

TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2026-03

**RESOLUTION GRANTING PRELIMINARY AND FINAL MAJOR
SITE PLAN AND VARIANCE APPROVAL IN NO. 2026-003**

NORTHWEST NJ COMMUNITY ACTION PROGRAM 1 – Owner/Applicant

**350 Marshall Street
Phillipsburg, New Jersey 08865**

**Block 1422, Lot 1
373 South Main Street
Phillipsburg, New Jersey 08865**

Application #2026-003

WHEREAS, Northwest NJ Community Action Program 1 (hereinafter referred to as “Norwescap” or “Applicant”) has applied to the Town of Phillipsburg Land Use Board (hereinafter referred to as the “Board”) for Preliminary and Final 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, for the renovations to the interior of the existing building on site and other site improvements for the lot known as 373 South Main Street and identified on the Town of Phillipsburg Tax Map as Block 1422, Lot 1, located in the Town’s B-4 Business Zone, and owned by the Applicant (hereinafter “the subject property”) (collectively “the Application”); and

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 July 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 June 25, 2026, and was represented by Mark R. Peck, Esq., at which time the Board considered the May 12, 2026 Application for Preliminary and Final Major Site Plan and Bulk Variance Approval; the drawings and documents, as more fully described below; and the Board Engineer’s June 18, 2026 review letter, at which time the Applicant requested certain waivers from the Preliminary and Final Major Site Plan checklists, said waivers being summarized in the Board Engineer’s June, 18, 2026 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, the Board has considered the review letter of the Board Engineer dated June 18, 2026, the contents of which the Board adopts and incorporates in its finding of fact by reference herein; and

WHEREAS, a public hearing was held on August 27, 2026, where the Applicant, which being represented by Mark R. Peck, Esq., presented a brief explanation concerning the Application, *to wit*, interior remodeling of the building located at 373 South Main Street, to permit a restaurant on the ground floor with

three residential apartment units on the second floor, with utilization of an existing parking lot for the building that is located at Block 1421, Lot; 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 June 25, 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 March 5, 2026;
- B. Real property deed to Tax Map Block 1422, Lot 1, dated and filed on August 22, 2022, in Warren County Clerk Deed Book 3289, Page 201;
- C. Town of Phillipsburg – "Application for Minor or Conventional Site Plans" for Block 1422, Lot 1, dated May 12, 2026, consisting of eleven (11) pages;
- D. Certification from the Collector Taxes, dated August 20, 2026, that realty taxes and sewer payments were current;
- E. Site plan entitled: "Norwescap Old Sullivan Building Remodeling Project" for Lot 1422, Block 1, 373 S Main Street Phillipsburg, NJ 08865 Warren County" prepared by Benjamin J. Horten, AIA, of Horten Architecture & Design, dated April 23, 2026, consisting of thirteen (13) pages;
- F. Architectural Drawings entitled: "Norwescap Sullivan Building Remodeling Project 373 S Main Street, Phillipsburg NJ 08865 Warren County, Block: 1422, Lot 1," prepared by Horten Architecture & Design, dated April 23, 2026, consisting of five (5) sheets;
- G. Survey entitled: "Map of Property 371-373 South Main St. & 10 Jersey St. Lot 1 Block 1422 & Lot 4 Block 1421," prepared by Alfred A. Stewart, P.E., PLS of Stewart Surveying & Engineering, LLC, dated April 14, 2026, consisting of one page; and
- H. Town of Phillipsburg Fire Chief letter dated June 10, 2026; and

WHEREAS, the Board has considered the review letter of the Board Engineer dated June 18, 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 variance from the Town Ordinances: one "c" variance, pursuant to N.J.S. 40:55D-70(c), to permit seven (7) parking spaces where L.O. 625-32(B) requires forty-four (44) parking spaces; and

WHEREAS, the Applicant is requesting the following permanent design waivers from the Town Ordinances:

1. A waiver from the requirement that all existing and proposed signs, utility poles and their size, type of construction and location be shown on the Site Plan as required by L.O. 510-11(C)(3)(f);
2. A waiver from the requirement that the existing topography by contours at two-foot (2') intervals based upon New Jersey Geodetic Control Survey datum and general indication of proposed final grading be shown on the Site Plan as required by L.O. 510-11(C)(3)(i);
3. A waiver from the requirement that the plans and profiles of all streets adjoining the property for a distance of five hundred feet (500') of either direction of the site be shown on the Site Plan as required by L.O. 510-11(C)(3)(p);
4. A waiver from the requirement that a landscape and planting plan prepared by a professional landscape architect or landscaper be shown on the Site Plan as required by L.O. 510-11(D)(3)(m); and
5. A waiver from the requirement that all existing and proposed signs and lighting standards be shown on the Site Plan as required by L.O. 510-11(D)(3)(o); and

