

**TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2026-001**

**RESOLUTION GRANTING SITE PLAN APPROVAL IN NO. 2025-003**

**340 Fleming Realty, LLC – Owner/Applicant  
Block 1701, Lot 12  
340 Fleming Drive  
Phillipsburg, New Jersey 08865**

**Application #2025-003**

**WHEREAS**, 340 Fleming Realty, LLC (hereinafter referred to as the “Applicant”) has applied to the Town of Phillipsburg Land Use Board (hereinafter referred to as the “Board”) for Minor Site Plan Approval; Bulk Variance Approval pursuant to N.J.S. 40:55D-70(c); and any and all design exceptions and/or waivers, for the renovations to the existing building on site and other site improvements including construction of a new loading dock and parking lot improvements for the lot known as 340 Fleming Drive and identified on the Town of Phillipsburg Tax Map as Block 1701, Lot 12, located in the Town’s I-1 Industrial Light Zone, and owned by 340 Fleming Realty, LLC (hereinafter “the subject property”) (collectively “the Application”); and

**WHEREAS**, the Board satisfied itself that proper notice was given to neighboring property owners and to all others entitled to notice, as well as publication pursuant to both the Town of Phillipsburg Code and to N.J.S. 40:55D-12, on or about February of 2026; and having satisfied itself that it had jurisdiction over the Application; and

**WHEREAS**, the Applicant appeared before the Board at a regularly-scheduled meeting on October 23, 2025, and was represented by Brian R. Tipton, Esq., at which time the Board considered the September 16, 2025 Application for Preliminary and Final Minor Site Plan; the Appeal from Zoning Officer’s denial of a Permit, dated April 29, 2025; the drawings, as more fully described below; and the Board Engineer’s October 7, 2025 review letter, at which time the Applicant requested certain waivers from the Preliminary and Final Site Plan checklists, said waivers being summarized in the Board Engineer’s October 7, 2025 letter, and the Board having determined by unanimous vote of the Board members present that said waivers can be granted temporarily and the Application was determined by the Board to be complete; and

**WHEREAS**, on October 23, 2025, the Applicant requested that this Application be considered a Minor Site plan, as opposed to a Major/Conventional site plan, which the Board agreed to upon the Motion of Mr. Zwicker and second of Mr. Penrose, which was unanimously approved; and

**WHEREAS**, the Applicant appeared before the Board at a regularly scheduled meeting on January 22, 2026, and was represented by Brian R. Tipton, Esq., at which time the Board considered the original application and the supplemental documentation received thereafter, and at which time the Board considered the application to be complete;

**WHEREAS**, a public hearing was held on February 26, 2026, where the Applicant, being represented by Brian R. Tipton, Esq., presented a brief explanation concerning the Application, *to wit*, the renovations to the existing building on site and other site improvements including construction of a new loading dock and parking lot improvements for the subject property, where products are imported, mixed and exported from the site; and

**WHEREAS**, the Board Engineer and the Board Attorney were satisfied that the Board's determination of the application's completeness, which was made on October 23, 2025, and again on January 22, 2026, remained accurate; and

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

**WHEREAS**, the Board has received certain documentation and reports from the Applicant, the Board's professional consultants and others, these having been given due consideration and being the following:

