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David P. Morrisette
and Sandra S. Morrisette

David P. Morrisette and Sandra S. Morrisette,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - WARREN COUNTY
Plaintiffs,	:	DOCKET NO. WRN-L-341-22
	:	
v.	:	Civil Action
	:	
Town of Phillipsburg Town Council,	:	NOTICE OF MOTION
Defendant.	:	FOR SUMMARY JUDGMENT
	:	BY PLAINTIFFS

The discovery end date is 06/19/2024.
No trial date has been set.
Oral Argument is requested if contested.

TO: Michael L. Collins, Esq.
King Moench & Collins, LLP
225 Highway 35, Suite 202
Red Bank, NJJ 07701
mcollins@kingmoench.com
Attorneys for Defendant, Town of Phillipsburg

PLEASE TAKE NOTICE that I, Peter Dickson, attorney for the Plaintiffs, will apply to the above-named court at Somerset County Courthouse at 20 N. Bridge Street, 3rd Floor, in Somerville, NJ 08876-1262, on August 4, 2023, as directed by

the court, at 9 a.m. or as soon as the matter may be heard, for an Order granting summary judgment in favor of the Plaintiffs and against the Defendant. A proposed form of Order is attached.

This motion is made upon the following grounds:

The Ordinance challenged in the Complaint In Lieu Of Prerogative Writs is invalid because Council Member Randy Piazza, Jr., who voted in favor of its adoption is disqualified from voting on the Ordinance. Member Piazza's parents own property within 200 feet of the property that is affected by the Ordinance and Member Piazza's father spoke in favor of the adoption of the Ordinance. There are other conflicts of interest which disqualify Member Piazza from voting involving his support in his mayoral candidacy from members of the law firm which includes the project applicant subject of the Ordinance. The Defendant does not have a valid legal defense.

Plaintiffs will rely upon the certification, exhibits and letter brief filed in support hereof.

The discovery end date is June 19, 2024.

I request oral argument in the event that this motion is contested.

Dated: July 13, 2023.

POTTER AND DICKSON

By /s/ Peter Dickson
Peter Dickson

ON THIS _____ DAY OF
_____, 2023,

ORDERED THAT

1. JUDGMENT BE AND THE SAME HEREBY IS ENTERED IN FAVOR OF THE PLAINTIFFS, DAVID P. MORRISETTE AND SANDRA S. MORRISETTE, AND AGAINST THE DEFENDANT, TOWN OF PHILLIPSBURG, ON THE ISSUE OF THIS ACTION, NAMELY, TOWN OF PHILLIPSBURG ORDINANCE 2022-30 IS INVALID AND OF NO FORCE AND AFFECT.

J.S.C.

OPPOSED
 UNOPPOSED

POTTER AND DICKSON

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July 13, 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:
Brief In Support of Motion for Summary Judgment

Dear Judge Shanahan:

We represent the plaintiffs in this case. Please accept this letter brief in lieu of a more formal brief as our brief in support of the motion for summary judgment. This motion is limited 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.

Statement Of Relevant Facts

In this prerogative writs action, we challenge Ordinance 2022-30, which the 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.¹ By the terms of the current redevelopment plan prior

¹ 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 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 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.² 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 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

² 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#."

attorney in the law firm of Florio, Perrucci , the law firm in which Michael Perrucci, the owner of Peron, is a partner.³ 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; 2T5:1-5. 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 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

³ 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.

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 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 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 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 1.⁴

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, 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.

⁴ 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.

There are separate and independent grounds to disqualify Member Piazza, 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 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 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.⁵

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 Tenafly and Barrett. There can be no serious dispute that the 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

⁵ 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.

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.⁶

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, Sr., 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 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 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

⁶ 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.

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 announced that he would run for the office of Mayor of Phillipsburg. Morrisette Certification ¶ 20; Plaintiffs' Exhibit 11. Member Piazza 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 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 Member Piazza (right). Morrisette Certification ¶ 13; Plaintiffs' Exhibit 13. It is more than reasonable to assume that Member Piazza 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 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, Member Wyant and Member Piazza) 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 15.⁷

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.

⁷ 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 benefitted candidates, and would also be disqualified for the same reasons as Member Piazza.

Steinhardt had no need to remind Member Piazza (and the other Republican Council members) of his political office and power over their political futures. His remarks may have even prompted Member Piazza 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.]

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. 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 Plan

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

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

Exhibit 17, Town of Phillipsburg Master Plan 2004 Update

Exhibit 18, Complaint In Lieu Of Prerogative Writs filed December 23, 2022, by David P. Morrisette and Sandra S. Morrisette v. Town of Phillipsburg Town Council, Docket No. WRN-L-000341-22

Exhibit 19, Answer to Complaint In Lieu Or Prerogative Writs filed March 27, 2023, by Town of Phillipsburg, Docket No. WRN-L-000341-22

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.

{00807662-1}

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.

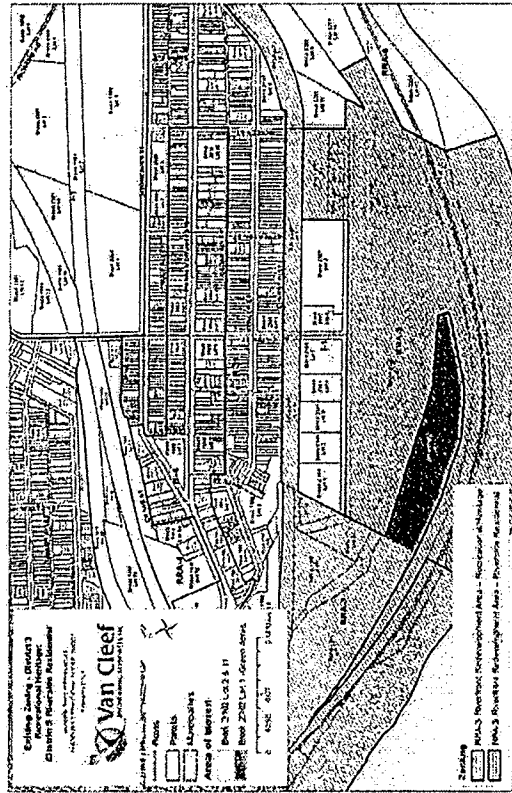
Again, this redevelopment plan amendment refers only to Districts 3 and 5 of the riverfront redevelopment area.

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

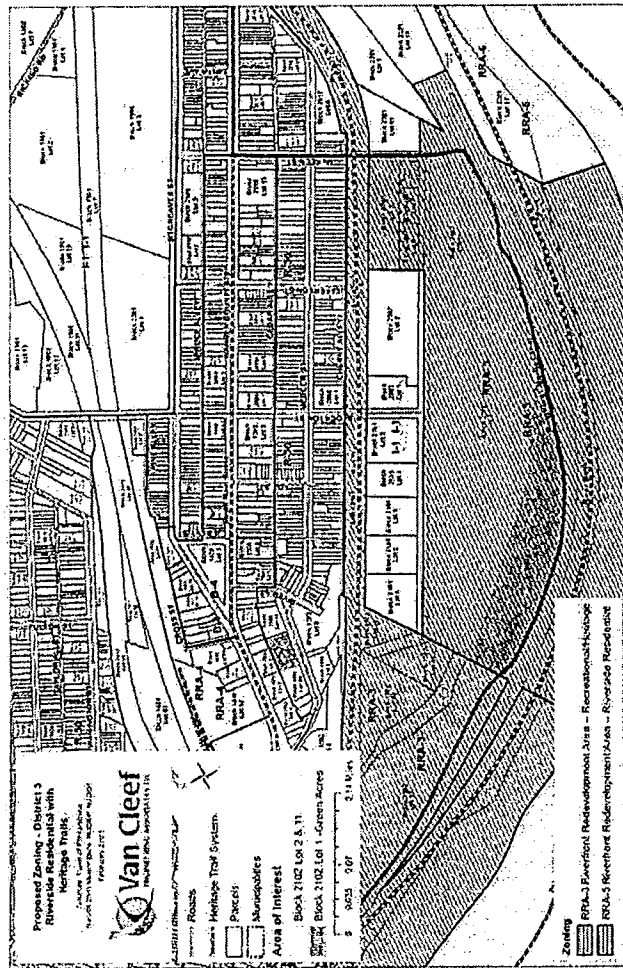
For the purpose of this Plan, the Land Use Plan shall supersede the existing RRA-5 (District 5) zoning, as shown on Map 1 and the standards outline herein will control.

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.

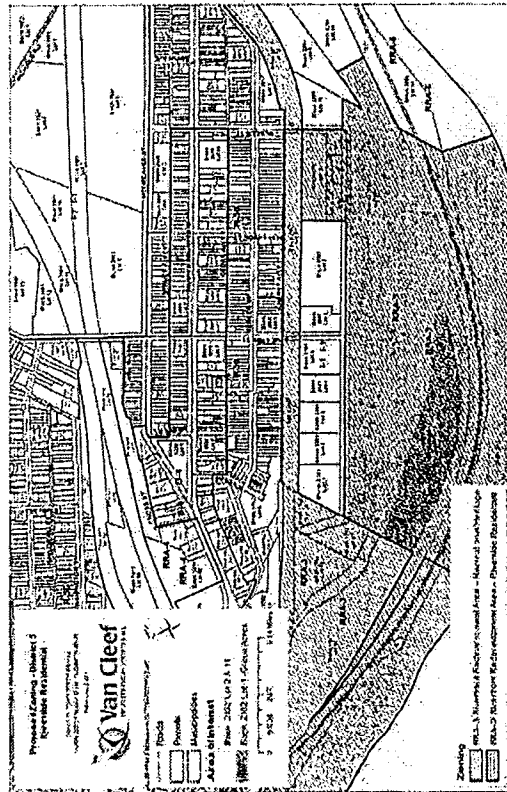
According to the 2013 Reexamination Report, the Town adopted a Master Plan update in 2004 to address a number of issues identified in the 2004 Reexamination Report. Among them were issues with Land Use related to industrial uses being located adjacent to incompatible residential uses. The 2004 Master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

- (1) structure has direct public or private street access.
- (2) New or renovated buildings shall be designed to retain the prevailing façade setback adjacent to the sidewalk.
- (3) No loading areas shall face or exit directly onto the street.
- (4) Parking and outdoor storage should be located to the rear or side of the building, and be screened by walls, fences or landscaping.

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

- 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".

RELATIONSHIP TO ZONING

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, lasted 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' 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.

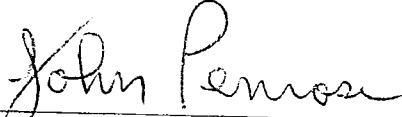
46. The Applicant shall document its compliance with the conditions of this Resolution and shall submit proof of said compliance upon the request of the Board.

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

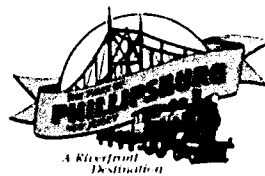
TOWN OF PHILLIPSBURG
Warren County, NJ

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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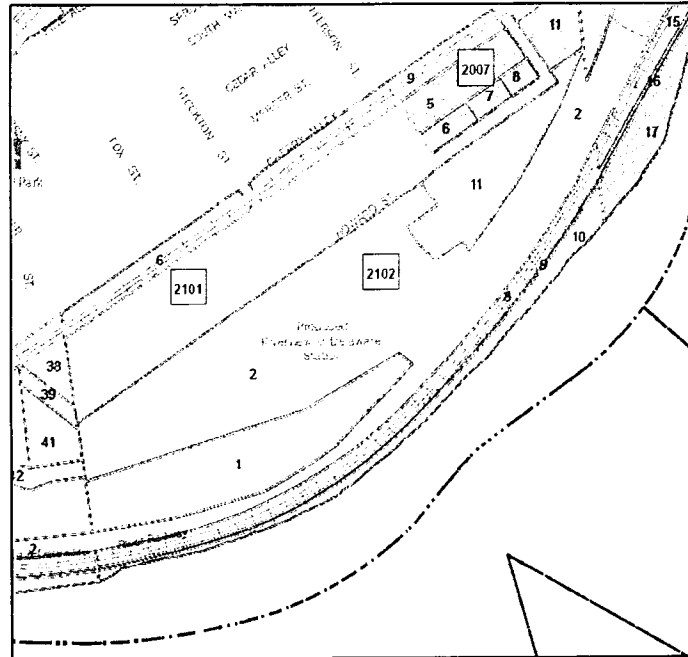
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3.8 District 5 – Riverside Residential

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 **Historic Preservation 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.

Angela Knowles, PP/AICP, LEED-AP

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.

License #33LI00612500



With funding provided by
the New Jersey Highlands Council



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

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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.

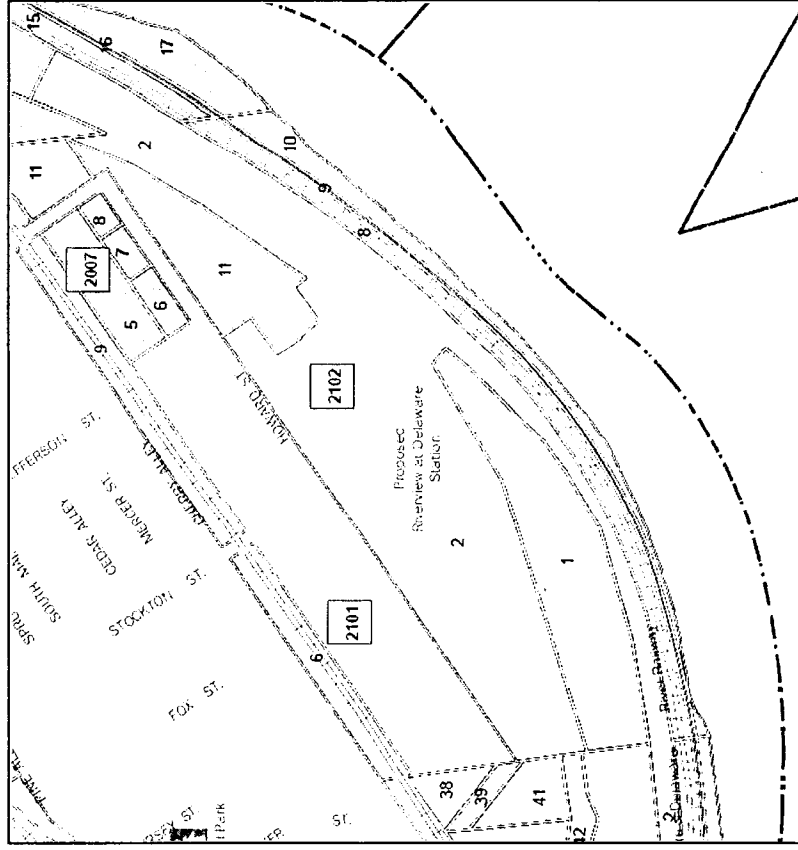


Figure 12: District 5 – Riverside Residential

3.8.2 Bulk Standards

See Table 12.

3.8.3 Design Standards

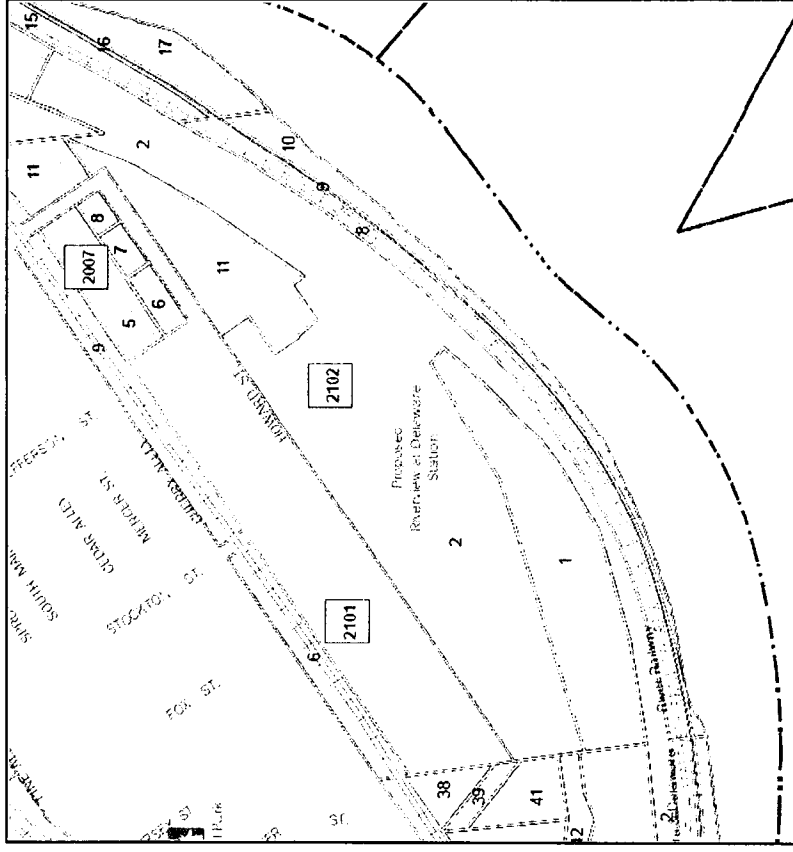
- 1) There shall be an overall design theme for the residential development including a unifying architectural style, a uniform set of street, streetscape, street furniture, and sign standards similar to but not necessarily the same as those in the 2002 Gateway Plan.
- 2) The site should be designed 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.