WHEREAS, on June 25, 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 Preliminary and Final Major Site Plan checklists which was requested by the Applicant and which are referenced in the Board engineer's June 18, 2026 letter and further recommended that the Board grant temporary waivers from the Town's Preliminary and Final Major Site Plan checklists, as outlined in the June 18, 2026 letter; and

WHEREAS, before the testimony of the Applicant's witnesses on August 27, 2026, the Board's engineer again discussed the waivers from the Town's Preliminary and Final Major Site Plan checklist which was requested by the Applicant and which are referenced in the Board engineer's June 18, 2026 letter and further recommended that the Board grant temporary waivers from the Town's Preliminary and Final Major Site Plan checklist, as outlined in the June 18, 2026 letter; and

WHEREAS, by unanimous vote on June 25, 2026, the Board granted the temporary waivers referenced above as to items 2a, 2b, 2c, 2e, 2f, 2i, 2j, 2m, 3a, 3b, 3d, 3e, 3f, 3g, 3h, 3k, 3l, 3m, 3n, 3o, 3p and 3q, as set forth in the Board Engineer's June 18, 2026 letter, and reaffirmed the same on July 23, 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 August 27, 2026:

1. Mark Valli, who is the Applicant's Chief Executive Officer;
2. Benjamin J. Horten, AIA, who is the Applicant's architect; and
3. James Barnett, AICP, who is the Applicant's affordable housing professional; and

WHEREAS, the following documents were marked as exhibits at the August 27, 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 James Barnett, AICP;
2. Exhibit "A-2": Curriculum Vitae of Benjamin J. Horten, AIA;
3. Exhibit "A-3": Architectural Drawings entitled: "Norwescap Sullivan Building Remodeling Project 373 S Main Street, Phillipsburg NJ 08865 Warren County, Block: 1422, Lot 1," prepared by Benjamin J. Horten AIA, of Horten Architecture & Design, dated April 23, 2026, consisting of five (5) sheets;
4. Exhibit "A-4": Site plan entitled: "Norwescap Old Sullivan Building Remodeling Project" for Lot 1422, Block 1, 373 S Main Street Phillipsburg, NJ 08865 Warren County" prepared by Benjamin J. Horten, AIA, of Horten Architecture & Design, dated April 23, 2026, consisting of thirteen (13) pages; and
5. Exhibit "A-5": Town of Phillipsburg Fire Chief letter dated June 10, 2026; and

WHEREAS, the Applicant first offered Mark Valli, who is Norwescap's CEO, who after being sworn, testified generally regarding what Norwescap does and the need for the proposed renovation. Norwescap is a comprehensive social services organization that operates a wide variety of programs including early childhood education, children and families, food security, health equity, healthcare, workforce development and job training, community development including housing assistance and other social service programs which serves approximately thirty thousand (30,000) people annually in Warren, Hunterdon, Sussex, Morris and Somerset Counties. He stated that the goal of the current application is to renovate the building which was purchased in 2022, and make it a hub of the community. He testified the restaurant would be open four days per week (Thursday through Sunday) for lunch and dinner and that the kitchen would be available for local food entrepreneurs. Mr. Valli testified that the upstairs will include three residential units where Norwescap would be the landlord and that the organization has experience as an active landlord of fifteen (15) buildings. He testified that the restaurant would be operated by Norwescap and that there is a business plan in place to operate the restaurant which would also use local residents as employees and trainees while updating the building but also retaining the building's historical character; and

WHEREAS, the Chairman then asked the Board members if they had any questions of Mr. Valli and there were a few questions which were answered satisfactorily; and

WHEREAS, the Board was satisfied with Mr. Valli'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 next offered James Barnett, AICP, who after being sworn, was accepted as a New Jersey affordable housing expert by the Board based upon his testimony regarding his education, training, knowledge and experience and his Curriculum Vitae which was marked as Exhibit "A-1," and provided testimony on behalf of the Applicant. Mr. Barnett began by testifying as to his formal education and his experience in New Jersey affordable housing consulting and work with non-profit organizations, municipalities and the State of New Jersey. Mr. Barnett testified that Phillipsburg has an affordable housing obligation under New Jersey law which is reflected in the Town's Master Plan Housing Element. He testified that the residential tenants will be limited to those who qualify based upon a limited income under State guidelines. He also stated that the building is deed restricted for twenty (20) years and can be used in the future as part of the Town's affordable housing obligation with the Town having the opportunity to extend the deed restriction for a longer period. Mr. Barnett testified regarding the housing lottery process for the potential tenants which his firm will perform for Norwescap; and

WHEREAS, the Chairman then asked the Board members if they had any questions of Mr. Barnett and there were a few questions which were answered satisfactorily; and