- A. Town of Phillipsburg Zoning Permit Denial, dated May 21, 2025;
- B. Real property deed to Tax Map Block 1701, Lot 12, dated filed on May 5, 2025, in Warren County Clerk Deed Book 3497, Page 122;
- C. Town of Phillipsburg – "Application for Minor or Conventional Site Plans" for Block 1701, Lot 12, dated October 10, 2025, consisting of seven (7) pages;
- D. Certification from the Collector Taxes, dated, February 24, 2026, that realty taxes and sewer payments were current;
- E. Site plan entitled: "Preliminary and Final Major Site Plain for 340 Fleming Drive, Lot 12, Block 1701, Town of Phillipsburg, Warren County, New Jersey," prepared by Wayne Ingraham, P.E., PLS, PP, dated December 12, 2025, and last revised on February 5, 2026, consisting of seven (7) pages;
- F. Architectural Drawings entitled: "Proposed Alterations for Eggxpress Services, LLC," prepared by Mark J. Zgoda, AIA, P.A., dated September 4, 2025, consisting of five (5) sheets;
- G. Survey entitled: "Existing Conditions Survey prepared for 340 Fleming Drive, Lot 12, Block 1701, situated in the Town of Phillipsburg, Warren County, New Jersey," prepared by Wayne Ingram, PLS, dated December 2, 2025, consisting of one page;
- H. Town of Phillipsburg Zoning Board of Adjustment Resolution in No. 309 of 1982, dated August 12, 1982;
- I. Real property deed, dated February 17, 1983, unrecorded, between Jersey Central Power & Light Company as Grantor and Bell & Howell Company as Grantee for the subject premises;

J. Survey entitled: "Phillipsburg Substation Property Sale of Lands to Bell & Howell Company," dated July 22, 1981;

K. Town of Phillipsburg Fire Chief letter dated September 28, 2025;

L. December 12, 2025 and February 5, 2026 letters from French & Parrello Associates, P.A.; and

**WHEREAS**, the Board has considered the review letters of the Board Engineer dated October 7, 2025, and January 20, 2026, the contents of which the Board adopts and incorporates its finding of fact by reference herein; and

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

1. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit a front yard setback of zero feet, which is a pre-existing non-conforming condition, where L.O. 625-8(E) and L.O. 625-80 require a minimum of thirty-five feet (35'); and

2. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit a side yard setback of approximately eight feet (8'), in order to place cooler condensers, which is a pre-existing non-conforming condition, where L.O. 625-8(E) and L.O. 625-80 require a minimum of thirty-five feet (35'); and

3. A "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit the construction of eighteen (18) parking spaces where L.O. 625-32(B) requires sixty-five (65) parking spaces; and

**WHEREAS**, the Applicant is not requesting any permanent design waivers from the Town Ordinances; and

**WHEREAS**, on January 22, 2026 at a hearing before the Board on the completeness of the application, the Applicant's attorney and the Board's engineer discussed the temporary waivers from the Town's Minor Site Plan checklist which was requested by the Applicant and which are referenced in the Board engineer's October 7, 2025 and January 20, 2026 letters and further recommended that the Board grant temporary waivers from the Town's Minor Site Plan checklists, as outlined in the October 7, 2025 and January 20, 2026 letters; and

**WHEREAS**, before the testimony of the Applicant's witnesses on February 26, 2026, the Board's engineer again discussed the waivers from the Town's Minor Site Plan checklist which was requested by the Applicant and which are referenced in the Board engineer's October 7, 2025 and January 20, 2026 letters and further recommended that the Board grant temporary waivers from the Town's Minor Site Plan checklist, as outlined in the October 7, 2025 and January 20, 2026 letters; and

**WHEREAS**, by unanimous vote on October 23, 2025, the Board granted the temporary waivers referenced above as to items 2a and 2b, as set forth in the Board Engineer's October 7, 2025 letter, and reaffirmed the same on January 22, 2026, with the understanding that all of the temporary waivers must be met to the satisfaction of the Board's Engineer prior to final approval; and

**WHEREAS**, the Applicant presented the sworn testimony of the following individuals on February 26, 2026:

1. Jorge Ruiz, who is the Applicant's principal; and
2. Mark J. Zgoda, AIA, P.A., who is the Applicant's architect; and
3. Wayne Ingram, P.E., PLS, PP, who is the Applicant's engineer, surveyor and professional planner; and

**WHEREAS**, the following documents were marked as exhibits at the February 26, 2026 hearing and were discussed and testified to by the Applicant's witnesses. These are now included as part of the record:

1. Exhibit "A-1": Curriculum Vitae of Mark J. Zgoda, AIA;
2. Exhibit "A-2": Architectural Drawings entitled: "Proposed Alterations for Eggxpress Services, LLC," prepared by Mark J. Zgoda, AIA, P.A., dated September 4, 2025, consisting of five (5) sheets, with only four (4) sheets sub-marked as sheets A-1, A-2, A-3 and A-4, being introduced at the hearing;
3. Exhibit "A-3": Curriculum Vitae of Wayne Ingram, P.E., PLS, PP;
4. Exhibit "A-4": Site plan entitled: "Preliminary and Final Major Site Plain for 340 Fleming Drive, Lot 12, Block 1701, Town of Phillipsburg, Warren County, New Jersey," prepared by Wayne Ingram, P.E., PLS, PP, dated December 12, 2025, and last revised on February 5, 2026, consisting of seven (7) pages, with only sheets 3 through 5 marked at the hearing; and

**WHEREAS**, at the February 26, 2026 hearing, the Board attorney inquired of Mr. Tipton that the Applicant was not seeking permanent waivers, to which Mr. Tipton concurred; and if the Applicant would comply with all of the technical comments in the Board engineer's letter as conditions of approval to which he agreed; and

**WHEREAS**, before the testimony of any witnesses on February 26, 2026, the Board attorney inquired of the Applicant's attorney whether the Applicant was seeking the three (3) variances identified in the Board Engineer's October 7, 2025 and January 20, 2026 letters, to which the attorney acknowledged that the Applicant is. Mr. Tipton then offered a short argument that, in his opinion, the variances should be granted pursuant to N.J.S. 40:55D-70(c)(1) given the exceptional narrowness and uniqueness of the property; and

**WHEREAS**, the Applicant's first witness was its' principal, Jorge Ruiz, who after being sworn, testified that the purpose of the addition is to expand his production capability. He explained his use of the property, the current conditions of the property, the adjacent properties, his consideration of other options to modify the property which would not implicate site plan and variance approval and his willingness to cooperate with the Town. More specifically, he stated that the business operates Monday through Friday,

without weekends and during the day. There are seven employees on site. He stated that box trucks enter and exit the site customarily, but twice per week he receives deliveries from 53' tractor trailers. He agreed, as a condition of approval, to pave the parking lot within one year. He testified that he is only storing items on the subject property and not actually producing. The Applicant did not offer any additional testimony; and

**WHEREAS**, the Chairman then asked the Board members if they had any questions and there were questions, primarily with regard to truck traffic at the site, which the witness answered to the Board's satisfaction; and

**WHEREAS**, the Applicant then offered Mark J. Zgoda, AIA, P.A., who, after being sworn, was accepted as an architectural expert by the Board based upon his education, training, knowledge and experience and his Curriculum Vitae marked as Exhibit "A-1," and provided testimony on behalf of the Applicant. Mr. Zgoda described the existing exterior and interior conditions of the property with the assistance of the architectural drawings, Exhibit "A-2." He testified regarding his work with the Applicant, the architectural drawings he prepared, the work he did to prepare the drawings. More specifically, he testified that there are three exterior changes – the loading dock will be widened and updated; a handicap accessible entrance will be created from an existing window; and condensers will be placed in the existing non-conforming front yard setback which will be screened from public view. As to the ground floor plan, Mr. Zgoda testified a large cooler is proposed for the cold storage which will be near the wall where the outside condensers are on the other side. Mr. Zgoda testified that production on the ground floor will be limited to re-packaging very large sugar packages into smaller packages for distribution. Mr. Zgoda testified that a sprinkler system will not be installed and is not necessary based upon his interpretation of the building code. He did state that the Applicant will install fire-rated walls as part of the interior renovations. As for the second floor, Mr. Zgoda testified that there will be no production, but rather the second floor's use will continue as a storage area. Mr. Zgoda opined that the building has a strong load capacity, is structurally sound, and is safe with numerous exits and few employees. During his testimony, Mr. Zgoda utilized and referenced the architectural drawings which were marked as Exhibit "A-2" and his testimony was consistent with illustrations on the exhibit; and