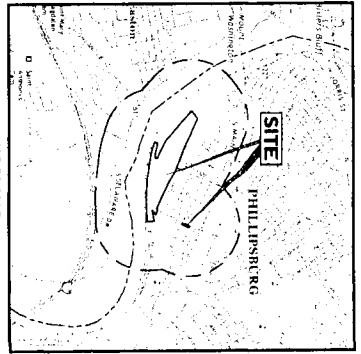
3.8.4 Proposed Road Improvements

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.





DRAWING SHEET INDEX

SHEET TITLE	NUMBER
COVER SHEET	C-101
PROPERTY OWNER'S LIST	C-102
NOTES AND REFERENCE SHEET	C-103
300' OFFSET PLAN	C-104
DEMOLITION PLAN A - E	C-101 - C-105
OVERALL SITE LAYOUT PLAN	C-106
SITE LAYOUT PLAN A - E	C-107 - C-111
OVERALL GRADING PLAN	C-112
GRADING PLAN A - E	C-113 - C-117
OVERALL DRAINAGE AND UTILITY PLAN	C-118
PLUMBING AND UTILITY TIE-IN PLAN A - E	C-119 - C-123
LANDSCAPE AND INTERESTERIAL SIGNAGE SHEET	C-124
500' PROPOSED SIDEWALK CONNECTION PLAN A - E	C-125 - C-129
500' PROPOSED SIDEWALK CONNECTION PLAN A - E	C-130 - C-134
500' PROPOSED SIDEWALK CONNECTION PLAN A - E	C-135 - C-139
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500' PROPOSED SIDEWALK CONNECTION PLAN A - E	C-1000 - C-1004

APPLICANT/OWNER INFORMATION

APPLICANT: PERON CONSTRUCTION, LLC
 1000 W. 10TH STREET, SUITE 100
 PHILLIPSBURG, NJ 08851

OWNER: PERON CONSTRUCTION, LLC
 1000 W. 10TH STREET, SUITE 100
 PHILLIPSBURG, NJ 08851

DESIGNER: BOHLER
 170 HOWARD STREET
 PHILLIPSBURG, NJ 08851

PRELIMINARY & FINAL MAJOR SITE PLAN

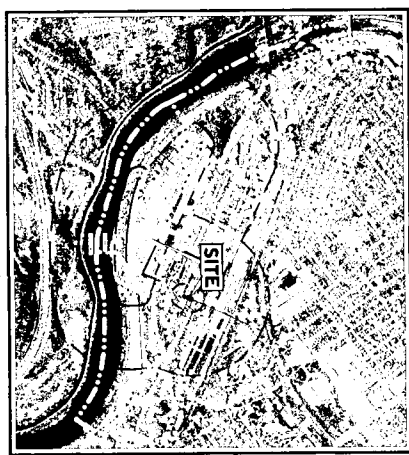
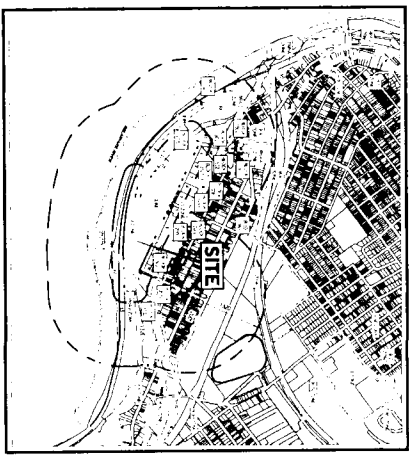
FOR _____

PERON CONSTRUCTION, LLC

INDUSTRIAL DEVELOPMENT

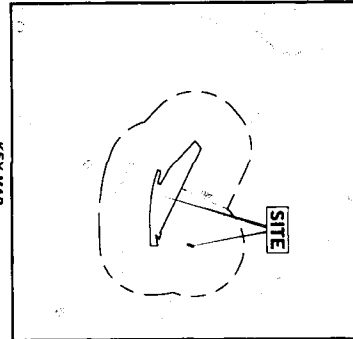
PROPOSED

MAP 21 BLOCK 2102 LOT 202 (30.082 ACRES)
 MAP 20 BLOCK 2015 LOTS 1 & 3 (0.16 ACRES)
 170 HOWARD STREET
 TOWN OF PHILLIPSBURG
 WARREN COUNTY, NEW JERSEY



BOHLER

PREPARED BY



OWNER CERTIFICATION

I, the undersigned, being the owner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

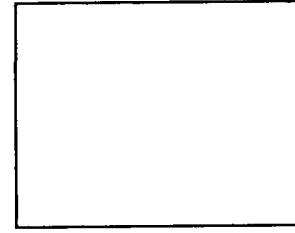
Signature: _____
 Date: 3/8/23

APPROVAL BLOCK

Town of Phillipsburg Board of Planning and Zoning
 Approved by the Planning Board on the _____ day of _____, 2023.

WARREN COUNTY APPROVAL BLOCK

Warren County Board of Planning and Zoning
 Approved by the Planning Board on the _____ day of _____, 2023.



BOHLER

SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION GROUP

REVISIONS

NO.	DATE	DESCRIPTION
1	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
2	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
3	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
4	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
5	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
6	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
7	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
8	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
9	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC
10	03/08/23	ISSUED FOR PERON CONSTRUCTION, LLC

BOHLER

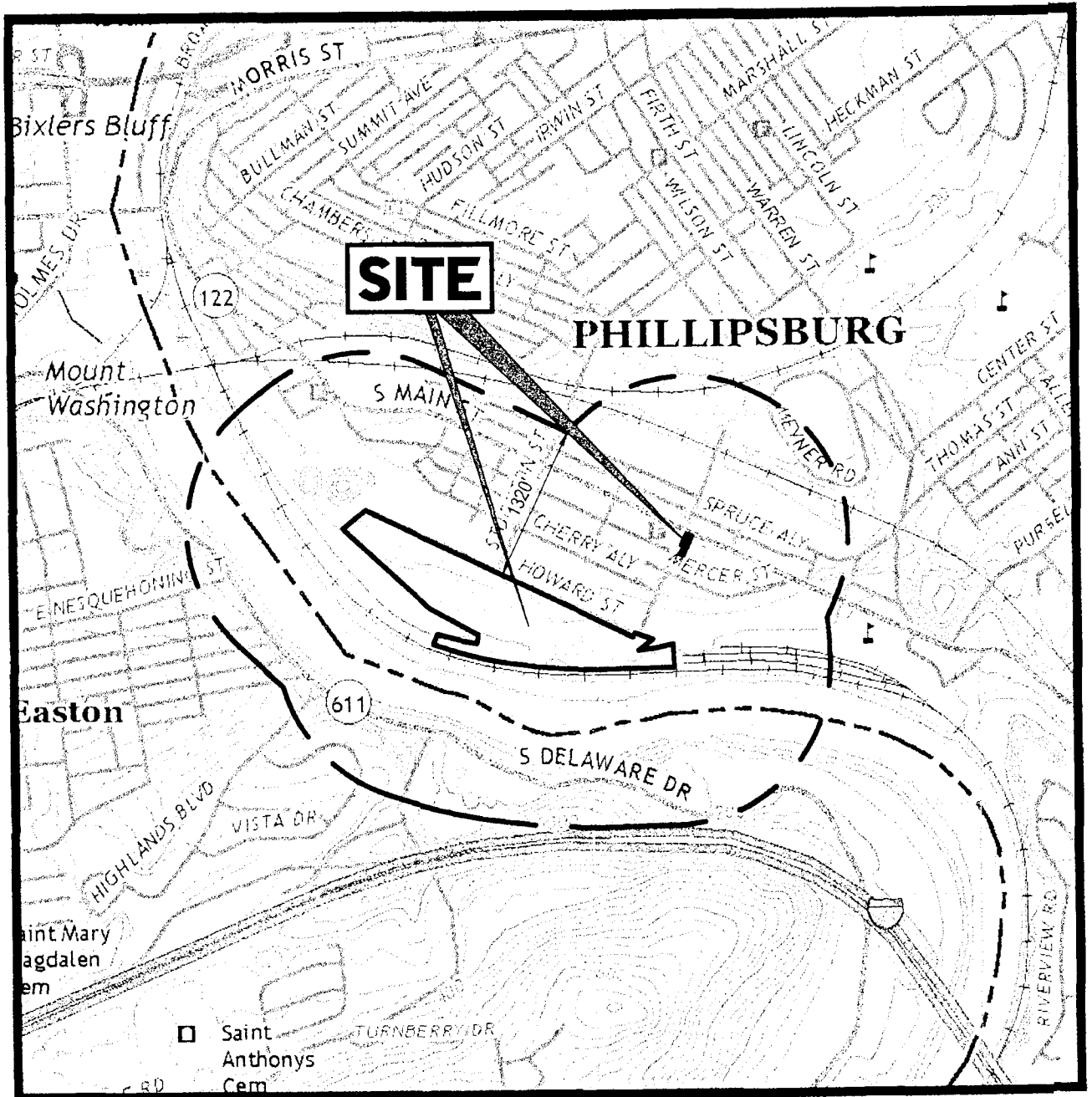
170 HOWARD STREET
 PHILLIPSBURG, NJ 08851

PERON CONSTRUCTION, LLC
 1000 W. 10TH STREET, SUITE 100
 PHILLIPSBURG, NJ 08851

INDUSTRIAL DEVELOPMENT
 MAP 21 BLOCK 2102 LOT 202 (30.082 ACRES)
 MAP 20 BLOCK 2015 LOTS 1 & 3 (0.16 ACRES)
 170 HOWARD STREET
 PHILLIPSBURG, NJ 08851

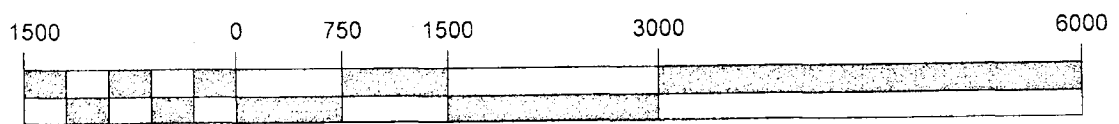
C-101

REVISION: 1, 08/23/2023



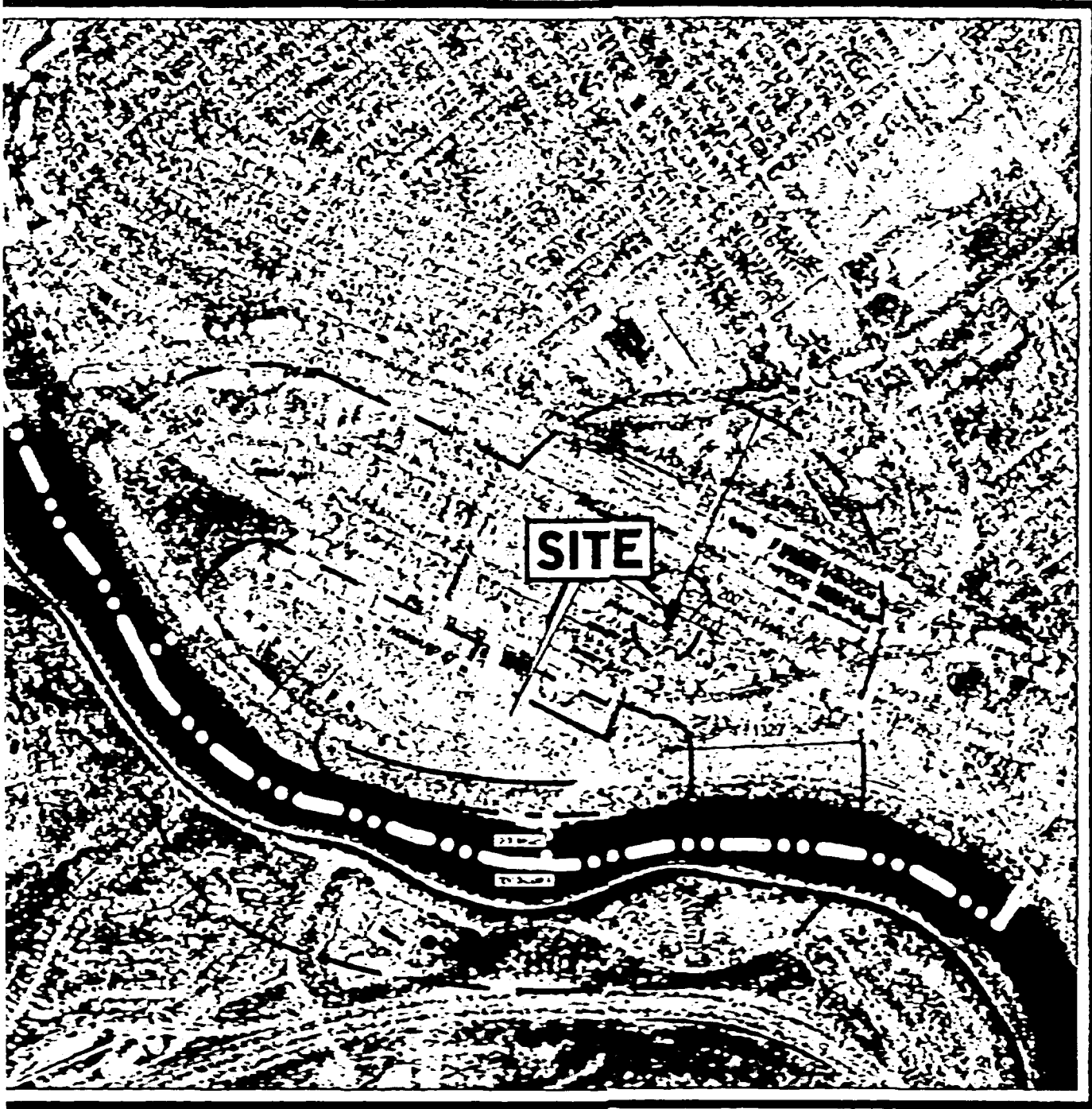
USGS MAP

SCALE: 1" = 1,500'
SOURCE: USGS MAP LOCATOR
(EASTON QUADRANGLE)



GRAPHIC SCALE

1 INCH = 1,500 FEET



AERIAL MAP

SCALE 1" = 100'

