property is not industrial. So it won't hurt to wait
 10 one month and table this and take the vote next month
 11 for the final site plan. Thank you.

12 VICE CHAIRMAN ZWICKER: Anyone else? Anyone
 13 else? No further comments?

14 Anybody on the Board have any comments? No
 15 comment?

16 BOARD ATTORNEY WILHELM: So, Mr. Peck,
 17 there were some temporary waivers that were granted,
 18 the design waivers. They start on page 17 of Mr.
 19 O'Brien's review letter. Are -- are you seeking -- the
 20 question is are you seeking permanent waivers or are
 21 you going to address those? If you look at page 17, 2
 22 A, B, C.

23 MR. PECK: Yes, I'm getting the -- I believe
 24 those are set forth in the Bohler August 15th.

25 MR. O'BRIEN: It's at page 17.

1 MR. PECK: Yes.

2 MR. O'BRIEN: 2A, B, C, D --

3 MR. PECK: Yes.

4 MR. O'BRIEN: -- were waivers that were
 5 granted and still are -- are being asked for. But
 6 they're -- they weren't temporary, they were permanent.

7 MR. PECK: Okay.

8 MR. O'BRIEN: Yes.

9 MR. PECK: All right.

10 BOARD ATTORNEY WILHELM: So I have then an a
 11 total of five permanent waivers. Does that sound
 12 correct? Those three and then I have a permanent
 13 waiver for (inaudible) islands and every fifth row
 14 parking, and a permanent waiver regarding shade trees.

15 MR. O'BRIEN: Yes.

16 BOARD ATTORNEY WILHELM: Okay.

17 MR. O'BRIEN: Yes.

18 BOARD ATTORNEY WILHELM: Do you see any
 19 others?

20 MR. O'BRIEN: No. That's --

21 BOARD ATTORNEY WILHELM: Okay.

22 MR. O'BRIEN: -- it.

23 BOARD ATTORNEY WILHELM: Thank you.

24 VICE CHAIRMAN ZWICKER: All the language is
 25 set. I need a motion to go forward.

40

1 BOARD ATTORNEY WILHELM: You're seeking a
2 motion, permitting then the Board to --
3 VICE CHAIRMAN ZWICKER: I need a motion from
4 anybody on the Board.
5 BOARD SECRETARY LEFLER: What, do to whatever
6 they want?
7 VICE CHAIRMAN ZWICKER: Final approval.
8 BOARD SECRETARY LEFLER: What are we doing?
9 What are we doing?
10 VICE CHAIRMAN ZWICKER: Waiting for a motion.
11 MR. PECK: Yeah. We're seeking final site
12 plan approval with the cited design waivers.
13 MR. BROTZMAN: I'll make that
14 MR. PENROSE: I'll second.
15 VICE CHAIRMAN ZWICKER: Mr. Brotzman and
16 Penrose second.
17 BOARD SECRETARY LEFLER: Mr. Brotzman -- yes.
18 VICE CHAIRMAN ZWICKER: Kelly, roll call.
19 BOARD ATTORNEY WILHELM: All right. Hold on
20 a second. So it's going to be a motion to grant final
21 site plan approval with waivers. Okay. Who second it?
22 Penrose?
23 VICE CHAIRMAN ZWICKER: Yeah, Penrose.
24 BOARD ATTORNEY WILHELM: All right. Is there
25 any discussion on that from the Board?

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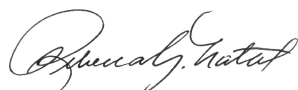
1 VICE CHAIRMAN ZWICKER: There being no
2 further discussion, roll call. Roll call.
3 BOARD SECRETARY LEFLER: Mr. Brotzman.
4 MR. BROTZMAN: Yes.
5 BOARD SECRETARY LEFLER: Mr. Hanisak.
6 MR. HANISAK: Yes.
7 BOARD SECRETARY LEFLER: Mr. Penrose.
8 MR. PENROSE: Yes.
9 BOARD SECRETARY LEFLER: Mr. Turnbull.
10 MR. TURNBULL: Yes.
11 BOARD SECRETARY LEFLER: Let's see.
12 Councilman Kennedy is recusing himself.
13 Mayor Tersigni, recusing yourself.
14 Vice Chairman Zwicker?
15 VICE CHAIRMAN ZWICKER: Yes.
16 BOARD SECRETARY LEFLER: And Mr. Duffy
17 recusing. Okay. Five.
18 MR. PECK: Thank you very much.
19 (Proceedings Concluded)
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CERTIFICATION

I, Rebecca Y. Natal, the assigned transcriber, do hereby certify the foregoing transcript of proceedings, Digitally Recorded, of the Phillipsburg Land Use Board meeting on August 25, 2022 is prepared to the best of my ability and is a true and accurate compressed transcript of the meeting as recorded.

February 20, 2023



Rebecca Y. Natal AD/T 557

AUTOMATED TRANSCRIPTION SERVICES
Laurel Springs, NJ

**TOWN OF PHILLIPSBURG TOWN COUNCIL MEETING
535 FISHER AVENUE
PHILLIPSBURG COMMUNITY ROOM
PHILLIPSBURG, NEW JERSEY 08865**

TUESDAY, NOVEMBER 1, 2022

**PHILLIPSBURG TOWN COUNCIL MEETING
RE: ORDINANCE 2022-30, ADOPTING THE
DISTRICT 5 (RIVERSIDE INDUSTRIAL)
AMENDMENT - RIVERFRONT REDEVELOPMENT PLAN**

TRANSCRIPT ORDERED BY:

DAVID P. MORRISETTE
5 Fairview Heights
Phillipsburg, NJ 08865

MEMBERS OF THE PHILLIPSBURG TOWN COUNCIL:

HARRY WYANT, COUNCIL PRESIDENT
LEE CLARK, COUNCIL VICE PRESIDENT
RANDY PIAZZA, JR., COUNCILMAN
PETER MARINO, COUNCILMAN
KEITH KENNEDY, COUNCILMAN

RICHARD W. WENNER, TOWN ATTORNEY
LORRAINE LOUDENBERRY, ACTING MUNICIPAL CLERK

MEDIUM: Court_20221101_182452

DATE: November 1, 2022

TIME: 7:43:16 p.m. to 8:48:32 p.m.

Rebecca Y. Natal, AD/T 557
A **UTOMATED TRANSCRIPTION SERVICES**
P.O. Box 1582
Laurel Springs, New Jersey
(856) 784-4276
(856) 784-7254 (fax)
autotranscripts@comcast.net

2

1 COUNCIL PRESIDENT WYANT: Okay. Ordinance
 2 2022-30. I'm going to recuse myself and I'm going to
 3 refer to Council Vice President to move forward with
 4 this ordinance.
 5 COUNCIL VICE PRESIDENT LEE: Ordinance
 6 2022-30, an ordinance of the town of Phillipsburg,
 7 County of Warren, New Jersey, adopting the District 5
 8 Riverside Industrial Amendments, Riverfront
 9 redevelopment plan.
 10 Open to --
 11 MR. WENNER: Let's get a motion first.
 12 COUNCIL VICE PRESIDENT LEE: Motion
 13 COUNCILMAN PIAZZA, JR.: I'd like to motion
 14 to approve.
 15 COUNCILMAN MARINO: Second.
 16 MR. WENNER: Okay. Now you can open to --
 17 COUNCIL VICE PRESIDENT LEE: Roll call?
 18 MR. WENNER: No, no. Open to the public.
 19 COUNCIL VICE PRESIDENT LEE: Oh, open to the
 20 public. As you can tell, it's my first time.
 21 MR. WENNER: Yeah. All good.
 22 COUNCILMAN PIAZZA, JR.: Second time.
 23 COUNCIL VICE PRESIDENT LEE: Second time, oh.
 24 MR. WENNER: Yeah. The floor is now open to
 25 the public for public comment.

3

1 COUNCILMAN KENNEDY: Council President,
 2 reminder, three -- three minutes.
 3 COUNCIL VICE PRESIDENT LEE: Okay. Three
 4 minutes speaking time.
 5 MS. RIDLEY: Elizabeth Ridley, 198 Summit
 6 Avenue. I'm here to speak against 2022-30. We, the
 7 group, the Phillipsburg Environmental Watch, a
 8 grassroots organization under the umbrella of the New
 9 Jersey Highlands Coalition, made up entirely of
 10 Phillipsburg residents, are asking you to refrain from
 11 moving the Peron Howard Street legislation forward at
 12 this time.
 13 In addition to being Phillipsburg residents,
 14 we have representation (inaudible) from the Flats of
 15 Phillipsburg, the location where the proposed
 16 Peron Howard Street warehouse will be located.
 17 Mr. Perrucci's original 2006 plan for
 18 townhouses on the Howard Street site was named
 19 Riverview at Delaware Station. The focus was clearly
 20 to market homes as being on the Delaware River --
 21 River. Indeed, Mr. Perrucci had hopes to eventually
 22 construct more than 1,000 homes along the river, and
 23 also to enable a riverfront walkway that -- in the
 24 development, through the park, into Union Square.
 25 In 2006, the Howard Street Townhouse Projects

4

1 key marketing points would be it's proximity to the
 2 view of the Delaware River. In 2022, the notice to
 3 support warehouse plans, was that the same land is
 4 somehow now not being close to the river.

5 It appears depending on what Mr. Perrucci
 6 wants to sell at various points in time, anything can
 7 be made subjective. Anyone who votes for this
 8 ordinance should, along with the developer, be willing
 9 to live in flats with their families, to suffer the
 10 same health, safety and quality of life risks which the
 11 adults and especially the children of the Flats will
 12 face as a result of this proposed warehouse.

13 We need our leaders to understand the
 14 corrosive effect of putting the needs one developer
 15 before the well being of the people of Phillipsburg.
 16 We need our elected Council to respect and have faith
 17 in the process of the legal system.

18 Please wait for the decision from the lawsuit
 19 to be delivered before you take any action on moving
 20 the Ordinance 2022-30 forward.

21 Now, we will discuss the following topics for
 22 counsel. The lawsuit and how any decisions you make
 23 tonight will affect the future of Phillipsburg. And
 24 referring to the September 7th, 2022, New Jersey
 25 Warehouse Siting Guidelines, we will discuss reasons

5

1 why the warehouse in flats of Phillipsburg is a bad
 2 idea for the residents of the town.

3 COUNCIL VICE PRESIDENT LEE: You don't trust
 4 us?

5 MR. MORRISSETTE: David Morrisette, 5 Fairview
 6 Heights, Phillipsburg, New Jersey. I'm going to
 7 provide some information so you have a complete and
 8 clear understanding of the lawsuit and the impact of
 9 your vote tonight.

10 In June of 2021, we filed a suit against the
 11 Town of Phillipsburg because we believe multiple
 12 Council members had a conflict of interest when voting
 13 on Ordinance 2021-14. Ordinance 2021-14 passed in May
 14 of 2021. This is the ordinance that originally made
 15 the Peron Howard Street property industrial, and
 16 cleared the way for a 510,000 square foot warehouse.

17 Since that point in time, the town has
 18 approved a 400,000 square foot warehouse, partly due to
 19 the fact that the State would not allow the town of
 20 Phillipsburg to sell Delaware River Park to Peron
 21 Corporation for their 510,000 square foot warehouse.

22 If we are successful in our suit, Ordinance
 23 2021-14 will be vacated and the property will return to
 24 residential. Once the property is rezoned to
 25 residential, a warehouse can't be built on the Peron

1 Howard Street property.

2 Now a new factor has been put into the
3 equation, and that is Ordinance 2022-30. If you pass
4 the second reading of Ordinance 2022-30 prior to a
5 decision coming back from the Court regarding Ordinance
6 2021-14, you will kill the lawsuit against Ordinance
7 2021-14. Ordinance 2022-30 will replace Ordinance
8 2021-14 and the lawsuit against 2021-14 will become
9 moot or irrelevant.

10 If Ordinance 2022-30 passes you will have
11 given Peron Corporation the right to go to warehouse on
12 the Peron Howard Street property, regardless of the
13 lawsuit against 2021-14.

14 Ordinance 2022-30 is functionally exactly the
15 same ordinance as 2021-14, except it has a different
16 size warehouse and discusses a rail connection.

17 If you refrain from moving the Peron Howard
18 Street warehouse legislation, Ordinance 2022-30,
19 forward, or, in other words, you do not vote yes for
20 the Ordinance 2022-30, and you wait for the Court
21 decision to be returned from the Court, you will then
22 have a choice of voting for or against the warehouse on
23 the Peron Howard Street Property.

24 If you refrain from moving Ordinance 2022-30
25 forward you will have a chance to stop the sprawl of

1 warehouses and keep these proposed warehouses, or this
2 warehouse, from blocking the view of the Delaware
3 River.

4 If my talk is not perfectly clear, please ask
5 me questions. Otherwise, I'll assume you know exactly
6 what you're voting for. No questions?

7 MS. MORRISSETTE: Sorry, Sandra Morrisette, 5
8 Fairview Heights. Peron Howard Street warehouse is a
9 terrible idea, as its construction violates numerous
10 areas of New Jersey September 7, 2022, Warehouse Siting
11 Guidelines.

12 There are four major areas where the
13 warehouse violates these guidelines. First, the
14 Warehouse Siting Guidelines states do not put
15 warehouses in residential areas. Yet Peron
16 Construction proposes to build their warehouse in the
17 Flats, a predominantly residential area.

18 While there is a small area of light
19 industrial between the area of the warehouse and the
20 residential area, the proposed six-and-a-half story
21 360,000 square foot warehouse will be built in this
22 largely residential area. Initially, 80 trucks are
23 estimated to use the warehouse.

24 If you think of each truck entering and
25 exiting the warehouse, then a truck will travel McKeen

1 street 160 times. Between residents on Center Street,
2 Phillipsburg and residents for New Brunswick Avenue,
3 Pohatcong, they will see a combined total of 160
4 tractor trailers pass their houses every day, as the 80
5 proposed trucks enter and exit the warehouse.

6 I mentioned Center Street in Phillipsburg,
7 and New Brunswick Avenue in Pohatcong, as Town Council
8 submitted a plan to the New Jersey Department of
9 Transportation to eliminate truck traffic from South
10 Main Street in Downtown Phillipsburg.

11 We understand the reasoning to divert truck
12 traffic from South Main Street. The plan shifts the
13 harm of the truck traffic from South Main Street to the
14 residential roads of Center Street and New Brunswick
15 Avenue. That truck cements this warehouse as a
16 horrendously bad idea, with 160 tractor trailers
17 traveling through those residential neighborhoods, and
18 will place additional harm to them both in Center
19 Street and New Brunswick Avenue.

20 If the rail gets completed, then 20 trucks
21 are proposed, which still means 40 trucks in and out.
22 And still the additional burden of residents seeing
23 forty tractor trailers pass their houses.

24 With Center Street you are placing additional
25 harm of truck traffic from the warehouse to residents

1 who are your constituents. We understand Pohatcong
2 residents on New Brunswick Avenue have no influence on
3 Town Council with their vote. However, we still feel
4 it is morally wrong to place additional harm of the
5 warehouse tractor trailers on our neighbors for a
6 warehouse which is wrong for so many other reasons.

7 MR. WANISKO: I'm Josh Wanisko, 185 Lewis
8 Street. There's a concept in social sciences called
9 the polite fiction. What it basically means is a lie
10 that everyone understands is a lie but no one is
11 willing to acknowledge. So we all just go on
12 pretending to believe it so we can get along.

13 Right now, in this room, we all understand
14 the fiction of the warehouse. The promised benefits
15 are not real and never were. They are a lie in the
16 service of a developer who made a bad investment 15
17 years ago and now wants the town to rescue him from the
18 consequences of his own poor decision.

19 The division here isn't between people who
20 believe the lie and those who don't. But between those
21 who pretend to believe the lie, and those who don't.
22 The benefits of the warehouse are a fiction, but the
23 costs are very real. Here are some more of them.

24 The Siting Guidelines state that warehouses
25 are not to be placed near a protected natural resource.

10

1 The history of the Delaware goes back to the history of
2 the United States, since the very beginning. It's an
3 absolutely priceless natural resource. The location of
4 the warehouse in on the river. The developer himself
5 has been acknowledging the location as a waterfront
6 site for decades, until he realized that doing so is no
7 longer in his best interest. However, the language he
8 now chooses to employ does not change the underlying
9 truth of the nature of location.

10 Additionally, the Warehouse Siting Guidelines
11 state you should not place a warehouse next to an
12 active park. The proposed warehouse will partially
13 encircle the Delaware River Park, an active location
14 which serves a community that would otherwise have no
15 access to green space.

16 On top of that, the guidelines also state a
17 warehouse should not be placed in a location without
18 direct access to highways and major arteries. A
19 warehouse that's buried in the back of the Flats,
20 nowhere near any highways or major arteries clearly
21 violates these guidelines. The bypass routes will have
22 the trucks traveling extensively on residential roads.
23 Currently the best bypass route is New Brunswick Ave.,
24 a roadway of similar in size to South Main Street. The
25 lack of direct access makes this location a

11

1 catastrophically bad location to site a warehouse.

2 But we knew that. The proponents of the
3 warehouse will parade the same figures from bygone eras
4 of Phillipsburg history to repeat the same unbelievable
5 claims they've made many times before. But everyone
6 who knows -- everyone who's been listening now knows
7 better by this point. Any claimed benefits of this
8 warehouse are phantom, a fiction, a trick, a lie. But
9 the costs are very real and will be paid by those who
10 can least afford them.

11 I'm not exaggerating when I say the outcome
12 of this vote will decide the future of our town. You
13 can stop this, you can vote no, you can wait. It
14 doesn't need to be a choice between bad and worse. We
15 can seize our own destiny instead of being active
16 collaborators with those who would exploit us. There's
17 a right choice here and everyone knows what it is. I'm
18 asking you today to have the courage to make it.

19 MS. WANISKO: Jen Wanisko, 185 Lewis Street.
20 Knowing what you don't want is different than knowing
21 what you do want. Many opponents of the warehouse know
22 what they don't want. They don't want trucks in town.
23 They don't want the noise, the traffic, or the safety
24 risk associated with the trucks.

25 I'm here to tell you what I do want for the

1 Howard Street property and for the people of
 2 Phillipsburg. The Peron property along Howard Street
 3 is a gem, a maturing forest habitat. Closer to the
 4 railroad there are massive sycamore trees and other
 5 mature trees along the rail beds.

6 I want forests. I want forest and green
 7 space in and near my town, including the Howard Street
 8 property that is adjacent to the Delaware River Park.
 9 I want forests that filter pollutants from runoff
 10 stormwater forests, forests that prevent flooding,
 11 capture carbon and mitigate the effects of climate
 12 change, and provide a habitat for a surprising variety
 13 of wildlife species.

14 During the lockdown in the Spring of 2020, I
 15 was drowning in sorrow and uncertainty -- uncertainty
 16 like many of us were. I decided on April 15 that I
 17 would drive down to Delaware River Park each day to
 18 bird and record which species I saw there, including
 19 waterfowl on the river, species flying high above the
 20 park, and those actually in the park and on the
 21 neighboring property. I identified 63 species of birds
 22 in three weeks time.

23 I want places where wildlife can thrive and I
 24 want others like myself to have access to places to
 25 connect with and enjoy nature, despite the occasional

1 ATV or gunshots in the distance. I want more time.
 2 More time to enjoy Delaware River Park in its current
 3 state, as part of a sizable green space in our highly
 4 developed town. More time for thoughtful planning that
 5 is proactive and not reactive to make posturing about
 6 an even bigger warehouse, or building low income
 7 housing in town.

8 Mr. Perrucci can redevelop urban sites and
 9 brownfields to his heart's content. But I do not want
 10 him to ruin Delaware River Park. The people -- people
 11 of Phillipsburg don't need this project, and Mr.
 12 Perrucci with multiple development projects throughout
 13 the valley don't -- doesn't really need this project
 14 either.

15 I want a Town Council that demonstrates an
 16 environmental ethics and a real commitment to the
 17 quality of life for current and future residents of
 18 Phillipsburg. Members of Council, we cannot buy the
 19 Howard Street property tonight, but we can buy time.
 20 We can buy time to consider other visions for this
 21 property that will better serve the people of
 22 Phillipsburg. You can buy another spring migration.
 23 You can buy another kid a year of ATVing the back
 24 gravel path down along Howard Street. You can buy the
 25 people of this town a little more time to enjoy

1 Delaware River Park without a six acre 65 foot high
2 warehouse looming over their park. Please vote no.
3 Thank you.

4 MR. RIDLEY: Hi, Stuart Ridley, 198 Summit
5 Avenue in Phillipsburg.

6 The redeveloper is providing a twisted
7 justification for putting a warehouse in the Flats.
8 Michael Perrucci has suggested this -- because of an
9 open gun range and a junkyard in the Flats, nobody
10 would buy a house there, because it is an undesirable
11 place to live. So his idea is to put a warehouse there,
12 further degrading the residents' quality of life, both
13 in the Flats and in other residential areas of town
14 that will be harmed by the increased truck traffic.

15 Now, Council has also received a bunch of
16 threats from the developer to make you think that the
17 town will be doomed. And something worse than a
18 warehouse will go on that Peron Howard Street property,
19 if you don't immediately approved Ordinance 2022-30.

20 One of their threats is that the cold storage
21 project is going to disappear, if you wait for the
22 decision from the Court. The cold storage project is
23 not going to disappear if they have to wait until the
24 lawsuit decision comes back. He is trying to suggest
25 that if you don't act right now, the world is going to

1 come crashing down and they will build a 400,000 foot
2 warehouse with a lot more truck traffic.

3 Don't fall for what is at best a cheap car
4 salesman's trick, and at worst, an attempt at veiled
5 extortion. Michael Perrucci and also his company are
6 also saying that if they are not able to build that
7 365,000 square foot warehouse then they will build low
8 income housing. Again, a veiled extortion attempt.
9 Remember, before low income housing can be built in
10 Phillipsburg, it would have to come through and be
11 approved by this Council.

12 Please do not move the warehouse legislation.
13 The various threats are signs that Michael Perrucci and
14 his supporters recognize that it is likely the Town
15 will lose the lawsuit. If the Town loses the lawsuit,
16 the property will be rezoned back to residential and
17 they can't build a warehouse on the Peron Howard Street
18 property. This is why Michael Perrucci and his
19 supporters are suggesting that this legislation be
20 passed right away and you can't wait for the decision
21 from the lawsuit. His tactics are a symptom of a
22 panicked developer.

23 Also remember that if you approve a warehouse
24 on the riverfront in downtown Phillipsburg, you are
25 opening a Pandora's Box. Another warehouse developer

1 could come into town, buy up some property, and then
2 request to rezone the property from residential to
3 industrial. Because a precedent would have would have
4 been set you will be opening the town up to a lawsuit.
5 And it is very possible that other warehouses will be
6 built in downtown Phillipsburg.

7 Where will this end? With warehouses all
8 over our town? On my street? On your street? Please
9 say no to this ordinance. Thank you.

10 MS. TIMBERMAN: Nicole Timberman, 112
11 Riverview Road. I just sat here and listened to all
12 that and I have -- just like, I don't know, just a
13 little opinion on a couple of things.

14 So this is going to be Howard Street?
15 Correct?

16 MR. WENNER: Yes.

17 MS. TIMBERMAN: Are there any houses on
18 Howard Street?

19 MR. WENNER: No.

20 MS. TIMBERMAN: No. So, I don't know. I
21 just listened to a bunch of people who don't live on
22 the Flats talk about the quality of life on the Flats.
23 When was the last time I'd invite the -- I don't know,
24 I live down there with my kids and try to walk around
25 and I have people asking me for money and asking me for

1 drugs and asking me for all kinds of things. So maybe
2 that's the quality of life for everybody down in the
3 Flats that maybe we should be talking about? Not about
4 a warehouse that you're going to put on Howard Street
5 that doesn't have any houses that already is an
6 industrial area.

7 That was the problem when he stood up here
8 and asked you guys, can I build houses there? Nobody
9 wanted -- nobody wanted the added school tax. Nobody
10 wanted the extra students. Nobody wanted the extra
11 parking. Nobody -- nobody wanted any of those things.
12 And now he's come to everybody with something else
13 that's going to give the town something.

14 It -- it -- it's going to bring people in.
15 It's -- it's going to offer jobs. He wants to partner
16 with Norwest, having meatballs for a vendor. And once
17 again, we're still here arguing because we don't want
18 change.

19 Let's just stop. This is absolutely mind
20 boggling, aggravatingly ridiculous. I grew up in this
21 town my entire life. My entire life. I went to
22 elementary school here. I went to high school here. I
23 bought a house here. I'm raising my kids here. I -- I
24 want to see something better. You everybody --
25 everybody has an argument about, oh, well, we don't

1 want that for this reason, or we don't want that for
2 that.

3 Just stop. Let's move forward. Quit
4 dragging our feet. I mean, it's already a wreck. It's
5 already an industrial area. You, you, you screwed up
6 and you brought Green Acres on a brownfield. Let's do
7 something with that.

8 Seriously. It's not a park. It's a
9 junkyard. The kids can't play on it. They can't play
10 football. They can't play baseball. They can't play
11 soccer. You can't do anything down there but pay the
12 town to mow the grass. That's all.

13 MR. DAILEY: Bravo. I'm Jim Dailey, 326
14 Center Street. Just to give you a couple of numbers.
15 You said 160 trips a day on a 200 day work a year.
16 That's 35,000 trips. 35,000 trips and 17,500 trucks
17 coming up Center Street through the Town of P'burg.
18 That -- that's absolutely ridiculous. I live there. I
19 bought a house there and you're forcing me out. I'd
20 like to stay to the rest of my life. But I'm not going
21 to -- I -- I -- I -- we don't sleep now with trucks
22 coming up.

23 We had a truck with a car on the back, four
24 hours sitting in front of our house idling. Nobody
25 came by to stop them. Nobody come by to check on them.

1 I ease by a stop sign. Let me tell you something, I've
2 got the ticket. Okay? All I'm asking is please don't
3 send this traffic up through P'burg again. That is ab-
4 -- that -- that -- think about it. That's 17,500
5 trucks going up and down Center Street, which is like
6 this as you know. I mean, we have fun in -- in the
7 wintertime. We watched the cars, walk, try to get
8 down. That's cars. Now imagine it being trucks.

9 I'm not against the warehouse down on Howard
10 Street, but send them out to the highway. Don't set
11 them up through the Town of P'burg. That's absolutely
12 ridiculous. Who's gonna pay for the new road every 10
13 years? I'll get to pay for that too. Right?

14 I mean, it's gonna be like a washboard. You
15 know how -- how trucks stop and make the road like a
16 washboard. It's gonna happen every time on Center
17 Street. I mean, how are you going to stop? You're
18 gonna have to slam on your brakes. It's the only way
19 to stop going down that hill.

20 I cannot understand for the life of me why
21 you send the traffic up through the town. And that's
22 the only reason that if -- if you have to send the
23 traffic through the town, I'm not for the warehouse.
24 Find a different way. Thank you.

25 MR. PIAZZA, SR.: Randy Piazza, Sr., 309

1 Mercer Street here in Phillipsburg down on the Flats.
2 What I was hearing here so far was a lot of people
3 coming up here and talking about how this was going to
4 look, according to the layouts,, the -- the height
5 requirements, where the trucks are going to go.

6 The Planning Board hasn't even seen any site
7 plans yet, if I'm not mistaken. Am I right? No site
8 plans?

9 MR. WENNER: Not -- not -- not for the cold
10 storage proposal.

11 MR. PIAZZA, SR.: Okay. But I -- I think
12 that a lot of people are just jumping the gun here a
13 little bit. They're trying to visualize what this
14 place may look like. I visualize that it's going to be
15 a state of the art cold storage facility. Today, with
16 cold storage facilities, it's actually becoming a need.
17 You see what the -- the -- the events are going on over
18 in Europe right now. You can see what's going on over
19 in Asia. We've been having shortages here in the
20 country. We have food shortages, housing shortages.
21 Cold storage facilities are going to help that out. We
22 need them.

23 And years ago, Phillipsburg, and I'm not
24 talking about the historical structures or anything
25 like that, but the history of the town, the people.

1 When we were in wartime and peacetime, people of
2 Phillipsburg had industry here where they actually
3 played a role in helping not only in our national
4 economy, but also the global economy. "We supply."
5 There's that sign down in Trenton that says "Trenton
6 makes, the world takes." Well, that's the way
7 Phillipsburg was always.

8 And, to me, Phillipsburg nowadays has an
9 opportunity to meet that challenge again. I don't
10 think that having a cold storage facility is really
11 that big -- a bad idea. I want to see it back there.
12 I want to see activity. I want to see a structure back
13 there. I want to see people back there and I want to
14 see a -- a building back there 24/7.

15 People are talking about open space and
16 forestation. Offer the gentleman the money for the
17 property and buy it. Buy it. People are all coming up
18 here and making suggestions and telling this guy what
19 he should be doing with his own property. That really
20 disgusts me. So, just in closing, I'd just like to say
21 that good luck, Mike. All right. Thank you.

22 MR. MEYNER: I'm Joe Meyner. I live at 392
23 South Main Street, Phillipsburg. Okay, the stuff
24 you've heard -- 1,000 units by Mike Perrucci. Well, it
25 was 400 units and it was a different time. It was not

1 -- it -- it had -- it needed -- it cost us taxes. It
 2 over- -- overloaded the parking and it had additional
 3 congestion. That's why it was no good. But his
 4 present problem is.