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

**WHEREAS**, the Board was satisfied with Mr. Zgoda'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**, the Applicant then offered Wayne Ingram, P.E., PLS, PP, who, after being sworn, was accepted as an engineering and planning expert by the Board based upon his education, training,

knowledge and experience and his Curriculum Vitae marked as Exhibit “A-3,” and provided testimony on behalf of the Applicant. Mr. Ingrahm described the existing exterior and interior conditions of the property with the assistance of the site plan, Exhibit “A-4.” He testified regarding his work with the Applicant and the creation of the Site Plan. More specifically, he testified regarding expansion of the loading dock, addressing parking spaces which are currently not clearly defined, the installation of a concrete pad for the condensers which minimally increases the impervious coverage. Mr. Ingram testified regarding the access easement that the property owner has with the adjacent property owner. He further testified regarding traffic circulation through the property. He stated that the intention is for vehicular traffic to enter the property from Lincoln Street or Fleming Drive, and that regardless of the point of ingress/egress, vehicles can turn around on the property without a problem, and further that refuse trucks and fire trucks will not have any problems circulating on the property. Mr. Ingram stated that the Applicant would comply with all of the conditions of approval that are recommended in the Board Engineer’s January 20, 2026 letter. He stated that lighting will not have any negative impact on the adjacent properties. He stated that there are no negative impacts on the property to its’ design and that given the industrial zone of the property, while there will be some noise, there will be compliance with the applicable Town Ordinances. Mr. Ingram then discussed the tractor trailer traffic and characterized the same as minimal. He testified that the configuration of the subject property creates a hardship which necessitates the parking space variance with no negative impact. As for the side yard and front yard setbacks, Mr. Ingram testified that the non-conforming conditions are unaffected by the application. Mr. Ingram then testified regarding vegetation, ADA accessibility and other issues raised in the Board Engineer’s January 20, 2026 letter. During his testimony, Mr. Ingram utilized and referenced the Site Plan which was marked as Exhibit “A-4” and his testimony was consistent with illustrations on the exhibit;

**WHEREAS**, the Chairman then asked the Board members if they had any questions and there were questions, focusing primarily on truck traffic issues, which the witness answered to the Board’s satisfaction; and

**WHEREAS**, the Board was satisfied with Mr. Ingram’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**, the Board was satisfied with the Applicant’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**, the Applicant did not offer any additional witnesses, documents or evidence; and

**WHEREAS**, the meeting was opened to the public by the Chairman and there was comment offered by Dominica Stopp of 284 Heckman Street and Ken Eisen of 417 Firth Street, who both had

questions regarding the application, who received satisfactory responses and who did not oppose the application; and

**WHEREAS**, the Board considered all of the preceding and also considered the Town's Master Plan and the Town's zoning ordinances and considered the comments and advice of the Board's engineer, and openly deliberated – especially on the issue of truck traffic safety; and

**WHEREAS**, the Chairman called for a motion on the application and a motion was made by Mr. Penrose, and second by Mr. Brotzman , to grant Minor Site Plan Approval with the three (3) variances as recorded below, on the express condition, consented to by the Applicant, that tractor trailer traffic - typically fifty-three feet (53') long tractor trailers be prohibited from entering and exiting the subject property between the hours of 7:00 a.m. through 9:00 a.m. and 2:00 p.m. through 5:00 p.m.; and

**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. That the subject property is located in the Town of Phillipsburg I-1 Industrial Light Zone.
2. That N.J.S. 40:55D-1, *et. seq.*, the "New Jersey Municipal Land Use Law," provides for review and Approval of Minor Site Plans by the Board.
3. That the Applicant must obtain Minor Site Plan Approval from the Board before it develops the subject property.
4. That 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.
5. That a waiver is an acknowledgment by the Board that conditions of the property are satisfactory and meet the requirements of the Town of Phillipsburg Ordinances.
6. That the Board has authority to grant variances from the provisions of N.J.S. 40:55D-1, *et. seq.*, the "New Jersey Municipal Land Use Law," pursuant to N.J.S. 40:55D-70 and pursuant to the "Town of Phillipsburg Zoning Ordinance."
7. That a variance is a deviation from the strict application of Chapter 625 of the Town of Phillipsburg's Ordinances, *to wit*, the "Town of Phillipsburg Zoning Ordinance," as set forth therein pursuant to N.J.S. 40:55D-62, *et. seq.*, and the regulations established thereto.
8. That variances be granted as to the three (3) items noted above, and contained in the Board's Engineer letter dated January 20, 2026, as more particularly set forth herein this Resolution.
9. That the subject property currently is used as a storage facility only.
10. That renovations to the subject property enhance the value of the property and does not impair the use, enjoyment and/or value of the adjacent properties.