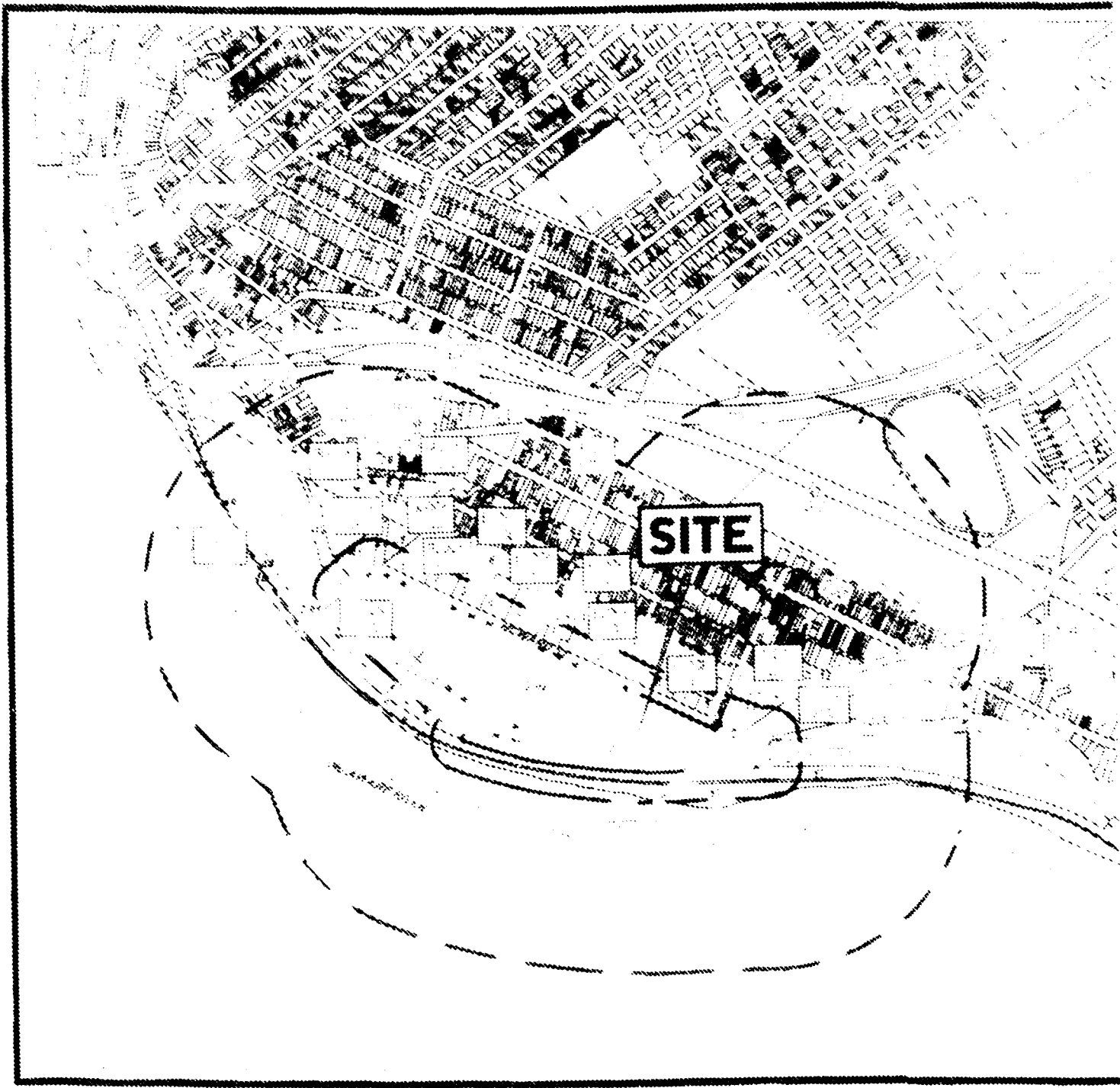
SOURCE: NUGN WAREHOUSE (2022 AERIAL IMAGERY)



GRAPHIC SCALE

1 INCH = 100 FEET





TAX MAP

2023 TAX MAP
SOURCE: NGLS PARCEL MAPS

100 200 300 400 500 600 700 800 900
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100 200 300 400 500 600 700 800 900
100 200 300 400 500 600 700 800 900

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			

Apprvd. Oct. 18, 2022

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.

Apprvd. Oct. 18, 2022

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 first 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 homeless 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 notified. 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

Apprvd. Oct. 18, 2022

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?

Apprvd. Oct. 18, 2022

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

Apprvd. Oct. 18, 2022

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.

Apprvd. Oct. 18, 2022

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 txt'd 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.

Attny 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.

Apprvd. Oct. 18, 2022

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.

Apprvd. Oct. 18, 2022

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?

Apprvd. Oct. 18, 2022

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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309 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.

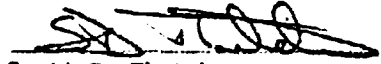
In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

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 undersigned, 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

RECEIVED

FEB 10 9 07 AM '91

WARREN COUNTY CLERK
BET. BEREN, N.J.

BOOK 760 PAGE 237

255472

Deed

JEANNE MAYER, Single,

TO

RANDY S. PIAZZA AND SUSAN
PIAZZA, husband and wife.

Dated February 13, 1991.

B ENTERED 2/13/91
INDEXED

1000 1000 1000

Received in the Warren
County Clerk's Office
Date 2-13-91
Time 9:04 A.M.
Recorded in Deed
Book 760 Page 235
Terence D. Zie
Warren County Clerk

R. & R.:

D. Scott Curzi, Esq.
90 South Main Street
Phillipsburg, N.J. 08865

142

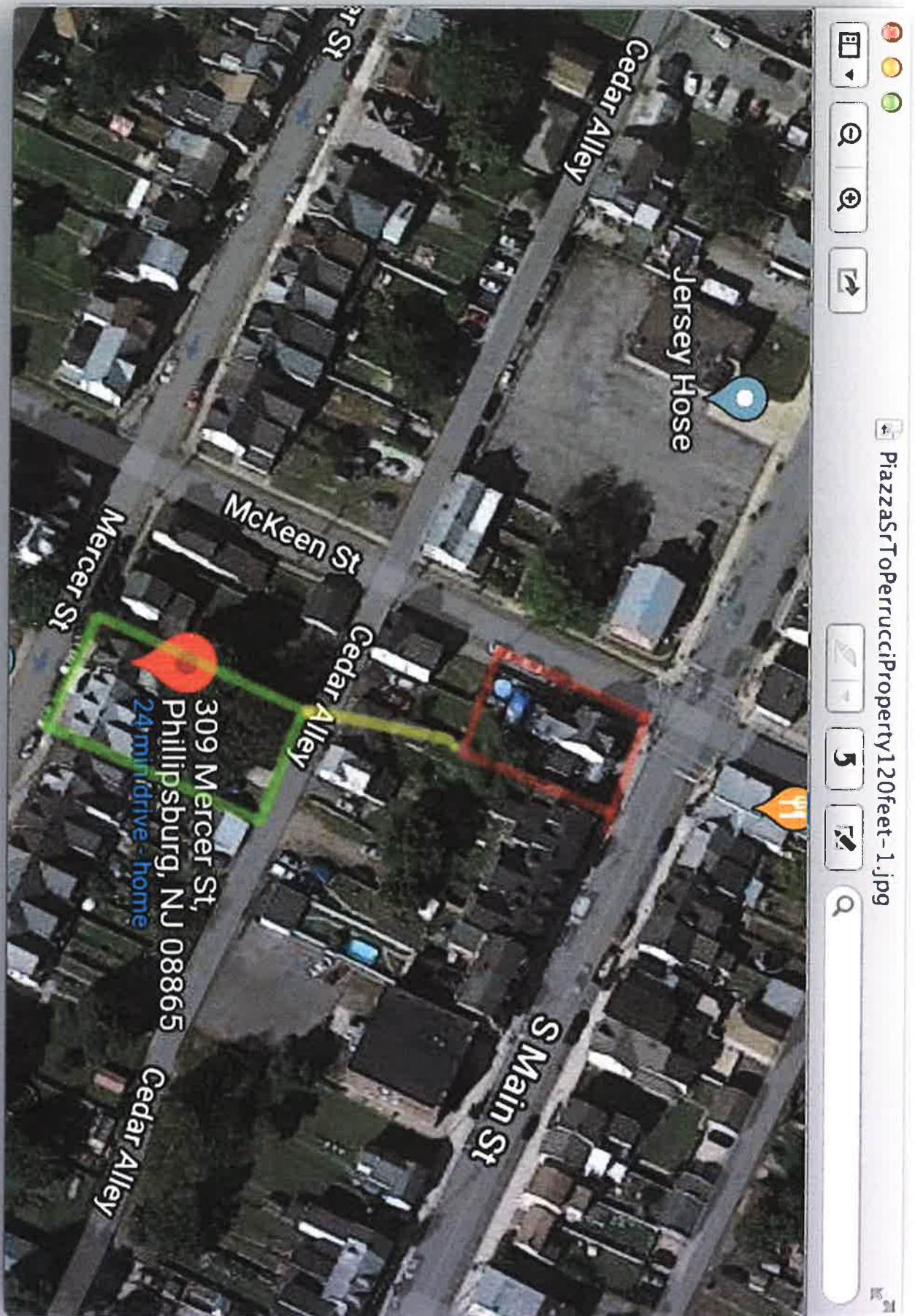


Exhibit 9

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 n



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	kbartlettlace@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	Eslly	esllypeters@gmail.com
D - 3	Viscuso	Nancy	
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.	rspiazzaSr@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.	msscferbo32@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

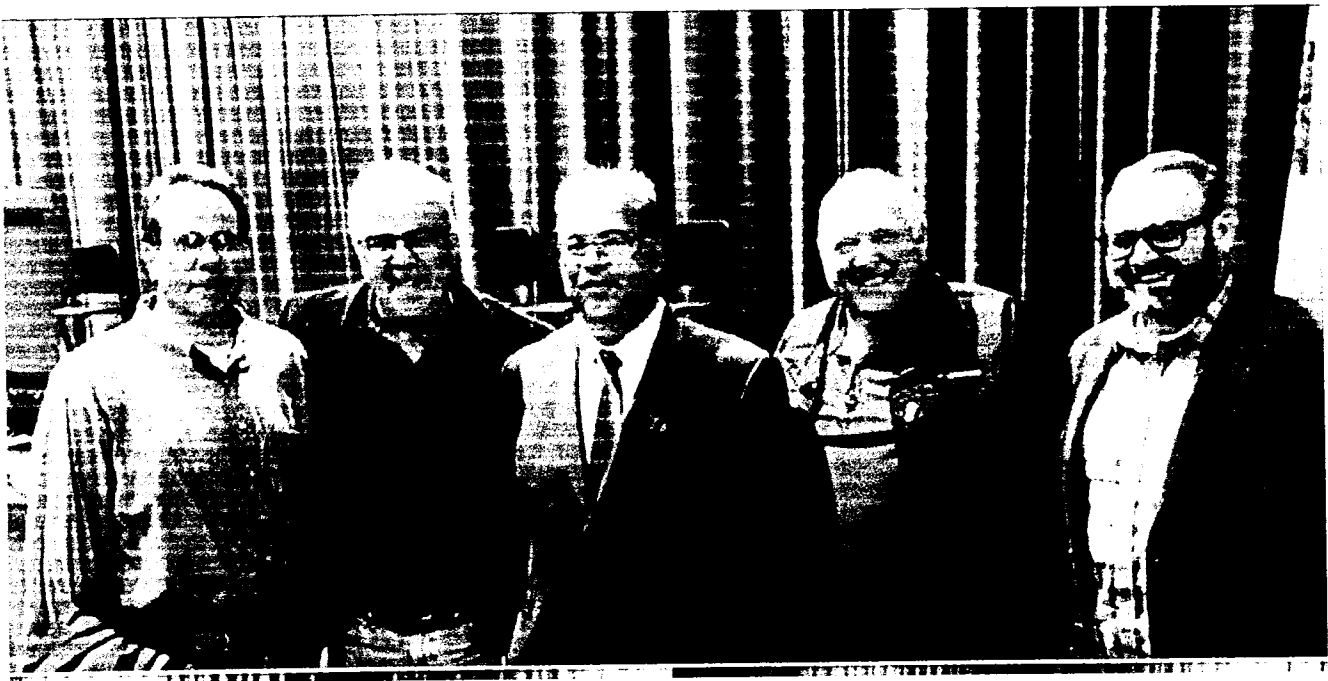
Camporine	Victor		
Rutledge	Gus		gvrut1@verizon.net
Stettler	Linda		lsettler@comcast.net
Allen	Bud		budnan3@comcast.net
Mascera, Jr	Lawrence		lmascera@yahoo.com
Haytaian	Chuck		
Kolb	Patricia		pkolb28@hotmail.com
Phoebus	Gail		

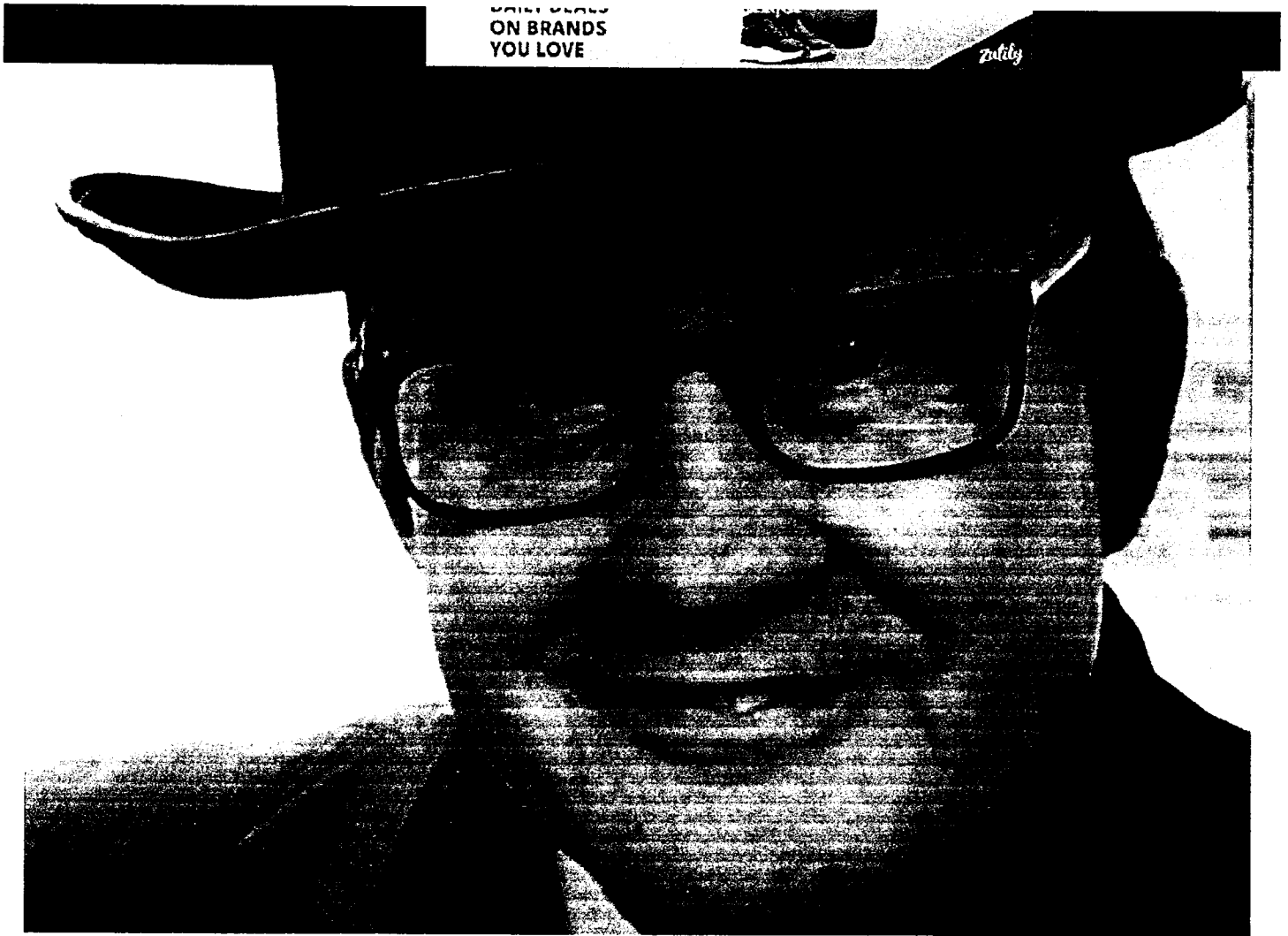


Councilman Randy Piazza

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:

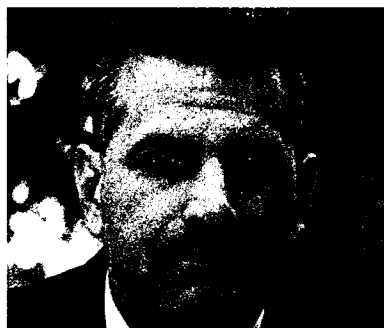


RELATED ARTICLES



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

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

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 4/10/23, read 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.

Approved Sept. 20

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			

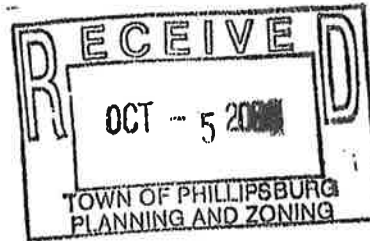
Moved to return from Executive

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.

SCHOOR DEPALMA
Engineers and Design Professionals



TOWN OF PHILLIPSBURG
MASTER PLAN
2004 UPDATE

Prepared by the Town of Phillipsburg Planning Board

Adopted September 20, 2004

In Consultation with
Carolyn B. Neighbor, PP

SCHOOR DEPALMA INC.
Clinton, New Jersey

The original of this report was signed and sealed
in accordance with NJSA 45:14-12

Carolyn B. Neighbor

Carolyn B. Neighbor, PP #3049



INTRODUCTION

In 1988, the Planning Board of the Town of Phillipsburg adopted a revised Master Plan, including Land Use, Housing and Circulation Elements to the Plan. As part of the 2003-4 reexamination process, the Board has revised and updated this Master Plan to reflect the many changes that have taken place both in the Town and in community planning over the last fifteen years.