5 The lawsuit, settled or not settled, it will
 6 go back to the industrial, not residential. The area
 7 is commercial as wanted for -- for -- industrial -- for
 8 -- for jobs. What does that word say. I don't know.

9 You heard of one time one guy said 135,
 10 another said rather than 80 trucks. Well, it's gonna
 11 be 20 trucks -- and the -- just correcting a few of the
 12 little thises and thats. The rail head will be
 13 consistent with the feature of Phillipsburg being a
 14 railroad town. The rail bond -- barn already there. I
 15 looked at. It can be used a lot -- utilized into a
 16 small railroad museum. It's quite large next to
 17 Delaware River Park. Visible from the sightseeing
 18 train coming up in the fall from Riegelsville that the
 19 grant is going to allow us to get. We -- available via
 20 sightseeing train.

21 Okay. Generally those who claim lies are
 22 generally the liars. I am not something or other. I
 23 like -- I like to live -- I -- I am not that twisted.
 24 I like living in Phillipsburg. Action is required now
 25 because I will be -- I would like that to have -- I

1 actually would like low cost housing, but nobody's
 2 going to do that. The people of Phillipsburg are a lot
 3 more important than the few people who are worried
 4 about how pretty it's gonna be.

5 I want those jobs that this thing -- this
 6 place. I want the ride and (inaudible) from
 7 Riegelsville, both of which we get here.

8 The last area Commissioner, another one, said
 9 anyone can use Delaware River Park. I heard other
 10 words from people here but the Commissioner told me
 11 anybody wants to go use that park you can go play
 12 baseball on those fields. How much time do I have
 13 left?

14 MR. STONE: Howdy. My name is David Stone.
 15 I live at 874 Pursel Street over on Pursel Hill. The
 16 gentleman before me is talking about some of the
 17 numbers in that. I guess there's conflict. So I -- I
 18 -- you know, I maybe as well ask questions and then
 19 I'll come to these. Like how -- how many you trucks is
 20 it estimated. It's -- it's 80 or is it 20 trucks
 21 expected?

22 MR. WENNER: So what was presented before the
 23 Council was approximately 80 trips a -- 80 truck trips
 24 a day, if they didn't have the rail connection. If the
 25 rail connection was there, it would be dropped down to

1 15 to 20 trips a day, all of which was a reduction from
2 the -- Rob, what was the current approved truck traffic
3 count on --
4 MR. DeBEER: Thirty, so, I believe it was
5 125.
6 MR. WENNER: 125. So either way you look at
7 it, this use has -- generates less than truck trucks.
8 MR. STONE: Okay, and is it truck traffic one
9 way or two? It -- it's a truck trip one direction or
10 both directions? How do you -- how -- well, I'm
11 afraid.
12 MR. DeBEER: I -- I don't -- I don't have the
13 report committed to memory. I think -- I know it was
14 the -- the cold storage use was projected at 80 trips.
15 total trips per day, I -- which I believe slowed in 40
16 hours.
17 MR. STONE: Okay. Okay, so, I mean, in any
18 case. Good. And then on -- so eighty trucks let's
19 say, and then they'll be going on Center Street. Now,
20 is that -- can they be going both directions on Center
21 Street or one direction on Center Street?
22 MR. WENNER: So -- so just -- not all? So
23 these questions you're asking are good questions, but
24 --
25 MR. STONE: Yeah.

1 MR. WENNER: But there's no project yet
2 before the Council or the Planning Board. What's
3 before the Council tonight is second reading on an
4 ordinance that would amend the redevelopment plan for
5 industrial use and building height. But not for a --
6 it's not -- it's not granting approval to a specific
7 project. Because it's in a redevelopment area, any
8 approved project would have to first come before the
9 Council. They'd have that entity, if it's going to be
10 Peron, they're designated as the redeveloper of the
11 proj -- of the property. They have to enter into a
12 developer's agreement. Right?
13 And then it would have to go before the
14 Planning Board for their site plan approval. If it's a
15 different entity, and if the cold storage facility is
16 going to be the owner, alternate owner of the -- of the
17 property, then that entity would be the redeveloper of
18 the property and would have to enter a redeveloper's
19 agreement with the Council, with negotiation with the
20 Mayor, and then go before the Planning Board for site
21 plan approval at which point questions that that you're
22 asking would be addressed.
23 MR. STONE: Got it. Okay. Thank you. I
24 appreciate those answers. So just on the topic that --
25 of cold storage. I just want to make a couple of

1 notes.

2 First of all, if that is what's going to
3 happen with this space. Cold Storage as far as a long
4 term local investment for (inaudible). They go out of
5 date in about twenty years without and it's -- right
6 now it's much more affordable to build a new one and
7 retrofit an older one.

8 So whether jobs or plans you have for the
9 town, you're gonna have a giant building that's there
10 20 years and then you're not going to have use for it.

11 On top of that cold storage is not compatible
12 with rail. So even if you have a rail going to it,
13 it's not gonna make sense. the biggest trends in cold
14 storage right now are last mile fulfillment. So you'll
15 have materials coming in and they're going to be going
16 out in FedEx, UPS, that sort of thing.

17 I know all these guesses about the trucks are
18 guesses right now, based on what they use is, but if --
19 it's not going -- it's going to be considerably more
20 traffic than is being considered right now. Uh, oh,
21 that's it. Thank you.

22 COUNCIL VICE PRESIDENT LEE: Anyone else?

23 MS. COE-DONALDSON: Hi. Robyn Coe-Donaldson,
24 44 Herleman Road, Stewartsville, New Jersey. I own a
25 business and I own a building on South Main Street in

1 the Flats. I'm here to talk about this 2022-30.

2 I thought -- when this was originally brought
3 to the Council by Mr. Piazza, the ordinance, which is
4 (inaudible) it was an amendment to 2022-14, if that's
5 the right number, but this now reads that is an actual
6 zoning change, replacing that. Is that correct?

7 MR. WENNER: As to the first --

8 MS. COE-DONALDSON: This is another
9 amendment.

10 MR. WENNER: It's amending the redevelopment
11 plan to permit industrial uses and -- and increase the
12 building height from 50 to 65.

13 MS. COE-DONALDSON: So you're changing the
14 zoning, so like, you know, (inaudible) with this
15 ordinance.

16 MR. WENNER: Well, no --

17 MS. COE-DONALDSON: This is not just an
18 amendment for the size of the building and the height
19 of the building.

20 MR. WENNER: Well, the -- the zone -- the
21 industrial use was first changed or permitted in the --
22 -- in -- December of 2021. I can't remember when that
23 ordinance went by. The -- the one that's under --
24 under review.

25 MS. COE-DONALDSON: Uh-huh.

1 MR. WENNER: -- changed it. This ordinance
2 increases the building -- in that -- in that plan, it
3 there was a 50 foot height max. This plan allows 55
4 feet to the top of the building and an additional 10
5 feet for roof mounted mechanicals.

6 MS. COE-DONALDSON: Okay, the way I read this
7 from what originally was presented, the other one
8 referenced the old ordinance that is currently in the
9 lawsuit.

10 This one is actually saying whereas the Town
11 will amend. It is not referencing that any longer.
12 This is replacing it. Would you believe that that's
13 correct, because that's how this reads to me.

14 MR. WENNER: That is how it reads. Yes. The
15 original -- the -- the original ordinance that was
16 presented in the -- not in the preamble but in the
17 actual action part of the body of the ordinance. Now,
18 therefore, be it ordained part, referenced the original
19 ordinance and ratified that ordinance in all respects.

20 And that was -- there was an objection on the
21 Council to ratifying that ordinance while it was under
22 review, judicial review. So that language was
23 stricken.

24 MALE SPEAKER: Which language?

25 MS. COE-DONALDSON: The rezoning. So --

1 MR. WENNER: No. Not the rezoning, the
2 language ratifying the original 2021 ordinance.

3 MS. COE-DONALDSON: Okay, so this --

4 MR. WENNER: That's probably what you were
5 you -- when you --

6 MS. COE-DONALDSON: Right.

7 MR. WENNER: That's -- that's -- that's the
8 ordinance.

9 MS. COE-DONALDSON: So -- so what I am still
10 getting here that this will change the zoning to
11 industrial.

12 MR. WENNER: Whereas the Town will amend the
13 revised RDP to change District 5 for Riverside
14 residential to Riverside industrial to permit
15 industrial uses, and allow the related amendments, and
16 to permit a 65 foot building height. Those are the two
17 things that this ordinance does.

18 MS. COE-DONALDSON: Right.

19 MR. WENNER: Yes.

20 MS. COE-DONALDSON: So then that -- that 14
21 amend -- or ordinance is gone. That -- I guess that's
22 what I'm getting at.

23 MR. WENNER: Well, it's still on the books,
24 and it's still under challenge. The amend the -- the
25 language that was in this ordinance originally ratified

30

1 and -- the -- that ordinance. Validated it. This --
 2 that's no longer the case with this, but it does change
 3 the use to industrial. Yes.

4 MS. COE-DONALDSON: So if the lawsuit comes
 5 back and says that that one's gone. That that was not
 6 -- that was done incorrectly, and it should go back to
 7 residential, does this stand instead?

8 MR. WENNER: I would say that this one stands
 9 instead. Yes.

10 MS. COE-DONALDSON: Okay. So no matter what,
 11 this is going to change that zoning. Regardless,
 12 however that lawsuit comes back. This is going to
 13 change the zoning to industrial.

14 MR. WENNER: Yes.

15 MS. COE-DONALDSON: So just so -- just so
 16 everybody is aware. This is a zoning change ordinance.
 17 This is not just -- so this isn't --

18 MR. WENNER: Well, right. But it's -- it was
 19 always that, and that's why it was referred to the --
 20 the Planning Board for the consistency review, and
 21 that's where the consistency -- consistency review is
 22 undertaken.

23 MS. COE-DONALDSON: Okay. So then real
 24 quick, I prefer that you vote no, as a taxpayer. There
 25 is no truck route in place. There is no protections

31

1 for residents in place for the traffic from the trucks.
 2 There is no protection for the school bus pickups.
 3 There is no consideration for the residents of Abbott,
 4 South Main Street, Center and McKeen. There's no
 5 restriction on the number of trucks, the hours of
 6 operation, the idling of trucks. There's no plan for
 7 protecting a 200 year old sewer and the water system.
 8 There's no guarantee that the rail will be use. So if -
 9 - if the plan, if there's no underlying plan it could
 10 turn into anything. And then I agree with Mr. Piazza
 11 stating we haven't seen anything.

12 COUNCIL VICE PRESIDENT LEE: I'm -- I'm sorry
 13 to interrupt, but we did hit three minutes.

14 MS. COE-DONALDSON: Okay. But we haven't
 15 seen a plan. I -- I don't know how you can vote on
 16 this.

17 MR. WENNER: Yeah, it -- Council Vice
 18 President. Can I just speak briefly to -- to that
 19 point?

20 COUNCIL VICE PRESIDENT LEE: Sure.

21 MR. WENNER: So just so -- so we're aware,
 22 this is not an as of right application. So because
 23 it's in a redevelopment area, it's governed by the --
 24 the local housing and redevelopment law, and we have a
 25 redevelopment plan.

1 But the -- the developer has to come before
2 the Council in order to be designated it -- for -- as a
3 redeveloper and to be approved for the use that it is
4 intending to put the property to.

5 So those questions regarding sewer capacity,
6 infrastructure, what have you, those are all
7 considerations that the Council will take under
8 advisement. And also, of course, the Planning Board
9 under a site plan.

10 MS. COE-DONALDSON: Okay. Thank you.

11 MR. BENZ: Bill Benz, 39 South Main Street.
12 I just want to follow up on what everyone has said.
13 I'm an unapologetic capitalist. I understand the
14 process.

15 But when I look at the applications and the
16 applications of the people trying to build in that
17 area, as a new resident to the community I'm -- I'm
18 unaware of why the rush would be if there is a long
19 standing lawsuit on a particular ordinance that
20 balances where or when that particular property will be
21 developed. As somebody who buys property, I'm subject
22 to what the Town requirements are.

23 So if there's a lawsuit outstanding, it seems
24 to get around that, in lack of transparency, I would
25 prefer to see that resolved. And then the decision

1 would be to this Council in terms of its use.

2 Again, I'm not for or against the warehouse.
3 Tonight I was actually fascinated by the knowledge of
4 someone to be cold storage, fascinating information.
5 Hopefully, it'll take that as kind of an assessment as
6 part of your review of process. Thanks.

7 COUNCIL VICE PRESIDENT LEE: Anyone else?

8 MR. SICKLE: I'm (inaudible) Sickle, 211 Red
9 School Lane. I just had a question about which way the
10 rail going to go?

11 MR. WENNER: Beg your pardon?

12 MR. SICKLE: How's the rail going to go? Is
13 it going to be leaving? Is it going to come up the
14 tracks from the south? Is it going to come down the
15 tracks from the north? Is it going to hold up traffic
16 at Union Square when it wants to turn around go over
17 the -- the bridge to Pennsylvania? Did anybody think
18 of that? Which way the -- you're talking about trucks
19 doing this and what about the rail?

20 MR. WENNER: So -- so again, there's no
21 project in place yet that it -- that addresses --

22 MR. SICKLE: But when there is, that's --
23 it's just --

24 MR. WENNER: Those will be --

25 MR. SICKLE: -- a question I'm throwing out

1 there.

2 MR. WENNER: Yeah. No, that's a good
3 question.

4 MR. SICKLE: It also doesn't make any sense
5 to be backing trains up into Union Square where all the
6 big problems seem to be.

7 MR. WENNER: Right. And -- and that'll be
8 part of the conversation when the developer comes, if
9 this ordinance is adopted and if that comes forward as
10 to that project.

11 MR. SICKLE: It's a big part of the
12 conversation. You know how when your coal trains came
13 through here, how much they held up traffic. You used
14 to come and -- and try to coordinate your time to avoid
15 it. And like anything else it didn't -- they came when
16 they wanted to come, whoever runs the railroad they do
17 what they want to.

18 You know, that -- I would -- that
19 -- another thing -- and I -- I lost my train of thought
20 right here. Is why -- why couldn't -- if -- if they're
21 going to build this frigid freeze or whatever you want
22 to call it, why couldn't they put a boat launch in down
23 where they are? Put that in their (inaudible). Add
24 that to the mix. You can't use -- you can't use a lot
25 -- You can't really use the boat launch without a

1 permit up in -- in -- where it should be. Put it --
2 put it in there that we can build up a -- a launch down
3 here. And put our boats in down there, with free
4 parking. That would be a plus. You can think of that.
5 Put that on your -- on your developer plans.

6 They got it -- they got all that to do with
7 the railroad, and they got all that to do with that
8 property, they should be able to do that.

9 MR. WENNER: Yeah. And, well, and oftentimes
10 when you have a project like this, there are -- the
11 developer asks what are some of municipal improvements
12 that we can make? What are some of the needs of the
13 community that we can address, and that would certainly
14 be a good time to bring up a boat launch on their
15 property. So it certainly --

16 MR. SICKLE: You know, like I say -- we're --
17 we're throwing something good away with the -- the way
18 it is now. We've got to sort of take, you know, bring
19 it back somewhere. You forget about the people that
20 live here they go back and forth there. That's my
21 biggest complaint. Think about the people of
22 Phillipsburg.

23 MS. O'SULLIVAN: Hi, I'm Mary O'Sullivan, 518
24 Barrymore Street. I -- I just have a -- a question.
25 It's a broad question, which is why -- why can't we

1 wait until all this information comes in?

2 It seems to me that Town Attorney just
3 answered a question or two before me, that we have to
4 wait for, you know, to see about the sewers, etc. Why
5 can't we wait and -- and see about all of this? I
6 don't understand why this has to happen tonight. I
7 really don't. Maybe I'm naive.

8 That and also to the lady who wants it just
9 to happen. Stop dragging our feet. This is -- this is
10 democracy. This is the citizens expressing their
11 opinions and views and this is a microcosm of the Town.
12 I don't think the Town wants this. Thank you.

13 MR. MUGAVERO: Phil Mugavero, 599 Corliss
14 Avenue, Phillipsburg, New Jersey, a lifelong resident
15 of Phillipsburg. Council, Mayor, thank you for giving
16 me the opportunity to make a few remarks tonight.

17 The local economy, I had a discussion many
18 years ago with Mr. Norton, who you may remember former
19 Mayor and Councilman, an astute businessman, a
20 businessman in Phillipsburg for many years, and we had
21 a discussion once about the local economy, because we
22 saw the harbinger of Ingersoll Rand, and they had
23 applied for a tax abatement and they were starting to
24 layoff people. So we had a discussion.

25 Mr. Norton told me that \$1 earned in the

1 local economy turns over eight times. Now, you know,
2 with Mr. Norton, you couldn't always verify everything
3 he told you. But in this particular instance, I think
4 that anecdotally he was somewhat near correct in his
5 assessment. He wasn't prone to giving off the cuff
6 comments like that, without having some backing on
7 that.

8 I'm an environmentalist. I'm a Democrat.
9 I'm an environmentalist. I believe in the environment.
10 I believe we should do all to protect it, but I also
11 believe in the dignity of the individual to have a job
12 and support their family. The economy, and -- and job
13 creation, and environmental concerns do not have to be
14 mutually exclusive. They can be worked on together.
15 They can be mutually beneficial if we find the time and
16 the wherewithal to work on these things.

17 The viability with creating jobs is always in
18 the public interest. Employment opportunities that
19 offer meaningful work with a living wage counteract the
20 precariousness of unemployment and the many social
21 problems that go along with unemployment, and the
22 opportunity to have a meaningful job. So I'm for this
23 project because of the job creation. Thank you very
24 much.

25 COUNCIL VICE PRESIDENT LEE: Anyone else?

1 MR. BOYCE: Dan Boyce, 1526 Warren Street
 2 Alpha, New Jersey. Now, really, this is a no brainer.
 3 It's a win-win for the town. You just look at it all,
 4 undeveloped. It's a dump. People go down there and
 5 dump everything. You saw all that, I believe two weeks
 6 two weeks ago when a Boy Scouts went by and cleaned it
 7 all up.

8 If you develop it, you're not going to have
 9 the people dumping there. I don't think the people,
 10 the proponents against it, people against it I don't
 11 know. Did they go down there and clean it up? Have
 12 they done that? Never clean it so there's a dump.
 13 That's sad. It -- it really is. I mean, you know, I
 14 remember Bobby Fulper (phonetic) run up here when you
 15 couldn't get the grass clean. It wasn't safe for the
 16 kids to cross the highway. He got a lawnmower from
 17 home and came and cut it. I only remember that because
 18 (inaudible) did the same thing.

19 The -- you hear all -- everything the -- the
 20 same that the claims of how many jobs, X amount of jobs
 21 and X amount of money. You hear that they're lies, but
 22 yet nobody has offered any proof. Okay, I mean, that's
 23 smoke and mirrors, really, both ways. I think I would
 24 tend to believe a developer A) over someone else and B)
 25 a developer with that kind of track record. You know,

1 I would think he might know what he's talking about.
 2 Maybe not, but I'm going to hedge towards that he does.
 3 They're concerned about the -- the Center
 4 Street traffic, understandably. I've said it before.
 5 Extend Howard Street down to the treatment plant. I
 6 don't think the treatment plant is going to complain
 7 about the trucks going by, and then you eliminate all
 8 the trucks from town. Make sure McWane Ductile, they
 9 go on McKeen to Howard and out of the town that way.
 10 That same way. Out of the town that way. You can
 11 eliminate a lot more. It's a win-win for you guys,
 12 really.

13 The -- the -- the only other thing that I
 14 have a question, that if you don't pass it, how long
 15 before you make the -- the pants or uniforms and the
 16 jackboots the official attire of Phillipsburg. Thank
 17 you.

18 COUNCIL VICE PRESIDENT LEE: Anyone else?

19 MR. ZWICKER: Keith Zwicker, 385 Congress
 20 Street, Phillipsburg, New Jersey, a Planning Board
 21 member. Council asked the Planning Board to review
 22 this as a -- a change of use. It's -- how can I say
 23 it? What's the legal term you asked us to look at it
 24 if it was a redevelopment change?

25 MR. WENNER: Consistent with it -- whether it

1 was consistent. Yes.

2 MR. ZWICKER: All right. Consistent with the
3 review. Council also asked us also twenty some years
4 ago to do the same thing. Okay? When there was an SMP
5 truck depot down there, when there was plans to build a
6 railroad museum down there. Council asked the Planning
7 Board many times to reevaluate this property. Each time
8 we tried to do what was best.

9 Council -- the Planning Board sent it back to
10 Council recommending this change. I've had and I've
11 heard six, seven, eight people complain about it. I've
12 sat Planning Board meetings. Same seven or eight
13 people. I've also been to Gino's Market. I've also
14 been at the Boche court. I've also been downtown where
15 hundreds of people said bring jobs back, get taxes
16 back. So the Planning Board did what you asked. The
17 Planning Board recommend this. Thank you.

18 MR. DeBEER: Rob DeBeer from Peron
19 Development. Again, just real quick to address some of
20 the comments that -- from the crowd to hopefully help
21 make the decision.

22 A couple of comments, particularly about the
23 -- the Siting study that was referenced a few times.
24 You know, the proper use of an industrial area.

25 Again, we have a gun range on one side. We

1 have a waste transportation on the other side. We have
2 industrial across the street. In fact, you had an
3 applicant here tonight who received a waiver from this
4 body, acknowledging those properties in an industrial
5 area. You did a sidewalk waiver.

6 As far as protecting national -- natural
7 resources, again, I think it was referenced earlier.
8 This site has previously gone through a site plan
9 approval for a 400,000 square foot warehouse. That has
10 received all necessary development approvals from the
11 Department of Environmental Protection. That would be
12 the body that governs protecting natural resources. It
13 has a flood hazard -- Flood Hazard Area permit and all
14 the permits necessary to construct.

15 We talked about a -- a cold storage operator
16 and whether that's a -- a good use or not. I have not
17 heard the study about the 20-year timeline for cold
18 storage facilities. We're coming up to about 20 years
19 where U.S. Cold Storage, which was looking at the
20 Ingersoll Rand property here in Phillipsburg, ended up
21 locating at the LTIP 7 site in Bethlehem. They're
22 about twenty years in, operating a 400,000 square foot
23 rail connected cold storage facility.

24 We didn't go out to this particular buyer.
25 They came to us, particularly because of the prospect

1 of connecting to rail. The rail has become a critical
2 component for us. It's a critical component to this
3 buyer. We have now an LOI in place with the global
4 rail provider, and have a short track agreement that
5 will be executed rather quickly here, which will allow
6 them to connect the haul that comes from this, to and
7 from this facility, onto all the railroads that exist
8 in the country. And as I understand it, the majority
9 of these cold storage operators are all, you know,
10 connected, because that's the way that this product
11 comes in.

12 They firmly believe, as they've stated to us,
13 that the addition of the rail connection is going to
14 significantly reduce the amount of traffic that's going
15 to be on the road. As -- as Mr. Weiner said, somewhere
16 between 15 to 20 or 25 trucks a day spread out over the
17 course of two shifts. We're talking about a fairly
18 negligible -- negligible amount of truck traffic.

19 As far as Center Street goes, we're fine with
20 conditioning that all trucks that leave the site turned
21 right onto South Main and go up to 78. That
22 essentially becomes a town issue. The town could
23 simply put a sign up that says all trucks must turn
24 right. If they don't, you have your police down there.
25 They can write tickets all day long and that'll help

1 with the town's finances.

2 Again, we have a -- a -- an opportunity here
3 to develop this site into something that's going to
4 create 100 to 150 jobs making \$25 to \$31 an hour. And
5 the people who were at the Planning Board meeting last
6 week and Council Meeting the week before, who suggested
7 that these are lies. That these jobs don't exist.
8 Just drive around. Look at any of the warehouses that
9 exist all along the 22 corridor, the 78 corridor. It's
10 all warehouse jobs advertising for \$20, \$25, \$30 bucks
11 an hour. We see it. We bought these properties.
12 We're in this space. And we ask the Council to support
13 them in it. Thank you.

14 MR. PERRUCCI: Good evening. Mike Perrucci,
15 Washington Lane, Bethlehem, Peron Construction. Having
16 grown up in Lopatcong and Phillipsburg, and spent most
17 of my life here, I would never do anything that would
18 hurt the town.

19 When I purchased this property it was zoned
20 industrial. I requested this town to change it to
21 residential. And for 15 years, I tried to build a
22 residential complex there to no avail. I've had 20 or
23 30 national developers, regional housing. They just
24 never wanted to build a -- a -- a home project here. I
25 mean, I tried for 15 years. I paid you guys probably

1 two and a half million dollars worth of property tax.
2 The last 15 years I've paid about \$3 million through
3 all the zoning, paid \$700,000 for sewers I never used.
4 I've tried for 15 years.

5 So some of the original issues were we don't
6 want the trucks going down South Main Street or Center
7 Street. I totally agree with that. We're not going to
8 build anything that takes a left on South Main Street
9 or goes up Center Street. And I know you guys are
10 working on the transportation thing. I will help you
11 in regard to lobbying Trenton to make sure that that
12 happens. We will not build anything that takes trucks
13 up Center Street or -- or left on South Main Street.
14 We bought that house on McKeen and South Main Street to
15 expand that intersection so trucks could turn right,
16 not only trucks from our project, but trucks from the
17 entire industrial zone, plus the Atlantic State trucks
18 that go down your South Main Street currently. We can
19 help that.

20 Everyone said you couldn't get Howard Street
21 extension. We got DOT to give you a \$250,000 grant to
22 design Howard Street. The trucks are going to be able
23 to go through Howard Street. They're going to give you
24 the money to build that extension.

25 You wanted railroad. We worked with Mr.

1 Coddi (phonetic). Okay? This ordinance requires us to
2 connect to the rail, and if you go to U..S Cold Storage
3 in Bethlehem, which is right next to some of our
4 properties, they use great access for the rail. That's
5 why the cold storage is really interested in coming
6 here because of the rail service.

7 Phillipsburg is a really big town. I love
8 this town. I think near the bridges, I've offered to
9 consider redeveloping those, like I've done in
10 Bethlehem, and Easton, and Burlington and other towns.
11 I really think you could be a Jim Thorpe, you could be
12 a Lambertville, you could be a New Hope down there.

13 But Howard Street is an industrial area. We
14 have an open gun range, which I think the county needs
15 to really work with you fellows on, and I think you
16 need to get your open space.

17 Part of this redevelopment was we were
18 providing a million dollars to improve the Riverview
19 Park. It's on an old dump. There's glass and other
20 things coming up. That's why kids don't play football
21 there or anything else because it's unsafe. You know,
22 our money, we're going to lift that -- open up the
23 entrance as part of this project. We're going to help
24 you redevelop that park.

25 So I've been down there 100 times. I've

1 never seen more than five cars, though. So, thank you.
2 COUNCIL VICE PRESIDENT LEE: Anyone else? All
3 right. With that, public comment is closed?
4 Council, discussion? Councilman Piazza?
5 COUNCILMAN PIAZZA, JR.: Sure. I think a lot
6 of people covered a lot of the things I was going to
7 say. We have had a cold storage facility leave and not
8 get developed here that ended up in Bethlehem about 20
9 years ago, that it's still flourishing. It has rail
10 access. I took a trip up there. I -- I think I
11 mentioned it last year, and maybe about a year and a
12 half ago that I visited those sites to see, before it
13 was even announced that it was going to be cold
14 storage, just to see the type of work that Peron has
15 put in and how they turned that area into a -- a -- a
16 good working environment for Bethlehem that does
17 coexist with a -- a flourishing downtown and a main
18 street.
19 I think you heard my father mentioned --
20 we've talked about this. How big -- the all
21 encompassing word of warehouse paints a negative
22 connotation to this project. I -- I think the use has
23 to be more focused on the cold storage aspect of it is
24 a part of bringing back our communities and our -- our
25 self-sustainability back into our hands. It -- it's

1 not luxury items, it's not TVs, it's not video games.
2 It's not any type of electronics or sports equipment.
3 It's food supply. We live in a -- in a food desert
4 right now.
5 So every trip to the -- to the supermarket
6 means something. We have to travel a little further
7 and it costs a little more. So when you get there and
8 the -- the shelves are empty, or the food costs you
9 more, or you're getting less for your money, it's
10 because we don't have the supply chain to provide that
11 and that does affect this community.
12 So by being able to supply -- projects --
13 projects like this will help resolve those type of
14 issues. We need more projects like this, to help with
15 those food supply chain issues. We need to be able to
16 -- if there's a drought, to be able to go back to these
17 types of cold storage places to pull the food out of
18 storage that needs to be able to last through a
19 drought, or through a supply chain issue, or through a
20 blight, and be able to keep sustaining our public. And
21 that does make it, in my opinion, environmentally
22 positive.
23 So I do think this not only is a positive
24 with jobs, and infrastructure with the rail, which will
25 help improve the money that we can get federally, help

1 improve the rail for our railroad excursions. And
 2 hopefully other people buy into the rail and start
 3 using that as well to further reduce truck traffic. It
 4 also helps in the grand scheme of things, with being
 5 able to provide sustenance and just the ability to eat.

6 So I -- I know it's maybe a little simple,
 7 but I do see it that way. And I -- I grew up down
 8 there. The house I grew up on, my -- in -- my father
 9 still lives there, you can see the property if you walk
 10 about 10 feet off the porch. So it's not like I'm
 11 voting for this without having anybody in that area. I
 12 grew up in that area. I have friends in that area. I
 13 walk down the street and I know people every 10 feet,
 14 and I don't hear a bad thing. There -- there are some
 15 people who disagree with it. But when I go down there,
 16 and I know the people that I grew up 20 years down
 17 there knowing that the families that are still there,
 18 they don't have a bad thing to say about this project.