11. That the Applicant has met its burden under N.J.S. 40:55D-70(c)(1) that, due to the exceptional narrowness, shallowness or shape of the property that the strict application of the Town's zoning ordinances would result in peculiar and exceptional difficulties such that a variance from a strict application of the zoning ordinances is appropriate.
12. That the side yard setback, front yard setback and parking space deviations from the zoning ordinances are minimal, and as for the side yard setback and front yard setback, are existing non-conformities.
13. That the proposed Site Plan will not harm the public at all.
14. That the proposed Site Plan will only minimally affect the intensity of the use of the property.
15. That the proposed Site Plan is not inconsistent with the Town's Master Plan.
16. That the proposed Site Plan is not inconsistent with the "Town of Phillipsburg Zoning Ordinance," as set forth therein pursuant to N.J.S. 40:55D-62, *et. seq.*, and the regulations established thereto.
17. That the proposed site plan is not inconsistent with New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, *et. seq.*
18. That the Applicant acknowledges that any plans to renovate, alter or otherwise change the existing site cannot take place in the absence of a further site plan application to this Board.
19. That the Board concurs that, in all other respects, the condition of the property is satisfactory and meets the requirements of the Town of Phillipsburg Ordinances.
20. That Land Use Boards have inherent authority to impose conditions on any approval it grants. North Plainfield v. Perone, 54 N.J. Super. 1, 8-9 (App. Div. 1959), *certif. den.*, 29 N.J. 507 (1959). Further, conditions may be imposed where they are required in order for a board to find that the requirements necessary for approval of the application have been met. *See Alperin v. Mayor and Tp. Committee of Middletown Tp.*, 91 N.J. Super. 190 (Ch. Div. 1966) (holding that a board is required to impose conditions to ensure that the positive criteria is satisfied); Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994) (holding that a board is required to impose conditions to ensure that the negative criteria is satisfied). Moreover, N.J.S. 40:55D-49(a) authorizes a board to impose conditions on a preliminary approval, even where the proposed development fully conforms to all ordinance requirements, and such conditions may include but are not limited to issues such as use, layout and design standards for streets, sidewalks and curbs, lot size, yard dimensions, off-tract improvements, and public health and safety. Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216, 232-233 (1994). *See Urban v. Manasquan Planning Board*, 124 N.J. 651, 661 (1991) (explaining that "aesthetics, access, landscaping or safety improvements might all be appropriate conditions for

approval of a subdivision with variances” and citing with approval *Orloski v. Ship Bottom Planning Board*, 226 N.J. Super, 1 (App. Div. 1989) as to the validity of such conditions); *Stop & Shop Supermarket Co. v. Springfield Board of Adj.*, 162 N.J. 418, 438-439 (2000) (explaining that site plan review “typically encompasses such issues as location of structures, vehicular and pedestrian circulation, parking, loading and unloading, lighting, screening and landscaping” and that a board may impose appropriate conditions and restrictions based on those issues to minimize possible intrusions or inconvenience to the continued use and enjoyment of the neighboring residential properties). Further, municipal ordinances and board rules also provide a source of authority for a board to impose conditions upon developmental approval. *See* Cox and Koenig, *New Jersey Zoning & Land Use Administration* (Gann. 2022 ed.), §28-2.2 and §28-2.3 (discussing conditions limiting the life of a variance being imposed on the basis of the board’s implicit authority versus by virtue of board rule or municipal ordinance). Boards have authority to condition approval on review and approval of changes to the plans by board experts so long as the delegation of authority for review and approval is not a grant of unbridled power to the expert to approve or deny approval. *Lionel Appliance Center, Inc. v. Citta*, 156 N.J. Super. 257, 270 (Law Div. 1978). As held in *Shakoor Supermarkets, Inc. v. Old Bridge Tp. Planning Board*, 420 N.J. Super. 193, 205-206 (App. Div. 2011): “The MLUL contemplates that a land use board will retain professional consultants to assist in reviewing and evaluating development applications” and using such professional consultants to review and evaluate revised plans “as well within the scope of service anticipated by the applicable statutes. It was the Board, and not any consultant, that exercised the authority to approve the application.”