Located at the confluence of two rivers, Phillipsburg started as a river crossing and grew into a major transshipment point between Pennsylvania and the eastern markets. Its early history was tied first to the canals that developed along the Lehigh and Delaware Rivers and cross-country to Morris County and then to the railroads. The Town was within easy reach of the anthracite coal mines and pig-iron furnaces of Pennsylvania and the markets in New York and Philadelphia. Once established, the Town grew into a manufacturing center, attracting industries drawn by its good labor conditions, access to raw materials and expeditious means of transporting goods to market and by the rail yards and repair shops for the five major railroads that ran through the Town.

With the demise of first the canals and then the railroads and the movement of manufacturing to areas of cheaper labor, the economy of the Town began a long, slow decline. Throughout the region, homeowners, searching for the "American Dream", opted to move out of cities and towns to new houses built in "developments" on large tracts of open land; new offices, stores and industries sought more space in outlying areas serviced by the expanding highway system; and builders became developers, seeking large blocks of open areas for new construction of the highway oriented suburbs.

Recently there has been a growing recognition of the importance of urban areas and a rediscovery of the pleasures of town living. Like many other older, former industrial communities, Phillipsburg is beginning the process of recreating itself as a diverse, vibrant and vital downtown.

This Updated Master Plan is designed to give guidance and aid in the process of redefining the direction of development in the Town.

Goals and Objectives

The Town has established one principle goal toward which the municipal government, its private partners, and the people of Phillipsburg should continuously aim. This goal is:

To maintain the Town of Phillipsburg as a proud community where people and families of all ages and incomes can live and travel safely, have clean and well kept neighborhoods, have a variety of above average housing opportunities and have accessibility to needed businesses and professional services. The community should preserve its history, protect its natural resources, provide recreation for all ages, and maintain a mixture of land uses that will offer a stable tax base.

To guide Phillipsburg toward this goal, specific objectives have been established in each of the elements that follow, pertaining to that particular issue. With these objectives are further recommendations for specific actions designed to begin or continue implementation of the objectives.

Conservation Plan

Objectives

1. Protect critical environment features and areas not otherwise regulated.
2. Preserve the remaining natural features.
3. Increase public access and use of the Delaware River.
4. Preserve the Lopatcong Creek as a natural greenway.
5. Preserve and develop the Morris Canal as an historical transportation corridor and trail link to an expanding County-wide trail system.
6. Remediate and reuse brownfield sites.

Recommendations/Action Plan

1. Identify environmental and natural features of concern, including steep slopes, rock outcrops and stream, canal and river corridors.
2. Develop design standards and regulations to encourage protection and preservation of these areas.
3. Create a Riverfront Development Plan for the entire length of river frontage, providing for river related businesses, activities and housing and including access plans for trails, view areas and such.
4. Work with the County and adjoining municipalities to create a continuous greenway/trail system along the Lopatcong Creek and the Morris Canal.

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5. Identify any additional brownfield sites and work with property owners to address known contamination.

Land Use Plan

Objectives

Housing:

1. Control the density and intensity of residential development to appropriate levels for each neighborhood, addressing conversion to multifamily, additions and expansion of single family-homes, and in-fill development.
2. Reduce conflicts between residential and non-residential uses.
3. Actively pursue rehabilitation and maintenance of homes to enhance the quality of residential neighborhoods.
4. Encourage homeownership.
5. Continue to provide a variety and mix of housing options, to shelter households of all types, ages and incomes.

Commercial

1. Maintain South Main Street from Union Square to Hudson Street and from Mercer Street to McKeen Street as a mixed use Central Business District, retaining each section's unique attributes.
2. Maintain and support neighborhood businesses in moderate and high density residential areas in a manner that enhances both the business and residential uses.
3. Improve the visual attractiveness and non-vehicular accessibility of the commercial development along the Route 22 highway.
4. Provide distinctive design standards for streetscape improvements, landscaping, signage, lighting and such for each of the Town's commercial areas.

Industrial:

1. Encourage the development and expansion of businesses and industries that will generate jobs and provide services for local residents.
2. Provide functional, accessible, and cost effective locations within the Town for industrial uses that enhance the economics for the individual uses and the Town as a whole.
3. Encourage and aid incompatible non-residential uses whose current location is or will negatively impact the future development/redevelopment of that area to find alternate, more appropriate and functional locations within the Town.

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4. Provide alternate uses for obsolete industrial buildings and properties located in residential areas, which will enhance the compatibility of these facilities with surrounding uses.

Recommendations/Action Plans

Primary: Develop specific, individual neighborhood plans that address the objectives detailed above and in the specific issue sections below. These plans should deal with specific, well-defined and cohesive neighborhood areas, prioritized based on need; and each plan should comprehensively address the multitude of planning, land use, development/redevelopment, traffic, social and neighborhood issues specifically related to the particular area.

Housing:

1. Review the zoning in each neighborhood to establish density and intensity controls and design standards appropriate to each area and to provide a variety of housing types to meet the needs of the Town's residents.
2. Establish strict zoning standards for multifamily conversion, expansion of single-family homes, and in-fill development, particularly related to intensity of use and provision of on-site parking.
3. Enforce zoning standards relative to allowed density and work to eliminate illegal apartment conversions.
4. Add senior housing options to residential zone districts to allow both new construction and adaptive reuse of existing structures.
5. Provide for off-street parking for residents.
6. Review and revise standards for buffering, screening, lighting, and parking for non-residential uses adjacent to residences.

Commercial:

1. Continue to implement the Gateway Plan for South Main Street from the Route 22 Bridge to Hudson Street.
2. Develop similar plans for the remainder of South Main Street and for the area north of the Route 22 Bridge on North Broad Street.
3. Review the allowed uses and design standards for neighborhood businesses with an eye to mitigating potential adverse impacts on residential uses.
4. Review the design standards for development on the Route 22 commercial corridor and develop streetscape standards to enhance both the appearance and local accessibility of these uses.

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Industrial:

1. Review the location and allowed uses in the Town's industrial zones to determine consistency with the Land Use objectives above and revise as needed.
2. Provide for adaptive reuse of buildings to provide more compatible uses adjacent to residential zones/uses.
3. Review design standards for industrial uses, giving proper consideration to off-site impacts, such as traffic, noise, lights, screening, landscaping, location of loading areas.
4. Inventory the Town's vacant and/or underutilized industrial properties and reprioritize the list of potential redevelopment sites.
5. Develop a program to encourage poorly located industries to relocate to more favorable locations within the Town.

Housing Plan

Objectives

1. Continue the rehabilitation program, targeting those specific neighborhoods with the greatest need.
2. Create opportunities for new affordable housing types, particularly for older residents, at appropriate locations and densities, using where possible existing buildings in need of rehabilitation or conversion.
3. Encourage the adaptive reuse of existing buildings for specialty housing, such as age-restricted (over 55) market-rate units, other senior housing, artists' housing with attached studios
4. Create opportunities for market-rate housing, using River views and access as a draw.
5. Develop programs to increase homeownership.

Recommendations/Action Plan

1. Identify neighborhoods and units in need of additional rehabilitation, prioritize them by neighborhood and need and allocate funding accordingly.
2. Identify existing obsolete buildings and uses and provide for their adaptive reuse, for affordable and market-rate age-restricted active adult/senior housing, specialty housing, or new non-residential uses that are compatible with the surrounding neighborhood.
3. Review areas along the River to determine appropriate locations for new market rate housing.
4. Explore programs to increase affordable homeownership, such as the Section 8 Homeownership Program, low interest loans to first time

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homebuyers, and use of COAH RCA funds for programs such as mortgage write-down/buy-down.

Circulation Plan

Objectives

1. Encourage through traffic to use the State and Federal highway system and create disincentives for "short-cutting" of through traffic through the community.
2. Provide designated connections between local neighborhoods and to the major roadway system and increase volume capacity on local connector roads.
3. Eliminate or improve "pinch" points in the circulation system.
4. Reduce truck and local through traffic on neighborhood residential access streets.
5. Reduce congestion on downtown streets to improve traffic flow and accessibility to local businesses.
6. Provide off-street parking in critical locations for both non-residential and residential uses.
7. Enhance pedestrian/bicycle circulation within neighborhoods and to local attractors, such as shopping, services, schools, community facilities, parks and recreation facilities.
8. Maintain and encourage local public transportation services.
9. Promote commuter bus and rail options.

Recommendations/Action Plan

1. Work with Bridge Commission and State and County agencies to improve access to and ease of use of the major highway systems, including such measures as: a more efficient toll collection system to reduce congestion on the Route 22 bridge; new local connections from major developments throughout the region to the highway system; an additional access onto I-78 west of Exit 3; truck weight limits on congested, limited capacity local roadways.
2. Identify local neighborhood connectors and methods of channeling internal traffic to these connector roads.
3. Provide additional road capacity to these connectors by way of road, intersection and signalization improvements, on-street parking limitations and creation of new off-street parking areas.
4. Identify "pinch" points and develop strategies to alleviate each.
5. Revise the zoning code to eliminate truck-dependent uses from areas with no or limited access to the major highway network.
6. Identify and/or create and then improve, sign and enforce specific truck routes through Town to local industrial zones/tracts.

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7. Develop an off-street parking plan as part of all development/ redevelopment plans, neighborhood development plans, and any private development proposal.
8. Develop and implement a pedestrian/bicycle circulation plan, to provide both neighborhood circulation and access to major community attractions.
9. Provide for local bus stops, bus circulation and parking as needed for all new major projects.
10. Promote public transportation options, including information kiosks, signed bus stops and shelters, commuter parking arrangements for bus users, future extension of the Raritan Valley line to Phillipsburg.

Community Facilities, Recreation and Open Space Plan

Objectives:

Community Facilities:

1. Provide integrated, comprehensive community-based facilities and programs tailored to meet the needs and desires of the residents of each neighborhood.
2. Design programs and re-design facilities to maximize the use of existing facilities and buildings.

Recreation:

1. Provide a broad range of easily accessible recreation opportunities for all ages within each of the neighborhoods, designed to meet the needs of the local residents.
2. Provide larger scale community recreation facilities throughout the Town, at easily accessible locations.
3. Provide for the continued funding of existing and proposed facilities.

Open Space

1. Preserve natural areas.
2. Enhance access to and use and enjoyment of the Morris Canal and the Delaware River and Lopatcong Creek.

Recommendations/Action Plan

Community Facilities

1. Inventory existing community facilities and programs, incorporating the Community School Plan as part of the inventory.

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2. Do a neighborhood needs assessment as part of each neighborhood development plan.
3. Coordinate programs and facilities to provide needed and desired services.

Recreation

1. Update the inventory the Town's recreational facilities and open space.
2. Develop a recreation and open space plan to provide parks and recreational opportunities throughout the Town.
3. File a ROSI with Green Acres so the Town is eligible for continuous Green Acres funding.
4. Develop a financial plan for the continued operation and maintenance of existing facilities.

Open Space:

1. Adopt environmental protection standards for those critical areas not otherwise protected.
2. Work with the County and neighboring municipalities to acquire the right-of-way of the Morris Canal and lands abutting the River and the Creek.
3. Develop plans for the preservation, use and development of these areas.

Historic Preservation Plan

Objectives

1. Preserve the Town's history as reflected in its buildings and structures, while providing for adaptive re-use of obsolete facilities.
2. Capitalize on the Town's past role as a major transportation center to promote local business and tourism.
3. Incorporate historic preservation/planning in future redevelopment plans.

Recommendations/Action Plans

1. Continue the façade improvement program as a means of preserving the historic appearance of downtown area.
2. Inventory the Town's historic buildings and structures and develop a plan for their rehabilitation, as needed, and re-use for economically viable purposes.
3. Develop an architectural style manual to provide guidelines for restoration and new construction.

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Economic Plan

Objectives

1. Continue to build and improve local infrastructure designed to promote economic growth.
2. Use the Local Redevelopment and Housing process to identify and redevelop vacant, underutilized or blighted properties, to expand the Town's economic base, enhance employment opportunities for its residents and improve its fiscal balance.
3. Develop public-private partnerships and use outside funding sources to leverage local tax dollars used for improvements.
4. Encourage the type and location of non-residential development that will minimize negative impacts on local residential neighborhoods, with special emphasis on traffic generation and accessibility to the regional highway network.
5. Promote Phillipsburg as a regional economic and tourist center.

Recommendations/Action Plan

1. Implement existing development/redevelopment plans.
2. Inventory vacant, underutilized or blighted properties, assess their "developability" and create a new priority list for redevelopment sites.
3. Work with non-residential property owners to create realistic development plans to achieve the Town's objectives.
4. Seek grants and special funding from outside agencies to plan and implement projects to promote business and industrial development in the Town.
5. Assist poorly located industries to relocate to appropriate locations within the Town.
6. Develop a regional marketing plan, including Easton, to promote business and tourist.

Recycling Plan

Objectives

1. Compliance with the goals and objectives of the State and County recycling plans.
2. Compliance with zoning code requirements to support recycling.

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Recommendations/Action Plan

1. Continue to provide recycling services in compliance with State and County recycling plans.
2. Add the required language to the zoning code related to providing space for recycling activities in larger residential and commercial projects.

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Conservation Plan

The Municipal Land Use Law provides for a conservation plan element addressing the preservation, conservation and utilization of natural resources, including energy, open space, forests, soil, marshes, wetlands, rivers and other waters and other resources.

Because the Town is nearing full development, there is limited vacant land for new building; and much of the vacant land that is left contains, to some extent, environmental or natural features which should be protected. Some of the most critical areas, such as wetlands and floodways, are subject to State regulation and protection; however others, such as steep slopes, cliffs, stream and river corridors and woodlands are not. These remaining resources should be inventoried, assessed as to their value for preservation, and then protected either by acquisition or appropriate ordinance design standards limiting development within these areas.

Particularly importance from a regional perspective are the Lopatcong Creek and the Morris Canal. The County and local municipalities are working to preserve these linear resources as greenways through the County and as trail connectors from the Delaware River to the developing regional trail system.

Also because of its past and current land uses, the Town has a number of properties that appear on the NJDEP list of known contaminated sites. Future development/redevelopment should focus on the remediation of these sites to provide a cleaner environment for local residents and employees.

Objectives

1. Protect critical environment features and areas not other wise regulated.
2. Preserve the remaining natural features.
3. Increase public access and use of the Delaware River.
4. Preserve the Lopatcong Creek as a natural greenway.
5. Preserve and develop the Morris Canal as an historical transportation corridor and trail link to an expanding County-wide trail system.
6. Remediate and reuse brownfield sites.

Recommendations/Action Plan

1. Identify environmental and natural features of concern, including steep slopes, rock outcrops and stream, canal and river corridors.
2. Develop design standards and regulations to encourage protection and preservation of these areas.

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3. Create a Riverfront Development Plan for the entire length of river frontage, providing for river related businesses, activities and housing and including access plans for trails, view areas and such.
4. Work with the County and adjoining municipalities to create a continuous greenway/trail system along the Lopatcong Creek and the Morris Canal.
5. Identify any additional brownfield sites and work with property owners to address known contamination.

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Land Use Plan

The MLUL requires the Land Use Plan Element to show "the existing and proposed location, extent and intensity of development of land in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes." Supplemented by the other, more specific elements of the Plan, it should be the primary guide to development and redevelopment within the community, providing the goals and objectives to realize the articulated vision for the Town's future.

Because the Town is nearing full build-out, its basic development pattern has been set, particularly related to streets, utilities, lot size and location of major uses. However, even at build-out, land use changes continue to occur as the economy, society, and personal preferences change. Industrial facilities have become obsolete as manufacturing has moved elsewhere. Mixed use neighborhoods, where employees walk to work and to shop are no longer the norm; and increased dependence on automobiles taxes the capacity of streets and house lots designed prior to universal auto ownership. Everyday shopping has moved from neighborhoods and downtown to malls and strip centers on the local highways, leaving corner stores and South Main Street businesses struggling for survival.

Unlike the surrounding Townships, with large areas of undeveloped land and fairly simple land use and zoning plans, the Town contains a number of existing, well-defined neighborhoods and commercial districts, each of which have different and distinct characteristics, functions, opportunities and needs. Land use patterns within the community are complex, as are the issues related to their modification and redevelopment. Zoning can only address some of the issues that face the Town in the process of recreating itself to meet the changes and challenges of the twenty-first century; however, planning, district by district and neighborhood by neighborhood, can provide guidance to the multiple agencies and for the multiple actions that affect the Town's future.