19 So I will be a yes vote tonight for these
 20 reasons.

21 COUNCIL VICE PRESIDENT LEE: Thank you,
 22 Councilman. Councilman Marino.

23 COUNCILMAN MARINO: Okay, here we go. Twenty
 24 years ago, as President of Town Council, when Mr.
 25 Perrucci was named the redeveloper and cold storage was

1 supposed to come in and we didn't get it. Now we fast
 2 forward 20 years now.

3 So we've lost all those good jobs, all that
 4 money for 20 years. Michael, am I telling the truth?
 5 Because at my age I might tend to forget a little
 6 detail. And that was a fight like you've never seen at
 7 a Council meeting.

8 But we had the ruling. We were right. And
 9 we thought we were doing what was good for P'burg at
 10 that time. That's 20 years ago.

11 I'm definitely a yes vote. Anybody in this
 12 room ever carried mail back there when they were
 13 ripping it down? You carried mail back on Howard
 14 Street?

15 MALE SPEAKER: Not then.

16 COUNCILMAN MARINO: I know you didn't,
 17 because I did. You didn't.

18 Okay? They will ripping them down. No
 19 mailman alive today would walk back there if those
 20 houses were still there. Take it from me. That's all
 21 I have to say. I'm a yes vote.

22 COUNCIL VICE PRESIDENT LEE: Thank you,
 23 Councilman. Councilman Kennedy?

24 COUNCILMAN KENNEDY: Yeah. So as I said a
 25 couple of weeks ago, when you get elected to these

1 positions, sometimes you have to make very tough
 2 decisions. If this were still a 400,000, or 500,000,
 3 square foot warehouse I would definitely be a no.
 4 If there was no rail service, I would be no. My main
 5 concern was the truck traffic through town.

6 The rail service looks like it's going to
 7 happen, which would greatly cut down on the truck
 8 traffic, which was my main concern.

9 My other concern, and people just brushed it
 10 off, is that if this cold storage deal were to -- were
 11 made to walk away, there is a real possibility you're
 12 back to a 400,000, 500,000 square foot warehouse or --
 13 or something else less desirable.

14 So it was -- this is by far the toughest
 15 decision that I had to make as a Councilman so far.
 16 So after a lot of consideration, looking at all the
 17 information possible to me, I'm going to be in favor of
 18 this ordinance.

19 COUNCIL VICE PRESIDENT LEE: Thank you,
 20 Councilman Kennedy.

21 And, for myself, we heard and took in a lot
 22 of information tonight. It's clear that up here no
 23 Councilman is taking this decision lightly, and we all
 24 want to see the progression of our town. So I am
 25 prepared to take a vote on this and I'd like to open it

1 up for roll call.

2 CLERK LOUDENBERRY: Councilman Piazza.

3 COUNCILMAN PIAZZA, JR.: Yes.

4 CLERK LOUDENBERRY: Councilman Marino.

5 COUNCILMAN MARINO: Yes.

6 CLERK LOUDENBERRY: Councilman Kennedy.

7 COUNCILMAN KENNEDY: Yes.

8 CLERK LOUDENBERRY: Council Vice President.

9 COUNCIL VICE PRESIDENT LEE: No.

10 CLERK LOUDENBERRY: And Council President

11 Wyant recused, correct?

12 MR. WENNER: Correct. Motion passes.

13 (Proceedings Concluded)

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CERTIFICATION

I, Rebecca Y. Natal, the assigned transcriber, do hereby certify the foregoing transcript of proceedings, Digitally Recorded, of the Phillipsburg Town Council Meeting on November 1, 2022 is prepared to the best of my ability and is a true and accurate compressed transcript of the meeting as recorded.

February 21, 2023



Rebecca Y. Natal AD/T 557

AUTOMATED TRANSCRIPTION SERVICES
Laurel Springs, NJ

O2022-30

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW
JERSEY ADOPTING THE DISTRICT 5 (RIVERSIDE INDUSTRIAL) AMENDMENT -
RIVERFRONT REDEVELOPMENT PLAN**

WHEREAS, the municipal council ("Town Council") of the Town previously determined that the properties identified as Block 2102, Lots 1, 2.01, and 2.02 (the "Property") on the official tax maps of the Town constituted an area in need of redevelopment (the "Riverfront Redevelopment Area") in accordance with the requirements of the Redevelopment Law; and

WHEREAS, Peron Construction, LLC (the "Redeveloper") was previously designated by the Town Council as the Redeveloper for the Property and intends to enter a Redevelopment Agreement with the Town for the development of one industrial building of approximately 360,000 square feet; railroad access, associated parking, supporting infrastructure and improvements on the property identified on the Property; and

WHEREAS, the Redeveloper has indicated to the Town that a potential manufacturing and storage users for the Property requires a 65-foot building height;

WHEREAS, the Town will amend the Revised RRP to change District 5 from Riverside Residential to Riverside Industrial, to (i) permit industrial uses and allow the related amendments to accommodate the aforementioned purposes as specifically set forth in the attached EXHIBIT A; and (ii) to permit a 65-foot building height (collectively, the "District 5 Amendment – RRP");

WHEREAS, the Town approves of the District 5 Amendment - RRP to support the development of the Property;

WHEREAS, the Town will adopt the District 5 Amendment- RRP and refer the matter to the Land Use Board for review anew pursuant to N.J.S.A.40A:12A-7(e).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF PHILLIPSBURG, IN THE COUNTY OF WARREN, AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The District 5 Amendment – Riverfront Redevelopment Plan is hereby adopted pursuant to the terms of the Redevelopment Law.
3. The zoning district map included in the zoning ordinance of the Town is hereby amended to reference and delineate the District 5 Amendment – Riverfront Redevelopment Plan. The District 5 Amendment – Riverfront Redevelopment Plan shall supersede the applicable development regulations of the Town's municipal code, as and where indicated
4. The Project shall include a commercial rail interconnection with the adjacent Belvidere & Delaware River Railway.
5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of the Ordinance.

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6. A copy of the Ordinance and the District 5 Amendment - RRP shall be available for public inspection at the office of the Town Clerk during regular business hours.
7. This Ordinance shall take effect in accordance with all applicable laws.

ATTEST:

TOWN OF PHILLIPSBURG

LORRAINE LOUDENBERRY, AMC
Deputy Municipal Clerk

TODD M. TERSIGNI
Mayor

DATED:

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Town of Phillipsburg held on October 18, 2022 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Town Council to be held on November 1, 2022, at 7:00 p.m. or as soon thereafter as the Town Council may hear this Ordinance at the PHA Community Bldg., 535 Fisher Avenue, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**TOWN OF PHILLIPSBURG
DISTRICT 5 AMENDMENT – RIVERSIDE INDUSTRIAL
RIVERFRONT REDEVELOPMENT PLAN (RRP)**

ADOPTED BY THE TOWN COUNCIL: NOVEMBER 7, 2018

AMENDED BY THE TOWN COUNCIL: APRIL 20, 2021

ADOPTED: _____

Purpose for Amended Redevelopment Plan

The purpose of this plan amendment is to propose an industrial use to the overall redevelopment plan that will change the existing Riverside Residential to Riverside Industrial. This amendment refers to Districts 3 and 5 of the Riverfront Redevelopment Plan although only District 5 is proposed to have alterations to the permitted uses and bulk standards. Specifically this amendment refers to Block 2102 Lots 1, 2, and 11 (**Figure 1**).

The proposed industrial use was found to be consistent with the goals and objectives of the Master Plan in a report prepared by the Town's Planner, Van Cleef Engineering Associates, on February 25, 2021. That report cited previous iterations of zoning in this area of the riverfront that were industrial in nature. In 2012 the Town adopted a Riverfront Redevelopment Plan that was prepared for a several hundred unit apartment complex which remains undeveloped. In the past 15 years the Town has struggled to find a suitable use for this site. The conclusion of the consistency review report and previous zoning designations over the past 30 years made clear that the Town envisioned District 5 as a non-residential, light industrial area, notwithstanding the adoption of the 2012 Riverfront Redevelopment Plan.

Goals and Objectives in the previous Land Use Plans provide the foundation for these uses and identify measures to ensure there is consideration for any off-site impacts and for neighboring residential uses. Given that the subject parcels are located adjacent to an existing I-1 zone, a Riverside Commercial Zone, and an established municipal park, the report concluded there would appear to be little-to-no impact on the immediate neighboring properties if an amended redevelopment plan were to implement Heavy Industrial zoning standards. As with any large development, off-site impacts like traffic will need to be considered due to the project's proximity to the downtown.

It is for these reasons this Redevelopment Plan Amendment has been prepared to effectuate the redevelopment of Districts 3 and 5 of the Riverfront Redevelopment Area with the conditions stipulated in the consistency review report.

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The following Redevelopment Plan Amendment addresses the land situated on Block 2102, Lots 1, 2 and 11 located in Districts 3 and 5 of the Riverfront Redevelopment Area. The Districts are currently in the Recreational Heritage and Riverside Residential districts, respectively. The Town wishes to incorporate Lot 1 (a portion of Delaware River Park that intersects Lot 2) into District 5 and to designate all of District 5 Riverside Industrial, District 3 will remain designated as Riverside Recreation-Heritage. The purpose of this change is to provide ample space for future industrial development that is appropriately located adjacent to other similar industrial and commercial uses, and away from residential.

The properties in question are located along the southwestern border of the Town of Phillipsburg along the Delaware River. The properties share a border with Delaware River Park to the north (a Town-owned property), a series of light industrial properties along Howard Street to the east, a series of commercial properties to the south and the Delaware River to the west. The subject lots total approximately 43.6 acres in size and are currently vacant with overgrown vegetation.

On April 19, 2005, the Phillipsburg Town Council adopted Resolution 2005-77 authorizing a redevelopment study for the riverfront. Later that year, the Town Council approved the redevelopment study, designating the 2.5 mile stretch of riverfront an "Area in Need of Redevelopment" pursuant to the Local Housing and Redevelopment Law (NJS 40A:12A-14). On August 2, 2005, the Town Council also adopted the first iteration of the Riverfront Redevelopment Plan (Resolution # 2005-30).

In 2012 the Town once again authorized an investigation into a revision of the Riverfront Redevelopment Plan. On June 27, 2013, Town Council held a public hearing for the proposed revisions and on November 4, 2013, the Town adopted the Revised Riverfront Redevelopment Plan (Ord #2013-19).

In 2021 and after another investigation into revisions to Districts 3 and 5, the Town has authorized its planner, Van Cleef Engineering Associates, LLC, to prepare this amendment to the Revised Riverfront Redevelopment Plan, to incorporate industrial uses into District 5 of the redevelopment area.

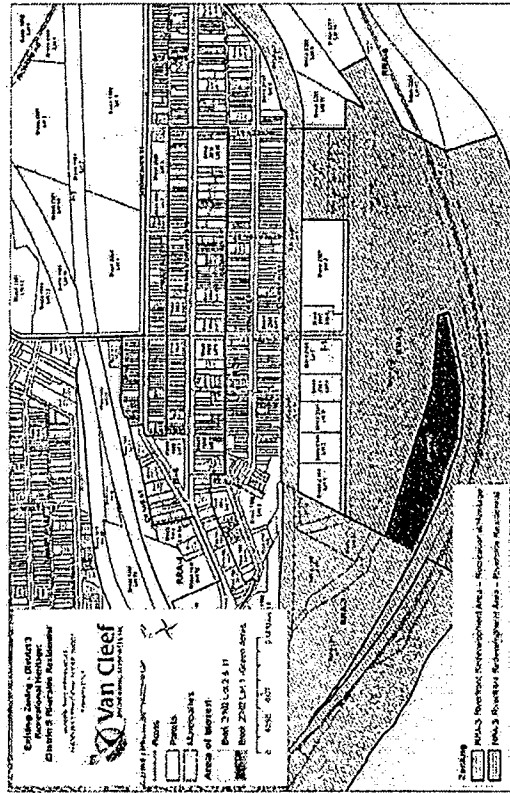
Again, this redevelopment plan amendment refers only to Districts 3 and 5 of the riverfront redevelopment area.

REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the LRHL, which requires redevelopment plans to include for the planning, development, redevelopment or rehabilitation of the designated area. Specifically:

1. The Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. (See Chapter II.)
2. Proposed land uses and building requirements in the project area. (See Chapter IV.)
3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced

Map 1: Aerial Map of Redevelopment Plan Area (Districts 3 & 5) parcels within Town of Phillipsburg



One purpose of the redevelopment plan is to incorporate Block 2102 Lot 1 (the Green Acres parcel shown in green in the map) into District 5 of the redevelopment area. This would require the Town request a Green Acres diversion so that the parcel could be developed as industrial, as proposed.

It does present an issue with direct access to a major road, but that could be remedied with the extension of the access easement from the neighborhood road. A project of this size would normally require a traffic impact study, and should an alternative access route not be available, this Redevelopment Plan will require such a study to determine the additional trips and propose improvements to distribute the trips to minimize the impact on the existing neighborhood.

REDEVELOPMENT AREA (DISTRICT 5) BOUNDARY DESCRIPTION

Beginning at the westerly corner of the west side of Block 2102, Lot 2, at the riverfront, thence;

Northeasterly 642 feet along the northern border of Lot 2 to the intersection with Howard Street, thence;

Southeasterly 2,488 feet along Howard Street to the intersection with Block 2201 Lot 11, thence;

Southeasterly 171.5 feet to the intersection with Block 2201 Lot 9, and following the border of this lot to the intersection with Block 2201 Lot 14, thence;

Southerly 184 feet along the western border of Block 2201, Lot 14 to Lot 15 the following the border of Lot 15 for 498 feet and turning west for 354 feet, along the border with Block 2201 Lot 17 to the intersection with the riverfront, thence;

Turning westerly to follow the riverfront 2,755 feet north to the point of beginning.

EXISTING CONDITIONS

The character of neighborhood development in the immediate vicinity of Districts 3 and 5 of the Riverfront Redevelopment Area is notable because of overgrown vegetation and underutilized space on the subject parcels, including the nearby Delaware River Park. The 2017 Revised Riverfront Redevelopment Plan states overarching goals to promote new uses that would range in activities based on their locations. Prior to the area being designated Riverside Residential the zoning designation for this area was Light Industrial / Manufacturing which is in line with the light industrial uses currently located along Howard Street.

During the 2013 revisions to the 2005 Redevelopment Area and Plan the Town entertained a proposal for a 400+ unit residential complex, however seven years later that development never materialized. The Town is now looking to return this District to industrial, again to match the existing light industrial uses in the area.

Beyond the industrial uses on Howard Street, the neighborhood consists of single-family and multi-family residential homes on nearby Mercer Street and South Main Street. Stockton Street and McKeen Street are the only two means of access to the Redevelopment Area and South Main Street is a County Road where the Town had received funding to implement revitalization strategies, and that work is on-going.

LAND USE PLAN

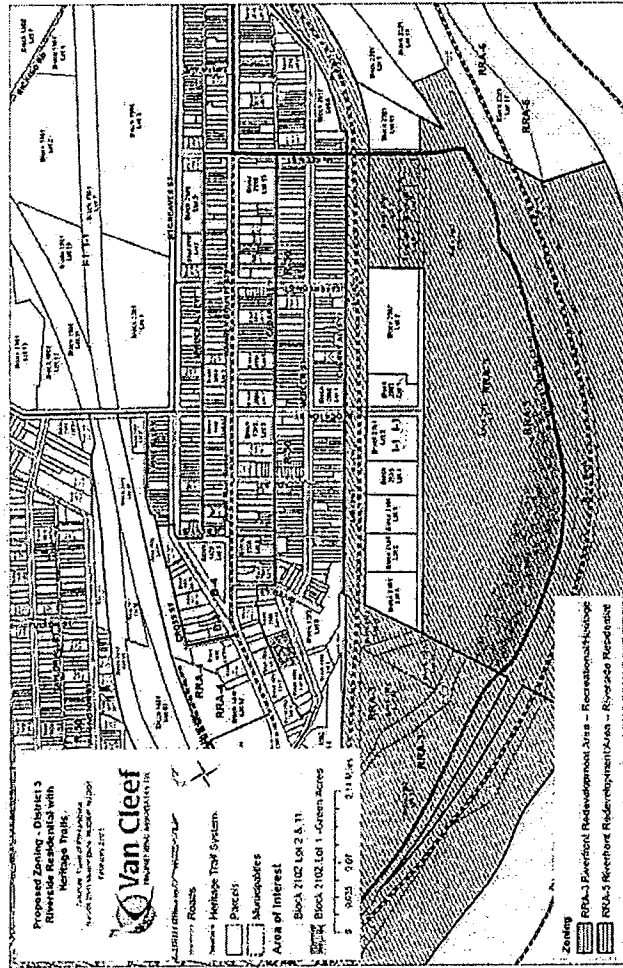
For the purpose of this Plan, the Land Use Plan shall supersede the existing RRA-5 (District 5) zoning, as shown on Map 1 and the standards outline herein will control.

This amended redevelopment plan makes strong recommendations that every effort must be made to ensure the quality of life for residents in the nearby neighborhoods is protected and that the ongoing efforts to revitalize South Main Street are not deterred in any way. In fact, the proposed industrial uses have the potential to be an economic driver for the downtown and therefore this plan amendment makes recommendations for protecting the character of the adjacent neighborhoods and downtown, and integrating the new uses as best as we can. This can be accomplished with an extension of Howard Street south to join up with South Main Street, somewhere around Center Street. This will ensure any new truck traffic is able to access the new industrial uses without traversing downtown.

This plan also makes recommendations for integrating the Town's historic trail system into any site plan that will be submitted for development review. Map 2 shows the proposed changes to District 5 along with the proximity to the Town's Heritage Trail system. It is easy to see how extending Howard Street could also provide for the Riverfront-Morris Canal trail to follow alongside this route and out to South Main Street.

The requirements of this Plan shall be implemented under a Redevelopment Agreement(s) with the Town Council, acting as the Redevelopment Entity for the development of the property for uses permitted in this Redevelopment Plan that are not provided for in the underlying zoning districts.

Map 2: Proposed District 5 Map with Proposed Heritage Trail System



PLAN RELATIONSHIP TO ZONING

The Zoning Map, as shown on Map 3, identifies the municipal zoning districts. The Redevelopment Areas, hatched in blue and red provide for a Superseding Plan, allowing the Redevelopment Entity and Planning Board to approve the uses outlined in Section IV of this Plan for the property.

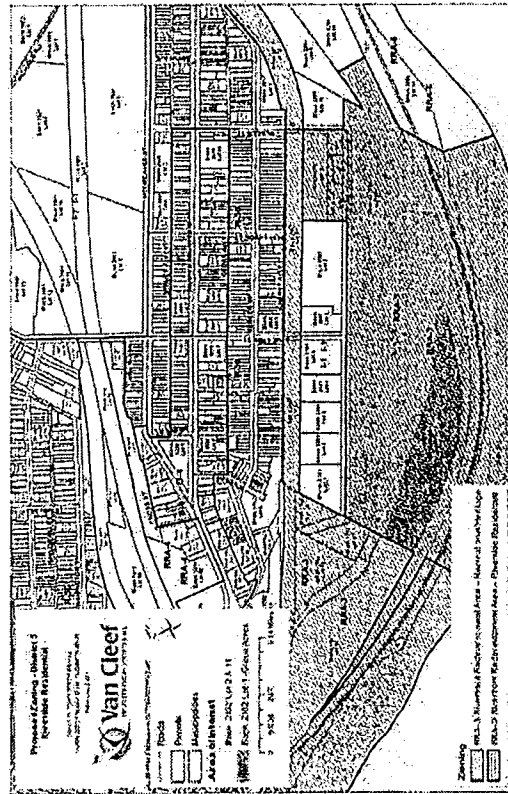
According to the 2013 Reexamination Report, the Town adopted a Master Plan update in 2004 to address a number of issues identified in the 2004 Reexamination Report. Among them were issues with Land Use related to industrial uses being located adjacent to incompatible residential uses. The 2004 Master Plan Update made these recommendations for

Industrial Land Uses, which this amendment to the Redevelopment Plan addresses:

1. Encourage the development and expansion of businesses and industries that will generate jobs and provide services for local residents and provide functional, accessible, and cost effective locations within the Town for industrial uses.
2. Encourage and aid incompatible non-residential uses to find alternate, more appropriate locations within the Town.
3. Provide for adaptive reuse of obsolete industrial buildings and properties located in residential areas to enhance their compatibility with surrounding uses.
4. Review design standards for industrial uses, giving proper consideration to off-site impacts such as traffic, noise, lights, screening, landscaping, and location of loading areas.

Lois 2 and 11 about the I-1 Industrial zone along Howard Street and the RRA-6 (Riverside Commercial District) to the south which permits light industrial and commercial uses respectively. This characterizing language and the existing conditions were the basis for the regulations created for this plan.

Map 3: Town of Phillipsburg Zoning with Redevelopment Areas



PLAN VISION

The vision of the entire Riverfront Redevelopment Plan is to encourage the appropriate uses along appropriate sections of the 2.5-mile riverfront; that was the impetus for dividing the riverfront into characterizing districts where various uses would be directed. The Town envisioned a reimagined Union Square at the heart of the riverfront, flanked on either side by the uses important to the founding of the Town: Industrial uses to the

north and south, as well as a celebration of the historic transportation routes traversed by trains and canal boats. As is the case with District 5, residential was never really an appropriate use for this location – adjacent to industrial and commercial properties and an underutilized park – and in amending the redevelopment plan in this way, the Town is adhering to its riverfront industrial roots while incorporating and celebrating the historic transportation routes that will provide visual access to the river for all to enjoy.

The rehabilitation of this property will rectify a blight condition of the vacant and overgrown site, while also assisting the Town in providing additional economic development within proximity to the downtown.

PLAN GOALS

The Town of Phillipsburg establishes the following goals for the District 5 Amendment to the Riverfront Redevelopment Plan:

LAND USE

- A. To provide for new uses of the Redevelopment Area by redeveloping portions of the riverfront.
- B. To rehabilitate properties that have fallen into disrepair or are underutilized.
- C. To provide a variety of land uses in the Town.
- D. To activate economic development drivers within the proximity of downtown while ensuring the nearby neighborhood character is preserved and even enhanced.
- E. To promote industrial design that fits within the context of the existing community and the riverfront aesthetics.

F. To promote industrial development that contributes to the public sphere physically, socially, and financially.

TRAFFIC CIRCULATION

- A. To minimize the impact of traffic on existing residential streets.
- B. To find alternate routes to re-route truck traffic away from downtown.

PARKING

A. To provide adequate parking standards that take the existing site constraints into account, while aiming for an overall decrease in vehicle dependency.

PUBLIC RECREATION

- A. To provide new connections to existing public open space and existing heritage trail system.
- B. To ensure open space and trail connections are accessible to the public.

PLAN OBJECTIVES

In order to achieve these goals set forth above, the objectives for the Redevelopment Plan Area are:

- A. To allow for flexibility in types of industrial uses permitted in District 5.
- B. To provide adequate parking spaces for industrial uses (per RSIS), including handicap-accessible spaces (per ADA);

C. To promote the following existing neighborhood streets as such and to discourage truck traffic on these streets:

- a. River Street;
- b. Fox Street;
- c. Stockton Street;
- d. Jefferson Street;
- e. McKeen Street;
- f. Cedar Alley;
- g. Mercer Street;
- h. Cherry Alley.

D. To create an alternative route from District 5 to South Main Street via an extension of Howard Street to the south.

E. To create design standards that will improve the quality of the public environment;

F. To promote, preserve and enhance the existing trail systems as an attractive Town asset;

G. To strengthen the existing neighborhoods through collaboration between the new and existing industrial uses to increase community access, participation, strategic funding, and better connectivity.



This chapter of the Amended RRP provides the general provisions, including the review process, as well as land use and design requirements for this Redevelopment Plan.

GENERAL PROVISIONS

RELOCATION

No temporary or permanent relocation of residents is contemplated, as there are no occupied residential units currently located in this Redevelopment Plan Area.

REDEVELOPMENT ACTIONS

New industrial structure, parking lot and related landscaping, lighting, etc. uses will be restricted to lots 1, 2 and 11 (District 5). A connection to the Heritage Trail system will be located along the river side of the structure and an alternate truck route to South Main Street – bypassing the existing residential neighborhood – will be constructed as part of this project. Appropriate stormwater detention facilities will be constructed to serve the project.

PROPERTIES TO BE ACQUIRED

As this Redevelopment Plan addresses an Area In Need of Redevelopment without Condemnation, the Local Redevelopment and Housing Law provides that the redevelopment powers, except for acquisition of private property through the use of eminent domain, are available in the Redevelopment Plan Area with the adoption of this redevelopment plan.

This Redevelopment Plan only pertains to Lots 1, 2, and 11 of Block 2102 which is currently owned by the redeveloper. Therefore, no private property is identified for acquisition within this Redevelopment Area.

WAIVERS FROM REDEVELOPMENT PLAN REQUIREMENTS

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Redevelopment Area, or to meet state or federal permit requirements. In such an instance, the Town of Phillipsburg Land Use Board may allow deviations from specific bulk, parking or design requirements, if specifically authorized to do so by the Redevelopment Entity (Town Council) or any committee that it may designate, provided the designated redeveloper demonstrates that such deviation is necessary for the feasibility of the project, will not substantially impair the intent of the Redevelopment Plan and will not present any detriment to the public health, safety and welfare.

REVIEW PROCEDURES

The review procedures for this Plan are as follows:

- The Town Council, acting as the Redevelopment Entity, shall review the proposed redevelopment project within the Riverfront Redevelopment Plan Area governed by this Amended Redevelopment Plan to ensure that such project is consistent with the Redevelopment Plan and relevant redeveloper agreement. Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.
- As part of its review, the Redevelopment Entity may require the redeveloper to submit a proposed site plan application to a subcommittee of the Redevelopment Entity prior to the submission of such applications to the Planning Board. Such Committee may include members of the Redevelopment Entity and any other members and/or professionals as determined necessary and

appropriate. Such Committee shall make its recommendations to the full Redevelopment Entity for formal authorization to proceed to the Planning Board for development approval.

- In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with this Redevelopment Plan and relevant developer agreement. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.
- Following this determination, the development application shall be submitted to the Town of Phillipsburg Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55-1 et seq.
- The Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not executed a redevelopment agreement and the applicant has not been designated as the redeveloper by the Redevelopment Entity. Additionally, the Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Redevelopment Entity or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.
- Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the use provisions of this Redevelopment Plan. Any proposed changes to the

Redevelopment Plan involving specific permitted or conditionally permitted land uses shall be in the form of an amendment to the Redevelopment Plan adopted by the Mayor and Council, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

LAND USE & DEVELOPMENT REQUIREMENTS

This Redevelopment Plan has been designed to change the existing residential designation of District 5 to a designation for Industrial development in the context of the adjacent industrial and commercial uses. The superseding regulations for Lots 1, 2, and 11. (District 5) will permit industrial zoning uses and standards that comport with the Town's I-2 Zoning District and will apply the following options as they best pertain to the site.

A developer will have the option to choose to develop all or a portion of the lot in accordance with the uses and standards for the underlying zoning, or to develop all or part of the lots / redevelopment area in accordance with the standards outlined herein.

AMENDED DISTRICT 5 RIVERFRONT REDEVELOPMENT PLAN (RRP) USE AND BULK REQUIREMENTS

The specific land uses and standards that are applicable to District 5 of the RRP Area are outlined in Section II of this Plan. Where any controls pose a conflict with the below regulations, the provisions of this Plan shall control. It is the purpose of this zone to provide areas suitable for industrial uses, with appropriate controls to protect surrounding zones.

- A. Permitted Principal Uses:

- (1) Processes of manufacturing, fabrication, packaging and treatment of conversion of products.
- (2) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
- (3) Office buildings for business, professional, executive and administrative purposes.
- (4) Warehouses and storage yards.
- (5) Wholesale businesses.
- (6) Retail sales associated with the principal use of the building.
- (7) Trucking terminals.
- (8) Lumberyards and similar operations requiring bulk storage of materials, such as plumbing and building construction supplies, including the retail sale of such materials.

C. Streets

- (1) All public and private streets, both external and internal (including street grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains and water systems, culverts, storm sewers, and such other improvements as may be found necessary in the public interest shall be installed in accordance with the standards adopted for subdivisions of land, and the building permit therein shall not be issued unless and until an adequate performance guarantee for the purpose of insuring proper installation of the improvements is posted with the Town Clerk in a form approved by the Town Attorney and in an amount determined by the Town Engineer to be sufficient to insure the completion of all required improvements.
- (2) A traffic impact study inclusive of a computer simulation of projected traffic impacts is required at the time that the redevelopment agreement is negotiated. The scope of the traffic impact study shall be based on the data of existing traffic at key intersections leading to the redevelopment area and how new traffic from the redevelopment projects would be

- (1) Processes of manufacturing, fabrication, packaging and treatment of conversion of products.
 - (2) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
 - (3) Office buildings for business, professional, executive and administrative purposes.
 - (4) Warehouses and storage yards.
 - (5) Wholesale businesses.
 - (6) Retail sales associated with the principal use of the building.
 - (7) Trucking terminals.
 - (8) Lumberyards and similar operations requiring bulk storage of materials, such as plumbing and building construction supplies, including the retail sale of such materials.
- B. Permitted Accessory Uses:
- (1) Off-street parking and loading spaces in accordance with Article VII of the Town Code.
 - (2) Signs in accordance with Article VIII of the Town Code.
 - (3) Other uses which are customarily associated with and incidental to the uses listed in §625-71.