**NOW THEREFORE, BE IT FURTHER RESOLVED THAT** the Applicant’s request for both Minor Site Plan Approval and three (3) variances from the “Town of Phillipsburg Zoning Ordinance,” under Chapter 625 of the Town of Phillipsburg’s Ordinances, pursuant to N.J.S. 40:55D-70(c), as noted above, are hereby **GRANTED**, on Motion of Mr. Penrose and Seconded by Mr. Brotzman:

**ROLL CALL VOTE**

Ayes: Chairman Duffy, Mr. Penrose, Mr. Brotzman, Mr. Zagra, Mr. Turnbull, Mr. Noel, Mr. Kennedy, Mayor Piazza and Mr. Zwicker.

Nays: None.

Abstentions: None.

Recused: None.

**AND IT IS FURTHER RESOLVED THAT** the Applicant's request for a Minor Site Plan Approval for the subdivision of the property known as Block 1701, Lot 12, located in the Town of Phillipsburg I-1 Industrial Light Zone, is granted subject to the express and unaltered conformation with the following conditions:

1. The Applicant shall be bound to comply with all comments contained in the Board Engineer's review letters dated October 7, 2025, and January 20, 2026, as modified at the February 26, 2026 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 development of the property is carried out in strict compliance with this Resolution with the understanding that any deviation therefrom which is deemed by the Board's Engineer's to be a significant deviation from the hereby approved shall require further review and approval by this Board.

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

4. The Applicant shall 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 maintain current all real estate taxes, sewer and water charges pertaining to this site.

7. The Applicant shall verify sanitary laterals from the property connect to main sanitary sewer system by video.

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

9. A sidewalk connection shall be made to access the sidewalk across the street to enable workers to access the site.

10. The Applicant shall replace existing concrete aprons that are broken or damaged.

11. The Applicant shall install fall protection for the loading dock to the northern side of the property.

12. The Applicant shall trim limbs of shade trees that obstruct the sidewalk under the direction of a qualified tree expert and the Phillipsburg Shade Tree Commission.

13. The Applicant shall remove old concrete footings with metal protruding near the northern sliding gate.

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

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

16. Any portion of any prior Site Plan approvals are hereby vacated to the extent they may be inconsistent with this Sit Plan approval.

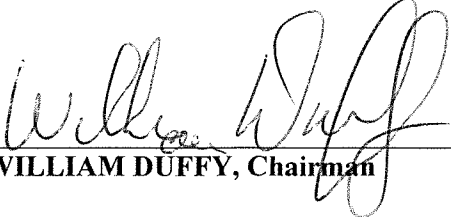
17. Tractor trailer traffic - typically fifty-three feet (53') long tractor trailers be prohibited from entering and exiting the subject property between the hours of 7:00 a.m. through 9:00 a.m. and 2:00 p.m. through 5:00 p.m.

18. Thea parking area must be re-paved, repaired and properly striped within one year of this Resolution.

19. The Applicant shall completely comply with all other conditions of approval recommended by the Board Engineer in his January 20, 2026 letter, as modified at the February 26, 206 hearing, which have not been addressed herein this Resolution.

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Land Use Board on the 26<sup>th</sup> day of February, 2026, was duly adopted at its regular meeting on March 26, 2026, by a majority of the aforesaid members.

Dated: March 26, 2026

  
**WILLIAM DUFFY, Chairman**