This process has already begun for the downtown area. Based on the 1998 "Vision Plan for South Main Street" prepared by John Madden and Associates, Inc., the Town adopted the Gateway Development Plan for the Union Square Development Area and South Main Street, to begin implementing the Vision. This Plan included a zoning review of the entire area and new zoning for the redevelopment area, traffic, circulation and pedestrian improvement plans, a parking analysis, a streetscape plan and design standards, sign regulations and revised construction guidelines for historic structures.

The next step should be a broader look at the riverfront area, shown as the Riverside Neighborhood in the 1988 Master Plan and known locally as the North

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End and the Flats, including the area between the Delaware River and the bluff that runs parallel and east of Broad/South Main Street, from Baker Chemical at the northern municipal boundary to Pursel Street.

The goal, for this area first and then each of the other neighborhoods (shown on the Neighborhoods Map), is to improve the quality of life in the community by:

- Improving the physical quality of the downtown business area and the neighborhood housing stock and maintaining that quality over time.
- Improving the general appearance of the Town, including enhancing the distinctive and individual characters of each of its business districts and neighborhoods, in part through the use of distinctive streetscape, street furniture and lighting designs.
- Removing incompatible land uses from residential areas, to more suitable locations within the Town.
- Supporting and strengthening local business and industry, by providing attractive, functional and cost effective locations that enhance the individual uses, the neighborhood in which they are located, and the Town as a whole.
- Providing easily accessible community, social, education and recreation facilities, suited to each neighborhood's needs.
- Increasing the use of existing community facilities, through such programs as the community based school program developed by the Board of Education.
- Creating designated connector roads to carry through traffic between neighborhoods and to the major road network.
- Discouraging non-local traffic on neighborhood residential access streets.
- Improving pedestrian/bicycle access throughout the Town, to the downtown area, the River, and other major attractors, such as schools, parks and playgrounds.
- Preserving and enhancing natural areas for local use and enjoyment.

This planning process needs to be applied to each of the neighborhoods within the Town, starting with the Flats. Individual area-specific plans should identify existing land use patterns, land use and circulation issues, pedestrian and bicycle opportunities, community and recreation facilities and programs, neighborhood needs and opportunities, and specific local problems. Much like the State Development and Redevelopment Plan, specific neighborhood plans can provide a common vision to guide the multiple agencies, policies, programs, improvements and individuals shaping the changes in each area.

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Insert Neighborhoods Map

Objectives

Housing:

1. Control the density and intensity of residential development to appropriate levels for each neighborhood, addressing conversion to multifamily, additions and expansion of single family-homes, and in-fill development.
2. Reduce conflicts between residential and non-residential uses.
3. Actively pursue rehabilitation and maintenance of homes to enhance the quality of residential neighborhoods.
4. Encourage homeownership.
5. Continue to provide a variety and mix of housing options, to shelter households of all types, ages and incomes.

Commercial

1. Maintain South Main Street from Union Square to Hudson Street and from Mercer Street to McKeen Street as a mixed use Central Business District, retaining each section's unique attributes.
2. Maintain and support neighborhood businesses in moderate and high density residential areas in a manner that enhances both the business and residential uses.
3. Improve the visual attractiveness and non-vehicular accessibility of the commercial development along the Route 22 highway.
4. Provide distinctive design standards for streetscape improvements, landscaping, signage, lighting and such for each of the Town's commercial areas.

Industrial:

1. Encourage the development and expansion of businesses and industries that will generate jobs and provide services for local residents.
2. Provide functional, accessible, and cost effective locations within the Town for industrial uses that enhance the economics for the individual uses and the Town as a whole.
3. Encourage and aid incompatible non-residential uses whose current location is or will negatively impact the future development/redevelopment of that area to find alternate, more appropriate and functional locations within the Town.
4. Provide alternate uses for obsolete industrial buildings and properties located in residential areas, which will enhance the compatibility of these facilities with surrounding uses.

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Recommendations/Action Plans

Primary: Develop specific, individual neighborhood plans that address the objectives detailed above and in the specific issue sections below. These plans should deal with specific, well-defined and cohesive neighborhood areas, prioritized based on need; and each plan should comprehensively address the multitude of planning, land use, development/redevelopment, traffic, social and neighborhood issues specifically related to the particular area.

Housing:

1. Review the zoning in each neighborhood to establish density and intensity controls and design standards appropriate to each area and to provide a variety of housing types to meet the needs of the Town's residents.
2. Establish strict zoning standards for multifamily conversion, expansion of single-family homes, and in-fill development, particularly related to intensity of use and provision of on-site parking.
3. Enforce zoning standards relative to allowed density and work to eliminate illegal apartment conversions.
4. Add senior housing options to residential zone districts to allow both new construction and adaptive reuse of existing structures.
5. Provide for off-street parking for residents.
6. Review and revise standards for buffering, screening, lighting, and parking for non-residential uses adjacent to residences.

Commercial:

1. Continue to implement the Gateway Plan for South Main Street from the Route 22 Bridge to Hudson Street.
2. Develop similar plans for the remainder of South Main Street and for the area north of the Route 22 Bridge on North Broad Street.
3. Review the allowed uses and design standards for neighborhood businesses with an eye to mitigating potential adverse impacts on residential uses.
4. Review the design standards for development on the Route 22 commercial corridor and develop streetscape standards to enhance both the appearance and local accessibility of these uses.

Industrial:

1. Review the location and allowed uses in the Town's industrial zones to determine consistency with the Land Use objectives above and revise as needed.
2. Provide for adaptive reuse of buildings to provide more compatible uses adjacent to residential zones/uses.

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3. Review design standards for industrial uses, giving proper consideration to off-site impacts, such as traffic, noise, lights, screening, landscaping, location of loading areas.
4. Inventory the Town's vacant and/or underutilized industrial properties and reprioritize the list of potential redevelopment sites.
5. Develop a program to encourage poorly located industries to relocate to more favorable locations within the Town.

Vacant Land Analysis

The 1988 Master Plan identified 12 parcels of vacant land. Since then, four have been developed with residential uses (sites 4, 5, 7, and 9 on the 1988 Vacant Land map); one is part of the Town's middle school (site 1); one contains an existing non-residential building in need of redevelopment (site 10); one has been sold to the State for open space (site 12); and one is primarily owned by railroads or the Town (site 11).

Only four tracts remain vacant. They are shown on the Vacant Lands map on the following page and include the proposed site of the Heritage Transportation Museum (labeled site 1), containing approximately 30 acres; the Ingersoll redevelopment area (site 2) with approximately 130 acres; commercially zoned properties on South Main Street (site 3), approximately 5 acres; and residentially zoned property at the west end of Congress Street (site 4) with less than a quarter acre.

Another, currently unidentified, potential for vacant land includes the numerous properties owned by the railroads throughout the Town, many of which are vacant and could be put to more productive use. Railroad properties should be inventoried and their status as to use determined. Vacant, unused properties should be considered for alternate uses that would benefit the Town's redevelopment efforts.

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Insert Vacant Land Map

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Land Use Plan

While additional changes may need to be made as a result of the findings of studies contained in the recommendations/action plans in this documents, there are certain land use changes that have already been identified as needed. These changes include:

- The creation of a Waterfront Development Overlay District running along the entire riverfront within the Town. This overlay would provide additional uses and standards to the underlying zoning, related to fuller use of the waterfront.
- The inclusion of an option for small professional offices in the R-75 for lots abutting Roseberry Street.
- The creation of a multifamily zone to reflect the existing multifamily housing in the R-50 zone west of Roseberry Street and including portions of the surrounding B-2 and I-1 zones.
- The extension of the B-2 zone south to McKeen Street.
- The inclusion of a portion of the I-1 zone located east of Warren Street and south of the extension of Anderson Street in the R-50 zone.
- The inclusion of a portion of the I-1 zone located between Warren and Wilson Streets, ending at the railroad, in the R-50 zone.
- The addition of a professional and office zone fronting on Warren Street, south of Anderson.
- The addition of a senior housing option in the R-50 zone and a senior housing overlay for the southern most portion of the B-2 zone abutting Pohatcong Township
- The creation of a fourth business zone (B-4) to include the portion of the B-2 zone along Route 22, with some adjustments of the zone boundaries to reflect actual development.
- The creation of a Park, Recreation and Open Space Zone District.
- The minor adjustment of existing zone districts to reflect current usage.

These proposed changes are shown on the existing Zoning Map on the following page.

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Insert Zoning Map

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Housing Plan

Under the provisions of the MLUL, a housing plan should include “residential standards and proposals for the construction and improvement of housing.” This plan element has been modified by the Affordable Housing Act of 1985, which requires the plan to “be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.”

Phillipsburg has a far greater percentage of low and moderate income households than the regional average and a greater percentage of these households have been living in substandard housing, needing major systems repairs. Because of this, its affordable housing obligation consists entirely of what is called the indigenous need, i.e., decent, affordable housing for income qualified households already living within the community in substandard units.

The standard method of addressing the indigenous need is through a rehabilitation program that improves the substandard housing in which the income qualified households already live; and the Town has had a very active and successful rehab program for a number of years. Because of its high percent of qualified substandard housing, part of the funding for this program has come from regional affordable housing contributions (RCA's) from other communities within the local housing region.

In addition to other funds used to rehabilitate the Town's public housing, COAH funding has been used for rehabilitation of individual, predominantly owner-occupied substandard units and for major building rehabilitation to create new affordable units. Since 1995, approximately 170 homes have been rehabbed and 20 new apartments completed. The result has been a major improvement to the quality of the Town's housing stock and to the living conditions of many of its residents. While rehab needs to continue as the primary focus, the program could now be expanded to include some of the other programs that may be funded with RCA moneys, such as write-down/buy-downs that encourage homeownership for income qualified households and new construction of affordable senior or other specialty housing.

The next step is to maintain the quality of the rehabilitated units and enhance the neighborhoods where these units are located. Neighborhood enhancement includes such things as enforcing zoning and property maintenance codes, eliminating or ameliorating incompatible uses, reducing congestion on the streets, providing off-street parking and access to parks, playgrounds, community facilities, shopping and services, identifying and ameliorating specific local neighborhood problems, and creating neighborhood identity and pride of place.

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In addition to addressing affordable housing, a major part of the primary goal of the Town is to provide housing options for “people and families of all ages and incomes”; and the Town has a number of opportunities to create additional new and desirable new housing options for its residents. Existing, vacant industrial buildings, often inappropriately located in residential areas, have the potential to be converted to some type of multi-family use, such as active adult (ages 55 and up) or other types of senior housing. A building with well-lit, high ceilinged spaces could be used for housing designed for specific users, such as artists, providing work/studio space in conjunction with living quarters and common gallery space for display and sales.

Delaware River views and access provide opportunities for market-rate housing located near or oriented to the water. Riverfront redevelopment plans should consider including such housing as primary uses or as secondary uses above the first floor of non-residential uses. Market-rate housing should also be considered in conjunction with the rehabilitation/redevelopment of buildings along the river side of South Main Street, where upper floors could overlook the River, green acres lands or Delaware Park.

In addition to the land use objectives for housing above and the traffic objectives in the Circulation section below, the Town has the following objectives related to housing.

Objectives

1. Continue the rehabilitation program, targeting those specific neighborhoods with the greatest need.
2. Create opportunities for new affordable housing types, particularly for older residents, at appropriate locations and densities, using where possible existing buildings in need of rehabilitation or conversion.
3. Encourage the adaptive reuse of existing buildings for specialty housing, such as age-restricted (over 55) market-rate units, other senior housing, artists' housing with attached studios
4. Create opportunities for market-rate housing, using River views and access as a draw.
5. Develop programs to increase homeownership.

Recommendations/Action Plan

1. Identify neighborhoods and units in need of additional rehabilitation, prioritize them by neighborhood and need and allocate funding accordingly.
2. Identify existing obsolete buildings and uses and provide for their adaptive reuse, for affordable and market-rate age-restricted active adult/senior

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housing, specialty housing, or new non-residential uses that are compatible with the surrounding neighborhood.

3. Review areas along the River to determine appropriate locations for new market rate housing.
4. Explore programs to increase affordable homeownership, such as the Section 8 Homeownership Program, low interest loans to first time homebuyers, and use of COAH RCA funds for programs such as mortgage write-down/buy-down.

Circulation Plan

Much of Phillipsburg's early growth and development were the result of its location at the confluence of the Lehigh and Delaware Rivers. In the days of river, canal and railroad transportation, the Town had a substantial competitive advantage, which has eroded with the shift to highway-oriented transportation. The Delaware River and the rail lines through Town have become impediments to the free flow of goods and people, concentrating traffic at limited river and rail crossings.

Within the Town, there are two river crossings, at the Route 22 toll bridge and the Northampton Street free bridge, plus one Interstate highway crossing to the south in Pohatcong. The opening of the third river crossing and the completion of I-78 and the Route 33 connector in Pennsylvania have alleviated some of the problems in Town by diverting long distance traffic off of Route 22 and onto I-78; however, congestion on Route 22 still divides the Town between north and south and creates a physical obstacle to interaction between the two sides of Town. Additionally, the price differential between the toll bridge and the free bridge, aggravated by recent toll increases, results in the re-routing of traffic bound for Easton and points south and west through the local streets of Town, causing congestion on North Main, South Main and Broad Streets.

On a more local level, the rail lines and railroad owned property have become a obstacle to local circulation, dividing neighborhoods and limiting access between areas of Town. Route 22 divides the Hillcrest and North End neighborhoods from the rest of Town; and an east/west railroad right-of-way then further subdivides this southern area of Town in half. North/south rights-of-way separate the Town from the River and the Flats from neighborhoods to the east. Railroad crossings are limited, concentrating traffic at a few connection points, and underpasses are often too narrow for two-way traffic, restricting the free flow of vehicles locally. Topographic constraints further compound these circulation problems by limiting the Town's ability to provide connections between the Flats and the Hill areas or an alternate, parallel route for much of the length of South Main Street, resulting in generally poor traffic flows to, from and through the downtown area. (See Functional Classification System Map on the following page.)

Links between neighborhoods and to the main roadway system are further limited by indirect route alignments, including missing road sections, intersection off-sets, jogs in the road and one-way sections, by limited directional signage, reduced capacity resulting from on-street parking and "pinch" points that restrict flow. As a result, local through traffic often ends up using local residential access streets, instead of more appropriate local collector streets. (See Map showing Existing Problems and Proposed Roads and Trails on following second page and explanatory Table.)

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Insert Functional Classification Map, Existing Circulation Problems Map

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Existing Circulation Problem Areas

Number	Location	Problem	Possible Solution(s)
1	Pickford /Metz Intersection	Poorly defined intersection	Reconfiguration; traffic island
2	Hillcrest Mall access at Roseberry Street	Conflicting movements at congested location	Entrance currently being improved
3	Rte. 22/Roseberry Rte. 22/Firth Rte. 22/Morris	Congestion Traffic weave across Rte. 22 Difficult merge	NJDOT planning review of Rte. 22 corridor from the Phillipsburg Mall to the River
4	Roseberry/Center intersection	Right-angle turn	Extend Center to Rte. 22 and Roseberry through Ingersoll to Pursel St.
5	Joseph/Morris intersection	Poor sight distance	Replace yield sign with stop sign
6	Third/Rose Westbound ramp from Rte. 22	Poor alignment and confusing maneuvers	Realignment
7	North Main/Delaware Road intersection	Poor alignment; poor sight distance; narrow cartway on North Main St.	Limited usage; no immediate need for improvement
8	Hudson/Filmore intersection	Poor alignment	No good alternative
9	Union Square South Main St intersection	Congestion; conflicting turning movements; narrowness	Improvements under way to improve turning movements, provide for pedestrian safety
10	South Main/Hudson intersection	Poor visibility from Hudson; difficulty turning maneuvers	Intersection improvements installed; need left turn lane onto Hudson.
11	Black Bridge	Poor alignment; in need of	Repairs completed; realignment unlikely

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12	Warren/Cahill intersection	repair Flooding; poor alignment	Improvements to drainage completed; realignment unlikely
13	Stockton/railroad Center/railroad Center/Sitgreaves /railroad Pursel/railroad Kent/railroad	Height limitations Height limitations; narrow Poor alignment Height limitations; narrow Height limitations; narrow	Poor and/or inadequate cartway, height and sight distance due to undersized railroad tunnels. No good alternatives, since replacement of railroad tunnels is unlikely.
14	South Main/Kent intersection	Poor sight distance and alignment	No good alternative
15	South Main/Carpentersville intersection	Poor sight distance and alignment	No good alternative
16	Warren/Marshall intersection	Off-set alignment	Realignment would require acquisition of residential property. Consider 4-way stop.
17	Fairview Avenue	Sharp curve and steep slope	Reroute road to better alignment
18	Center/Cahill/Sayre intersection	Confusing multiple road intersection	Traffic controls
19	Carpentersville Road	Need improved access to southwestern Pohatcong Twp.	Improve Carpentersville Road
20	Howard Street to South Main St. connector	Lack of good access to Howard Street area and uses	Extend Howard St. south to connect to South Main near Pursel St.
21	Roseberry Street extension	Poor Alignment	Extend Roseberry St. through Ingersoll to Pursel
22	Center Street extension	Need to provide alternate access for Ingersoll and Town to Route 22	Extend Center St. through Ingersoll to Route 22 west of Lock St.