WHEREAS, the Board was satisfied with Mr. Barnett'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 next offered Benjamin J. Horten, AIA, who, after being sworn, was accepted as an architectural expert by the Board based upon his testimony regarding his education, training, knowledge and experience and his Curriculum Vitae which was marked as Exhibit "A-2," and provided testimony on behalf of the Applicant. Mr. Horten began this testimony by referencing the architectural drawings and the Site Plan which he prepared, and which were marked as Exhibits "A-3" and "A-4." He discussed the current layout and existing conditions of the physical building, along with the building's historical uses. Mr. Horten testified with regard to the limited parking available on-site based upon inquiries from the Board engineer. Mr. Horten testified in detail regarding the proposed building design including the doors, the siding, the windows and the facade. He explained how the restaurant interior will be laid out. In response to a question from the Chairman regarding building signage, Mr. Horten testified that the signage would be consistent with the previous signage. He stated that the basement would be used primarily for storage as currently occurs. He stated that the kitchen would be slightly modified and updated. He noted that the residential tenants will have a secure entrance to their homes, away from the restaurant patrons. He testified that the first floor door leading to the alleyway will remain in place. Mr. Horten testified that on

the second floor there would be a two-bedroom unit facing the front of the building of approximately nine hundred and fifty square feet (950' sq.) and a one-bedroom unit facing the rear of approximately six hundred and thirty square feet (630' sq.). On the third floor, Mr. Horten stated there will be a two-bedroom unit of approximately eight hundred and twenty square feet (820 sq'). In response to a question by the Board engineer regarding handicap accessibility to the residential units, Mr. Horten testified that under New Jersey's housing rehabilitation law, if renovations are to no more than three units, the handicap accessibility is not required. He did state that the existing entrances to the restaurant are not handicap accessible and the New Jersey rehabilitation code and regulations do require handicap accessibility for a building of this size and that there is adequate sidewalk to accommodate a ramp. Upon an inquiry regarding trash disposal, Mr. Horten offered some alternatives and stated that was to be determined in consultation with the Towns. As for residential mail delivery, Mr. Horten stated there is provision for mail security in the design. When asked about the number of potential restaurant patrons, Mr. Horten stated that the Site Plan estimates up to one hundred and fourteen (114). He then transitioned into how he calculated the need for forty-four (44) parking spaces, but how the existing seven (7) parking spaces has historically been adequate at this site; and

WHEREAS, the Chairman then asked the Board members if they had any additional questions of Mr. Horten and there were a number of questions regarding parking for the restaurant employees, restaurant patrons and residential tenants which were answered satisfactorily by the Applicant's witnesses; and

WHEREAS, the Board was satisfied with Mr. Horten'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 and there was none; and

WHEREAS, the Board deliberated, had some clarification questions of the Applicant and considered all of the preceding and also considered the Town's Master Plan, the Town's zoning ordinances, the Town's site plan ordinances and considered the comments and advice of the Board's engineer; and

WHEREAS, the Chairman called for motions on the Application with separate votes on the permanent design waivers, the bulk variance, and Preliminary and Final Major Site Plan Approval as recorded below; 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 B-4 Business Zone.
2. That N.J.S. 40:55D-1, *et. seq.*, the "New Jersey Municipal Land Use Law," provides for review and Approval of Major Site Plans by the Board.

3. That the Applicant must obtain Major 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 item noted above, and contained in the Board's Engineer letter dated June 18, 2026, as more particularly set forth herein this Resolution.
9. That the subject property currently is underutilized.
10. That the provision of affordable housing is inherently beneficial under the law.
11. 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.
12. That the proposed Site Plan will not harm the public at all.
13. That the proposed Site Plan will only minimally affect the intensity of the use of the property.
14. That the proposed Site Plan is not inconsistent with the Town's Master Plan.
15. 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.
16. That the proposed site plan is not inconsistent with New Jersey Municipal Land Use Law, N.J.S. 40:55D-1, *et. seq.*
17. 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.
18. 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.
19. 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 a 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.”