The following bulk standards are also required:

- A. Bulk Requirements
 - (1) Same as the I-2 Heavy Industrial standards in the Phillipsburg Town Code
- B. Additional Area, Yard, and Building Requirements
 - (1) No more than one principal structure shall be permitted on a single lot, provided, the principal

distributed so that any necessary improvements to the street network and traffic control measures can be assessed and addressed in the agreement.

D. Off-street parking

(1) RSIS shall be followed for residential uses. Shared parking is encouraged between uses and between parcels, subject to approval of the Redevelopment Entity in the redevelopment agreement and the Land Use Board at the time of site plan approval.

(2) All parking lots shall be adequately lighted; either with wall mounted or post-mounted ornamental fixtures. Lights shall be adequately shielded from adjacent properties.

E. Pedestrian accessibility

(1) Sidewalks shall be provided along all street frontages

(2) All sidewalks shall be a minimum of five feet wide

(3) All sidewalks shall be designated to provide access for the physically disabled

(4) Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act

F. Signage

(1) The redevelopment project shall include a comprehensive signage plan for review and approval of the Redevelopment Entity and Land Use Board.

G. Recreation

(1) An area dedicated to recreation shall be developed with facilities suitable to serve the public.

i. Such a facility must be in the form of a multi-use path and include connections to the adjacent Delaware River Park and the Heritage Trail System.

ii. It shall be located in an area which will not be detrimental to adjacent property owners by virtue of noise, light, and any other objectionable feature emanating from such facility.

iii. The recreation facility shall not be located at the front of any structure on the site and it should incorporate appropriate signage, lighting, and other amenities (e.g. benches) along a multi-use path.

H. Sewage Disposal

(1) No development shall be approved until approval of plans for disposal of sewerage, in accordance with the standards set forth by the County Sewerage Authority, are met. The performance guarantee outlined in this section is also applicable to sewerage disposal.

I. Screening

(1) Where the development abuts a commercial use, an evergreen planting screen having a minimum width of five (5) feet shall be provided. The screen shall consist primarily of evergreen trees so as to provide visual obstruction. The

planting material shall be at least six (6) feet high at the time of planting. It shall be the responsibility of the owner or developer to carry out this planting and to promote such maintenance and care as is required to obtain the effect intended by the original plan.

J. Affordable Housing

- (1) The redevelopment project will be subject to the Town's Non-Residential Development Fee.

ARCHITECTURAL DESIGN STANDARDS

Any new building proposed for the Redevelopment Plan Area will have to be carefully designed, and shall abide by the following standards in addition to the zoning standards stated above.

A. Style

- (1) The structures or buildings shall incorporate architectural details such as a well-defined entrance, proportionally sized windows, cornices and columns. All buildings shall be constructed with an exterior of brick or stone or concrete.

B. Materials

- (1) The exterior of a building shall consist of durable, long-lasting materials, such as masonry and fiber-cement siding, and shall be consistent throughout the entirety of that building, but may vary from building to building in a sequential manner in order to provide some architectural continuity.

C. Articulation

- (1) All street-facing building walls shall have a clearly defined base, body and cap.

- (2) The body section of a façade may be horizontally divided at the floor, lintel or sill levels with belt courses.

- (3) The architectural treatment of a façade shall be completely continued around all street-facing facades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.

- (4) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. These offsets may consist of pilasters, projecting bays, changes in façade materials, balconies, etc.

- (5) Long, blank, windowless, monotonous or uninterrupted walls are not permitted on the front or side of a building.

D. Entrances

- (1) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs, porticos or awnings. These elements shall be compatible with the style and materials of the building.
- (2) Entrances may also be defined by planters or other landscape features.

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in Chapter 625 of the Zoning Ordinance of the Town of Phillipsburg

OTHER APPLICABLE DESIGN & PERFORMANCE STANDARDS

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Zoning Ordinance of the Town of Phillipsburg.

CONFLICT

Any word, phrase, clause, section or provision of this plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

ZONING MAP REVISION

Because this Redevelopment Plan constitutes a superseding plan the Official Zoning Map of the Town of Phillipsburg is hereby amended to incorporate Lot 1 into District 5 and to designate the three subject lots in Block 2102 as "RRA-5 Industrial District".



With the designation of the properties regulated by this Redevelopment Plan as an Area In Need of Redevelopment, this redevelopment project will be eligible for tax exemptions for 30 years from the completion of the entire project, or unit of the project if the project is undertaken in units, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity under the Long Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.).

Any tax exemption(s) for the redevelopment of the three properties (Block 2102, Lots 1, 2 and 11) would need to be addressed as part of the Redevelopment Agreement. Such tax exemptions will be set forth in a Financial Agreement between the redeveloper and the Town. The Town is under no obligation to offer or otherwise agree to a Long Term Tax Exemption and any such agreement shall be only upon the mutual agreement of the redeveloper and the Town.



ZONING PROVISIONS

EFFECT OF PLAN

The Redevelopment Plan constitutes a superseding plan to permit the redevelopment of the Redevelopment Plan Area as stated in Section II of this Redevelopment Plan.

TERMS AND DEFINITIONS



AMENDMENTS TO THE REDEVELOPMENT PLAN

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more developers and the Town of Phillipsburg, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redevelopment agreement to provide for the Plan amendment.

RECOMMENDATIONS FOR REDEVELOPMENT AGREEMENT PROVISIONS

While this amendment to the Riverfront Redevelopment Plan provides an outline for the redevelopment of District 5, the details of how the redevelopment will be implemented will need to be specified in the Redevelopment Agreement that is negotiated between the Town and the developer(s). No development shall proceed to the Town of Phillipsburg Planning Board for site plan approval until after a Redevelopment Agreement is executed by the Town of Phillipsburg in accordance with Section 9 of the Local Redevelopment and Housing Law. The Redevelopment Agreement shall conform to the provisions of this Redevelopment Plan.

CERTIFICATES OF COMPLETION & COMPLIANCE

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a developer agreement has been completed, a Certificate of Completion and Compliance will be issued to the developer

and such parcel will be deemed no longer in need of redevelopment nor rehabilitation.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council. At such time the provisions of the Redevelopment Plan, as amended, shall be codified into the Zoning Ordinance of the Town of Phillipsburg.

SEVERABILITY

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

SELECTION OF REDEVELOPER(S)

In order to assure that the vision of the Redevelopment Plan will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Mayor and Council, acting as the Redevelopment Entity, will designate the developer(s) for any redevelopment project in the area governed by this Redevelopment Plan. All developer(s) will be required to execute a redevelopment agreement satisfactory to the Redevelopment Entity as one of the requirements to be designated as the developer(s).

It is anticipated that the implementation of this Redevelopment Plan may designate a pre-selected developer, or utilize a process for the competitive selection of one or more developer(s). The intent of this section of the Plan is to set forth the procedural standards to guide developer selection. The Mayor and Council, acting as the Redevelopment Entity may, at any time, proactively solicit potential developers by utilizing appropriate methods of advertisement and other forms of communication, or may, in its discretion, entertain an unsolicited proposal from a prospective developer(s) for redevelopment of the Redevelopment Plan Area.

The following provisions regarding redevelopment are hereby included in connection with the implementation of this Redevelopment Plan and the selection of a developer(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

1. The developer, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
2. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the developer covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any developer agreement, lease, deed or other instrument shall remain in full force and effect.
3. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and

financial guarantees of the developer(s) and any other provisions to assure the successful completion of the project.

4. The designated developer(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The extent of the designated developer's responsibility will be outlined in the developer's agreements with the Town. All utilities shall be placed underground.
5. All infrastructure improvements shall comply with applicable local, state and federal law and regulations, including the Americans with Disabilities Act and the Prevailing Wage Law, where applicable.
6. In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the developer(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2022-12

**RESOLUTION GRANTING CONVENTIONAL/FINAL MAJOR SITE PLAN APPROVAL IN
NO. 2021-1**

**Peron Construction, LLC – Applicant/Owner
60 West Broad Street, Suite 201
Bethlehem, Pennsylvania 18018**

**Block 2102, Lot 2.02
170 Howard Street**

Application #2021-1

WHEREAS, Peron Construction, LLC, (“Applicant”) applied to the Town of Phillipsburg Land Use Board (“Board”) for Preliminary Conventional/Major Site Plan Approval; Bulk Variance Approval pursuant to N.J.S. 40:55D-70(c); and any and all design exceptions and/or waivers (collectively “the Application”), for the construction of an industrial building of approximately four hundred and twenty thousand square feet (420,000’) on the property identified on the Town Tax Map as Block 2102, Lot 2.02, with a street address of 170 Howard Street, Phillipsburg, Warren County, with three hundred and fifty-two (352) passenger car parking spaces, eighty-eight (88) loading docks and thirty-nine (39) spaces for trailer parking and to raze the existing structures which are located on the properties known as 560 and 562 South Main Street and identified on the Town Tax Map as Block 2015, Lots 1 and 3, in order to construct roadway improvements; and

WHEREAS, on January 27, 2022, the Board granted the Applicant Preliminary Conventional/Major Site Plan Approval and Bulk Variance Approval which was memorialized in Board Resolution No. 2022-2, on February 22, 2022; and

WHEREAS, the Applicant has applied for Final Conventional/Major Site Plan Approval; and any and all design exceptions and/or waivers (collectively “the Application”), for the construction of an industrial building of approximately four hundred and twenty thousand square feet (420,000’) on the property identified on the Town Tax Map as Block 2102, Lot 2.02, with a street address of 170 Howard Street, Phillipsburg, Warren County, with three hundred and fifty-two (352) passenger car parking spaces, eighty-eight (88) loading docks and thirty-nine (39) spaces for trailer parking and to raze the existing structures which are located on the properties known as 560 and 562 South Main Street and identified on the Town Tax Map as Block 2015, Lots 1 and 3, in order to construct roadway improvements;

WHEREAS, the Board having 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 August of 2022; and

WHEREAS, the Applicant appeared before the Board at a regularly-scheduled meeting on July 28, 2022, at which time the following Board members announced to the public that they would be recusing themselves from consideration of the Application: Chairman Willaim Duffy, Mayor Todd Tersigni and Councilman Keith Kennedy; and

WHEREAS, the Applicant appeared before the Board at a regularly-scheduled meeting on July 28, 2022, at which time the Applicant requested certain temporary waivers from the Preliminary Site Plan checklist requirements, said waivers being summarized in the Board Engineer's May 20, 2022 and July 22, 2022 review letters, and the Board having determined that said waivers can be granted and the Application was determined by the Board to be complete; and

WHEREAS, the Applicant appeared before the Board again at a regularly-scheduled meeting on August 25, 2022, at which time the Board commenced a public hearing on the Application as more fully set forth herein below;

WHEREAS, Chairman Willaim Duffy, Mayor Todd Tersigni and Mr. Kennedy again announced to the public that they would be recusing themselves from consideration of the Application at the August 25, 2022 hearing; and

WHEREAS, as a result of the preceding recusals, nonetheless, a quorum of five (5) Board members, identified below, was established; and

WHEREAS, at the preceding hearings, the Applicant was represented by Mark R. Peck, Esq., who presented a brief explanation concerning the Applicant's intended use of the subject property and the approvals sought and further stated that the Applicant intended to comply with: (i) most of the requirements set forth by the Board's preliminary approval of this Application; (ii) all of the comments set forth in the Board Engineer's July 22, 2022 letter; and (iii) all of the comments in the Town of Phillipsburg Fire Chief's July 25, 2022 letter; 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 Zoning Permit Application, dated July 26, 2021;
- B. Town of Phillipsburg – "Application for Minor or Conventional Site Plans" for Block 2102, Lot 2.02, dated August 5, 2021;
- C. Town of Phillipsburg – "Application for Conventional Site Plan," dated March 29, 2022;
- D. Town of Phillipsburg – Preliminary Site Plan Checklist for Conventional Site Plan, dated August 5, 2021;
- E. Town of Phillipsburg – Final Checklist for Conventional Site Plan, dated August 5, 2021;

- F. Town of Phillipsburg Tax and Sewer Certifications from Tax Collector that taxes and sewer are paid through September 30, 2022, for Block 2015, Lots 1 and 3, and Block 2102, Lot 2.02, dated July 26, 2022;
- G. Final Major Site plan entitled: "Preliminary and Final Major Site Plan for Peron Construction, LLC, Proposed Industrial Development, Map: 21, Block 2102, Lot 2.02," prepared by Bohler Engineering NJ, LLC, dated July 31, 2021, consisting of eighty-seven (87) sheets, last revised on June 6, 2022;
- H. Survey entitled: "ALTA/NSPS Land Title Survey 170 Howard Street, Lots 1, 2.01 & 2.02, Block 2102, Town of Phillipsburg, Warren County, State of New Jersey," prepared by Control Point Associates, Inc., consisting of ten (10) sheets, dated January 14, 2021, and last revised on June 10, 2022;
- I. Boundary and Topographical Survey entitled: "Boundary and Topographic Survey 170 Howard Street, Lots 1, 2.01 & 2.02, Block 2102, Town of Phillipsburg, Warren County, State of New Jersey," prepared by Control Point Associates, Inc., consisting of ten (10) sheets, dated January 14, 2020, and revised on August 5 2021;
- J. Architectural Plan entitled: "420K Spec Building," prepared by Cerminara Architects, dated August 6, 2021, consisting of three (3) sheets;
- K. Trip Generation Comparison Letter, prepared by McMahon Associates, Inc., dated July 29, 2021;
- L. Stormwater Management Report, prepared by Bohler Engineering, LLC, dated March of 2022;
- M. Stormwater Management Facility Operations & Maintenance Manual, prepared by Bohler Engineering, LLC, dated March of 2022;
- N. Truck Turning Exhibit, prepared by Bohler Engineering, dated October 13, 2021, and last revised on February 25, 2022;
- O. "Traffic Impact Study for the Phillipsburg Industrial Development, Town of Phillipsburg, Warren County, NJ," prepared by McMahon Associates, Inc., dated October of 2021, and last revised February of 2022;
- P. Correspondence from Bohler Engineering, LLC, dated June 10, 2022;
- Q. Town of Phillipsburg Ordinance 2021-14 – amending Riverfront Redevelopment Plan – District 5;
- R. July 25, 2022 and August 5, 2022 updated letters from Town of Phillipsburg Fire Chief;
- S. Aqua New Jersey, Inc. "Will-Serve" Letter dated April 7, 2021;
- T. Elizabethtown Gas "Will-Serve" Letter dated February 24, 2021;
- U. Jersey Central Power & Light "Will-Serve" Letter dated February 24, 2021; and

V. Bohler Engineering letter dated August 15, 2022; and

W. GZA Geo Environmental letter dated August 22, 2022;

WHEREAS, the Applicant is requesting the following design waiver from the Town Ordinances: A permanent waiver from L.O. 510-11(D)(3)(bb) which requires an environmental impact study; and

WHEREAS, the Board having considered the letters of the Board engineer dated May 20, 2022 and July 22, 2022, the contents of which the Board adopts and incorporates its finding of fact by reference herein; and

WHEREAS, the Applicant presented the sworn testimony of the following individuals on August 25, 2022:

1. Bradford A. Bohler, P.E. who is the Applicant's engineer;
2. Oliver H. Franklin, Sr., RA, who is the Applicant's architect;
3. John R. Wichner, P.E., who is the Applicant's traffic engineer; and
4. Richard Lev, who is the Applicant's environmental engineer; and

WHEREAS, the following documents were marked as exhibits at the August 25, 2022 hearing and were discussed and testified to by the Applicant's witnesses. These are now included as part of the record:

1. A-1: Professional Profile of Bradford A. Bohler, P.E.;
2. A-2: Proposed rendering "Overall Site Plan Layout" C-301;
3. A-3: Curriculum Vitae of Richard Lev, L.S.R.P.;
4. A-4: Curriculum Vitae of John R. Wichner, P.E.;
5. A-5: Curriculum Vitae of Oliver H. Franklin, Jr., RA;
6. A-6: Proposed building floor plan, dated August 6, 2021;
7. A-7: Architectural sheet A-2 depicting north and west elevations;
8. A-8: Color rendering of "eye level view;"
9. A-9: August 5, 2022 letter from Phillipsburg Fire Chief;

WHEREAS, Bradford A. Bohler, P.E., a New Jersey Licensed Engineer, of Bohler Engineering, LLC, was offered as the first witness, who after being sworn and accepted as an engineering expert, based upon Exhibit "A-1," provided testimony on behalf of the Applicant. Mr. Bohler discussed the following. He offered Exhibit "A-2," which is the proposed site rendering, C-301, "Overall Site Plan Layout" and explained what it represented. He provided a general description that the proposals set forth in the Application between the preliminary site plan approval and requested final site plan approval are essentially the same. Mr. Bohler stated that the only significant update addresses stormwater management which is in conformance with state and local regulations and requirements. As to design waivers, items 2j through 2m which are identified in the Board Engineer's July 22, 2022 letter at page 19, the Applicant is no longer

seeking those temporary waivers and will comply with the Town Ordinances. Mr. Bohler then stated as to item 2p that he believes the application is in compliance, but requests a waiver if the Board does not believe there is compliance. Mr. Bohler then addressed some of the technical comments which were raised in the Board Engineer's July 22, 2022 letter beginning at page 21. As to comment 1(c)(ix), which addresses the demolition plan of the application and disturbance of railroad features, Mr. Bohler testified that the Applicant will comply. Mr. Bohler stated that the Applicant will perform truck tire washing on site which is referenced in the Board Engineer's July 22, 2022 letter at comment 1(g)(i). He further testified that the Applicant will comply with street sweeping as required by the Town as set forth in comment 1(g)(iv) of the Board Engineer's July 22, 2022 letter. Mr. Bohler testified that there have not been any changes in the architectural plans between preliminary site plan approval and the final approval application. The Board Engineer the said it would be appropriate to have a street sweeper on site at all times as required by the Town Ordinances and the Applicant engineer said the "small" street sweeper requirement is fine. Mr. Bohler completed his testimony by stating the Applicant will comply with all DEP stormwater requirements. The Board Engineer then commented that the resolution will have to include a requirement that all on site lighting is in compliance with the Town's lighting ordinances; and

WHEREAS, the Board was satisfied with Mr. Bohler's testimony, especially in light of the Board Engineer's comments and review, such that the Board did not have any additional questions or comments; and

WHEREAS, Richard Lev, L.S.R.P., the Applicant's environmental engineer, was offered as the second witness, who after being sworn and accepted as an environmental engineer based upon his C.V., which was marked as Exhibit "A-3," provided testimony on behalf of the Applicant. Mr. Lev testified that there are contaminants on the property and that there are some areas which have been identified as "hot spots" for remediation which will be completed. Mr. Lev testified that on the ground there will be penetrable pavement and lined basins which prevents infiltration, protects the environment and complies with DEP regulations. The Board Engineer asked if the capping and remediation plan is consistent with DEP regulations for non-residential property which Mr. Lev said was the case. As for the proposed landscaping and hardscaping of the site, Mr. Lev opined that the proposal was appropriate for the site. He further testified that the environmental remediation will be recorded in the property deed; and

WHEREAS, the Board was satisfied with Mr. Lev's testimony, especially in light of the Board Engineer's comments and review, such that the Board did not have any additional questions or comments; and

WHEREAS, John R. Wichner, P.E., the Applicant's engineer, was the third witness, who after being sworn and accepted as an engineering expert, based upon his C.V. which was marked as Exhibit "A-

4,” provided testimony on behalf of the Applicant. Mr. Wichner testified that a revised traffic study was submitted to the Board after the application was preliminarily approval. He said that the Applicant is agreeable to a left turn prohibition at McKean Street. He further stated that he reviewed the Board Engineer’s July 22, 2022, specifically pages 44-45, which address trip generation. As to items 3a, 3b and 3d, Mr. Wichner stated that those issues have been addressed with the revised traffic study. As for item 3c, it was addressed satisfactorily to the Board Engineer based upon Mr. Wichner’s testimony; and

WHEREAS, the Board was satisfied with Mr. Wichner’s testimony such that the Board did not have any additional questions or comments; and

WHEREAS, Oliver H. Franklin, Sr., RA, the Applicant’s architect, was the fourth witness, who after being sworn and accepted as an architectural expert based upon his C.V., which was marked as Exhibit “A-5,” provided testimony on behalf of the Applicant. Mr. Franklin testified with the use of a floor plan drawing that was marked as Exhibit “A-6” and an elevations sheet that was marked as Exhibit “A-7.” He testified that the Applicant addressed industrial design standards, including retained prevailing façade setbacks (similar to properties opposite the site). He testified that the loading areas will not face or exit directly onto the street; that parking is located on the sides of building; that the trash removal area will be screened in the rear of the property; and that the rear loading docks will be screened from both the walking trail adjacent to the property and the Delaware River. He further testified that building the main entrance off Howard Street is not practical because of finished slab elevation and the Howard Street slope. For this reason, the Applicant proposed two future office locations on the northwest and northeast corners of the building, with their entrances facing east and west - which allows for direct entry and access to parking. Mr. Franklin then reviewed elevations for each façade. The west and east ends of the building are defined with raised parapets, intermittent painted banding, and windows and maroon infill color highlighting the office block. These raised parapets occur every two hundred feet with a maroon field and dark grey band. The intermediate color pattern continues every two hundred feet in between. There are clear story windows every fifty feet. Primary office entrances are highlighted by storefront-style double door entry with office windows flanking either side in a field of maroon, with a dark grey vertical band accentuating the entrance.

Mr. Franklin further testified that the fire department connections are proposed on the north and west sides of the building which are consistent with the Fire Chief’s July 25, 2022 and August 5, 2022 letters. Mr. Franklin then testified that he reviewed the Board Engineer’s July 22, 2022, to wit, pages 45-46, items under “Architectural Plans” and stated that the Applicant will comply with the technical comments contained therein. He also stated that the project will not be built to environmental green certification standards. Mr. Franklin then used Exhibit “A-8,” which is a color rendering of “eye level view” to testify that the building’s design is consistent with the development design intent by maintaining the base course with

color and reveals, cornice (parapet lines) and horizontal lines of fenestration, which break the wall surface into smaller components and humanize the building's scale. Mr. Franklin further testified that all entrances to the building are defined and articulated by architectural elements, different paint coloring, banding, storefront and flanking office windows; and

WHEREAS, the Board was satisfied with Mr. Franklin's testimony such that the Board did not have any questions or comments; and

WHEREAS, the Town of Phillipsburg Fire Chief's August 5, 2022 letter was moved by Mr. Peck into evidence and was received by the Board as Exhibit "A-9;" and

WHEREAS, the Applicant did not offer any additional witnesses, documents or evidence; and

WHEREAS, the Board Chairman then asked for public comment and received comment from two individuals. There was comment from Mr. Kevin Keyser who owns property on South Main Street and who expressed concerns about environmental conditions on the site. He was adamantly opposed to the application. There was a second comment from David Morrisette who urged the Board to delay voting on the Application until the Board's regularly-scheduled meeting on September 22, 2022, because he stated that the lawsuit, of which he is a named-plaintiff, against the Town of Phillipsburg that is pending in the Superior Court of New Jersey and which seeks to invalidate Phillipsburg Town Council Resolution No. 2021-14, is expected to be decided by the Court within a few weeks. According to Mr. Morrisette there is no harm to all interested parties if the Board were to delay its vote on the application until that meeting whereas if the Board were to vote in favor of the application and the Resolution No. 2021-14 were invalidated by the Court, then all of the Board's efforts on this application will have been for naught. There was no further public comment; and

WHEREAS, the Board considered all of the preceding;

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 Riverfront Redevelopment Zone, Districts 3 and 5.
2. The Town Council passed Resolution 2021-14 which is incorporated by reference herein.
3. N.J.S. 40:55D-1, et. seq., the "New Jersey Municipal Land Use Law," provides for review and Approval of Preliminary and Final Conventional/Major Site Plans by the Board.

4. The "Town of Phillipsburg's Site Plan Ordinance of 1979" provides for review and Approval of Preliminary and Final Conventional/Major Site Plans by the Board, pursuant to L.O. 510-1, et. seq.
5. The Applicant must obtain Preliminary and Conventional/Final Major Site Plan Approval from the Board before it develops the subject property.
6. On January 27, 2022, the Board granted the Applicant Preliminary Conventional/Major Site Plan Approval and Bulk Variance Approval which was memorialized in Board Resolution No. 2022-2, on February 22, 2022, and which is incorporated by reference herein;
7. 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.
8. 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."
9. 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.
10. 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 Section 555-22 of the "Town of Phillipsburg's Site Plan Review Ordinance of 1979."
11. 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.

12. It has been acknowledged by the Board that temporary waivers of the requirements be granted as to each of the items contained in the Board's Engineer's July 22, 2022 letter.
13. The Board finds that the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances thereby authorizing the granting of waivers as requested by the Applicant.
14. The Board finds that, in all other respects, the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances.
15. The Board finds that the Applicant's Site Plan is consistent with the "Town of Phillipsburg's Site Plan Ordinance of 1979."
16. The Board finds that the Applicant's Site Plan is not inconsistent with the Town's Master Plan.
17. The Board finds that benefits of the Site Plan to the Master Plan and to the Town citizenry outweighs any detriments to the same.
18. The Board finds that the Applicant's Site Plan is consistent with N.J.S. 40:55D-1, et. seq., the "New Jersey Municipal Land Use Law."

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Applicant's request for the Permanent Waiver and Final Conventional/Major Site Plan approval, is hereby **GRANTED**, on Motion of Mr. Brotzman and Seconded by Mr. Penrose:

ROLL CALL VOTE

Ayes: Mr. Zwicker, Mr. Turnbull, Mr. Hanisak, Mr. Penrose and Mr. Brotzman.
Nays: None.
Abstentions: None.
Recused: Chairman Duffy, Mayor Tersigni and Mr. Kennedy.

AND IT IS FURTHER RESOLVED THAT the Applicant's request for Final Conventional/Major Site Plan approval for the construction of an industrial building of approximately four hundred and twenty thousand square feet (420,000') for the property identified on the Town Tax Map as Block 2102, Lot 2.02, with a street address of 170 Howard Street, Phillipsburg, Warren County, with three hundred and fifty-two (352) passenger car parking spaces, eighty-eight (88) loading docks and thirty-nine (39) spaces for trailer parking on the property known as Block 2101, Lot 2.02, located in the Town of Phillipsburg Riverfront Redevelopment Zone, District 5, and to raze the existing structures which are

located on the properties known as 560 and 562 South Main Street and identified on the Town Tax Map as Block 2015, Lots 1 and 3, in order construct roadway improvements, is granted subject to the express and unaltered conformation with the following conditions:

1. The Applicant shall be bound to comply, strictly and without deviation, with all comments contained in the Board Engineer's review letters dated May 20, 2022, and July 22, 2022, as modified at the August 25, 2022 hearing, 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 building is constructed and erected in strict compliance with the Site Plan with the understanding that any deviation therefrom which is deemed by the Board's Engineer's to be a significant deviation from the Plan hereby approved shall require further review and approval by this Board.

3. The Applicant shall apply for, and obtain, approval from all other agencies and governmental bodies which may have concurrent jurisdiction over this project including, but not limited to, the New Jersey Department of Environmental Protection, the United States Environmental Protection Agency, the United States Fish and Wildlife Service, the Town of Phillipsburg Fire Chief, the Town of Phillipsburg Chief of Police, the Warren County Planning Board, the Warren County Soil Conservation District, the Warren County Board of Health, the Phillipsburg Sewer Utility, the Shade Tree Commission of the Town of Phillipsburg, the New Jersey Department of Transportation, Elizabethtown Gas, Aqua New Jersey and Jersey Central Power & Light ("JCP&L").

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

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

6. The Applicant shall pay all outstanding fees and deficiencies in the review escrow account and bring current all real estate taxes, sewer and water charges pertaining to this site before the commencement of construction.

7. The Applicant shall pay all real estate taxes, sewer and water charges pertaining to this site as they come due.

8. The Applicant shall have an on-site lighting plan which is in compliance with the Town's lighting ordinances.

9. The Applicant shall comply with the New Jersey Stormwater Management Regulations, to wit, N.J.A.C. 7:8-1, *et. seq.*

10. The Applicant shall comply with the Town of Phillipsburg's Stormwater Ordinances, to wit, L.O. 535-1, *et. seq.*

11. The Applicant shall comply with the Stormwater Management Report prepared by Bohler Engineering, LLC, dated March of 2022, to the extent the same is not inconsistent with New Jersey Stormwater Management Regulations and Phillipsburg's Stormwater Ordinances.

12. The Applicant shall comply with the Stormwater Management Facility Operations & Maintenance Manual, prepared by Bohler Engineering, LLC, dated March of 2022, to the extent the same is not inconsistent with New Jersey Stormwater Management Regulations and Phillipsburg's Stormwater Ordinances.

13. The Applicant shall comply with the Town of Phillipsburg's Soil Implementation and Placement Ordinances, to wit, L.O. 520-1, *et. seq.*

14. All necessary and proposed easements must be obtained before construction commences and be shown on the site plat drawing and be approved by the Board's Attorney and the Board's Engineer and must be recorded with the Warren County Clerk with proof of recording provided to the Board.