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The Town's land use patterns compounds local circulation problems. Because these patterns were established prior to local planning and zoning and non-residential uses were often located based on now outmoded location criteria, such as rail access and a walk-to-work labor force, the Town's industrial zones generally have very poor access relative to the major roadway systems that are now vital to their operation. And the shift from rail to truck has strained the local road network, often beyond its limits. As part of redevelopment planning, efforts should be made to relocate truck dependent and high traffic generating uses to locations within the Town that have more direct access to the major highway network and eliminate these uses from locations with poor access and within residential neighborhoods.

The transportation shift from foot to vehicle has resulted in a lack of off-street parking for uses designed and built prior to universal auto ownership. Downtown and local neighborhood businesses generally lack on-site customer parking; and many of the small residential lots lack driveways, garages or parking areas. On-street parking is insufficient to handle either the existing or future need for parking spaces; and it reduces road capacity on collector streets. Area plans for development/redevelopment in both non-residential and residential neighborhoods should include parking analyses that inventory current parking availability, assess current and future demand, and provide the means to meet any shortfall in the number of spaces needed.

The same land use patterns that create difficulties with vehicular circulation create opportunities for alternate means of travel. The high density, mixed use in many neighborhoods favors a return to walking, which should be encouraged by safe, well-maintained, well-lit and attractive sidewalks and pathways to neighborhood and Town-wide destinations. In neighborhoods where vehicle ownership may be limited, sidewalks can provide a vital and essential link to shops and services, particularly to stores along Memorial Parkway. And where vehicular connectors may be limited, for example between the Hill and downtown, walkways and steps provide convenient pedestrian access.

Similarly, higher densities, and defined, discrete destinations make local public transportation more feasible and desirable, reducing auto dependency and providing alternative transportation for those residents who don't drive. Public transportation also provides an opportunity to reduce local and highway congestion at peak hours by providing commuter rail and bus service to employment centers, primarily to the east. Although there is currently bus service along Route 22, there are no readily identifiable bus stops or stations with parking, ticket sales and information to encourage and promote commuter bus use for the large number of residents who work out of the area.

The decline of general rail service also meant the elimination of passenger service from points in Pennsylvania east through Phillipsburg to Newark and New

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York City. Commuter rail service now ends in mid-Hunterdon County. However, housing costs have pushed households further and further west, resulting in long daily commutes back east to jobs, making reinstatement of commuter rail from Phillipsburg to the current end of the line in High Bridge desirable and more economically feasible. There is also the potential for week-end reverse trips, bringing visitors from the east into Town to the Transportation Heritage Museum and downtown attractions.

Objectives

1. Encourage through traffic to use the State and Federal highway system and create disincentives for "short-cutting" of through traffic through the community.
2. Provide designated connections between local neighborhoods and to the major roadway system and increase volume capacity on local connector roads.
3. Eliminate or improve "pinch" points in the circulation system.
4. Reduce truck and local through traffic on neighborhood residential access streets.
5. Reduce congestion on downtown streets to improve traffic flow and accessibility to local businesses.
6. Provide off-street parking in critical locations for both non-residential and residential uses.
7. Enhance pedestrian/bicycle circulation within neighborhoods and to local attractors, such as shopping, services, schools, community facilities, parks and recreation facilities.
8. Maintain and encourage local public transportation services.
9. Promote commuter bus and rail options.

Recommendations/Action Plan

1. Work with Bridge Commission and State and County agencies to improve access to and ease of use of the major highway systems, including such measures as: a more efficient toll collection system to reduce congestion on the Route 22 bridge; new local connections from major developments throughout the region to the highway system; an additional access onto I-78 west of Exit 3; truck weight limits on congested, limited capacity local roadways.
2. Identify local neighborhood connectors and methods of channeling internal traffic to these connector roads.
3. Provide additional road capacity to these connectors by way of road, intersection and signalization improvements, on-street parking limitations and creation of new off-street parking areas.
4. Identify "pinch" points and develop strategies to alleviate each.

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5. Revise the zoning code to eliminate truck-dependent uses from areas with no or limited access to the major highway network.
6. Identify and/or create and then improve, sign and enforce specific truck routes through Town to local industrial zones/tracts.
7. Develop an off-street parking plan as part of all development/
8. redevelopment plans, neighborhood development plans, and any private development proposal.
9. Develop and implement a pedestrian/bicycle circulation plan, to provide both neighborhood circulation and access to major community attractions.
10. Provide for local bus stops, bus circulation and parking as needed for all new major projects.
11. Promote public transportation options, including information kiosks, signed bus stops and shelters, commuter parking arrangements for bus users, future extension of the Raritan Valley line to Phillipsburg.

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Community Facilities, Recreation and Open Space Plan

COMMUNITY FACILITIES

Community facilities, particularly schools and community centers, play a critical role in creating and enhancing a community's identity and character. Such facilities often provide the primary focus of an area and can serve as its central organizing agency and identifier. They can also serve as the neighborhood's link to the wider community and local government's tie back to the neighborhood. Because of this, community facilities can play a major role in neighborhood preservation and enhancement, in developing a local identity and building pride of place.

In recognition of this, the State is promoting a community-based school program designed to encourage local school systems to develop plans to make fuller use of what is one of the largest capital investments of public funds in any community, its schools; and members of the local business community have funded such a study for the Phillipsburg Board of Education. This study has resulted in a Community Schools Plan aimed at increasing public access to and use of school facilities for community-based educational, recreational, vocational, health and family services programs, designed to provide for the needs and desires of the local neighborhoods. Implementation of the recommendations of the Plan will serve to create the focal point and organizing force for neighborhood programs, program providers, and activities; and other community facilities and programs should be coordinated with those of the local community schools.

In addition to schools, neighborhoods have other community resources, such as community and senior centers, places of worship, libraries, youth organizations and civic groups, and existing program providers that should be included in the development of neighborhood-wide planning and programming.

RECREATION AND OPEN SPACE

The small lot, higher density development of Phillipsburg makes public recreational facilities and open spaces particularly important to the community and its neighborhoods. Recreation facilities currently range from small, pocket parks tucked into neighborhoods and designed primarily for younger children, to large, area-wide parks, such as Walters and Delaware Parks and the new fields on Carpenterville Road, providing community playing fields, swimming pool, skateboard park and space for large community events.

Indoor recreation facilities are primarily associated with the schools; and as part of the community based school program, the use of these facilities by the wider community should be encouraged and increased.

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Planning for parks and recreation programs should be based on needs analysis of both individual neighborhoods and the wider community to ensure that the facilities and programs provide for the broad range of people and interests in the Town. In addition, plans should include methods of funding operation and maintenance costs of existing and proposed facilities and programs, to ensure their continuance.

Although the Town is near full-development, it has several major natural areas that should be protected, planned and developed for recreation and conservation purposes, including the Delaware River, the Lopatcong Creek and the Morris Canal. These are major natural assets for the Town that provide opportunities for trails, greenways and, for the Delaware, active water related recreation and other tourist attractions. In addition, there are smaller natural areas, which may be worthy of conservation, to provide green spaces throughout the Town.

Objectives:

Community Facilities:

1. Provide integrated, comprehensive community-based facilities and programs to tailored to meet the needs and desired of the residents of each neighborhood.
2. Design programs and re-design facilities to maximize the use of existing facilities and buildings.

Recreation:

1. Provide a broad range of easily accessible recreation opportunities for all ages within each of the neighborhoods, designed to meet the needs of the local residents.
2. Provide larger scale community recreation facilities throughout the Town, at easily accessible locations.
3. Provide for the continued funding of existing and proposed facilities.

Open Space

1. Preserve natural areas.
2. Enhance access to and use and enjoyment of the Morris Canal and the Delaware River and Lopatcong Creek.

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Recommendations/Action Plan

Community Facilities

1. Inventory existing community facilities and programs, incorporating the Community School Plan as part of the inventory.
2. Do a neighborhood needs assessment as part of each neighborhood development plan.
3. Coordinate programs and facilities to provide needed and desired services.

Recreation

1. Update the inventory the Town's recreational facilities and open space.
2. Develop a recreation and open space plan to provide parks and recreational opportunities throughout the Town.
3. File a ROSI with Green Acres so the Town is eligible for continuous Green Acres funding.
4. Develop a financial plan for the continued operation and maintenance of existing facilities.

Open Space:

1. Adopt environmental protection standards for those critical areas not otherwise protected.
2. Work with the County and neighboring municipalities to acquire the right-of-way of the Morris Canal and lands abutting the River and the Creek.
3. Develop plans for the preservation, use and development of these areas.

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Historic Preservation Plan

The Town of Phillipsburg has a long history and a legacy of historic buildings and structures, particularly along South Main Street, that reflect its past. As the Town has rediscovered this history, these buildings are being renovated and put to new uses. Architectural standards, established as part of the façade improvement program, encourage both reconstruction and new construction to emulate past building designs to retain the historic character of the downtown area.

Planning for redevelopment has built on the historic context of the study area in determining proposed designs for rehabilitation and new construction of buildings and improvements. The Gateway Plan for Union Square proposes to recreate the original appearance of the square, with a continuous building face along the three of its sides, wide sidewalks to encourage street level activities, and an attractive streetscape to welcome visitors to the area. To capitalize on the Town's historic function as a rail center, the Riverside Redevelopment Plan, west of Howard Street, draws on the railroad-orientation of that area and the remaining railroad-related buildings and structures for the design and layout of the future Transportation Heritage Museum, to be located in Phillipsburg because of its historic ties to both the railroad industry and the earlier canal/water transportation network.

Gateway Plans for the Market Street area include a pathway from the street to the Arches, the entrance to the Morris Canal system, which carried coal and iron ore to the cities of northeastern New Jersey. It will also connect to the future riverwalk and to an excursion railroad, which will allow visitors to experience old-time rail travel. In the same location, the historic train station will be renovated to be used temporarily by the Friends of the Transportation Heritage Museum for displays of the Town's railroad history.

As the Town continues to revitalize, efforts should be made to insure that façade improvements and new development be designed and built in a style that is compatible and harmonious with the prevailing architectural style of the area. This is particularly important along Main Street, but also true throughout the Town's established neighborhoods.

Objectives

1. Preserve the Town's history as reflected in its buildings and structures, while providing for adaptive re-use of obsolete facilities.
2. Capitalize on the Town's past role as a major transportation center to promote local business and tourism.
3. Incorporate historic preservation/planning in future redevelopment plans.

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Recommendations/Action Plans

1. Continue the façade improvement program as a means of preserving the historic appearance of downtown area.
2. Inventory the Town's historic buildings and structures and develop a plan for their rehabilitation, as needed, and re-use for economically viable purposes.
3. Develop an architectural style manual to provide guidelines for restoration and new construction.

Economic Plan

Phillipsburg's early economy was based on its location as a transshipment point between the coalfields of Pennsylvania and the industries of New Jersey. The convergence of five rail lines supported related manufacturing, repair and maintenance shops; and the excellent rail service drew rail-dependent industries to the Town. The decline of railroads and heavy industry has forced the Town to search for a new economic base, while dealing with the residue of the old economy in the form of abandoned rail lines and vacant land still owned and controlled by the railroads, obsolete, poorly located industrial buildings, a blue collar workforce trained for jobs that no longer exist in the region, and because of past development, little "raw" land for new development.

However, the factors that favored the early growth of the Town can be equally important in its revitalization. Phillipsburg sits between two growth areas, the Lehigh Valley in Pennsylvania and the I-78/I-287 corridors in central New Jersey, along one of the prettiest parts of the Delaware River. It has good connections to the regional highway system, providing excellent access to both the northeast corridor and markets to the west. It is also well positioned for rail transportation, should that industry revive.

Locally, the Town has the infrastructure in place to support redevelopment, making it the only community on the I-78 corridor in New Jersey, west of Somerset County, with publicly sewered land available for use. It has an available labor force, a tradition as an industrial community, a willingness to work with business and industry interested in locating in the Town, and access to a variety of public funding opportunities to assist in redevelopment.

In addition, Phillipsburg has taken the first steps in its effort to revive its economy. As a designated Urban Enterprise Zone, it provides both tax and financial incentives for new businesses locating in the UEZ. With the use of the Local Redevelopment and Housing Law, it has begun to restore abandoned buildings and vacant land to productive use. With COAH RCA funds, it has rehabilitated deteriorating buildings and upgraded the housing stock. Through a mix of grants, loans, and local funds, it has planned and constructed infrastructure and enticed private developers and business owners to invest in the downtown area. By the extensive efforts of local leaders and railroad enthusiasts, it has been designated as the home of the future Transportation Heritage Museum. And it has begun to promote local businesses on a regional level.

Looking ahead, the Town needs to capitalize on its existing assets:

- Location and accessibility

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- Railroad and canal heritage, history and architecture
- Delaware River frontage
- Public and private commitment to redevelopment
- Access to public funding opportunities

Location and accessibility provide for a number of opportunities. The addition of river frontage and a history as a transportation center lead naturally to a new emphasis on regional tourism, so naturally that Phillipsburg has been designated by the New Jersey State Legislature to house the Transportation Heritage Museum. The Town's location on the Delaware River in the middle of an established tourist destination, its canal and railroad history, the future Transportation Heritage Museum, and a revitalized South Main Street, all offer opportunities to attract tourists. Together with Easton, the Town has the potential to become a major tourist center, featuring canal and train excursions, river-oriented activities, bike and hike activities, museums, arts and cultural events, specialty shopping, fine dining and accommodations.

The foundations for the growth of a viable tourist industry are currently being laid; some of the building blocks that are partially or fully in place include:

- A Vision Plan and Gateway Development Plan for the downtown area designed to provide tourist attractions, services, and access to outlying tourist activities, adopted and partially implemented (see attached Appendices A and B)
- A Redevelopment Plan for the Heritage Transportation Museum area as a major regional tourist attraction, adopted and awaiting funding (see attached Appendix C)
- An interim railroad activity center around the Black Bridge, in progress
- Black River & Western trail excursions, starting May 2004
- River rafting, in place
- Trails for biking and hiking: canal trails in place; Riverwalk, Lopatcong Creek Greenway, Morris Canal, the Highlands Trail, in progress
- Crayola, in place
- Friends of the Transportation Heritage Museum temporary displays, in progress
- Canal Museum, in place
- Hugh Moore Park canal rides, in place
- Arts, cultural and other events: Phillipsburg bicycle race, Easton State theater in place; other activities, in progress
- Specialty shopping, in progress
- Dining and accommodations, in place and in progress

Others need to be developed or encouraged:

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- Redevelopment of Union Square to provide a major tourist attraction of restaurants, hotel, shops, river access and river-oriented activities
- Preparation of an integrated riverfront development plan to coordinate the multiple plans and opportunities for that area of the Town
- Development of a parking and public transportation system to provide access to major area attractions in both Phillipsburg and Easton
- Construction of the Riverwalk
- Development of the Transportation Heritage Museum, currently approved but not funded
- Restoration of the Canal Arches area and Morris Canal path through Phillipsburg
- Development of the railroad excursion stations at Union Square and at the Lime Kilns in Carpentersville
- Use of the excursion railroad in conjunction with rafting, biking or hiking the riverfront
- Development of arts and cultural activities, artist activities, galleries, specialized housing with studios and support facilities
- Development of a regional tourism package as part of a joint planning, implementation and promotion program with Easton, emphasizing the Square-to-Square synergy that will help both communities to revitalize

In addition to recreation and water-based activities, the Delaware River serves as a focal point for the downtown area, which needs to be used to greater advantage by existing and new businesses and development, offering opportunities to attract more passive uses drawn by the river views, such as river front restaurants, hotels, inns, B&B's and market rate housing, either downtown or tied to the downtown area and local attractions by trails, walkways and eventually public transportation options.