20. That, under N.J.S. 40:55D-70(c)(1), a bulk variance may be granted if the Board finds that because of: (a) by reasons of exceptional narrowness, shallowness or shape of a specific property; or (b) by reason of exceptional topographical conditions or physical features directly affecting a specific piece of property; or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific property or the structures lawfully existing thereon, the strict application of any regulation of the Township's land use ordinances, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property.
21. That, under N.J.S. 40:55D-70(c)(2), a bulk variance may be granted if the Board finds that "in an application or appeal relating to a specific piece of property the purposes of this act or the purposes of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act."
22. That the Applicant must demonstrate both the positive criteria and the negative criteria under N.J.S. 40:55D-70(c).
23. Positive criterial for relief under (c)(1): The aforementioned language describes the "positive" criteria of a "c(1)" variance. Generally, "undue hardship" refers solely to particular physical conditions of the property as described in subsection c(1) of the statute, as opposed to personal hardship, financial or otherwise. Lang v. Zoning Board of Adjustment, 160 N.J. 42, 53, 55-66 (1999), although there have been some cases considering financial hardship when closely related to a unique feature of the property, such as found in Hawrylo v. Board of Adjustment, 249 N.J. Super. 568, 581-583 (App. Div. 1991), Cohen v. Borough of Rumson, 396 N.J. Super. 608, 618-620 (App. Div. 2007). The hardship standard, however, does not require that the applicant prove that, without the variance, the property would be zoned into inutility. Instead, a Board may grant a variance where the applicant demonstrates that the property's unique characteristics inhibit "the extent" to which the property can be used. Lang, 160 N.J. at 55; Kauffman v. Planning Board of Warren, 110 N.J. 551 (1988).
24. Positive criteria for relief under (c)(2): The Applicant must show "that the application (1) relates to a specific piece of property; (2) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement; (3) that the variance can be granted without substantial detriment to the public good; (4) that the benefits of the deviation would substantially outweigh any detriment and (5) that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. See Jacoby

v. Englewood Cliffs Zon. Bd. of Adjustment, 442 N.J. Super. 450, 471 (App. Div. 2015).” *See* Cox and Koenig, New Jersey Zoning & Land Use Administration (Gann. 2022 ed.), §28-2.2 and §28-2.3.

25. Negative criteria for relief under either (c)(1) or (c)(2): Notwithstanding the positive criteria of each section, the applicant must also satisfy the negative criteria of the statute, which provides that no variance may be granted without a showing that such variance or other relief can be granted without substantial detriment to the public good, and without substantially impairing the intent and purpose of the zone plan and the zone ordinance. The phrase “zone plan” as used in N.J.S. 40:55D-70, means the town’s “master plan.” Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).
26. 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.
27. That, in this case, positive criteria for relief under “(c)(1)” has been met substantially for the uncontested compelling reasons proffered by the Applicant’s presentation, which the Board accepts, in that it would be an undue hardship for the Applicant given the unique characteristics of the property.
28. That, in this case, the positive criteria for relief under “(c)(2)” has been met substantially for the uncontested compelling reasons proffered by the Applicant’s presentation, which the Board accepts, in that the proposed use of the building is inherently beneficial and will promote the purposes of the New Jersey Municipal Land Use Law.
29. That, in this case, negative criteria for relief under “(c)(1)” and “(c)(2)” has been met substantially for the uncontested compelling reasons proffered by the Applicant’s presentation, which the Board accepts, in that granting the requested relief under “(c)(1)” and “(c)(2)” will not cause substantial detriment to the public good, or substantial impairments of the zone plan.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Applicant’s request for five (5) permanent design waivers from the “Town of Phillipsburg’s Site Plan Ordinance of 1979,” as set forth above, is hereby **GRANTED**, on Motion of Mr. Penrose and Seconded by Mr. Brotzman:

ROLL CALL VOTE

Ayes: Chairman Duffy, Mr. Bond, Mr. Zwicker, Mr. Noel, Mr. Penrose, Mr. Zagra, Mr. Kennedy and Mr. Brotzman.

Nays: None.

Abstentions: Mr. Turnbull.

Recused: None.

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the Applicant's request for the one variance 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. Zwicker and Seconded by Mr. Zagra:

ROLL CALL VOTE

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

Nays: None.

Abstentions: None.

Recused: None.

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

ROLL CALL VOTE

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

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 1422, Lot 1, located in the Town of Phillipsburg B-4 Business 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 June 19, 2026, as modified at the August 27, 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, the Phillipsburg Historical Commission, 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.

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

10. The Applicant shall prepare a deed to the property which reflects the deed restriction discussed herein, with said form of deed to be approved by the Board attorney and the Board engineer.

11. The Applicant shall designate the seven (7) parking spaces as follows: (a) one must be ADA compliant; (b) one must be electrical vehicle ready; and (c) five must be designated for the residential tenants – the design and signage of the same must be approved by the Board engineer.

12. The Applicant shall comply with the Town's sign ordinances.

13. The Applicant shall comply with the Town's lighting ordinances.

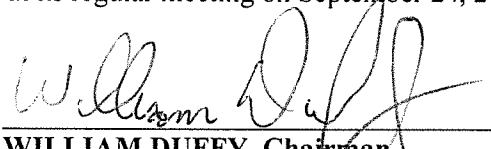
14. The Applicant shall have all plans, subdivisions and surveys signed and sealed by the appropriate professionals who prepared the same.

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 Site Plan approval.

17. The Applicant shall completely comply with all other conditions of approval recommended by the Board Engineer in his June 19, 2026 letter, as modified at the August 27, 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 27th day of August, 2026, was duly adopted at its regular meeting on September 24, 2026, by a majority of the aforesaid members.



WILLIAM DUFFY, Chairman

Dated: September 24, 2026