

**TOWN OF HACKETTSTOWN  
LAND USE BOARD  
REGULARLY SCHEDULED MEETING  
MINUTES  
December 18, 2018**

Adequate notice of this regular public meeting has been provided in accordance with the Open Public Meetings Act by posting notice on the bulletin board in the Municipal Building; publishing in the Daily Record and New Jersey Herald, official newspapers of the Town of Hackettstown; posting notice on the website of the Town of Hackettstown; filing said notice with the Town Clerk of Hackettstown; as well as furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act. As advertised, action may be taken at this meeting.

All meetings are held at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, NJ 07840 at 7:00 p.m., unless otherwise advertised.

**CALL TO ORDER**

The December 18, 2018 Land Use Board Meeting was called to order by Chairman Camporini at 7:01 p.m.

**ANNOUNCEMENT OF PROPER NOTICE**

**FLAG SALUTE**

**ATTENDANCE**

**Board Members Present**

Camporini; Bristow; Lambo; Stead; Tierney; Moore; Weaver; Stout; Wolfrum

**Board Members Absent**

Burke

**Professionals Present**

Zakin; Sterbenz; Bloch

**MINUTES November 27, 2018 Meeting**

The motion to approve the November 27, 2018 Meeting Minutes was made by Moore, seconded by Tierney.

**In Favor:** Stead; Weaver; Stout; Wolfrum; Camporini; Tierney; Moore

**Oppose:** None

**Abstain:** Bristow; Lambo

**RESOLUTIONS**

**Macaluso/Sgaramella, Block 51, Lot 2 – Section 68 Certification**

The motion to approve the Macaluso/Sgaramella Resolution was made by Moore, seconded by Stout.

**In Favor:** Stead; Tierney; Stout; Wolfrum; Camporini; Moore

**Oppose:** None

**Abstain:** Bristow; Lambo; Weaver

**Suttles, Block 81, Lot 8 – Section 68 Certification**

The motion to approve the Suttles Resolution was made by Tierney, seconded by Stead.

**In Favor:** Moore; Weaver; Stout; Wolfrum; Camporini; Stead; Tierney

**Oppose:** None

**Abstain:** Lambo; Bristow

**Hartmann, Application, Section 68 Certification**

The motion to approve the Hartmann Resolution was made by Moore, seconded by Stout.

**In Favor:** Stead; Tierney; Camporini; Moore; Wolfrum; Stout

**Oppose:** None

**Abstain:** Lambo; Bristow; Weaver

**Master Plan Reexamination Resolution**

A motion was made by Stead, seconded by Bristow, to approve the Resolution adopting the 2019 Master Plan Reexamination.

**In Favor:** Lambo; Tierney; Moore; Weaver; Stout; Wolfrum; Bristow; Stead; Camporini

**Oppose:** None

**Abstain:** None

**APPLICATIONS – COMPLETENESS**

**228-230 LLC, Block 77 Lots 2 & 3 – Lot Line Adjustment**

Nevitt Duveneck, Engineer, Present for Applicant

Michael Merola, Present for Applicant

Mr. Duveneck stated the site is the Masonic Lodge on Main Street and application is a Lot line adjustment across the parking Lot. Mr. Duveneck added there are no variances being applied for, other than existing conditions, and the sixty year title searches have been ordered and the applicant is therefore requesting a temporary waiver for this requirement, and is requesting the application be deemed complete with this waiver.

Mr. Sterbenz referred to his report dated December 12, 2018 which listed the following deficiencies in the application submittal:

- a. Names and addresses of all persons having a 10% interest in 228-230 LLC was not furnished;
- b. The development application was not signed by an authorized representative of 228-230 LLC
- c. An application under the Town's Highlands Area Exemption Ordinance was not provided
- d. The title search that was provided is only applicable to Lot 2 and does not address Lot 3
- e. The Tax Collector's letter indicates that the properties are owned by 226 Main Street Property LLC (Lot 2) and 228-230 LLC (Lot 3), and not Michael and Mary Merola.

Mr. Sterbenz also noted in his memo dated December 12, 2018, the applicant is seeking approval for the following waivers from the Minor Subdivision Plan Checklist:

- a. The depiction of features within 100 feet of the boundary of the overall tract;
- b. The depiction of buffer and landscaped areas;
- c. The delineation of flood plain areas;
- d. The depiction of contours;
- e. The depiction of marshes, ponds and land subject to flooding within the tract and within one hundred (100) feet thereof;
- f. The submission of a copy of a Warren County Planning Board application;
- g. The submission of a copy of an application filed with the HMUA;
- h. Soil erosion and sediment control plans;
- i. The submission of an Environmental Impact Statement;

- j. Roadway dedication information;
- k. Utility and roadway plans;
- l. Sight triangle easements;
- m. Deed descriptions;
- n. Historic Impact Statement;
- o. Sixty (60) year title search.

Mr. Sterbenz stated he had no objections to the Board waiving items a, b, c, d, e, g, h, i, j, k, l, m, and n above for the purpose of completeness, however, the waiver requests for f and o should be rejected.

The motion to deem the 228-230 LLC Application incomplete was made by Moore, with the inclusion of waiving of items a, b, c, d, e, g, h, i, j, k, l, m, and n, with the second being Lambo.

**In Favor:** Bristow; Stead; Tierney; Moore; Weaver; Stout; Wolfrum; Camporini; Lambo

**Oppose:** None

**Abstain:** None

### **AREA IN NEED OF REDEVELOPMENT STUDY**

Mr. Bloch stated this is a Public Hearing on a potential area in need of redevelopment known as Block 45, Lot(s) 1 and 2, located on Bilby Road in Hackettstown.