Phillipsburg has made a strong commitment, publicly and privately, to invest in its future. The Town has been instrumental in assisting and initiating projects and programs that support revitalization; and they have provided or obtained funding for these and other improvements designed to promote economic growth, particularly in the downtown area. As these efforts begin to take effect, next step projects and programs need to be targeted for the downtown area and other areas of Town need to be subjected to the same kind of planning and assistance.

To sustain the upturn on South Main Street, the next steps should include:

- Implementation of the Union Square Redevelopment Plan
- Reduction of traffic congestion on South Main Street
- Provision of off-street parking in sufficient numbers at convenient locations
- Completion of streetscape improvements

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- Continued support of existing businesses and development of additional business opportunities
- Creation of transportation related tourist attractions clustered around the new excursion railroad and the rehabilitated train station
- Regional marketing of local businesses and attractions

Other areas that should be targeted for planning and redevelopment include:

- South Main Street from the Black Bridge to McKeen Street
- Broad Street from Route 22 north and the area of the off-ramp from Route 22 westbound
- Route 22 commercial area
- South Main Street from Abbet Street to the Pohatcong Township boundary
- Riverfront from the Lopatcong Township boundary to the Pohatcong Township boundary
- Industrial zones and uses throughout the Township

Key among the efforts to promote future growth, particularly of employment opportunities, is the use of the Local Redevelopment and Housing Act to foster the adaptive reuse of underutilized and unproductive lands within the Town. Plans have been adopted for several small parcels, for the area of the Transportation Heritage Museum and for the Union Square north area. The largest Redevelopment Plan to date addresses the use of the vacant lands owned by Ingersoll-Rand, the major landowner in the Town and formerly a leading employer in the County.

Since the original Ingersoll Redevelopment Plan (see appendix D) was adopted, Ingersoll has decided to include all of its property, including several hundred acres in both Phillipsburg and Lopatcong, in a redevelopment/adaptive reuse project under its auspices. The area offers in-place sewer and water lines, rail access, existing buildings suitable for a variety of uses, including industrial, incubator and flex-space for new companies, and land for new development or relocation of local industries now in less than desirable locations. This project, still in its earliest stages, has the potential for reestablishing the area as a major industrial, commercial and employment center for the region.

Integral to the development of the property is better access to Route 22 via an extension of Center Street through the tract to a new intersection with Route 22, to be located west of Lock Street. This extension also offers an opportunity to create a new "gateway" to Town, particularly to the future Transportation Heritage Museum, and to provide a transit station and jointly used parking area for future intra-city, tourist-oriented public transportation. Like many other local improvements, the road extension will be funded by a public-private partnership, using grants and loans available to the Town.

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Although smaller in size, the Town has a number of other developed industrial and non-residential tracts that offer additional opportunities for creative reuse and adaptation, among them the I-1 zone between the River and Broad Street, the light industrial portion of the Riverside Redevelopment Area, and the industrial uses on the southwest corner of Anderson and Warren Streets and on Shafer Avenue. The aim is to return currently vacant, obsolete and/or unproductive lands and buildings to productive use, providing the Town with new jobs and/or homes, new ratables, new economic vitality, and an improved quality of life.

Objectives

1. Continue to build and improve local infrastructure designed to promote economic growth.
2. Use the Local Redevelopment and Housing process to identify and redevelop vacant, underutilized or blighted properties, to expand the Town's economic base, enhance employment opportunities for its residents and improve its fiscal balance.
3. Develop public-private partnerships and use outside funding sources to leverage local tax dollars used for improvements.
4. Encourage the type and location of non-residential development that will minimize negative impacts on local residential neighborhoods, with special emphasis on traffic generation and accessibility to the regional highway network.
5. Promote Phillipsburg as a regional economic and tourist center.

Recommendations/Action Plan

1. Implement existing development/redevelopment plans.
2. Inventory vacant, underutilized or blighted properties, assess their "developability" and create a new priority list for redevelopment sites.
3. Work with non-residential property owners to create realistic development plans to achieve the Town's objectives.
4. Seek grants and special funding from outside agencies to plan and implement projects to promote business and industrial development in the Town.
5. Assist poorly located industries to relocate to appropriate locations within the Town.
6. Develop a regional marketing plan, including Easton, to promote business and tourist.

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Insert UEZ Map

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Recycling Plan

Amendments to the Municipal Land Use Law require municipalities to have a recycling plan in conformance with the State and County recycling plans, dealing with the collection, disposition and recycling of recyclable materials within the Town.

The Town currently runs a comprehensive recycling program through the Department of Public Works, collecting glass, aluminum, metal, newspaper and cardboard, twice monthly.

Objectives

1. Compliance with the goals and objectives of the State and County recycling plans.
2. Compliance with zoning code requirements to support recycling.

Recommendations/Action Plan

1. Continue to provide recycling services in compliance with State and County recycling plans.
2. Add the required language to the zoning code related to providing space for recycling activities in larger residential and commercial projects.

Relationship with Other Plans

New Jersey State Development and Redevelopment Plan

The 2001 revised State Plan continues Phillipsburg's designation as a metropolitan planning area or PA1. Communities in this planning area generally have mature settlement patterns, limited vacant land, aging infrastructure, and housing in need of rehabilitation. New development is predominantly in the form of redevelopment.

Policy objectives for PA1 areas stress redevelopment, diversification of land use, adaptive re-use of nonresidential buildings, preservation of the existing housing stock through maintenance and rehabilitation, infrastructure improvements, public transportation, and brownfields clean-up.

While this description was intended to be generic, it describes Phillipsburg well and is consistent with current conditions and future Town objectives.

Warren County General Development Plan

The Warren County Planning Board is undergoing a complete revision of its Master Plan to a Strategic Growth Plan, consistent with the State Plan and policies. Although not yet complete, the new plan also identifies Phillipsburg as the heart of a major regional center, which also includes the immediately abutting areas of the surrounding townships.

Lopatcong Master Plan

Lopatcong Township is located along Phillipsburg's northern and eastern boundaries. The Lopatcong Land Use Plan and zone are generally compatible with the existing land use patterns and proposed land use changes in Phillipsburg. The several industrial and commercial zones in the Town abut industrial and business zones in the Township; and residential zoning abuts residential zoning, with differences in minimum lot sizes, but not in use.

Pohatcong Master Plan

Pohatcong Township lies along the southern boundary of the Town. Its Land Use Plan and zoning are less compatible with the Town's. While much of the zoning is similar, a business zone along Carpentersville Road in the Township conflicts with an abutting residential zone in the Town and the Township's affordable housing district abuts a low density housing zone in the Town.

Peter D. Dickson,
NJ Attorney ID # 001661979
Potter and Dickson
194 Nassau Street, Suite 31
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Telephone: (609) 921-9555
Fax: (609) 921-2181
Email: rwppddl@cs.com
dicksonpd@cs.com
potterrex@cs.com
Attorneys for Plaintiffs,
David P. Morrisette
and Sandra S. Morrisette

		: SUPERIOR COURT OF NEW JERSEY
David P. Morrisette and	:	: LAW DIVISION - WARREN COUNTY
Sandra S. Morrisette,	:	
5 Fairview Heights	:	: DOCKET NO. WRN-L-
Phillipsburg, NJ 08865	:	
	:	
Plaintiffs,	:	
	:	Civil Action
v.	:	
Town of Phillipsburg Town Council,	:	
the governing body of the municipality,	:	
with offices at Municipal Building,	:	
120 Filmore Street,	:	
Phillipsburg, New Jersey 08865,	:	
	:	COMPLAINT
Defendant.	:	IN LIEU OF PREROGATIVE WRITS

1. This is an action in lieu of prerogative writs to challenge Ordinance 2022-30, adopted by the Council of the Town of Phillipsburg to amend its 2013 Redevelopment Plan to change the zoning of certain riverfront parcels. The change in zoning will permit construction of a 360,000+ Sq. Ft. refrigerated truck distribution warehouse on the last undeveloped portion of its Delaware River waterfront. This amendment is in violation of the Town's Master Plan and Reexamination reports and constitutes arbitrary and capricious decisionmaking. The vote to approve this Ordinance was compromised by disqualifying conflicts of interest.

2. Plaintiffs David P. Morrisette and Sandra S. Morrisette are adults residing at 5 Fairview Heights, Phillipsburg, New Jersey 08865.

3. Defendant Town of Phillipsburg is a municipality organized under the laws of New Jersey, in Warren County, with its address at 120 Fillmore Street, Phillipsburg, NJ 08865.

4. On its home page on its website, this is how Phillipsburg describes itself:

Welcome To Phillipsburg, New Jersey
Located on the Delaware River, in a beautiful setting of rolling hills, woodlands, and flowing waters, Phillipsburg, New Jersey offers the best of all worlds. Here, you can escape from crowded, impersonal developments, and find the joys of living in a close-knit community of families and friends, as you enjoy all the advantages of urban living as well as rural atmosphere - from a quaint downtown waterfront shopping district, to a choice of nearby airports.
Just 30 minutes from the Pocono Mountains, and midway between Philadelphia and New York City, Phillipsburg is an historic town with an exciting future. It's a place where the beauty, culture, tourism and recreational activities are enhanced with a growing base of small and mid-size businesses.
[<http://www.phillipsburgnj.org>]

This self-description is utterly incompatible with a waterfront, 360,000+ sq. ft. truck-served refrigerated warehouse.

5. On November 1, 2022, the Phillipsburg Council adopted on second reading Ordinance 2022-30 (Ordinance), which amended the 2013 Redevelopment Plan to change the zoning for certain riverfront parcels (Riverfront Development Area) from HD to LI and other changes. Notice of the adoption of Ordinance 2022-30 was published on November 11, 2022. This complaint challenges this ordinance.

6. The Ordinance was adopted by a 3-1 vote, with one member, Harry Wyant, recusing himself because he owns property within 200 feet of the affected area.

7. All of these affected lands were either zoned for residential development or as open

space. The previous Revised Riverfront Redevelopment Plan, adopted November 4, 2013, would have permitted retail, office uses, museums, and cultural and educational facilities on the first floor of residential mid-rise buildings to serve the residential areas of the parcel.

8. The Riverfront Redevelopment Area was designated as an "area in need of redevelopment" in 2005, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"). Various redevelopment plans that included this area have been drafted and adopted over the years.

9. The current redevelopment plan is the "Revised Riverfront Redevelopment Plan" adopted by the Council and dated November 2013 (2013 Plan).

10. The 2013 Plan designated three districts for this area. District 3 was "Recreational/Heritage," to be primarily parks and recreational facilities.

11. The 2013 Plan designated District 5, which roughly coincides with the area that is legislated by the Ordinance, as "Riverside Residential," to consist primarily of residential buildings, and retail, museum, cultural and office use on the ground floors, and parks and recreational facilities.

12. The 2013 Plan set out eleven "Redevelopment Goals and Objectives," none of which is consistent with a 360,000+ sq. ft. refrigerated warehouse.

13. The overarching goal of the 2004 Master Plan is:

Goals & Objectives

The Town has established one principle goal toward which the municipal government, its private partners, and the people of Phillipsburg should continuous aim. The goal is:

To maintain the Town of Phillipsburg as a proud community where people and families of all ages and incomes can live and travel safely, have clean and well kept neighborhoods, have a variety of above average housing opportunities and have accessibility to needed businesses and professional services. The community should preserve its history, protect its natural

resources, provide recreation for all ages, and maintain a mixture of land uses that will offer a stable tax base.

To guide Phillipsburg toward this goal, specific objectives have been established in each of the elements that follow, pertaining to that particular issue. With these objectives are further recommendations for specific actions designed to begin or continue implementation of the objectives.

Conservation Plan, Objectives,

1. Protect critical environment features and areas not otherwise regulated.
2. Preserve the remaining natural features
3. Increase public access and use of the Delaware River

Recommendations:

...

3. Create a Riverfront Development Plan for the entire length of river frontage, providing for river related businesses, activities and housing and including access plans for trails, view areas and such.

The Ordinance violates these goals.

14. The Ordinance provides that the consistency review pursuant to N.J.S.A. 40A:12A-7e is to be conducted after the adoption of the ordinance, in violation of that law's requirements of pre-adoption review.

15. Construction of a 360,000+ sq. ft. refrigerated warehouse will dramatically increase truck traffic on the narrow and congested streets in the area around the Riverview Redevelopment Area, in direct contravention to the Master Plan and its objective of "eliminat[ing] truck-dependent uses from areas with no or limited access to the major highway network." The Ordinance requires the development of a rail interconnection with the Belvidere & Delaware River Railway, but there is no support in the record that this interconnection is physically or legally obtainable, or would accomplish anything in the way of reducing truck traffic. The development of a railway interconnection is not consistent with the Master Plan or redevelopment plans.

16. Construction of a 360,000+ sq. ft. refrigerated warehouse will end all possibility of developing the Riverfront Redevelopment Area into the last remaining riverfront park and recreation area, in direct contravention of the Master Plan.

17. As the warehouse would be constructed in a redevelopment area, the warehouse would likely qualify for significant tax abatements, thereby depriving the Town of tax revenues, in contravention of the Master Plan. The Town would consider entering into a Payment In Lieu Of Taxes agreement with the developer, thereby depriving the schools and county of significant tax revenues, in contravention of the Master Plan.

Count One -- Violations Of Due Process

18. Plaintiffs incorporate their previous allegations.

19. Copies of the complete proposed ordinance were not made available to the public before the final vote. Therefore members of the public were denied the due process opportunity to know what the Council was voting on.

Count Two -- Inconsistency With Master Plan

20. Plaintiffs incorporate their previous allegations.

21. Ordinance 2022-30 adopts land use changes that are manifestly inconsistent with the 2004 Master Plan.

22. Ordinance 2022-30 does not explain why the Town should adopt land use changes that are manifestly inconsistent with the 2004 Master Plan.

23. The Ordinance unlawfully provides for Master Plan consistency after the adoption of the Ordinance.

Count Three -- Unlawful Spot Zoning

24. Plaintiffs incorporate their previous allegations.

25. The Ordinance constitutes the equivalent of unlawful spot zoning.

Count Four -- Conflicts

26. Plaintiffs incorporate their previous allegations.

27. The properties are owned by Peron Construction, Inc. The principal in Peron Construction, Inc., is Michael J, Perucci, Esq., a partner in the law firm of Florio Perucci Steinhardt Cappelli Tipton & Taylor LLC, which has offices in Phillipsburg. On the law firm website, Mr. Perucci is identified as the "owner" of Peron Construction, Inc.

28. Peron Construction, Inc., has been represented in these proceedings by Mark Peck, Esq., a lawyer in the Florio Perrucci law firm, in violation of ethical rules and opinions.

29. Council member Harry Wyant did not participate in the vote to adopt Ordinance 2022-30 because he owns property within 200 feet of the affected properties.

30. Another Council member, Randy Piazza, Jr., was disqualified from voting pursuant to case law, the Local Government Ethics Law, and also N.J.S.A. 40A:9-22.5d, because, among other disqualifying conflicts, his parents own property within 200 feet of the affected properties.

Count Five -- Arbitrary And Capricious Lawmaking

31. Plaintiffs incorporate their previous allegations.

32. The acts and omissions complained of in this complaint are arbitrary and capricious.

WHEREFORE plaintiffs respectfully request that this court find and conclude that Ordinance 2022-30 is void and award them their costs of suit.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:5-1(c), plaintiff designates the following as trial counsel:

Peter Dickson
Potter and Dickson,
194 Nassau Street,
Princeton, N.J. 08542,
Telephone: (609) 921-9555,
Facsimile: (609) 921-2181.
email: rwppddl@cs.com and dicksonpd@cs.com

CERTIFICATION PURSUANT TO R. 4:69-4

Plaintiffs hereby certify that they will obtain transcripts of the public hearings of the Town Council on Ordinance 2022-30.

CERTIFICATION OF NO OTHER ACTIONS PURSUANT TO R. 4:5-1

I hereby certify that the action subject of the complaint is not the subject of any other action now pending or of any known about to be brought except as to the pending action in lieu of prerogative writs entitled, Kormandy v. Town of Phillipsburg Town Council, Superior Court, Civil Action, Docket No. WRN-L-000248-21. I am aware that if there is a change in the facts stated in this original certification, I have a continuing obligation during the course of this litigation to file and serve on all other parties and with the court an amended certification.