15. The Applicant shall record a property deed which reflects the environmental remediation that takes on the property with said language in the deed being approved by the Board's attorney and the Board's engineer and must be recorded with the Warren County Clerk with proof of recording provided to the Board prior to the issuance of a Certificate of Occupancy.

16. The Applicant shall not cause any work on the site to occur after dusk and before dawn without the express approval of the Town Council.

17. The Applicant shall not cause any blasting to occur on the site without prior approval from the Board Engineer.

18. The Applicant shall erect a six-foot (6') fence around the entire site prior to demolition and clearance of the site.

19. The Applicant shall indemnify and hold harmless the Town of Phillipsburg from any costs charged by JCP&L for any costs related to the relocation of power lines.

20. The Applicant shall provide an uninterrupted power supply to the site from JCP&L.

21. The Applicant shall obtain approvals from the New Jersey Department of Environmental Protection, the United States Environmental Protection Agency, the United States Fish and Wildlife Service and/or any other governmental agencies or departments prior to removal of trees and vegetation as the site is a potential habitat for protected species.

22. The Applicant shall erect a silt fence off the property line of the Town owned park which is adjacent to the site.

23. The Applicant shall obtain approval from the Town Council and the New Jersey Department of Environmental Protection prior to proposed construction which disturbs and/or affects the Town owned park which is adjacent to the site as the park is protected by the New Jersey Department of Environmental Protection's Green Acres Program.

24. The Applicant shall obtain approval from the New Jersey Department of Transportation and the owner of the railroad which is adjacent to the site prior to construction which disturbs and/or affects the railroad property.

25. The Applicant shall install "no parking" striping and signage along the entire frontage of the site in accordance with the directions of the Town of Phillipsburg Fire Chief and the Town of Phillipsburg Construction Official.

26. The Applicant shall install a sidewalk along the entire frontage of the site.

27. The Applicant shall provide a guiderail warrant analysis for the Howard Street frontage.

28. The Applicant shall request enforcement of New Jersey Statutes Title 39 enforcement from the Town of Phillipsburg.

29. The Applicant shall erect an eight-foot (8') fence along the length of the loading dock to screen the loading dock from the adjacent property and the Delaware River.

30. The Applicant shall provide turning movements throughout the site and the surrounding streets.

31. The Applicant shall provide proof that flood hazard areas have been reviewed and approved by the New Jersey Department of Environmental Protection and shall mark site plans accordingly.

32. The Applicant shall provide approval from the New Jersey Department of Environmental Protection regarding the "fill and cut" within the potential flood hazard areas.

33. The Applicant shall provide proof through hydraulic modeling of sufficient water flow for fire department use prior to occupancy to the satisfaction of the Town of Phillipsburg fire sub-code official and the Town of Phillipsburg Fire Chief.

34. The Applicant shall ensure that the on-site fire hydrants be the responsibility of the property owner and shall not be the responsibility of the Town.

35. The Applicant shall obtain the approval of the Town of Phillipsburg Fire Chief with regard to the number, location, size and color of all fire hydrants on site.

36. The Applicant shall mark the curb line along the entire rear of the proposed building as "no parking/fire lane."

37. The Applicant shall install fire hydrants at the McKeen Street extension and the Howard Street extension in the event that the Howard Street extension is constructed occupancy to the satisfaction of the Town of Phillipsburg fire sub-code official and the Town of Phillipsburg Fire Chief.

38. The Applicant shall provide environmental clean-up requirements and assessments.

39. The Applicant shall provide proof that the environmental clean-up requirements will not impact the stormwater management.

40. The Applicant shall provide proof of soil testing from the New Jersey Department of Environmental Protection.

41. The Applicant shall obtain an occupation agreement from the owner of the railroad which grants the Applicant permission to cross railroad property in order to install and to maintain the proposed extension of the existing eighteen-inch (18") sewer and stormwater outfall with said language in the occupation agreement being approved by the Board's attorney and the Board's engineer and a fully executed copy of said agreement must be provided to the Board.

42. The Applicant shall provide proof that all pervious pavement complies with the New Jersey Department of Environmental Protection Regulations' Best Management Practices.

43. The Applicant shall provide proof that storage and application on-site of de-icing materials complies with the New Jersey Department of Environmental Protection Regulations' Best Management Practices.

44. The Applicant shall provide an overall analysis/report that all its Stormwater Management Plan complies with the New Jersey Department of Environmental Protection Regulations' Best Management Practices.

45. The Applicant shall provide a traffic impact and circulation verification study upon completion of construction and occupancy of building.

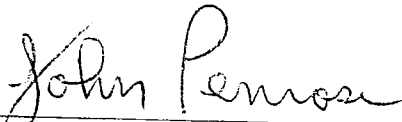
46. The Applicant shall document its compliance with the conditions of this Resolution and shall submit proof of said compliance upon the request of the Board.

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

48. The Board recommends to the Town Council, as the redevelopment authority, that it require the Applicant to extend Howard Street as set forth in the Consistency Review Report entitled: "Proposed Amendment to the Riverfront Redevelopment Plan," dated February 25, 2021, which was prepared by Town Planner Angela Knowles, at the direction of this Board, upon referral from the Town Council in its Resolution No. 2021-14.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Planning Board was duly adopted at its regular meeting on the 25th day of August, 2022, by a majority of the aforesaid members approving the oral approval for the contents herein on September 22, 2022.

Dated: September 22, 2022


JOHN PENROSE, Temporary Vice-Chairman

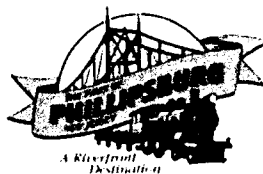
TOWN OF PHILLIPSBURG
Warren County, NJ

Revised **Riverfront Redevelopment Plan**

Adopted by Town Council
November 4, 2013



Prepared for:
Phillipsburg Town Council



Prepared by:
David K. Maski, PP, AICP



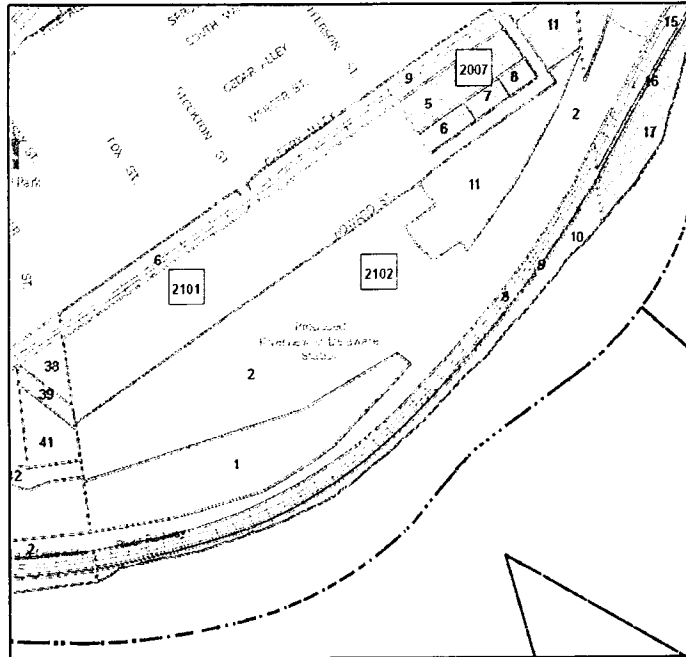
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3.8 District 5 – Riverside Residential

The 2012 *Riverfront Redevelopment Study* recommended that the central portion of the original Riverside District – the site of the proposed Delaware Station residential development – be split off as a new “District 5 – Riverside Residential” and that the current residential use and design standards be maintained.

The district provides for mid-rise residential buildings to be constructed primarily along the Howard Street frontage and low-rise residential buildings to be constructed between the mid-rise buildings and the Bel-Del right-of-way. The mid-rise buildings will front on Howard Street and may incorporate a first story retail component as well as structured parking for residents. The mid-rise buildings will buffer the existing light industrial uses and provide vistas of the Delaware River. Development in this district should also enhance and provide access to the adjoining park and recreation facilities including the proposed trail system described in Section 3.10.



3.8.1 Permitted Uses

A. Principal

- (1) Mid-rise residential buildings not to exceed 50 feet above the centerline elevation of Howard Street or other street immediately abutting the proposed building. The mid-rise buildings may include first-story retail as well as structured parking for residents.
- (2) Low-rise residential buildings not to exceed 40 feet above the lowest floor elevation of each building.
- (3) Retail establishments and office uses on the first floor of mid-rise buildings only, to serve the immediate needs of the residential component of the district.
- (4) Museums, cultural, and educational facilities on the first floor of mid-rise buildings only, or in free-standing buildings.
- (5) Parks and recreation facilities.
- (6) Railroad rights-of-way and trackage.

B. Accessory

Permitted accessory uses include any accessory use located on the same lot with and customarily incidental to a principal use permitted in the district.

3.8.2 Bulk Standards

Minimum Lot Area	20 acres
Minimum Setback from a Public Road	Half the height of the building
Minimum Setback from a RR ROW	30 ft
Minimum Setback from a Public Park	30 ft
Maximum Gross Density	17 units/acre
Maximum Height Mid-Rise	50 ft above centerline elevation of Howard St. to eaves of roof.
Maximum Height Low-Rise	40 ft above lowest floor elevation to eaves of roof
Maximum Height for other Prin. Uses	35 ft
Maximum Height Accessory Uses	20 ft
Maximum Coverage	65%
Minimum Distance between Buildings:	
a. Principal to Principal	a. Half the height of taller building
b. Principal to Accessory	b. Height of the shorter building
c. Principal to Internal Road	c. 25 ft
d. Principal to Parking Area	d. 10 ft

3.8.3 Design Standards

- (1) There shall be an overall design theme for the residential development including a unifying architectural style, a uniform set of street, streetscape, street furniture, and sign standards similar to but not necessarily the same as those in the 2002 Gateway Plan.
- (2) The site should be designed to provide view corridors to the river and improvements should be located to maximize views of the scenic features of the district.
- (3) Residential units abutting an active rail line shall be built with noise attenuating construction features.
- (4) All required parking shall be provided on site, either at grade or in parking garages. Parking may be provided under buildings or in separate structures.
- (5) There shall be a recreational package designed to serve the needs of the new residents of the district, which should include such facilities as tot lots, playing fields, and passive recreation areas. These facilities may be provided either on-site or as additions to the existing facilities in Delaware River Park or both, and include access to passive recreation facilities at the riverfront.
- (6) A pedestrian/bicycle pathway system shall be designed to connect with the proposed trail system described in Section 3.10.

3.8.4 Proposed Road Improvements

The proposed townhouse development in District 5 will require significant roadway improvements to accommodate the projected traffic generated by the development. The development will be located in the area west of Howard Street overlooking the Delaware River. Access to the development will be from Howard Street through several access road intersections. Due to the heavy orientation of site traffic to the east and the dependence on South Main Street to carry this traffic, improvements are proposed to accommodate the site-generated traffic going to and from South Main Street as follows:

- (1) Howard Street should be extended from its existing eastern terminus at McKeen Street to Center Street, intersecting at a point approximately 250 feet south of South Main Street.
- (2) The section of Center Street between the new extension of Howard Street and South Main Street should be widened and improved to create at least a two lane northbound approach to South Main Street. An exclusive right turn lane is needed to accommodate the projected heavy northbound right turn movement from Center Street to South Main Street; and a wide southbound receiving lane is needed to accommodate the heavy westbound, left turn movement from South Main Street to Center Street.
- (3) The entire intersection of Center Street and South Main Street must be improved to increase capacity for the projected condominium/townhouse development site-generated traffic. Traffic Signal improvements are proposed, including signal-phasing modifications that would facilitate the projected heavy northbound right turn and westbound left turn movements.
- (4) The section of McKeen Street between Howard Street and South Main Street should be improved. At the intersection of South Main Street and McKeen Street, traffic signal improvements are also proposed that include phasing that would facilitate the projected heavy northbound right turn and westbound left turn movements.
- (5) The existing section of Howard Street from Stockton Street to McKeen Street should be improved to accommodate the access road intersections with Howard Street. Four-way intersections with site access roads and Howard Street are proposed at Stockton Street and McKeen Street.

**TOWN OF PHILLIPSBURG
Warren County, NJ**

Amended **Site-Specific Redevelopment Plan**

April 26, 2018

Draft

Executive Summary

Following the adoption of the Revised Riverfront Redevelopment Plan in 2014, the Town of Phillipsburg sought to prioritize redevelopments in District 2 – Union Square, as a catalyst for implementing the recommendations made in this plan. This iteration of the Redevelopment Plan amends (and significantly expands) the section on District 2 – Union Square (the District) and incorporates Design Guidelines which extend and/or replace current design standards in the Land Use Ordinance. They are intended to establish and reinforce the physical, visual and spatial characteristics of the District through the consistent use of compatible urban design and architectural design elements. Such elements relate the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape. Development plans in the District shall address the urban design and architectural design elements as part of the approval process for construction or reconstruction within the District.

In an effort to ensure the enforcement of redevelopment activities within the specified Districts, please note that in Section 4, recommendations have been made for the “Acquisition and Relocation” of various properties throughout the redevelopment area. This section states the legal ability of the Town to utilize redevelopment tools such as eminent domain to implement the plan.

Additionally, changes have been made to the permitted uses in District 6 – Riverside Commercial. The remainder of the document remains unchanged.

The Town is grateful for the volunteer effort put forth by the following group of designers from the Edward J. Bloustein School of Planning & Public Policy at Rutgers University:

- Juan Ayala
- Paul Drake
- Tristan Harrison
- Trevor Matthew
- Julio Mora
- Ardin Jia Xiong Yeo

Founding members of DESIGN e|b: Drawing to Engage Students in Graphic Negotiations

Prepared for:

The Town of Phillipsburg
Warren County
New Jersey



Prepared by:

Angela Knowles, PP/AICP, LEED-AP

License #33LI00612500



With funding provided by
the New Jersey Highlands Council



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3.8 District 5 – Riverside Residential

The 2012 *Riverfront Redevelopment Study* recommended that the central portion of the original Riverside District – the site of the proposed Delaware Station residential development – be split off as a new “District 5 – Riverside Residential” and that the current residential use and design standards be maintained.

The district provides for mid-rise residential buildings to be constructed primarily along the Howard Street frontage and low-rise residential buildings to be constructed between the mid-rise buildings and the Bel-Del right-of-way. The mid-rise buildings will front on Howard Street and may incorporate a first story retail component as well as structured parking for residents. The mid-rise buildings will buffer the existing light industrial uses and provide vistas of the Delaware River. Development in this district should also enhance and provide access to the adjoining park and recreation facilities including the proposed trail system described in Section 3.10.

3.8.1 Permitted Uses

A. Principal

- 1) Mid-rise residential buildings not to exceed 50 feet above the centerline elevation of Howard Street or other street immediately abutting the proposed building. The mid-rise buildings may include first-story retail as well as structured parking for residents.
- 2) Low-rise residential buildings not to exceed 40 feet above the lowest floor elevation of each building.
- 3) Retail establishments and office uses on the first floor of mid-rise buildings only, to serve the immediate needs of the residential component of the district.
- 4) Museums, cultural, and educational facilities on the first floor of mid-rise buildings only, or in free-standing buildings.
- 5) Parks and recreation facilities.
- 6) Railroad rights-of-way and trackage.

B. Accessory

Permitted accessory uses include any accessory use located on the same lot with and customarily incidental to a principal use permitted in the district.

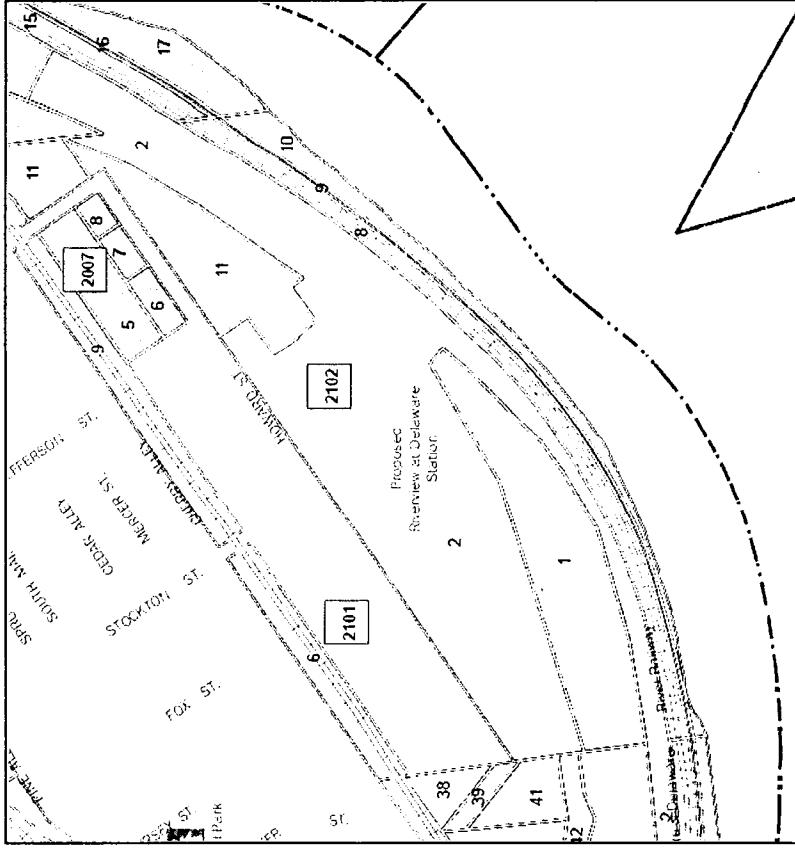


Figure 12: District 5 – Riverside Residential

3.8.2 Bulk Standards

See Table 12.

3.8.3 Design Standards

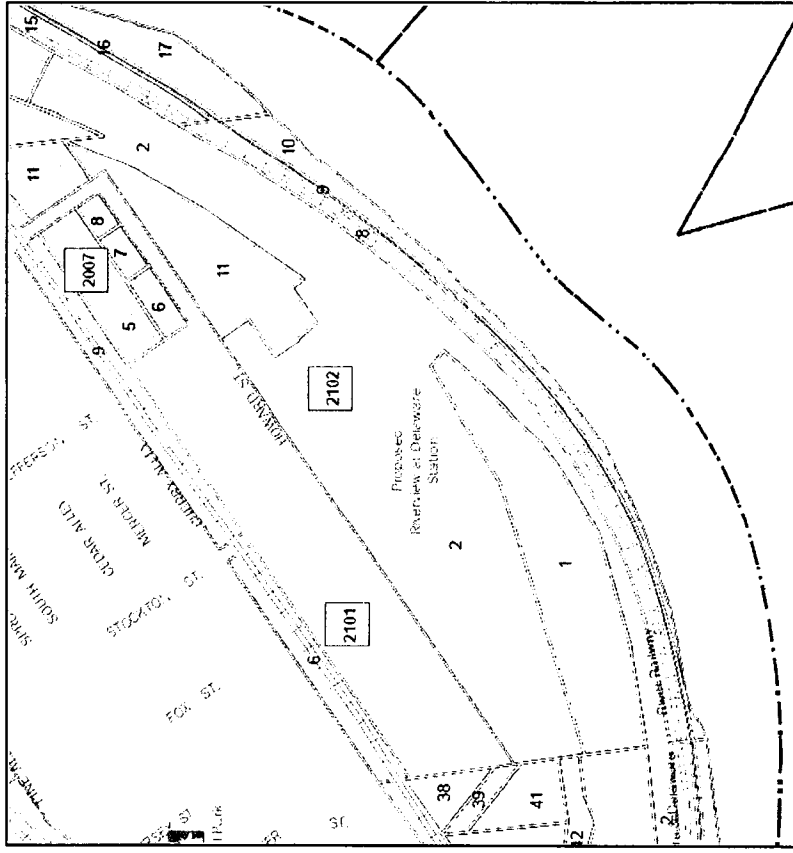
- 1) There shall be an overall design theme for the residential development including a unifying architectural style, a uniform set of street, streetscape, street furniture, and sign standards similar to but not necessarily the same as those in the 2002 Gateway Plan.
- 2) The site should be designed to provide view corridors to the river and improvements should be located to maximize views of the scenic features of the district.
- 3) Residential units abutting an active rail line shall be built with noise attenuating construction features.
- 4) All required parking shall be provided on site, either at grade or in parking garages. Parking may be provided under buildings or in separate structures.
- 5) There shall be a recreational package designed to serve the needs of the new residents of the district, which should include such facilities as tot lots, playing fields, and passive recreation areas. These facilities may be provided either on-site or as additions to the existing facilities in Delaware River Park or both, and include access to passive recreation facilities at the riverfront.
- 6) A pedestrian/bicycle pathway system shall be designed to connect with the proposed trail system described in Section 3.10.

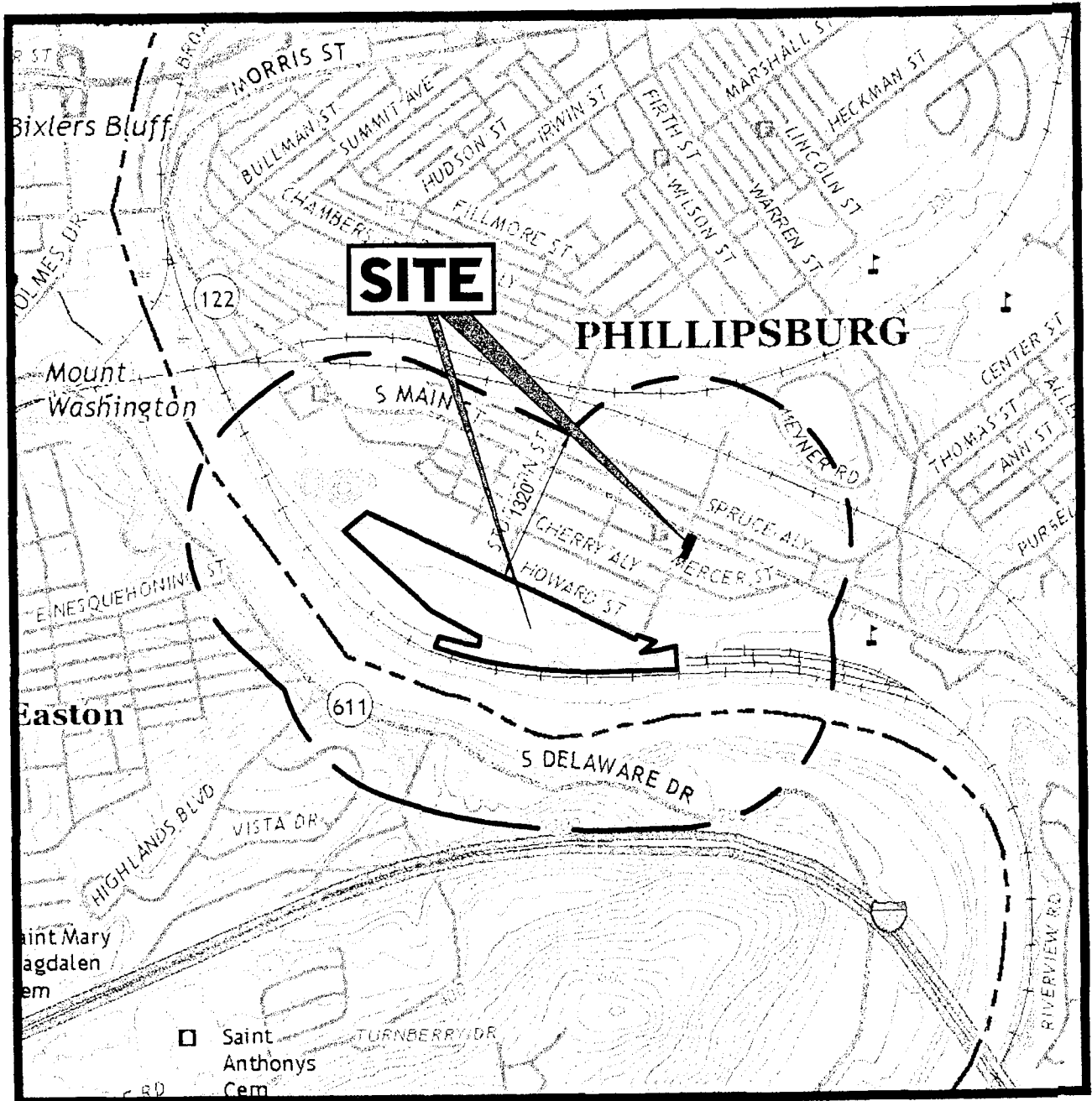
3.8.4 Proposed Road Improvements

The proposed townhouse development in District 5 will require significant roadway improvements to accommodate the projected traffic generated by the development. The development will be located in the area west of Howard Street overlooking the Delaware River. Access to the development will be from Howard Street through several access road intersections. Due to the heavy orientation of site traffic to the east and the dependence on South Main Street to carry this traffic, improvements are proposed to accommodate the site-generated traffic going to and from South Main Street as follows:

Minimum Lot Area	20 acres
Minimum Setback from a Public Road	Half the height of the building
Minimum Setback from a RR ROW	30 ft
Minimum Setback from a Public Park	30 ft
Maximum Gross Density	17 units/acre
Maximum Height Mid-Rise	50 ft above centerline elevation of Howard St. to eaves of roof.
Maximum Height Low-Rise	40 ft above lowest floor elevation to eaves of roof
Maximum Height for other Prin. Uses	35 ft
Maximum Height Accessory Uses	20 ft
Maximum Coverage	65%
Minimum Distance between Buildings:	
Principal to Principal	Half the height of taller building
Principal to Accessory	Height of the shorter building
Principal to Internal Road	25 ft
Principal to Parking Area	10 ft

- 1) Howard Street should be extended from its existing eastern terminus at McKeen Street to Center Street, intersecting at a point approximately 250 feet south of South Main Street.
- 2) The section of Center Street between the new extension of Howard Street and South Main Street should be widened and improved to create at least a two lane northbound approach to South Main Street. An exclusive right turn lane is needed to accommodate the projected heavy northbound right turn movement from Center Street to South Main Street; and a wide southbound receiving lane is needed to accommodate the heavy westbound, left turn movement from South Main Street to Center Street.
- 3) The entire intersection of Center Street and South Main Street must be improved to increase capacity for the projected condominium/townhouse development site-generated traffic. Traffic Signal improvements are proposed, including signal-phasing modifications that would facilitate the projected heavy northbound right turn and westbound left turn movements.
- 4) The section of McKeen Street between Howard Street and South Main Street should be improved. At the intersection of South Main Street and McKeen Street, traffic signal improvements are also proposed that include phasing that would facilitate the projected heavy northbound right turn and westbound left turn movements.
- 5) The existing section of Howard Street from Stockton Street to McKeen Street should be improved to accommodate the access road intersections with Howard Street. Four-way intersections with site access roads and Howard Street are proposed at Stockton Street and McKeen Street.





