TOWN OF PHILLIPSBURG LAND USE BOARD RESOLUTION NO. 2026-04

RESOLUTION ADOPTING THE FINDINGS AND THE RECOMMENDATIONS OF THE TOWN PLANNER'S SEPTEMBER 3, 2026, RE-EXAMINATION REPORT OF THE TOWN OF PHILLIPSBURG'S MASTER PLAN

WHEREAS, the "Municipal Land Use Law," N.J.S. 40:55D-25(1), vests the Phillipsburg Planning Board, also identified as the Land Use Board, (hereinafter "Board"), with the power to act in regard to the Town of Phillipsburg's Master Plan pursuant to N.J.S. 40:55D-28; and

WHEREAS, N.J.S. 40:55D-28 vests the Board with the power to prepare, adopt and/or amend the Master Plan, or any components thereof, after a public hearing, to guide the Town's use of lands within the Town in a manner which protects public health and safety and promotes the general welfare; and

WHEREAS N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis; and

WHEREAS, the Board adopted a Master Plan in accordance with controlling law in 1988; and subsequently conducted a Master Plan Re-examination in 1996; and adopted a Master Plan update on November 22, 2004; and adopted a Master Plan Re-examination Report on December 23, 2013; and adopted a Master Plan Re-examination Report on February 27, 2025; and

WHEREAS, the Board had decided that it was appropriate to conduct a re-examination of the Master Plan, and accordingly, directed the Town's Professional Planner, Timothy M. O'Brien, PE, PP, CME, a New Jersey licensed professional planner and professional engineer, to undertake the review; and

WHEREAS, Planner O'Brien has conducted the review and made his findings in a Re-Examination Report dated September 3, 2026 ("Report"); and

WHEREAS, the Board has had adequate opportunity to review, and to comment on, the Report; and

WHEREAS, the Board has provided notice of a public hearing held on September 24, 2026, pursuant to N.J.S. 40:55D-28(a); and

WHEREAS, at its regular meeting on September 24, 2026, the Board held a public hearing on the Report; and

WHEREAS the Town Planner made a public presentation which is consistent with his September 3, 2026, Re-examination Report; and

WHEREAS, the Board asked for public comments, and having not received any public comments made orally and in writing; and

WHEREAS the Board is of the opinion that it has had adequate time and opportunity to consider the Re-Examination Report and all public comments; and

NOW THEREFORE, as a result of the Town Planner's September 3, 2026 Re-examination Report, the public presentation, testimony and exhibits presented on September 24, 2026, the Board finds as follows:

1. N.J.S. 40:55D-89 requires the Board to re-examine the Master Plan on at least a decennial basis.

2. The present time is appropriate for the Board to re-examine and to consider changes to the Town's Master Plan.

3. Town Planner O'Brien's through investigation, report and presentation are made in accordance with the law; are beneficial to the Board; are beneficial to the Town and to the public; and contain appropriate recommendations for amendments to the Town's Master Plan.

4. The proposed amendments to the Master Plan, as set forth in Planner O'Brien's September 3, 2026 Re-examination report, are consistent with the Town of Phillipsburg's Master Plan.

5. The proposed amendments to the Town of Phillipsburg's Master Plan, as set forth in Planner O'Brien's September 3, 2026 Re-examination Report, are consistent with the "Municipal Land Use Law," N.J.S. 40:55D-1, *et. seq.* and controlling law.

6. The proposed amendments to the Town of Phillipsburg's Master Plan, as set forth in Planner O'Brien's September 3, 2026 Re-examination Report, have adequately taken into consideration the concerns, if any, of adjacent municipalities and are not inconsistent with adjacent municipalities' interests.

7. The proposed amendments to the Town of Phillipsburg's Master Plan, as set forth in Planner O'Brien's September 3, 2026 Re-examination Report protects public health and safety and promotes the general welfare.

NOW THEREFORE, BE IT RESOLVED THAT the Town of Phillipsburg's Master Plan be amended in the manner set forth in the September 3, 2026 Re-examination Report of Town Planner Timothy M. O'Brien, PE, PP, CME, on motion of Mayor Piazza and seconded by Mr. Penrose; and

IT IS FURTHER RESOLVED THAT this Resolution shall be delivered to the Town of Phillipsburg Clerk, the Town Council and the Mayor so that the Town can take steps necessary to carry out the purpose of this Resolution.

ROLL CALL VOTE

Ayes: Chairman Duffy, Mr. Brotzman, Mr. Noel, Mr. Penrose, Mr. Turnbull, Vice Chairman Zwicker, Mr. Bond ,Mayor Piazza, Council President Kennedy

Nays: None.

Abstentions:

The foregoing Resolution memorializing the action taken by the Town of Phillipsburg Land Use Board on the 24th day of September, 2026, was duly adopted at its regular meeting on October 22, 2026, by a majority of the aforesaid members.

KEITH ZWICKER VICE CHAIRMAN

Dated: October 22, 2026