CERTIFICATION OF NO OTHER PARTIES TO JOIN PURSUANT
TO R. 4:28 OR R. 4:29-1(b)

I hereby certify that there are no other parties who should be joined in this proceeding at this time. I am aware that if there is a change in the facts stated in this original certification, I have a continuing obligation during the course of this litigation to join other parties and to file and serve on all other parties and with the court an amended certification.

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(c)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Respectfully submitted,
POTTER AND DICKSON
/s/ Peter Dickson
Peter Dickson
Attorneys for Plaintiffs

Dated: December 23, 2022

Civil Case Information Statement

Case Details: WARREN | Civil Part Docket# L-000341-22

Case Caption: MORRISETTE DAVID VS TOWN OF PHILLIPSBURG

Case Initiation Date: 12/23/2022

Attorney Name: PETER D DICKSON

Firm Name: POTTER & DICKSON

Address: 194 NASSAU STREET
PRINCETON NJ 08542

Phone: 6099219555

Name of Party: PLAINTIFF : Morrisette, David, P

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: YES

If yes, list docket numbers: WRN-L-248-21

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: David P Morrisette? NO

Are sexual abuse claims alleged by: Sandra S Morrisette? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

12/23/2022
Dated

/s/ PETER D DICKSON
Signed

KING MOENCH & COLLINS, LLP

Michael L. Collins, Esq. (068092013)

225 Highway 35, Suite 202

Red Bank, NJ 07701

mcollins@kingmoench.com

(732) 546-3670

Attorneys for Defendant

DAVID P. MORRISSETTE and SANDRA S.
MORRISSETTE,

Plaintiffs,

v.

TOWN OF PHILLIPSBURG TOWN
COUNCIL, governing body of the
municipality,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
WARREN COUNTY

DOCKET NO.: WRN-L-000341-22

Civil Action

**ANSWER TO COMPLAINT IN LIEU
OF PREROGATIVE WRITS**

Defendant Town of Phillipsburg, governing body of the municipality, by way of
Answer, hereby states as follows:

1. Plaintiffs' allegations are denied insofar as they allege that Ordinance 2022-30 was "compromised by disqualifying conflicts of interest." Plaintiffs' claim asserts a cause of action, for which no response is required. Plaintiffs' claim further attempts to characterize the provisions of a municipal ordinance, which speaks for itself. To the extent any further response is required, Plaintiffs' allegations are denied.
2. Admitted.
3. Admitted.

4. Plaintiffs' allegations refer to a document that speaks for itself. The remaining allegations are denied.
5. Plaintiffs admit that Ordinance 2022-30 was adopted and notice of adoption was published on November 11, 2022. The remaining allegations attempt to characterize a document that speaks for itself and asserts legal conclusions. To the extent a further response is required, Plaintiffs' remaining allegations are denied.
6. Admitted.
7. Plaintiffs' allegations refer to a document that speaks for itself. To the extent any further response is required, the allegations are denied.
8. Admitted.
9. Defendant objects to the allegations insofar as "current" is ambiguous, and therefore the allegations are denied.
10. Plaintiffs' allegations refer to a document that speaks for itself. To the extent any further response is required, the allegations are denied.
11. Plaintiffs' allegations refer to a document that speaks for itself. To the extent any further response is required, the allegations are denied.
12. Plaintiffs' allegations refer to a document that speaks for itself. To the extent any further response is required, the allegations are denied.
13. Plaintiffs' allegation that the "ordinance violates these goals" is denied. Plaintiffs' remaining allegations refer to a document that speaks for itself. To the extent any further response is required, the allegations are denied.

14. Plaintiffs' allegations state a legal conclusion. To the extent any further response is required, the allegations are denied.
15. Defendant lacks sufficient information to admit or deny and Plaintiffs are left to their proofs. To the extent any further response is required, the allegations are denied.
16. Defendant lacks sufficient information to admit or deny and Plaintiffs are left to their proofs. To the extent any further response is required, the allegations are denied.
17. Defendants object to Plaintiffs allegations as speculative. To the extent any further response is required, the allegations are denied.

Count One – Violations of Due Process

18. Defendant's responses are hereby incorporated as if set forth at length herein.
19. Denied.

Count Two – Inconsistency With Master Plan

20. Defendant's responses are hereby incorporated as if set forth at length herein.
21. Denied.
22. Denied.
23. Denied.

Count Three – Unlawful Spot Zoning

24. Defendant's responses are hereby incorporated as if set forth at length herein.

25. Denied.

Count Four – Conflicts

26. Defendant's responses are hereby incorporated as if set forth at length herein.

27. Defendant objects to the allegations insofar as "properties" and "law firm website" are ambiguous. Defendant otherwise lacks sufficient information to admit or deny and leaves Plaintiffs to their proofs. To the extent any further response is required, the allegations are denied.

28. Plaintiffs' allegations state a legal conclusion. To the extent any further response is required, the allegations are denied.

29. Admitted.

30. Denied.

Count Five – Arbitrary and Capricious Lawmaking

31. Defendant's responses are hereby incorporated as if set forth at length herein.

32. Denied.

WHEREFORE, Defendant demands judgment dismissing Plaintiffs' complaint with counsel fees, costs of suit, and such other relief, and such other relief that the Court finds necessary and proper.

AFFIRMATIVE DEFENSES

FIRST SEPARATE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND SEPARATE DEFENSE

Plaintiffs lack standing to prosecute the Complaint.

THIRD SEPARATE DEFENSE

Plaintiffs' claims are time barred.

FOURTH SEPARATE DEFENSE

Plaintiffs' claims are barred by the doctrines of estoppel, laches, waiver, and/or unclean hands.

KING, MOENCH & COLLINS LLP
Attorney for Defendant

By: s/Michael L. Collins
MICHAEL L. COLLINS

DATED: March 27, 2023

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Michael L. Collins is hereby designated as trial counsel for Plaintiffs.

KING, MOENCH & COLLINS LLP
Attorneys for Defendant

By: s/Michael L. Collins
MICHAEL L. COLLINS

DATED: March 27, 2023

Rule 4:5-1 Certification

Pursuant to Rule 4:5-1, it is stated that the matter in controversy is not the subject to any other action pending in any other court or of a pending arbitration proceeding to the

best of our knowledge or belief, other than Kormandy v. Town of Phillipsburg Town Council, Superior Court of New Jersey, Docket No. WRN-L-248-21. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

By: s/Michael L. Collins
MICHAEL L. COLLINS

DATED: March 27, 2023

Rule 1:38-7 Certification

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

By: s/Michael L. Collins
MICHAEL L. COLLINS

DATED: March 27, 2023

Civil Case Information Statement

Case Details: WARREN | Civil Part Docket# L-000341-22

Case Caption: MORRISETTE VS TOWN OF PHILLIPSBURG

Case Initiation Date: 12/23/2022

Attorney Name: MICHAEL L COLLINS

Firm Name: KING, MOENCH & COLLINS, LLP

Address: 225 ROUTE 35 STE 202

RED BANK NJ 07701

Phone: 7325463670

Name of Party: DEFENDANT : TOWN OF PHILLIPSBURG

Name of Defendant's Primary Insurance Company

(if known): STATEWIDE JIF

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Answer

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: YES

If yes, list docket numbers: WRN-L-248-21

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: DAVID P MORRISETTE? NO

Are sexual abuse claims alleged by: SANDRA S MORRISETTE? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

03/27/2023

Dated

/s/ MICHAEL L COLLINS

Signed

Peter D. Dickson,
NJ Attorney ID # 001661979
Potter and Dickson
194 Nassau Street, Suite 31
Princeton, NJ 08542
Telephone: (609) 921-9555
Fax: (609) 921-2181
Email: rwppddl@cs.com
dicksonpd@cs.com
potterrex@cs.com
Attorneys for Plaintiffs,
David P. Morrisette
and Sandra S. Morrisette

David P. Morrisette and Sandra S. Morrisette,	Plaintiffs,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - WARREN COUNTY DOCKET NO. WRN-L-341-22
		:	
v.		:	Civil Action
		:	
Town of Phillipsburg Town Council,	Defendant.	:	CERTIFICATION OF DAVID P. MORRISETTE

1. I am David P. Morrisette, one of the plaintiffs in this action. I am an adult resident of Phillipsburg, New Jersey. I have personal knowledge of these facts.

2. I am making this certification in support of the lawsuit filed by my wife and myself against yet another attempt to authorize a large truck distribution warehouse on the last undeveloped portion of riverfront land in Phillipsburg, which I will refer to as the Site. Apart from the fact that it is a spectacularly bad idea, it goes against the Master Plan and reexamination reports for that site. I certify that Exhibit 1 is a true and correct copy of Ordinance 2022-30 and that Exhibit 2 is a true and correct copy of the "Exhibit A" referenced in the ordinance. I also certify that Exhibit 3 is a true and correct copy of Land Use Board Resolution 2022-12, which describes the proposed warehouse in detail. I

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.

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David P. Morrisette and Sandra S. Morrisette,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - WARREN COUNTY
	:	
	:	DOCKET NO. WRN-L-341-22
	:	
Plaintiffs,	:	
	:	Civil Action
	:	
v.	:	
	:	
Town of Phillipsburg Town Council,	:	
	:	
	:	
Defendant.	:	

PLAINTIFFS' STATEMENT OF MATERIAL FACTS
AS TO WHICH THERE IS NO GENUINE DISPUTE

1. Plaintiffs David P. Morrisette and Sandra S. Morrisette are adults residing at 5 Fairview Heights, Phillipsburg, New Jersey 08865. Complaint, Exhibit 18 at ¶2; Answer, Exhibit 19 at ¶2.

2. Plaintiff David Morrisette is a 27 year resident of Phillipsburg and previously served on the Planning Board. He is very familiar with the town and its neighborhoods. Morrisette Certification ¶7.

3. Defendant Town of Phillipsburg is a municipality organized under the

laws of New Jersey, in Warren County, with its address at 120 Fillmore Street, Phillipsburg, NJ 08865. Complaint, Exhibit 18 at ¶13; Answer, Exhibit 19 at ¶13.

4. On its home page on its website, this is how Phillipsburg describes itself:

Welcome To Phillipsburg, New Jersey
Located on the Delaware River, in a beautiful setting of rolling hills, woodlands, and flowing waters, Phillipsburg, New Jersey offers the best of all worlds. Here, you can escape from crowded, impersonal developments, and find the joys of living in a close-knit community of families and friends, as you enjoy all the advantages of urban living as well as rural atmosphere - from a quaint downtown waterfront shopping district, to a choice of nearby airports.

Just 30 minutes from the Pocono Mountains, and midway between Philadelphia and New York City, Phillipsburg is an historic town with an exciting future. It's a place where the beauty, culture, tourism and recreational activities are enhanced with a growing base of small and mid-size businesses.

[<http://www.phillipsburgnj.org>.]

5. On November 1, 2022, the Phillipsburg Council adopted on second reading Ordinance 2022-30 (Ordinance). Notice of the adoption of Ordinance 2022-30 was published on November 11, 2022. Complaint, Exhibit 18 at ¶15; Answer, Exhibit 19 at ¶15.

6. The Ordinance amended the 2013 Redevelopment Plan to change the zoning for certain riverfront parcels identified as Riverfront Development Area from HD to LI [Light Industrial] and other changes. Plaintiffs' Exhibit 1.

7. The Ordinance referred to an "Exhibit A," which is Plaintiffs' Exhibit 2.

8. The intention and purpose of the Ordinance was to provide legal zoning and redevelopment authority for a proposed 360,000 sq. ft. warehouse previously given final site plan approval by the Phillipsburg Land Use Board in Land Use

Board Resolution 2022-12. Plaintiffs' Exhibit 3.

9. The Ordinance was adopted by a 3-1 vote, with one member, Harry Wyant, recusing himself because he owns property within 200 feet of the affected area. Complaint, Exhibit 18 at ¶¶6, 29; Answer, Exhibit 19 at ¶¶6, 29.

10. The Riverfront Redevelopment Area was designated as an "area in need of redevelopment" in 2005, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"). Various redevelopment plans that included this area have been drafted and adopted over the years. Complaint, Exhibit 18 at ¶8; Answer, Exhibit 19 at ¶8.

11. At all times relevant to this action, the legally effective redevelopment plan is the "Revised Riverfront Redevelopment Plan" adopted by the Council and dated November 2013 (2013 Plan). Plaintiffs' Exhibit 4.

12. The 2013 Plan designated three districts for this area. District 3 was "Recreational/Heritage," to be primarily parks and recreational facilities. Plaintiffs' Exhibit 4.

13. The 2013 Plan designated District 5, which roughly coincides with the area that is legislated by the Ordinance, as "Riverside Residential," to consist primarily of residential buildings, and retail, museum, cultural and office use on the ground floors, and parks and recreational facilities. Plaintiffs' Exhibit 4.

14. The 2013 Plan set out eleven "Redevelopment Goals and Objectives," none of which is consistent with a 360,000+ sq. ft. refrigerated warehouse.

Plaintiffs' Exhibit 4.

15. A draft amendment to the redevelopment plan was prepared in April 2018, but never adopted. Plaintiffs' Exhibit 5 (excerpts). It makes no changes from the 2013 Plan in the provisions for District 5. No warehouses of any kind are permitted.

16. The designated redeveloper for this area is Peron Construction, identified formally in some documents, including the Ordinance and Land Use Board Resolution, as "Peron Construction, LLC." Plaintiffs' Exhibits 2, 3.

17. 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 plaintiffs are aware, there has not been any attempt in recent years to develop the site in accordance with the current redevelopment plan. Nor are plaintiffs aware of any effort by Peron to persuasively prove that the 2013 plan's objectives for this Site are unworkable.

18. At all times relevant to this action, the governing lawful Master Plan is the one adopted in 2004. Plaintiffs' Exhibit 17.

19. Peron Construction is owned by Michael Perrucci, Esq., a name and founding partner in the law firm of Florio Perucci Steinhardt Cappelli Tipton & Taylor LLC, which has offices in Phillipsburg.

<https://www.floriolaw.com/attorney/michael-j-perrucci/>

20. Mr. Perrucci identifies himself on the law firm website: "Mike is also the

owner of Peron Construction, Inc., a real estate development company....”

<https://www.floriolaw.com/attorney/michael-j-perrucci/>

21. Another name partner in the Florio Perrucci law firm is Douglas J. Steinhardt, Esq., who is also a State Senator, the Warren County Republican Committee Chairman and the former Chairman of the New Jersey Republican State Committee. <https://www.floriolaw.com/attorney/douglas-j-steinhardt/>

22. According to the Site Plan for the warehouse, the redeveloper would acquire two properties at 560 and 562 South Main Street, so that trucks going in and out of the Site via McKeen Street would be able to utilize a wider turn. This would also try to keep trucks out of historic downtown Phillipsburg and its businesses. Plaintiffs’ Exhibits 3, 6a and 6b.

23. One Council member is Randy Piazza, Jr., who voted in favor of Ordinance 2022-30. His parents, Randy and Susan Piazza Sr., own a residence at 309 Mercer Street. Plaintiffs’ Exhibit 8.

24. 560 and 562 South Main Street are identified on Peron planning documents as part of the “Site” for the warehouse plans. Plaintiffs’ Exhibits 6, 6a and 6b.

25. The Piazza Sr. residence at 309 Mercer Street is within 200 feet of the Site properties at 560 and 562 South Main Street. Plaintiffs’ Exhibit 9.

26. Member Piazza Jr. and both of his parents are members of the Warren County Republican Committee, which is chaired by Mr. Steinhardt. Plaintiffs’

Exhibit 12. The County Committee website is at

<https://www.warrencountygop.com/>.

27. On February 27, 2023, the Warren County Planning Board rejected the Peron warehouse proposal. Member Piazza Jr. is also the Vice Chair of the County Planning Board and recused himself from voting on the Peron proposal. Morrisette Certification ¶18.

28. On December 12, 2022, Member Piazza posted on his Council 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!” Plaintiffs’ Exhibit 13.

29. On January 4, 2023, Member Piazza announced that he was running for Mayor of Phillipsburg, as a Republican. Plaintiffs’ Exhibit 11.

30. Member Piazza Jr. has the support in his mayoral race of the Warren County Republican Committee, chaired by Mr. Steinhardt. Plaintiffs’ Exhibit 14.

31. In these local races, the support of the County Committee is essential. In 2019, Member Piazza, Jr. 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. Plaintiffs’ Exhibit 15.

Respectfully submitted,

POTTER AND DICKSON

By /s/ Peter Dickson
Peter Dickson