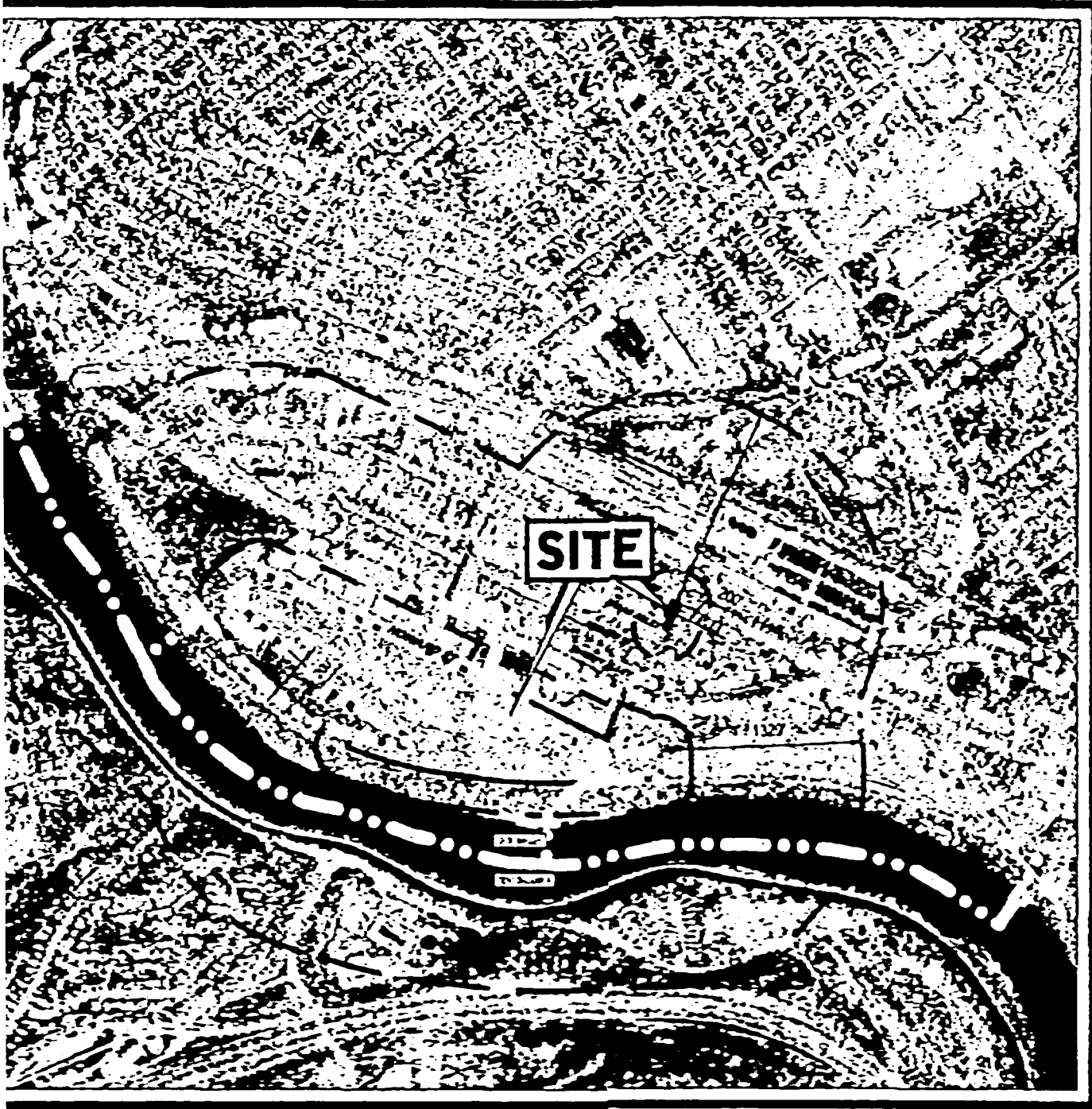
USGS MAP

SCALE: 1" = 1,500'
SOURCE: USGS MAP LOCATOR
(EASTON QUADRANGLE)



GRAPHIC SCALE

1 INCH = 1,500 FEET



AERIAL MAP

SCALE 1" = 100'

SOURCE: NIGH WAREHOUSE (2022 AERIAL IMAGERY)



GRAPHIC SCALE

1 INCH = 1 000 FEET



Apprvd. Oct. 18, 2022

**TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING MINUTES
TUESDAY, October 04, 2022
7:00 P.M.**

(Town Council Meeting to be held in person at PHA Community Bldg., 535 Fisher Ave., Phillipsburg, NJ 08865)

(subject to change pursuant to N.J.S.A. 10:4-8(d)-this agenda is tentative to the extent known at time of posting”

1. **CALL TO ORDER** - 7:02 PM
2. **OPEN PUBLIC MEETING ACT STATEMENT:** - Read by VP Clark

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF October 04, 2022 WAS INCLUDED IN A NOTICE SENT TO NEWSPAPERS OF RECORD AND POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS THE REQUIRED NOTICES UNDER THE STATUTE. IN ADDITION, A COPY OF THIS NOTICE HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK
3. **INVOCATION AND FLAG SALUTE** Led by Councilman Piazza
4. **ROLL CALL** Wyant, Clark, Kennedy, Marino, Piazza
Also in attendance, Attorney Wenner and AMC Loudenberry.
5. **APPROVAL OF MINUTES** - Town Council Mtg. Mins – Sept. 20, 2022

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

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6. BILLS LIST –**ROLL CALL****Passed 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino			X			
Councilman Kennedy		X	X			
Council VP Clark	X		X			
Council President Wyant			X			

CP Wyant asked if there were any questions regarding bills list. There were none.

7. Executive Session R2022-212**ROLL CALL** To go into Executive Session -

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

ROLL CALL To return from Executive Session – 7:49 PM

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino			X			
Councilman Kennedy		X	X			
Council VP Clark	X		X			
Council President Wyant			X			

8. Habitability Hearing - 234 Filmore Street – Bl:1412 Lot 15

This was first heard on August 16, 2022.

Update to be given regarding submission of a structural analysis report and fence installation and addressing vermin.

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Attrny Wenner noted the owner had been directed to appear with structural report within 45 days and fencing was to be secured 5 days after notice for safety. None of these items have been addressed. Called Parker-McKay – representing bank. Need letter – charge off loan 12.27.22. Discharge of list pending. Basically the bank/lender that had an interest walked away. There is no one to represent an interest in the Property at tonight’s meeting. Asked if any steps had been taken at all?

Jack Daniels, Inspection Dept. Head/Code Official (still under oath)
Noted Only thing done – secured-windows and door on frst floor. No Permits have been pulled. Dangerous to health and safety of the residents of Phillipsburg – should be demoed.

Attrny Wenner inquired if utilities had been turned off and if considered unfit and unsafe?

Cnclman Marino stated building should be torndown with winter time coming homeless may try to access.

Cnclman Piazza concurred. Adding Neighbors probably attempted to secure first floor and maintain lawn. Move to demo.

Fire Chief Richard Hay – (still under oath)
Determined it is a safety hazard. With Winter coming hcmeless could set fires, a real threat to the safety, lives of firefighters. Agreed should be demolished.

Attrny Wenner asked if Town Engineer, Tim O’Brien had anything to add, he did not. Continued, unfit, unsafe, absentee owners have been sufficiently ncticed. Representative of lender – foreclosure – deficiencies. Town does effectuate own monies and move to demolish.

VP Clark noted expert testimony given – supports motion to demolish.
Cnclman Kennedy agreed
CP Wyant noted nothing has been done.

Cnclman Marino moved to go forward with demolition. The motion was seconded by Councilman Kennedy.

AYES: Wyant, Clark, Kennedy, Marino, Piazza
NAYS: None

Attorney Wenner noted would need demolition specifications from Inspections/Jack Daniel’s Office.

9. ANNOUNCEMENTS/PRESENTATIONS

Pork Roll Palooza – October 08, 2022 11AM – 6PM – Shappell Park

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Ole Towne Fall Festival – October 29, 2022 11AM - 6PM – Shappell Park
(Fireworks at 7PM)

Train Ride – for more information and future dates visit:

<https://877trainride.com/thomas.htm>

10. Mayor's Report / Administrative Officers

Mayor's Report Attached

Circulation Plan – Transportation, assess where improvements are needed.

Walkability Audit – into report

4 Routes – foot traffic – find more info on the Website

Smoke Testing – WWTP – repairs – Hillcrest/Pursell Hill – notices have been prominently displayed. Can also contact DPW

PRESENTATION – Richard Colasuonno- presented designs/idea for Senior Living and Grocery Store in the former Norton Campus.

Ariana Court – Senior Residences

Proposed Buildings 1-3: 45 Apartments

(18) One Bedroom Apts.

(27) Studio Apartments

Apartments over Grocery Store:

(12) One Bedroom Apartments

(4) Two Bedroom Apartments

102 Total Parking Spaces.

Residential: 64 Spaces

Commercial: 38 Spaces

Cnclman Marino asked about Average rent? Response was 1k, he noted that is his pension.

Mr. Colasuonno stated, 1 bedroom about \$1200, don't want low income – but accessible. Continued problem being faced is rising cost of construction – not feasible to do for less. Want to avoid Pilot Program.

Cnclman Piazza noted, curious about the Grocery Store if someone in mind. Mr. Colasuonno remarked the vendor has 6 other grocery stores – established. Don't want mini-mart, but full fledged Grocery Store with fresh fruit and vegetables.

VP Clark thanked Mr. Colasuonno and Mayor Tersigni noting the community needs fresh food. Continued the Property is an eyesore, added housing community 44th out of 45 needing accessibility to fresh food. Amazing spot – 3 bl.dgs. – 1 & 2 Bedroom Apts. Asked if approved – timeline?

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RC – Need encouragement/support of Council. Need push with every standard available. Further design may require a few variances. Some unites – smaller – they like to see 500 sq. feet, that is why studios. Parking is just above where it is required to be. Continued, right now B-2 – not residential. Need some relief from Zoning. Parking covered – 1 spot/space per employee. Use is a Variance issue. Continued Grocery Store/Senior Housing – Mayor’s idea. Tom McQuire, Director of PHA input need grocery store, people do not have means to travel.

Cnclman Kennedy noted since Ahearts closed there has been a Public outcry for a Grocery store. Even proposed Quick Chek – not a grocery store. Added, he serves on Land Use Board and grocery store is welcome news.

CP Wyant stated, great idea – great Project and wished Mr. Cloasuonno Good Luck and thanked him for the Presentation.

11. PUBLIC DISCUSSION ON AGENDA ITEMS

NONE

12. ORDINANCES - Second Reading

O2022-26

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE V, *SPECIAL LAW ENFORCEMENT OFFICERS*, OF CHAPTER 105 *POLICE DEPARTMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO INCLUDE SPECIAL LAW ENFORCEMENT OFFICER, CLASS III (SLEO III)

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino			X			
Councilman Kennedy		X	X			
Council Vice Clark	X		X			
Council President Wyant			X			

Public

Joe Meyner – 392 South Main Street

Does not feel the Police Chief should supervise Class III officers, but should be the Principal of the School unless under some type of duress and then the Police Chief should be in charge.

O2022-27 – Assembly Bill No. 2877, which standardized the Vacant Property Registration procedures for the municipalities of New Jersey was signed into law on January 18 of this year by Governor Murphy. As a result, NJ municipalities are required to amend their Vacant Property Ordinances to reflect the changes

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ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, DELETING IN ITS ENTIRETY CHAPTER 443 ENTITLED "PROPERTY, MAINTENANCE AND REGISTRATION OF VACANT AND ABANDONED", AND REPLACING SAME TO BE CONSISTENT WITH P.L. 2021, C. 444

ROLL CALL

Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza		X	X			
Councilman Marino	X		X			
Councilman Kennedy			X			
Council Vice Clark			X			
Council President Wyant			X			

Public - none

13. RESOLUTIONS - CONSENT AGENDA **Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration.*

R:2022-206

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND OF ESCROW IN THE AMOUNT OF \$269.50 TO The Apothecarium/Terrascend Corp

R: 2022-207

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, CONFIRMING APPOINTMENTS TO THE LOCAL EMERGENCY PLANNING COUNCIL

R2022-208

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARDING A CONTRACT FOR THE 2022 ROAD PROGRAM

R2022-209

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A REFUND IN THE AMOUNT OF \$80.00 TO Josie Martinez

R2022-210

RESOLUTION OF THE TOWN OF PHILLIPSBURG AUTHORIZING SETTLEMENT WITH PBA LOCAL NO. 56 REGARDING PRORATION OF VACATION LEAVE UPON RETIREMENT

Apprvd. Oct. 18, 2022

R2022-211

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING A CHANGE ORDER DECREASE TO DERSTINE COMPANY, LLC IN THE AMOUNT OF \$22,500.00 AND AUTHORIZING FINAL PAYMENT

ROLL CALL CONSENT AGENDA

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council Vice Clark			X			
Council President Wyant			X			

No Resolutions were pulled from Consent Agenda. Councilman Marino abstains from R2022-210 and answers Yea to remainder of Consent Agenda.

14. NEW BUSINESS

VP Clark shared update regarding lights in Shappell Park. He noted that NORWESCAP would be the source of funding rather than UEZ. Adding the Neighborhood Preservation Program, a community stakeholder – fill Shappell Park with LED lights all year round.

Councilman Marino wanted to reintroduce the Resolution initially introduced by Councilman Piazza regarding the Howard Street property – Peron Construction.

Councilman Marino moved to have read into minutes of September 6th TC Meeting and moved to reintroduce tonight, October 4, 2022.

The motion was seconded by Councilman Piazza. He noted he had asked it be put on to tonight's Agenda. Encouraged all to read over again and noted the impact this could have by way of the Rail. Continued, very infrequently can local Government have impact on Federal type infrastructure; which could also reduce the truck traffic, Atlantic States, Gilbrandson could use the rail. Cleaner type bldg., cold storage – clean manicured bldgs. Added, greater access for bikers and walkers to the trails – works well 2 fold – rail infrastructure – Delaware River Trail excursions - .80 on every dollar. The Town's Parking issues could possibly be addressed with money reimbursement – maybe a parking garage. Could be a missed opportunity if not acted upon now.

VP Clark asked if Councilman Piazza would lend a copy for him to read and refresh his memory.

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Cnclman Kennedy noted, this came up at last TC meeting and he abstained. Nothing in the Ordinance changes the wording regarding 2021-14 – can’t change – litigation.

VP Clark noted everything heard before, prior woulds and coulds remain open – stands with KK. Explained originally converting 420k to 350k, but #3 2021-14 under litigaton – noting constituents brought to court for people to be heard. Continued, if we strike this out – and base his vote on that. As resident, candidate – against Industrial so close to river.

CP Wyant agreed some litigation here. Don’t want to portray for or against with litigation. Abstain.

Councilman Marino moved for Ordinance. Councilman Piazza seconded.

AYES:	Marino, Piazza
NAYS:	VP Clark
ABSTAIN:	Wyant, Kennedy

Motion fails.

No other New Business

15. PUBLIC PETITIONS

Ann Davis – 222 Lewis Street – Open Air market. Thanked Councilman Kennedy as it was his idea. There were 13 weeks – 2 Rain Dates – Vendors stated want to come back next year. She added Vendors did well, great experience, music and fun. Should be bigger and better next year.

Dan Seyler – 22 N. Main Street
Spoke to Parking situation regarding N. Main Street lot and Brothers before Others. Noted progress should benefit everyone. Tried to find Lease allowing BBO to have all 7 spaces. Lease noted 4 spaces. Being told can’t park there – will be txtd and towed. They only need 2 spaces. People live on N. Main Street - \$80/year – willing to pay. He feels should remain Public Parking. Area.

Mike Perrucci – Washington Lane, Bethlehem
Asked CP Wyant did he need to abstain or recuse – noting if there was a conflict.

CP Wyant rejsponded has property within 200 ft of Property.

MP – noted part o application.

Attrny Wenner stated looking into abstention right now.

MP noted Mayor vetoed at last possible moment. Asked what Council would have him do, noted tried low income housing – unable to get Contractor. Continued 125-140k in taxes.

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What with 40 acres – conflict is with persons – not merits of the Project. Ten million has been spent in 15 years. Asked Council for their ideas, very frustrating. Grew up in TOP. This would afford 100 good paying jobs, a tax ratable, clean up the drug use/abuse in the area. 1 million to park clean up. Happy to entertain Council's ideas. Ran against trucks on South Main Street, this would be a way to reduce truck traffic on SMS. Howard Street Extension is getting done. Rail could be getting done too. NORWESCAP has a training Program for residents. We have highest unemployment in the state. Asked what Council would have him do.

Joe Paranee 3471 Linden Street

Family living in Town of Phillipsburg for 100 years. He is broker who brought Project to TOP. Continued this is time sensitive. Added the Rail is a Big Incentive. No one wants trucks parking and using SMS. Offers 100 jobs at 50-75k. Continued the TOP has been built on RR, most use on the Rail, more train history going forward. Noted this entity will go to another Town and take away this opportunity and not come back again. If keep pushing they will go down the road.

Steve Sahilick – 36 years, noted his client committed to Valley. Wants to work with Town of Phillipsburg.

Audra Frank 276 Bald Eagle Drive

Went to Bethlehem Project – Mr. Perrucci – walking Trail behind – could see a vision for TOP. Cold Storage Bldg. – not a problem. Asked if this was being held up because of lawsuit.

Council noted, cannot comment.

Frank Berruta

Stated, supports Mike Perrucci, Peron Construction – adding each Project has added to Tax Base and Jobs. Initially the Casino had the same opposition, but it did wonders for Bethlehem, creating jobs and boosting the Economy. He noted has worked for TOP and Bridge and PNB over last 50 years – noting that area has remained stagnant. Can have confidence Project will succeed. Noting if Council votes for it will be happy with their decision.

Robyn Coe – resides in Stewartsville, but Business owner in TOP

Noted not against business, but against Warehouse. Would like to see Conference Center/Hotel and entertainment. Added in 15 more feet will be on Riverfront – should be recreational area. Curious about height – 65' Land Use. My personal feeling – no more trucks – SMS – 35 years. All about Planning and who do we want to be as TOP.

Joe Meyner – 392 SMS

Not always fan of Mike Perrucci's Projects, but if this delivers that Rail Head – most important as part of major happening for good. We need the jobs – it is an opportunity for TOP residents. Don't know about 2021-214.

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Attorney Wenner noted that 2021-214 permits industrial uses. Light Industrial – 2 years ago was residential. Obtained approval, but did not go forward. Amend the Plan to Permit Industrial uses – enacted by Ordinance – the question is if it was done properly.

JM noted a lot to gain – bring it up again – under New Business anytime.

Douglas Steinhardt – 4 Jacob Way – Business 235 Broubalow Way. Spoke to fact that more residents leave New Jersey for jobs. Added opportunities do not always come along. Noted need jobs for the people you represent right here in Phillipsburg. Next generation leaving to find job opportunities elsewhere.

D. Morrisette – 5 Fairview Heights
Congratulated Council/Mayor on civil constructive Town Council meetings. Commended Mayor regarding grocery Store/Senior Housing project. Noted glad to see moving forward repairing trust with FYC and Recreation Dept. Continued Delaware River is Town’s greatest asset. Adding a warehouse does not belong on Riverfront. Continued he voted for housing down there. Can’t build if undesirable for residential – let’s make it desirable and a good place to live. By following the Master Plan.

Nicole Timberman – 112 N. Riverview
Why 2022-28 not being discussed. June 16 – pd. Parking – June 17 meters. Misinformed, told it would be revisited. Rewrite needs to be done – don’t understand Special Events - \$10/vehicle. Is Easton’s Events considered Special Events – Garlic Fest – did not go – did not want to pay to park.

CP Wyant stated will be discussed at Work Session on October 11, 2022.

Dan Boyce – 1526 Warren St., Alpha.
Hear only opposition preventing Property owner ability to do what he wants with his Property. Town should issue Bond to put up what he has lost. Noted opposition is not Progress. Noted LMR has done great job, adding you want companies like this. Adding you don’t want to force them out. Would not be surprised if Tattoo parlor locks their doors.

Cnclman Marino moved to bring up Ordinance again. Cnclman Piazza seconded the motion.

AYES: Marino, Piazza

NAYS: CP Clark

ABSTAIN: Wyant, Kennedy

Motion fails.

VP Clark noted out of order of meeting procedure.

CP Wyant stated he can bring up again – will allow.

Cnclman Marino inquired why he was not invited to BOE meeting as he is on the Education Committee?

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CP Wyant stated, knows he is on Education committee. The negotiations with the School Board was to be BA, Mayor and Council President and because CP could not be there he asked the VP Clark to take his spot.

Cnclman Marino asked if any other Council member had been invited?

16. COUNCIL OPEN TIME

Cnclman Piazza noted had a good time at Pork Roll Palooza. Adding everyone should enjoy our Events at our Parks. Noted at last meeting Ordinance – referring as Riverfront – Tax Map 21.02, you’ll see RR strip of land. NJDEP – should not walk to river from there at least 280/300 ft.

VP Clark noted amazing Event this weekend – enjoyed the Pork Roll Palooza. Sad that weather cancelled the last Open Air Market – noting that the market overall great success.

Cnclman Kennedy stated in regard to Open Air Market – wanted to recognize – Ann Davis, Audra Frank for helping manage event. A lot of help from Helen Zamora – NORWESCAP and Laurie Nelson, LV Chamber. Also thanked the PPD and the DPW adding looking forward to next year – noting there will be even more vendors. He noted Stateliners are 5-0 and have moved up to 13th in the State and being televised on Service Electric this week.

CP Wyant stated enjoyed the Open Air market and look forward to greater results next year.

17. MOTIONS

Passed 5-0

Special Event Application – Bernardine May Legion Post – Coin Toss – Nov. 5

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council Vice Clark			X			
Council President Wyant			X			

Motions – continued

Seeking active membership in the Fire Department as a Firefighters are –
John R. Burrell, Andrew W. Farley and Dylan J. Dushok

Passed 5-0

Apprvd. Oct. 18, 2022

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino		X	X			
Councilman Kennedy			X			
Council Vice Clark			X			
Council President Wyant			X			

1. Executive Session R2022-213

ROLL CALL To go into Executive Session - Passed 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza	X		X			
Councilman Marino			X			
Councilman Kennedy			X			
Council VP Clark		X	X			
Council President Wyant			X			

ROLL CALL To return from Executive Session – Passed 5-0 7:49 PM

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Piazza			X			
Councilman Marino			X			
Councilman Kennedy		X	X			
Council VP Clark	X		X			
Council President Wyant			X			

ADJOURNMENT

VP Clark moved to adjourn, it was 9:42 PM.

103-DEED - BARGAIN AND SALE COVENANT AGAINST GRANTOR: A B S
IND. TO IND. OR CORP.

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200 SHEFFIELD STREET, MOUNTAINSIDE, N.J. 07092

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255472

This Deed, made the 12th day of February, 19 81 .

Between JEANNE MAYER, single,

residing at 309 Mercer Street
in the Town of Phillipsburg in the County of
Warren and State of New Jersey herein designated as the Grantors,
and
Randy S. Piazza and Susan Piazza, husband and wife,

residing or located at 761A Columbus Avenue
in the Town of Phillipsburg in the County of
Warren and State of New Jersey herein designated as the Grantees;

Witnesseth, that the Grantors, for and in consideration of TWENTY-TWO THOUSAND
NINE HUNDRED AND 00/100 DOLLARS (\$22,900.00)

lawful money of the United States of America, to the Grantors in hand well and truly paid by the
Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowl-
edged, and the Grantors being therewith fully satisfied, do by these presents grant, bargain, sell and
convey unto the Grantees forever,

All that tract or parcel of land and premises, situate, lying and being in the
Town of Phillipsburg in the
County of Warren and State of New Jersey, more particularly described herein.

(NJS 46: 15- 2.1) Municipality of: Phillipsburg Account No.
Block No. 67 Lot No. 806

No property tax identification number is available on date of this deed. (Check box if applicable.)

Beginning at a point on the east side of Mercer Street,
South of McKeen Street, said point or corner being corner to lands now
or late of Joseph Steele; thence (1) along line of lands now or late
of said Joseph Steele in easterly course one hundred and thirty six
feet to Cedar Alley; thence (2) south along the west side of Cedar
Alley aforesaid twenty three feet to lands formerly of Sylvester C.
Smith; thence (3) west along said last mentioned lands in a line
parallel with first line one hundred and thirty six feet to the east
side of Mercer Street aforesaid; thence (4) north along the east side
of Mercer Street aforesaid twenty three feet to the place of beginning.

Being the lands and premises now known and designated
as No. 309 Mercer Street, Phillipsburg, New Jersey.

Being the same lands and premises conveyed by Hugh J.
Smith, Widower, to Jeanne Mayer, Unmarried, by deed dated February 9,
1973 and recorded in the Warren County Clerk's Office in Book 537 of
Deeds for said County, at Pages 869 &c.

The above lands and premises being also described in
a survey prepared by Sam Carroccio, Surveyor, N.J. License 10216,
dated January, 1981 as follows:

Beginning at a point in the north easterly line of Mercer Street, said
point being a distance of 88 feet from the south easterly line of McKeen
Street on a course South 63 degrees 30 minutes East; thence (1) along la-
nds to L.R. Zeruth North 26 degrees 30 minutes East 136 feet to a point;
thence (2) along the southerly line of Cedar Alley South 63 degrees 30
minutes East 23 feet to a point; thence (3) along lands to H.T. Smith
South 26 degrees 30 minutes West 136 feet to a point; thence (4) along
the north easterly line of Mercer Street North 63 degrees 30 minutes West
23 feet to place of beginning.

COUNTY OF WARREN
CONSIDERATION \$22,900.00
REALTY TRANSFER TAX \$80.50
DATE 2-12-81 BY 1098

Tax Map
Reference

PL: 760 P.M.E. 236

Together with all and singular the buildings, improvements, ways, woods, waters, watercourses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof; And also all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, of the Grantors both in law and in equity, of, in and to the premises herein described, and every part and parcel thereof, with the appurtenances. To Have and to Hold all and singular, the premises herein described, together with the appurtenances, unto the Grantees and to Grantees' proper use and benefit forever.

And the Grantors covenant that they have not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whatsoever whereby or by means whereof the premises conveyed herein, or any part thereof, now are or at any time hereafter, will or may be charged or encumbered in any manner or way whatsoever.

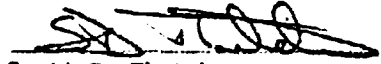
In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

In Witness Whereof, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of

 (L.S.)
Jeanne Mayer


Scott D. Thatcher
Attorney at Law of N.J.

_____ (L.S.)

State of New Jersey, County of Warren | ss.: Be It Remembered,
that on February 3 19 81, before me, the subscriber, an Attorney at
Law of the State of New Jersey,
personally appeared Jeanne Mayer, Single,

who, I am satisfied, is the person named in and who executed the within Instrument,
and thereupon she acknowledged that she signed, sealed and delivered the same as
her act and deed, for the uses and purposes therein expressed, and that the full and actual con-
sideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such
consideration is defined in P.L. 1968, c. 49, Sec. 1 (c), is \$ 22,900.00.

Prepared by:
SCOTT D. THATCHER
ATTORNEY AT LAW
23 SOUTH MAIN STREET
PHILLIPSBURG, NJ 08855
(201) 859-2111


Scott D. Thatcher

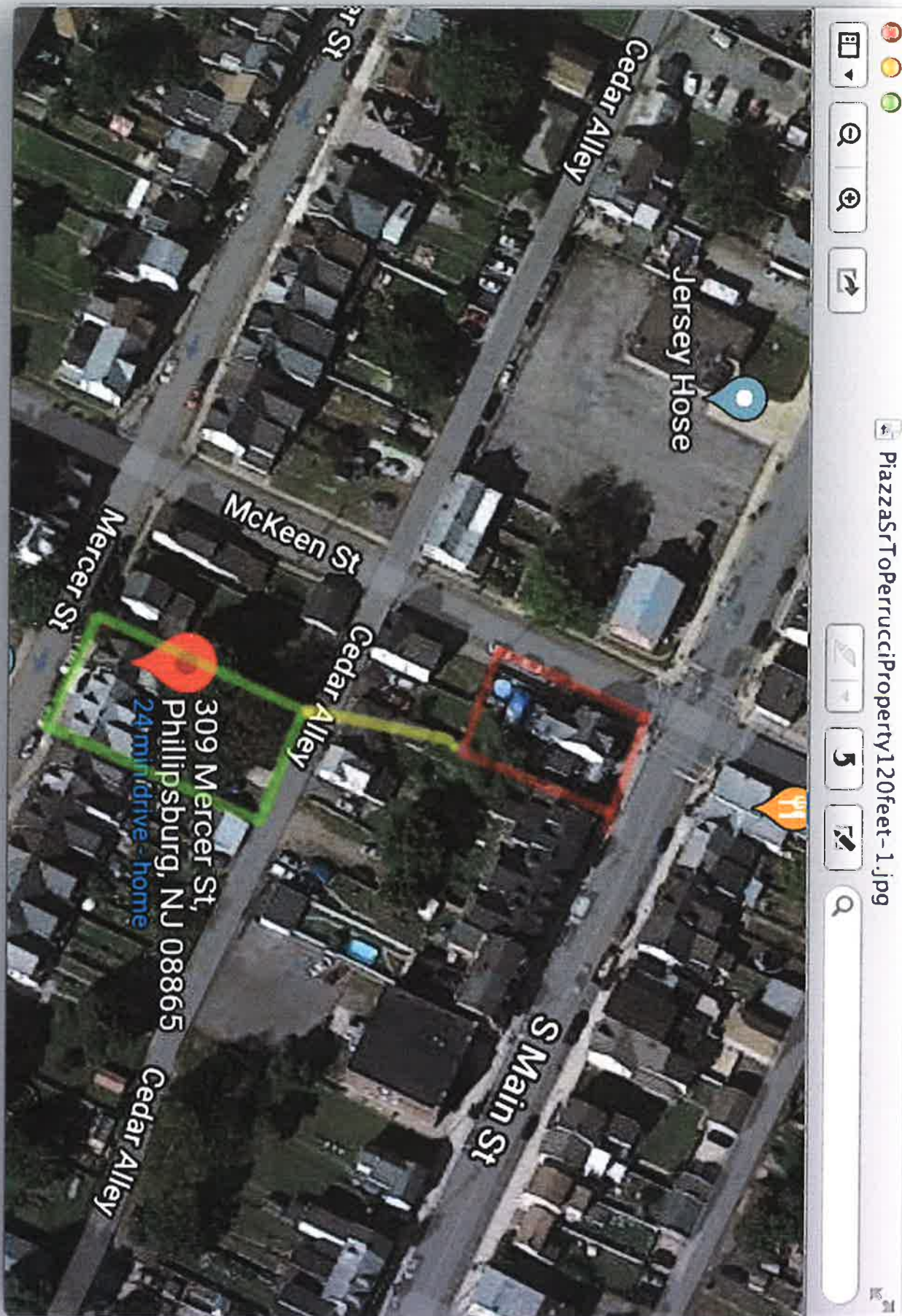


Exhibit 9

560 SOUTH MAIN STREET

New Jersey Phillipsburg Town 2015

560 SOUTH MAIN STREET is Block 2015, Lot 1 In Phillipsburg Town, Warren County.

Owner Information

PD 560 SOUTH MAIN STREET LLC
235 BROUBALOW WAY
PHILLIPSBURG, NJ, 080000000

Other Property by Owner

Explore Data

Sales Records

Comparables Sales Report

Compare Taxes to Nearby

Property Map



Data on 560 South Main Street, Phillipsburg Town



www.njparcels.com/property/2119/2016/4

Centos Wiki Home Documentation Google Maps New Tab Templates: Edit Style - ... New

NJ Parcels Search Terms Redaction

309 MERCER STREET

New Jersey Phillipsburg Town 2016 4

309 MERCER STREET is Block 2016, Lot 4 in Phillipsburg Town, Warren County.

Owner Information

PIAZZA, RANDY S
309 MERCER ST.
PHILLIPSBURG, N.J., 08865

[Other Property by Owner](#)

Explore Data

[Sales Records](#)

[Comparable Sales Report](#)

[Compare Taxes to Nearby](#)

Property Map



Data on 309 Mercer Street, Phillipsburg Town

**WARREN COUNTY PLANNING DEPARTMENT
WAYNE DUMONT, JR. ADMINISTRATION BUILDING
165 COUNTY ROAD 519, SOUTH
BELVIDERE, NEW JERSEY 07823-1949**

DAVID K. DECH
PLANNING DIRECTOR



Telephone: (908) 475-6532
Fax: (908) 475-6537
planningdept@co.warren.nj.us

**WARREN COUNTY PLANNING BOARD
AGENDA
Monday, February 27, 2023
7:00 p.m.**

**In-Person
and Via Electronic Communication for Public Viewing/Listening only**

CALL TO ORDER

INTRODUCTORY STATEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act by forwarding a notice of the date, time and location of the meeting to THE STAR-LEDGER, THE DAILY RECORD and the Warren County Clerk and by posting a copy thereof on the bulletin board of the Warren County Courthouse and Administration Building. The meetings will be conducted in person. The public may attend the meeting in person or view the meeting virtually through electronic communications equipment to preserve the health, safety and welfare of the public in conformance with N.J.S.A. 10:4-6, et seq. [the Open Public Meetings Act]. Public comments may be made in person at the time of the meeting or submitted in advance by email or written letter. Formal action will be taken.

**SELECTED SUBDIVISION AND SITE PLAN MAPS TO BE ACTED ON AT THIS
MONTH'S MEETING MAY BE VIEWED AT**

<https://tinyurl.com/bdet9d68>

The public is invited to attend this meeting by calling:

1-877-309-3457 (toll free) or 1-404-397-1516

When prompted for Meeting Number (access code) press 2344 158 4462 and the # sign.

When prompted for Attendee Number press the # sign.

OR

Agenda - Warren County Planning Board Rev 2
Monday, February 27, 2023
Page 2

JOIN WEBEX

<https://warrencountynj.webex.com/warrencountynj/j.php?MTID=m8d7d89e71a1ff8da0d33f33783599bdf>

Meeting number (access code): 2344 158 4462
Meeting password: gQisnmHY334

ROLL CALL

SALUTE TO THE FLAG

APPROVAL OF MINUTES OF PREVIOUS MEETING(S)

- o January 23, 2023

PUBLIC COMMENTS

PRESENTATION- Economic Value of New Jersey Tributaries to the Delaware River

Gerald Kauffman, Jr. Director
University of Delaware Water Resources Center

Andrew Homsey, GIS Services Manager,
University of Delaware, Water Resources Center

SUBDIVISION & SITE PLAN REPORT

Subdivisions

None

Site Plans

22-007-SP	Pohatcong	Larken Associates, LLC
22-012-SP	Phillipsburg	Peron Development, LLC
22-039-SP	Greenwich	Township of Greenwich

CORRESPONDENCE:

- o Agriculture Development Board – Minutes of October 20, 2022

Agenda - Warren County Planning Board Rev 2
Monday, February 27, 2023
Page 3

DIRECTOR'S REPORT

Warren County Planning Dept. Project Report February 2023

COMMITTEE REPORTS

LIAISON REPORTS

OLD BUSINESS

NEW BUSINESS

- Proposed Transportation Master Plan Amendment

OTHER BUSINESS

PUBLIC COMMENTS

ADJOURNMENT

**Members Who Do Not Plan To Attend the Meeting
Please Notify the Planning Department**

Phillipsburg

Randy Piazza Jr., downtown resident both announce runs for mayor of Phillipsburg

Updated: Jan. 04, 2023, 6:45 p.m. | Published: Jan. 04, 2023, 5:27 p.m.





WARREN COUNTY VOTES

Official Website Of Warren County Elections
Holly Mackey, Warren County Clerk

VOTER INFO

POLLWORKERS

E

ELECTIONS CANDIDATES LIST

GUBERNATORIAL CANDIDATE STATEMENTS

CAMPAIGN REPORTING

PETITIONS FOR CANDIDACY

TERMS OF OFFICE

CHALLENGERS

RUNNING FOR OFFICE

POLITICAL PARTY AND COUNTY COMMITTEE MEMBERSHIP

In accordance with state election law, the con:
political parties are posted on this website. Th
Members of the Republican county commiter
county committee members are elected in Jur

Democratic:

- [Warren County Democratic Committee](#)
- [Warren County Democratic Committee](#)

Republican:

- [Warren County Republican Committee](#)
- [Warren County Republican Committee](#)

Free viewers are r



LEADERSHIP & TOWNS	LAST NAME	FIRST NAME	EMAIL
Officers			
Chairman	Steinhardt	Douglas	dsteinhardt@floriolaw.com
Vice-Chair	Brown	Nancy	NancyBrown0804@comcast.net
Treasurer	Ciesla	Lori	phoebeslac@gmail.com
Secretary	Inscho	Jodee	jodee.inscho@comcast.net
State Committee			
Committeeman	Sarnoski	Jason	sarnoski@hotmail.com
Committeewoman	Steinhardt	Tia	tiasteinhardt@yahoo.com
Allamuchy			
D - 1	vacant	-	-
D - 1	vacant	-	-
D - 2	Quinoa	Manny	quinoa@optonline.net
D - 2	Tuohy	Rosemary	rosemary_tuohy@yahoo.com
D - 3	Churchill	Scott	churchillusa@optonline.net
D - 3	Churchill	Pauline	pchurchill@optonline.net
D - 4	Cote	Jim	jjmccote1@yahoo.com
Alpha			
D - 1	Trigas	George C.	gtrig3@hotmail.com
D - 1	vacant	-	-
D - 2	Dunwell	Craig	csdunwell@yahoo.com
D - 2	Schwar	Michael	mncschwar@enter.net
Belvidere			
D - 1	Clemmer	John	jclemmer430@comcast.net
D - 1	Miers	Kathleen B.	k.miers50@gmail.com
D - 2	Matlock	Glenn	gematlock@gmail.com
D - 3	Brown	Harry	h.e.brown@comcast.net
D - 3	Napolitani	Laurel	lnapolitani@comcast.net

Blairstown

D - 1	Vacant		
D - 1	Vacant		
D - 2	Simonetti	Carolyn	warren_sheriff@hotmail.com
D - 2	Simonetti	Sal	warren_sheriff@hotmail.com
D - 3	Baker	Adam S.	a07843@gmail.com
D - 3	Rokosz	Patricia	parokosz@aol.com
D - 4	Lance	Karen Bartlett	kbartlettance@yahoo.com
D - 5	Gilmore	James F.	jimsue9@embarqmail.com
D - 5	Gilmore	Susan E.	jimsue9@ptd.net

Franklin

D - 1	Banghart	Jason	Devestar103@gmail.com
D - 1	Vacant		
D - 2	Peters	Esly	esly.peters@gmail.com
D - 3	Viscuso	Nancy	nst.peters@gmail.com
D - 3	Vacant		

Frelinghuysen

D - 1	Boynton	David C.	dcboynton@hotmail.com
D - 1	Boynton	Patricia	pattiboynton@gmail.com
D - 2	Stracco	Christopher	chrisjstracco@gmail.com
D - 2	Zilberfarb	Donna	dmzilbie@gmail.com

Greenwich

D - 1	Hill	Gary A.	gtihill@yahoo.com
D - 1	Kanyuck	Ruth C.	rkanyuck@hotmail.com
D - 2	Barsony	Robert M.	rmbars@hotmail.com
D - 2	McDermott	Lillian	rtpd813@yahoo.com
D - 3	Baylor	Brian	brianevanbaylor@yahoo.com
D - 3	Spencer	William	-
D - 4	Kelly	Danielle	danik729@gmail.com

District	Party	Name	Contact Information
Hackettstown			
D - 1	Tangeman	David	908-475-9550
D - 1	Thomas	Anna Marie	908-852-7644
D - 2	Lavery	Michael B.	Mlavery@LSACLaw.com
D - 2	Lavery	Noelle C.	noelle.c.lusardi@gmail.com
D - 3			
D - 4	Vacant		
D - 4	Winslet	Kristen	
D - 5	Vacant		
D - 5	Vacant		
D - 6	Becker	Jody M.	jodymarkbecker@gmail.com
D - 6	Anthony	Eric	eric@vote4ericanthony.com
D - 7	DiMaio	John	johnmdimaio23@yahoo.com
D - 7	DiMaio	Gina	coachdimaio22@yahoo.com
Hardwick			
D - 1	Meuse	Nichole	nichole.meuse@gmail.com
Harmony			
D - 1	Tipton	Eric	erictipton4176@gmail.com
D - 1	Tipton	Linda	linda.tipton.h@gmail.com
D - 2	Smith	Kelley	stardfarm@gmail.com
Hope			
D - 1	Patton	Shawn	patton478@gmail.com
D - 2	McKenna Jr.	Robert M.	rmckennair@icloud.com
D - 2	Maier	Maria	maiermaria@hotmail.com

Independence

D - 1	Kelsey	James C.	jim@partac.com
D - 1	Kelsey	Bonnie L.	bonnie@partac.com
D - 2	Yodice	Michael	
D - 2	Giordano	Robert M.	bobgnj@comcast.net
D - 3	Sarnoski	Tammi A.	sarnoski@hotmail.com
D - 4	Stuber	Jonathan	jstuber@stuberinsurance.com
D - 4	DeFuria	Nicholas	nicholascdefuria@gmail.com

Knowlton

D - 1	Starrs	Thomas	tandastarrs@hotmail.com
D - 1	Starrs	Adele	tandastarrs@hotmail.com
D - 2	Smith	Brett	bearman1210@yahoo.com

Liberty

D - 1	Austin	William J.	drwilluas@gmail.com
D - 1	Peterson	S. Kellie (Silvana K.)	ronandkellie2003@yahoo.com
D - 2	Karcher	Peter	karconst@embarqmail.com

Lopatcong

D - 1	Weeks	Carol J.	mamaweeks@gmail.com
D - 1	Weeks	Brian J.	mamaweeks@gmail.com
D - 2	Steinhardt	Tia	tiamsteinhardt@gmail.com
D - 3	Steinhardt	Douglas J. Jr.	dougsteinhardtjr@gmail.com
D - 3	Caughy	Anita	amcaughy@gmail.com
D - 4	Palitto	James	thepalittos@gmail.com
D - 4	Reitemeyer	Yvonne	yyski@yahoo.com
D - 5	Galoppo	Gary	ggaloppo@yahoo.com
D - 5 Vice Chair	Ciesla	Lori	loriannciesla@gmail.com
D - 6	Vorhies	Jennifer	jvorhies@florialaw.com

D - 6	Tinsman	Angie	salonblush54@gmail.com
D - 7	Wright	William D.	Tbill426@gmail.com
D - 7	Rutledge	Virginia	ginnirutledge@gmail.com

Mansfield

D - 1	Watters	Joseph	joewatters54@gmail.com
D - 1	Mora-Dillon	Desiree	desmora@hotmail.com
D - 2	Ward	Scott M.	scottboneward@gmail.com
D - 2	Kocher	Shirley	-
D - 3	Farino	Joseph D.	joefarino@comcast.net
D - 3	Farino	Nicole A.	Nfarino19@gmail.com
D - 4	Reagle	Dolores R.	dolores.reagle@gmail.com
D - 4	Reagle	Kevin A.	dolores.reagle@gmail.com
D - 5	Connelly	Brent	connelly19@comcast.net
D - 5	Barry	Riley	17rbarry@gmail.com
D - 6	Watters	Linda J.	lindajoywatters@gmail.com
D - 6	Dillon	Michael	mike1963dillon@gmail.com

Oxford

D - 1	Ort	Michelle	-
D - 1	Davenport	Robert	MBAbobd@gmail.com
D - 2	Accetturo	Carrie Marie	newierseveas@gmail.com

Phillipsburg

W - 1 / D - 1	Lynn	John	johnnie1231@gmail.com
W - 1 / D - 1	Lilly	Stephanie	stephanielilly1979@gmail.com
W - 2 / D - 1	Cashman	Diana	njcellgeek74@gmail.com
W - 2 / D - 1	Pierce	Joan M.	Joan.Pierce@live.com
W - 3 / D - 1	Brooks	Susan E.	sebrooks44@gmail.com
W - 3 / D - 1	McVey	Frank	frmcvey@gmail.com
W - 4 / D - 1	Piazza, Sr	Randy S.	rspiazza@gmail.com
W - 4 / D - 1	Piazza	Susan	sfp_43@hotmail.com

W - 5 / D - 1	Marino	Kathleen A.	kathymarino468@gmail.com
W - 5 / D - 2	Spencer	William J.	WJRMSpencer3@gmail.com
W - 5 / D - 2	Spencer	Rose Marie	WJRMSpencer3@gmail.com
W - 6 / D - 1	Piazza Jr.	Randy S.	randypiazza@gmail.com
W - 6 / D - 1	Decker	Gloria A.	Gloriaann1016@gmail.com
W - 6 / D - 2	Tersigni	Todd M.	siggy374@yahoo.com
W - 6 / D - 2	Duffy	Marie S.	msduffy615@gmail.com
W - 7 / D - 1	Honey	Norman T.	normanthoney@gmail.com
W - 7 / D - 1	Pierce	Dustin	piercedustin.t@outlook.com
W - 7 / D - 2	Fulper	Robert W.	rfulper@ymail.com
W - 7 / D - 2	vacant		-
W - 7 / D - 3	Scerbo	Matthew T.	msscervo32@yahoo.com
W - 7 / D - 3	McDonald	Brenda M.	brenmcd60@gmail.com
Pohatcong			
D - 1	vacant		
D - 1	vacant		
D - 2	Purasson	Erik H.	epurasson@hotmail.com
D - 2	Van Lieu	Mary M.	maryvanlieu@gmail.com
D - 3	vacant		
D - 3	vacant		
D - 4	vacant		-
D - 4	vacant		
Washington Boro			
D - 1	Parichuk	Dale E.	dparichuk@hotmail.com
D - 1	Musick	Sherri L.	heiber8@hotmail.com
D - 2	Torres	Robert	theconductor@earthlink.net
D - 2	vacant		
D - 3	Brown	Gerald	-
D - 3	Moon	Tammie	-
D - 4	Crider	Paul	-
D - 4	Klimko	Robin	-

Washington Twp

District	Name	Address	Contact Information
D - 1	Klingel	Marcia G.	klingel168@comcast.net
D - 2	Doherty	Linda	mldoherty5@comcast.net
D - 2	Brush-Cicerelle	Jodi Ann	jodibrush@hotmail.com
D - 3	Fiore	Ralph P.	fiorer@embarqmail.com
D - 3	Fiore	Kathleen M.	fiorer@embarqmail.com
D - 4	Warren	Melvin M.	melvinwarren@hotmail.com
D - 4	Warren	Tiffani	twarrenc21@hotmail.com
D - 5	Joyce	Donnell	DonnellJoyce1@yahoo.com
D - 5	Cicerelle	Thomas J.	pd76nj@hotmail.com
D - 6	Maguire III	Richard L.	Maguire3rdr@gmail.com
D - 6	Slack	Daniel	dslack02@comcast.net

White

D - 1	Grossman	Michael	mikegangler8@msn.com
D - 1	Leslie	Ellen C.	ellen.leslie52@gmail.com
D - 2	Foti	Frederick	fredrita@comcast.net
D - 2	Allen	Nancy	nanallen1@comcast.net
D - 3	Herb	Debra	jdherb@comcast.net
D - 4	Vacant		
D - 4	VandeVrede	Debra	debbie@flowerlandgrowers.com
D - 5	Parichuk	Dena L.	denaparichuk@gmail.com
D - 5	Parichuk	Dale E.	dparichuckjr@gmail.com
D - 6	Matthews	Tim	tymynd@gmail.com
D - 6	Matthews	Lynda	LRKMatthews@gmail.com

OTHER OFFICIALS & INTERESTED PARTIES

Rep			
Former Congressman	Lance	Leonard	
Senator 23rd LD	Doherty	Michael	sendoherty@njleg.org
Asm - 23rd LD	DiMaio	John	asmdimaio@njleg.org

Asm - 23rd LD	Peterson	Erik	asmpeterson@njleg.org
County Clerk	Mackey	Holly	hollymackey519@gmail.com
County Surrogate			
County Sheriff	McDonald	James	macj7601@hotmail.com
Senator 24th LD	Oroho	Steven	senoroho@njleg.org
Asblmn - 24th LD	Space	Parker	parkerspace@mac.com
Asm - 24th LD	Wirths	Hal	hwirths@yahoo.com
Former Freeholder	Smith	Edward	edsmithpatriot@gmail.com
Former Freeholder	Gardner	Richard	kdsfarm@yahoo.com
Commissioner	Sarnoski	Jason	jsarnoski@co.warren.nj.us
Commissioner	Kern	James	jamesrkerniii@gmail.com
Commissioner	Ciesla	Lori	phoebeskc@gmail.com

EX-OFFICIO

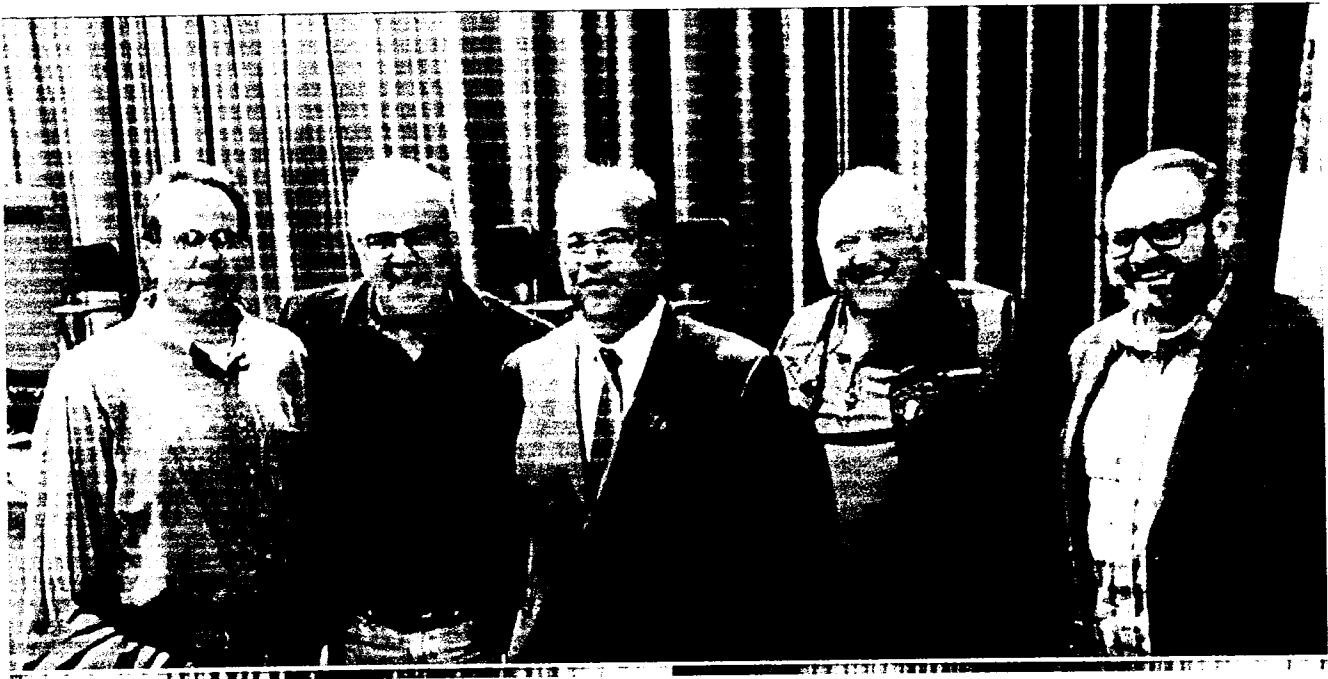
Camporine	Victor		
Rutledge	Gus		gvrut1@verizon.net
Stettler	Linda		lsettler@comcast.net
Allen	Bud		budnan3@comcast.net
Mascera, Jr	Lawrence		lmascera@yahoo.com
Haytaian	Chuck		
Kolb	Patricia		pkolb28@hotmail.com
Phoebus	Gail		

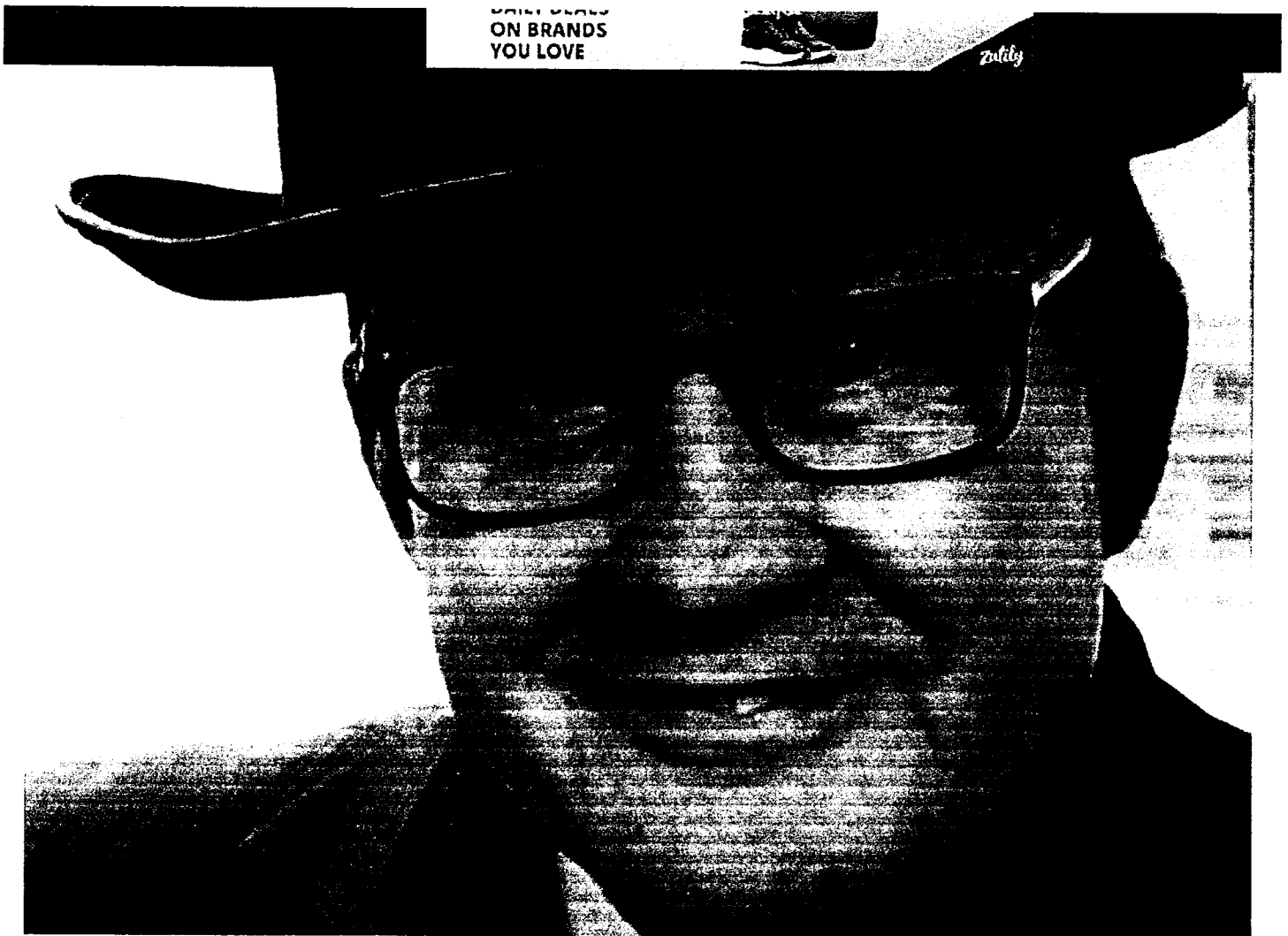


Councilman Randy Piazza

December 13, 2022

This weekend I had the privilege of voting for Doug Steinhardt to fill the vacant NJ-23 Senate seat. Our community and Phillipsburg will be in good hands. We had a good discussion about the future of Phillipsburg and his involvement.





Phillipsburg Mayor Todd Tersigni. (Photo: Todd Tersigni).

After losing GOP support for re-election, Phillipsburg mayor will switch parties, again

Tersigni expected to run for re-election as a Democrat after Republicans back someone else for mayor

By David Wildstein, February 08 2023 12:50 pm

Republicans are denying party support to Phillipsburg Mayor Todd Tersigni and are backing Councilman Randy Piazza, Jr. to replace him on the GOP organization line in the June mayoral primary election.

To keep his seat, Tersigni is widely expected to switch parties and seek re-election as a Democrat.

This marks a return to the Democratic Party for Tersigni, who served two terms as a councilman

as a Democrat and ran as an independent candidate for mayor, unseating Democratic Mayor Steven Ellis as a Republican in 2019 by a 55%-41% margin.

Warren County Commissioner James Kern III, a Republican, posted on social media that Piazza would be his party's candidate for mayor.

"He is a man of integrity and unwavering dedication," Kern said. "Please join me in supporting Randy this upcoming year."

Thomas "Reggie" Regrut, a former Green Party candidate for Warren County freeholder in 2000 who became a Democrat and was a Joe Biden delegate in 2020, was critical of Tersigni's motive to join the GOP after Donald Trump's presidential election and not ready to support another party switch by his mayor.

"I don't want him back. He's a Republican," said Regrut, a county committeeman in Phillipsburg. "He can call himself a Democrat, but he's done nothing to show that he is. "I asked him to denounce Donald Trump, but he never did. I don't think he knows what he is."

In heavily Republican Warren County, Phillipsburg is a swing town. Phil Murphy won it by 68 votes in 2017, but Jack Ciattarelli beat him by 149 in 2021. Tom Kean, Jr. won Phillipsburg by 23 votes in 2022, but Tom Malinowski had a 72-vote plurality in 2020 and beat incumbent Leonard Lance there by 23 votes in 2018. Also in 2018, GOP U.S. Senate candidate Bob Hugin won Phillipsburg by 14 votes.

Phillipsburg politics has been a contact sport in recent years.

In 2021, a grand jury indicted Republican Councilman Frank McVey for threatening to blackmail Tersigni in a bid to serve as council president. McVey, a former New Jersey State Police captain, resigned from the council and dropped his re-election campaign. The case is still pending.

Tersigni may have done it twice, but party switches are not uncommon in Phillipsburg. Four years ago, Democratic Councilman Mark Lutz switched parties after losing a Democratic mayoral primary. And Gloria Decker, a former Warren County Democratic chair in the 1970s who became state lottery director under Gov. Byrne, switched parties in the 1990s and became mayor of Phillipsburg.

Tersigni did not immediately return an 11:35 AM call seeking comment.

Phillipsburg produced New Jersey's last Democratic governor from Western New Jersey: in 1953, two years after losing re-election to the State Senate, Robert Meyner won his first of two statewide campaigns.

Spread the news:



RELATED ARTICLES



Neptune mayor narrowly wins party support for re-election

📅 March 9, 2019



Rutherford GOP mayor switches parties

📅 February 28, 2019



Ex-mayor seeking support for Atlantic GOP chairman

📅 April 13, 2018

✉ Enter your email address

Signup

FORM R-1**REPORT OF CONTRIBUTIONS AND
EXPENDITURES****REPORT FILED:****NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION**

(2019-Post20) 20-DAY POST ELECTION

P.O. BOX 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Web site: <http://www.elec.nj.gov>**Filed On**
11/25/2019 4:22:31 PM Amendment

CANDIDATE OR COMMITTEE NAME

COMMITTEE TO ELECT TERSIGNI, WYANT & PIAZZA

STREET ADDRESS

96 HEMLOCK DR

CITY

PHILLIPSBURG

STATE

NJ

ZIP CODE

08865

COUNTY

WARREN COUNTY

ELECTION DISTRICT OR MUNICIPALITY

PHILLIPSBURG TOWN

POLITICAL PARTY, IF ANY

OFFICE SOUGHT

REPUBLICAN

COUNCIL OR MUNICIPAL OFFICE

ELECTION DATE

ELECTION TYPE

11/05/2019

GENERAL

RECEIPTS AND EXPENDITURES SUMMARY

OPENING BALANCE *		\$0.00
RECEIPTS	(+)	\$11,201.65
EXPENDITURES	(-)	\$11,196.65
CLOSING BALANCE		\$5.00

* Funds Transferred From Prior Campaign if First Report Filed

NET FINANCIAL SUMMARY

CLOSING BALANCE		\$5.00
Debt Owed to Committee	(+)	\$0.00
Debt Owed by Committee	(-)	\$0.00
Total Net Worth		\$5.00

Exhibit 15

TABLE I. RECEIPTS

	Column A	Column B
	This Report	Cumulative-to-Date
1. Monetary Contributions, \$300 or less	\$0.00	\$0.00
2. Monetary Contributions (In Excess of \$300 and all Currency Contributions) (Schedule 1)	\$40.00	\$40.00
3. In-kind contributions, \$300 or less	\$224.06	\$224.06
4. In-kind contributions, more than \$300 (Schedule 2)	\$10,937.59	\$10,937.59
5. Dividends/Interest (Schedule 3)	\$0.00	\$0.00
6. Refunded Disbursements / Reimbursements to Committee (Schedule 4)	\$0.00	\$0.00
7. Loans Received, \$300 or less	\$0.00	\$0.00
8. Loans Received, more than \$300 and all Currency Loans (Schedule 5)	\$0.00	\$0.00
9. Adjustments (Refund of Contributions) (Schedule 6)	(-) \$0.00	\$0.00
10. Total Receipts	\$11,201.65	\$11,201.65

TABLE II. EXPENDITURES

1. Operating Disbursement (Schedule 8)	\$12.07	\$12.07
1a. Other Expenditures (Schedule 9)	\$0.00	\$0.00
Contributions (from the Committee) to:		
2a. NJ Gubernatorial Candidates/Committees (Schedule 10)	\$0.00	\$0.00
2b. NJ Legislative Candidates/Committees (Schedule 10)	\$0.00	\$0.00
2c. All other Candidates/Committees (Schedule 10)	\$22.93	\$22.93
Expenditures Made on Behalf of:		
3a. NJ Gubernatorial Candidates/Committees (Schedule 11)	\$0.00	\$0.00
3b. NJ Legislative Candidates/Committees (Schedule 11)	\$0.00	\$0.00
3c. All other Candidates/Committees (Schedule 11)	\$0.00	\$0.00
3d. Independent Expenditures (Schedule 11)	\$0.00	\$0.00
4. In-kind contributions, 300 or less (Table I, line 3)	\$224.06	\$224.06
5. In-kind contributions, more than 300 (Table I, line 4)	\$10,937.59	\$10,937.59
6. Total Expenditures	\$11,196.65	\$11,196.65

DEPOSITORY SUMMARY

BANK ACCOUNT AND OTHER ASSETS INFORMATION

Asset Name		Asset Type	
COMMITTEE TO ELECT TERSIGNI, WYANT & CASE		Depository Bank	
Name		Telephone Number	
IRCO COMMUNITY FEDERAL CREDIT UNION		9088591811	
Address			
450 HILLCREST BLVD, PHILLIPSBURG NJ 08865			
Account Number			
****2004			
Opening Balance	Deposits	Disbursements	Closing Balance
	\$0.00	\$40.00	\$35.00
Value of Asset at Purchase (if applicable)		Maturity Date	\$5.00

SCHEDULE 1 - Monetary Contributions (in excess of \$500 and all Currency Contributions)**Account: COMMITTEE TO ELECT TERSIGNI, WYANT & CASE ****2004** Currency Contribution

Contributor Name

DEGEROLAMO, DANIELLE

Contributor Address

620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Employer Name

SPECIFIED TECHNOLOGIES INCORPORATED

Employer Address

210 EVANS WAY , SOMERVILLE NJ 08876

Occupation

Management/Administrator/Executive

Date Received

07/07/2019

Amount

\$40.00

Aggregate Amount

\$40.00

Comments

GRAND TOTAL: \$40.00

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
11/15/2019	\$135.20	\$3,246.10	- THANK YOU NOTES	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
10/22/2019	\$95.83	\$3,246.10	- BANNER FOR PARADE	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
10/22/2019	\$256.11	\$3,246.10	- DOORHANGERS FOR FINAL STRETCH	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
10/14/2019	\$108.29	\$3,246.10	- BANNERS	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
10/12/2019	\$234.84	\$3,246.10	- BUMPER CAR STICKERS	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
10/08/2019	\$81.16	\$3,246.10	- INVITATIONS FOR POST DEBATE PARTY	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	
Date Received	Amount	Aggregate Amount	Description	
09/29/2019	\$61.78	\$3,246.10	- INDEX CARDS MAILING SUPPLIES FOR MAIL IN BALLOTS	
Comments				

Contributor Name			Contributor Address	
PHILLIPSBURG REPUBLICAN COMMITTEE			620 CORLISS AVENUE , PHILLIPSBURG NJ 08865	

Date Received	Amount	Aggregate Amount	Description
09/29/2019	\$308.00	\$3,246.10	- POSTAGE

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
09/20/2019	\$31.94	\$3,246.10	- BANNER FOR PRE GAME PORK ROLL

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
09/06/2019	\$468.93	\$3,246.10	- DOOR HANGER LITERATURE & TRIFOLDS

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
09/05/2019	\$54.98	\$3,246.10	- COOKIES AND CAKE FOR A BDAY CELEBRATION

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
09/04/2019	\$300.00	\$3,246.10	- FOOTBALL PROGRAM AD

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
08/29/2019	\$93.82	\$3,246.10	- ELECTION CARDS CALL FOR A RIDE

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
08/01/2019	\$546.00	\$3,246.10	- T SHIRTS

Comments

Contributor Name	Contributor Address
PHILLIPSBURG REPUBLICAN COMMITTEE	620 CORLISS AVENUE , PHILLIPSBURG NJ 08865

Date Received	Amount	Aggregate Amount	Description
07/27/2019	\$179.13	\$3,246.10	- CAR DECALS

Comments

Contributor Name PHILLIPSBURG REPUBLICAN COMMITTEE			Contributor Address 620 CORLISS AVENUE , PHILLIPSBURG NJ 08865
Date Received	Amount	Aggregate Amount	Description
07/03/2019	\$290.09	\$3,246.10	- TRIFOLD LITERATURE
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
11/04/2019	\$1,500.00	\$7,691.49	- EXPRESS TIMES HALF PAGE AD
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
10/24/2019	\$451.49	\$7,691.49	- MAILER 1&2 IMPORT VALIDATE PACKAGE DELIVER
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
10/24/2019	\$382.00	\$7,691.49	- MAILER 1 POSTAGE
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
10/24/2019	\$382.00	\$7,691.49	- MAILER 2 POSTAGE
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
10/21/2019	\$2,380.00	\$7,691.49	- MAIL PIECE PRE PRESS PRINT SHIP
Comments			

Contributor Name WARREN COUNTY REPUBLICAN COMMITTEE			Contributor Address PO BOX 446, BELVIDERE NJ 07823
Date Received	Amount	Aggregate Amount	Description
10/01/2019	\$2,596.00	\$7,691.49	- CAMPAIGN SIGNS AND PENS
Comments			

GRAND TOTAL: \$10,937.59

Account: COMMITTEE TO ELECT TERSIGNI, WYANT & CASE **2004**

Check No.	Payee Name And Address	Date	Balance Amount	Date Disbursed	Amount Disbursed
0091	CASHMAN, DIANA 566 ARLINGTON AVENUE , PHILLIPSBURG NJ 08865		\$0.00	10/22/2019	\$12.07
Purpose	FOOD ITEMS FOR POST DEBATE PARTY			Comments	
Total Disbursements					\$12.07

SCHEDULE 10 - Contributions Made to Candidates or Committees**Office: All Other Candidates/Committees****Account: COMMITTEE TO ELECT TERSIGNI, WYANT & CASE ****2004**

Date	Recipient Name And Address	Amount	Check No	Election Date	Location
11/25/2019	PHILLIPSBURG REPUBLICAN COMMITTEE 620 CORLISS AVENUE, PHILLIPSBURG NJ 08865	\$22.93	0092		
Comments					
Total NJ Gubernatorial Candidate/Committee					\$0.00
Total NJ Legislative Candidate/Committee					\$0.00
Total All Other Candidate/Committee					\$22.93

CERTIFICATION

I certify that the statements on this document are true, and that the contribution amounts received conform with the limitations designated by law. I am aware that if any of the statements are willfully false, I may be subject to punishment.

<u>11/25/2019</u> Date	<u>HARRY WYANT JR</u> Full Name (Candidate)	<u>*****</u> Signature (Candidate)
<u>11/25/2019</u> Date	<u>RANDY S PIAZZA</u> Full Name (Candidate)	<u>*****</u> Signature (Candidate)
<u>11/25/2019</u> Date	<u>TODD M TERSIGNI</u> Full Name (Candidate)	<u>*****</u> Signature (Candidate)
<u>11/25/2019</u> Date	<u>STEPHANIE A LILLY</u> Full Name (Treasurer)	<u>*****</u> Signature (Treasurer)

Approved Sept. 20

**TOWN OF PHILLIPSBURG
TOWN COUNCIL
MEETING MINUTES
TUESDAY, September 06, 2022
7:00 P.M.**

(Town Council Meeting to be held in person at PHA Community Bldg., 535 Fisher Ave., Phillipsburg, NJ 08865)

1. **CALL TO ORDER** - by CP Wyant at 7:00PM
2. **OPEN PUBLIC MEETING ACT STATEMENT:** - read by VP Clark

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF September 06, 2022 WAS INCLUDED IN A NOTICE SENT TO NEWSPAPERS OF RECORD AND POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS THE REQUIRED NOTICES UNDER THE STATUTE. IN ADDITION, A COPY OF THIS NOTICE HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK

3. **INVOCATION AND FLAG SALUTE** - led by Councilman Piazza

A MOMENT OF SILENCE – was observed for resident, friend and DPW employee Kevin Johnson who passed away quite suddenly.

4. **ROLL CALL** Wyant, Clark, Kennedy, Marino, Piazza – All Council is present as well as Attorney Wenner, BA Matthew Hall and AMC Loudenberry.

5. **APPROVAL OF MINUTES** - Town Council Mtg. Mins – Aug. 16, 2022

ROLL CALL-Vote to amend passes 5-0 (Councilman Piazza noted change needed #2 from CP Clark to VP Clark)

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino		X	X			
Councilman Piazza	X		X			
Council VP Clark			X			
Council President Wyant			X			

Approved Sept. 20

ROLL CALL - Approval of Minutes as Amended Passes 5-0

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino	X		X			
Councilman Piazza			X			
Council VP Clark		X	X			
Council President Wyant			X			

6. BILLS LIST - Passes 5-0

ROLL CALL

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy		X	X			
Councilman Marino			X			
Councilman Piazza	X		X			
Council VP Clark			X			
Council President Wyant			X			

7. ANNOUNCEMENTS/PRESENTATIONS

PRESENTATION BY AARON COLEMAN

RAILROAD FESTIVAL – September 10th 11AM – 5PM
Celebrating 170 years of Railroad History 1852-2022

Aaron Coleman, owner of Platinum Star Cleaning, shared overview of 1st annual Phillipsburg Railroad Festival. Being presented along with other partners, Town of Phillipsburg, Phillipsburg Area Chamber of Commerce, NORWESCAP, Phillipsburg Downtown Association, Friends of the Transportation Heritage Center, South Main Street Alliance, Delaware River Railroad Excursions. Noted he has planned Event for a year, continued branded very well, Engineer hats, mugs, T-shirts, much more.

VP Clark noted, beyond impressed by presentation. Added this type of Event is just what Phillipsburg needs, bringing 60 vendors together. Thanked Aaron Coleman for taking the lead as an entrepreneur here in Town of Phillipsburg.

AC responded, believes business should give back to it's local economy, he believes the railroad will be what generates Phillipsburg's future. He added he has become the new

Approved Sept. 20

chair of the Phillipsburg Chamber of Commerce, hoping this event generates people to attend and see what TOP has to offer.

Cnelman Kennedy – echoed VP Clark’s comments. Added looking forward to seeing the result of the clean-up of Union Station bldg.; which he and other volunteers helped to clean.

AC – noted 30 yards of garbage was removed from 1st floor of Train Station. Wanting Chamber of Commerce to have ticket office there. Adding the 1st floor will be open as museum – exhibits – coal shoots – train station, remarkable collection.

Council President Wyant recognized tremendous effort made by Aaron Coleman, he appreciates his energy. Noted an excellent event for TOP, hoping to bring outside visitors in to see what a jewel the Town of Phillipsburg is.

Day out With Thomas – Train Ride – for more information and future dates visit:
<https://877trainride.com/thomas.htm>

OPEN AIR MARKET – SUNDAYS FROM 10AM – 2PM THROUGH OCTOBER 2ND. If interested in being Vendor, please email EVENTS@PHILLIPSBURGNJ.ORG.
KK – every Sunday new vendors are participating, asked Aaron Coleman to share his Vendor list.

MUSIC IN THE PARK CONCERT SERIES – 6PM – 9PM AT SHAPPELL PARK – September 8 – A Few Good Men - please check website for future dates/bands
www.phillipsburgnj.org

8. Administrative Officers

Business Administrator – Matthew C. Hall – Report

1. Deepest sympathy to family of Kevin Johnson
2. Delivery of sweeper – replaces 10 yr old sweeper – being kept as back-up
3. Preparing for RR Festival, Pork Roll Palooza and Ole Towne Fall Festival
4. Bids – 2022 Rd & Sewer Program

Superintendent of Recreation - E.J. Tarpey - Report

Thnkd Mayor/Council for all their hard work

1. Walter’s Park – changed plans – 2 Basketball Courts/2 Tennis Courts with Pickle Ball
2. Green Street Park – keeping Basketball Court where it is – changing current Tennis Courts to 4-5 Pickle Ball Courts
3. Delaware Heights Park – beautiful, only Basketball Court requires repair

Approved Sept. 20

Programs

1. 6 week program – boys 6-8 grade Basketball – player development; which he will lead as having played in College/Semi-Pro.
2. Noted Coach Alex and Assistant Donny – they are looking for feeder tennis program. Will invite 6th grade girls to a PHS match, then camps and hit the tennisball.
3. Senior Center – Bill Spencer director, they are offering chair yoga. Wants to assist and offer more programs.
4. Need 5k program – see where it goes
5. Girls Basketball Program – elementary/middle school age girls.

Cnclman Piazza – Noted Pickle Ball growing sport, glad to hear people will not have to travel to join in the fun. Asked if plans for or intro to a league?

ET noted great idea to have a series of clinics. Noted he is not Pickle Ball coach, but knows those who will volunteer to teach.

Cnclman Marino asked about ages for the girls Basketball?

ET – 4th/5th up to 8th grade.

Cnclman Kennedy asked about batting cage at Green Street.

ET – noted there will be a batting cage at Green Street, need to work out logistics – where to store equipment.

VP Clark noted appreciates Yoga Program at Senior Center, hoping something can be offered for younger crowd – guided meditation, yoga – could partner with Phillipsburg Free Public Library.

CP Wyant – excited to hear new Recreation programs being introduced to Town of Phillipsburg. Added he appreciated E.J. sharing his plans and hopes he comes back and keeps Council informed.

9. PUBLIC DISCUSSION ON AGENDA ITEMS

David Morrisette - 5 Fairview Hieghts

Commended Aaron Coleman on organizing/planning of Phillipsburg Railroad Festival. Thanked him for all positive efforts. Continued, Downtown's future, this will save TOP.

No others – Closed

Approved Sept. 20

10. RESOLUTIONS - CONSENT AGENDA **Matters listed on the Consent Agenda*

Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration.

R: 2022-193

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING REFUND OF AN OVERPAYMENT

R: 2022-194

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING REFUND OF TAX OVER PAYMENT

R2022-195

RESOLUTION OF THE TOWN OF PHILLIPSBURG, AWARDED A CONTRACT
FOR THE 2022 ROAD PROGRAM PHASE 2 – SANITARY AND STORMWATER
REPAIRS

R2022- 196

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, APPROVING CHANGE ORDER #1 IN THE
AMOUNT OF \$53,214.00 FOR THE 2021 ROAD PROGRAM PHASE 1 – SANITARY AND
STORMWATER INSPECTION

ROLL CALL CONSENT AGENDA

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Piazza	X		X			
Councilman Marino		X	X			
Council Vice Clark			X			
Council President Wyant			X			

Approved Sept. 20

R2022-197

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, AUTHORIZING THE CLOSING OF STREETS FOR THE RAILROAD FESTIVAL BEING HELD IN SHAPPELL PARK ON SEPTEMBER 10, 2022

ROLL CALL**Vote to Amend****Passes 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Piazza		X	X			
Councilman Marino			X			
Council Vice Clark			X			
Council President Wyant	X		X			

CP Wyant pulled R2022-197 from the Consent Agenda as it needed to be amended to include closing of Sitgreaves Street Parking Lot.

ROLL CALL**Passes as Amended****Passes 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Piazza	X		X			
Councilman Marino			X			
Council Vice Clark		X	X			
Council President Wyant			X			

R2022-198

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, AUTHORIZING THE CLOSING OF STREETS AND SITGREAVES STREET PARKING LOT FOR THE PORK ROLL PALOOZA BEING HELD IN SHAPPELL PARK ON OCTOBER 8

ROLL CALL**Passes 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy	X		X			
Councilman Piazza		X	X			
Councilman Marino			X			
Council Vice Clark			X			
Council President Wyant			X			

Approved Sept. 20

11. NEW BUSINESS

Councilman Piazza read aloud and shared a copy with Council (copy attached) of an Ordinance regarding adopting the “District 5 (Riverside Industrial) Amendment-Riverside Redevelopment Plan”. After reading aloud he stated time is of the essence and noted the positives far outweigh the negatives. Added if we don’t act may be a missed opportunity that does not present itself again.

Councilman Marino stated wants to be proactive and for TOP to go forward. Noted job opportunity for Town of Phillipsburg residents as well as partnering with NORWESCAP for building job skills. Added young people need good paying jobs to afford childcare.

VP Clark thanked Councilmen Piazza and Marino for passion/support of Project. Asked Attorney Wenner if he had created the Ordinance?

Attorney Wenner replied he did not, but added not unusual for Ordinance to be prepared by Applicant.

VP Clark asked Cnclman Piazza how long he had the Ordinance?

Cnclman Piazza responded, he received Ordinance yesterday, but has been working with applicant since 2020. Adding applicant had come before Council before.

VP Clark noted he has not heard “warehouse” used. Added not against redevelopment – aiming for redevelopers, but noted there is active litigation. Continued litigation from own constituents – wants to see litigation played out.

VP Clark moved to Table the Ordinance. The motion was seconded by Councilman Kennedy.

AYES:	Clark, Kennedy
NAYES:	Marino, Piazza
ABSTAIN:	Wyant

Attrny Wenner Stated Motion does not carry 2-2

Cnclman Kennedy noted line in “Ordinance states 2020-14 reaffirmed”, is for Court to decide.

Cnclman Piazza questioned Attorney Wenner – would read same way no?

Attrny Wenner responded with Ordinance procedures. Motion to Adopt, 1st Rdg., 2nd Rdg. With Public Hearing – 45 days to challenge. If no challenge – then ratify – 2020-14 would be ratified as well.

*Introduced Sep 10, 2022 by
Councilman Piazza - entered
into record.*

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY ADOPTING THE DISTRICT 5 (RIVERSIDE INDUSTRIAL) AMENDMENT - RIVERFRONT REDEVELOPMENT PLAN

WHEREAS, the municipal council (“**Town Council**”) of the Town previously determined that the properties identified as Block 2102, Lots 1, 2.01, and 2.02 (the “**Property**”) on the official tax maps of the Town constituted an area in need of redevelopment (the “**Riverfront Redevelopment Area**”) in accordance with the requirements of the Redevelopment Law; and

WHEREAS, pursuant to Ordinance 2021-14, the Town previously amended the revised Riverfront Redevelopment Plan for the Property to change District 5 from Riverside Residential to Riverside Industrial, to permit industrial uses and allow the related amendments to accommodate such purposes (the “**District 5 Amendment – RRP**”);

WHEREAS, Peron Construction, LLC (the “**Redeveloper**”) was previously designated by the Town Council as the Redeveloper for the Property and intends to enter a Redevelopment Agreement with the Town for the development of one industrial building of approximately 420,000 square feet, associated parking, supporting infrastructure and improvements on the property identified on the Property; and

WHEREAS, the Redeveloper has indicated to the Town that a potential manufacturing and storage users for the Property requires a 65-foot building height, requiring an amendment of the Revised RRP (the “**Revised RRP Second Amendment**”);

WHEREAS, the Town approves of the Revised RRP Second Amendment to support the development of the Property;

WHEREAS, the Town wishes to adopt the Revised RRP Second Amendment and refer the matter to the Land Use Board for review anew pursuant to N.J.S.A.40A:12A-7(e).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF PHILLIPSBURG, IN THE COUNTY OF WARREN, AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Revised RRP Second Amendment is hereby adopted pursuant to the terms of the Redevelopment Law.
3. Ordinance 2021-14 is hereby reaffirmed.
4. The zoning ordinance of the Town is hereby amended to permit 65-foot building height in District 5. The Revised RRP as amended by the District 5 Amendment RRP and this amendment shall supersede the applicable development regulations of the Town’s municipal code, as and where indicated.
5. The Project shall include a commercial rail interconnection with the adjacent Belvidere & Delaware River Railway.

6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of the Ordinance.
7. A copy of the Ordinance and the Revised RRP second amendment shall be available for public inspection at the office of the Town Clerk during regular business hours.
8. This Ordinance shall take effect in accordance with all applicable laws.

(Attestation)

Lorraine Loudenberry,
Acting Town Clerk

Approved Sept. 20

Cnclman Piazza continued, may send signal we are interested-time is of the essence – we may lose a lot if they walk.

Councilman Piazza moved to adopt motion as written to show intent want their business. Motion seconded by Councilman Marino.

AYES: Marino, Piazza
NAYS: None
ABSTAIN: Clark, Kennedy, Wyant (voiced conflict)

Does not pass

12. PUBLIC PETITIONS

Joe Meyner 392 South Main Street

Spoke to new proposal (Ordinance submitted by Cnclman Piazza) adding helps in many ways. Referred to Train ride didn't go all the way South to next Town touting track no good – would be much better ride as proposed by this amendment. Stated if Railroad head put in, could have great effect – extension of rail. Noted, pleased Cnclman Marino behind redevelopment of commercial/residential. Hoping for connection to infrastructure bill, somehow get dollars for extension of rail.

Cnclman Piazza stated potential Federal Government approval 80/20.

Reggie Regrut –

Spoke to (2) items.

1. How will Warehouse improve South Main Street
2. According to Fox News – 2k Police Officers injured, 574 riots – George Floyd executed 01/06/22.

Asked for minute of silence – took one knee. Noted, mailed Resolution to consider – would like to see Vote.

Mike Perrucci – Washington Lane, Bethlehem, PA

Noted first time he and Joe Meyner agree. Spoke to Ordinance introduced by Cnclman Piazza. Stated litigation basically conflict of percentage, continued Court not decide merits of cold storage. Added this Georgia Company – we found – good for TOP. Stated Chris Cotty – said 90/10 Federal money available to improve rail.

Listed positives associated with Project:

1. Commercial
2. Atlantic States come over
3. NORWESCAP – job training partnering – 100 people
4. DOT – Howard St. extension – 250k granted for design – trunch buy land

Approved Sept. 20

5. 15 years ago when industrial, changed to residential – unable to create residential due to gun club – landfill.

Emily Gruver – 127 Summit Avenue

Spoke to situation regarding handicap ramp – Raymond Street repaving caused drainage issue. Noted in 2020 her contractor did sidewalk, advised she contact TOP regarding grade of blacktop. Stated correspondence with Steve Davis, DPW Superintendent – he advised Engineer need to re-pitch of Raymond. Continued, June 15, 2022 Steve Davis contact BA, Van Cleef sent email – no response. Called Van Cleef, spoke to Tim O'Brien, who said he would contact BA. She asked who to contact to resolve issue, adding this is a liability.

CP Wyant stated, rec'vd pictures – familiar with situation, adding a lot settled due to rain – adding would ask Matt Hall the new BA.

Aaron Coleman – owner Platinum Star Cleaning Services

Spoke to Cnclman Piazza's introduction of Ordinance, adding nobody wants warehouse, but if rail will help get trucks off road it is a positive. He continued the Business District will not have al fresco dining, adding property – train & flag damaged by tractor trailer traveling down SMS. Stated if Rail comes with the Project, should entertain idea. Noted things on Howard Street would be redeveloped with – lighting, parking. Entertain cameras – will help. Continued he is TOP Chamber chair and the tractor trailers downtown is a horrible situation – damaged buldgs. Urged Council to research – rail/shipping to get trucks off SMS. Stated will never have a thriving district downtown with current tractor trailer traffic.

CP Wyant spoke to truck traffic by saying an extensive study/survey sent to Trenton; which would eliminate truck traffic from Unions Square to McKeen Street.

Rob DeBeer – Hellertown, PA

Spoke to Presentation given previously regarding the Howard Street Project – 65ft. needed for agreement with National Cold Storage chain; which is interested in Property. Noted positive changes to original proposal of:

1. 450k square ft. to 300k square ft.
2. Jobs
3. Rail

Added time is of the essence, very real threat that w/o appropriate Council action will lose interested party if do not act. Noted request is to come back with re-introduction, smaller footprint, etc.

Audra Frank 276 Bald Eagle Drive – business at 260 SMS

Noted truck traffic is hurting Historic structures. Adding any solution to keep truck traffic off SMS should be considered, rail would be sustainable. Congratulated Aaron Coleman regarding Phillipsburg Railroad Presentation.

David Morrisette – 5 Fairview Heights

Noted regardless of warehouse or not – actions are being taken to remove truck traffic. Continued, regarding court case – not (1) alleged point, but many – anticipating court

Approved Sept. 20

decision any day, perhaps even prior to Land use Board Meeting. Stated how can TOP be considered a riverfront destination with warehouse on the Riverbank, don't need on Riverfront.

Nicole Timberman – 112 N. Riverview Hghts.

Made statement in favor of warehouse if providing good paying jobs of \$31/hr. Stated we want growth – not just outsiders benefitting. Spoke to Parking Ordinance on Riversideway Parking Lot – wondered when would be addressed. Asked if will be reimbursed if saved parking receipts?

CP Wyant noted had meeting with Police Department and previous BA. Continued this Friday another meeting. Feels Work Session warranted – for Tuesday, Sept. 13, 2022 – asked Counselor to review all municipal parking lots.

Josh Wanisko – 185 Lewis Street

Stated Cnclman Piazza's submission of Ordinance claiming urgency deserves scrutiny.

Cnclman Piazza responded by noting any Council person – can introduce ordinance/ amendment. Continued, he holds NJ Real Estate license and time is of the essence in this situation. Added walked in last minute – felt it had to be. All addressed before Council prior, only difference being the Rail is Guaranteed. Hoping that would help move forward.

Dan Boyce – 1526 Bullhorn Street, Alpha, NJ

Noted, who can dictate what Property Owner should do with their own Property.

Randy Piazza, Sr. – 309 Mercer Street

Spoke to ability to see Warehouse from river, with foliage/trees – won't be able to see. Also, noted whether you charge or don't – still a parking lot for Easton (referring to Riverside Way Lot).

13. COUNCIL OPEN TIME

Cnclman Marino noted still trying to assess whether or not Riverside Way Parking Lot is under Green Acres. Added trying to speak to State Officials, too many questions – some information goes back 20 years.

1. Stated asked for roster of all Green Acres parcels – need to get all information regarding the Boat Ramp the parking lot.
2. Addressed BA – wants him to pass to Mayor vital need for K-9 and need for fence around 234 Filmore Street for safety.
3. Anderson/Heckman and O'Donnell - (2) Senior Centers, need some way to slow down traffic. As well as kids crossing Roseberry Street to get to Wawa – need area to slow down marked off for everyone's safety.

Cnclman Piazza wished everyone a nice weekend. Stated, looking forward to Phillipsburg Railroad Festival. Reminded all Sunday – anniversary of 9/11 – attend a vigil/event in remembrance. Added September 17 is Constitution day.

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Cnclman Kennedy spoke to Cnclman Marino's insinuation of Riverside Way perhaps being Green Acres and therefore encumbered, but also should be considered for redevelopment. Stated can't have both ways. Thanked Aaron Coleman for presentation – looking forward to Phillipsburg RR Festival as well as, Octoberfest and Ole Towne Fall Festival. Asked Public if concerned about crime, trash in TOP – encouraged to participate in Community Day of Action. Noted too easy to be negative – encouraged positive outlook – don't complain, find a remedy. Added, take part in our Festivals – help out, use your time.

VP Clark echoed his support for Cnclman Kennedy's suggestions. Noted many upcoming events, Octoberfest – October 8, Halloween Parade, Ole Towne Fall Festival – October 29 and the RR Festival this weekend. Added support your Small Businesses.

CP Wyant thanked Aaron Coleman and all the Sponsors, participants and all involved who helped by being part of upcoming Phillipsburg Railroad Festival. Adding all positive Events, wanting to make positive things happen for TOP.

Cnclman Marino stated Brensigner School was torn down and (10) homes took it's place – trade-off . Would like to reintroduce cold storage Ordinance.

VP Clark noted beyond point of order.

CP Wyant stated he would allow.

Councilman Marino moved to introduce Ordinance. The motion was seconded by Councilman Piazza.

AYES: Marino, Piazza

NAYS: None

ABSTAIN: Wyant (conflict), Clark (support to table), Kennedy

14. MOTIONS

Councilman Piazza moved to have Invertase Microbrewery as Vendor at Phillipsburg Railroad Festival. The motion was seconded by VP Clark.

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Piazza	X		X			
Councilman Marino			X			
Council Vice Clark		X	X			
Council President Wyant			X			

Approved Sept. 20

15. EXECUTIVE SESSION -

R: 2022- 199

A RESOLUTION TO PROVIDE FOR AN EXECUTIVE MEETING OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG FOR THE PURPOSE OF CONSIDERING **Acquisition of Property**. No Action to Be Taken.

Moved to go into executive session.

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy		X	X			
Councilman Piazza			X			
Councilman Marino			X			
Council Vice Clark	X		X			
Council President Wyant			X			

Moved to return from Executive

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy	X		X			
Councilman Piazza			X			
Councilman Marino		X	X			
Council Vice Clark			X			
Council President Wyant			X			

16. ADJOURNMENT - 9:17 PM

Councilman Kennedy moved to adjourn.