Mr. Bloch stated the governing body passed a Resolution referring the matter to the Land Use Board (LUB), and asking the LUB to determine if the area qualifies as an area in need of redevelopment.

Mr. Bloch stated the following:

- In 1986, Lot 1 was purchased by B & W Associates who in turn subdivided Lot 1 in 1992, creating Lot 1.01. Lot 1 was developed and is where the medical arts building is located, and Lot 1.01 remained vacant;
- In 2000, Moudro Corporation purchased Lot 2;
- In 2005, Moudro Corporation purchased Lot 1.01;
- In 2006, Moudro Corporation applied for a Site Plan of Lot 1.01 consisting of 48 apartments and 35,000 sq feet of office space. This application was denied.
- In 2010 in the supplement to the 2008 Master Plan Examination report, the area was recommended for rezoning to permit Health Facilities and Affordable Housing;
- In 2011, the governing body adopted an Ordinance permitting Health Facilities with an overlay to allow a residential development with affordable housing;
- In 2013, Moudro Corporation received conditional approval from the Town Planning Board, and needed to satisfy Warren County Planning Department's issues with respect to the proposed driveway. The application lapsed, as the requirements set forth by the Planning Board were never met, and the Application never received approval by Warren County Planning Department.

Mr. Bloch stated in order to be determined as an area in need of redevelopment, there must be at least one criteria met from the statute. Mr. Bloch referred to Maser Consulting's Non-Condemnation Area in Need of Redevelopment Investigation Report, specifically pages 13 and 14 which list the criteria. Mr. Bloch stated Criteria C and Criteria E in the statute have been met, and advised the Land Use Board to recommend to the Town Council that both properties be deemed areas in need of redevelopment.

Mr. Lambo stated that in March 2017 the medical building on Lot 1 was approved without the need to be an area in need of redevelopment, and in 2013 when the application received

conditional approval the property did not need to be an area in need of redevelopment., so why are we now exploring this?

Mr. Moore asked if the property is deemed an area in need of redevelopment, what could they do differently with the property? Mr. Bloch answered it would allow the Town to come up with a pilot, however he does not know what the terms of the pilot would be at this time.

Mr. Camporini asked if the Developer wants the property to be an area in need of redevelopment? Mr. Bloch answered yes.

Mr. Sterbenz stated an area of redevelopment would allow for more flexibility for the developer, as it will supersede the Zoning. Mr. Sterbenz stated the Developer is now requesting 275 units, with a 20% set aside for affordable housing, with no retail space. Mr. Sterbenz further stated with a pilot program, the property owner will pay a fee in lieu of taxes, and this fee is a long term tax abatement fee which is paid directly to the Town. Ninety-five percent of the fee goes to the Town, with five percent going to the County, and zero going to the schools.

Mr. Lambo stated the town has adjusted the zoning for this site numerous times to meet this developer's requests.

Mr. Stead stated Mr. Paftinos had approval from the Board since 2013, and now six years later, we are being told they cannot get the property developed. Mr. Stead stated there had been a lot of discussion at the time of hospital employees renting these units, as well as a portion of it being dedicated for county college nursing students, which was great for the area. Mr. Stead further stated the property is in the condition it is because nothing was done by the Applicant, and wonders why the Board would have to go thru this again.

Mr. Bloch answered the Court has said the Zoning put in place is not feasible.

Mr. Lambo stated with respect to criteria C, the only reason this site would meet that requirement is because the Warren County Planning Board shot down the separate access road, but now that the developer does not want the retail aspect, then there is no need for that separate access road.

Mr. Stead added the lack of an access road is a moot point, because it was already addressed that the main access road would feed both sides of the Lot.

Mr. Stead stated the original application was not one that was forced on the applicant; they chose to make the decision.

Mr. Lambo added the Board could still drop the affordable housing requirement to 20% without the need of an area of redevelopment.

Mr. Bloch stated the town could simply rezone the lots for 275 units, with 20% set aside, however, there is no guarantee the developer will make it financially feasible to move forward. There is no way to get the PILOT program, which is what they are asking for without the Redevelopment Plan. Mr. Bloch added the developer has stated that without the PILOT program, they cannot build.

Mr. Lambo stated in 2013 when the applicant agreed to the Site Plan, they thought it was feasible to build without the need of an area of redevelopment.

Mr. Stead asked if the professionals are advising the Land Use Board to determine the area is in need of redevelopment. Mr. Bloch answered yes.

Chairman Camporini opened the meeting to the public at 7:58 p.m.

Michael Selvaggi, Attorney, of the law firm of Lavery, Selvaggi, Abromitis & Cohen, on behalf of Moudro Corporation, stated one thing the Board is doing is putting the cart before the horse, as the Board is here to see if the criteria is met to allow the site to be designated as a non-condemnation area in need of redevelopment, and is not here to determine the pilot program, as that is for the governing body to determine.

The meeting was closed to the public at 8:05 p.m.

Mr. Sterbenz added the timeline for this would be if this is passed tonight and the Town Council designates the site as a non-condemnation area in need of redevelopment at its December 27, 2018 meeting, the Town Council would introduce an ordinance enabling the redevelopment plan at the January 10, 2019 Council Meeting, and then it would be referred to the Land Use Board for the January 22, 2019 meeting for review.

Mr. Camporini asked if there was any further discussion. There being none, a motion was made by Stout, seconded by Weaver, to determine that the property known at Lots 1.01 and 2, Block 45 of the Town of Hackettstown be designated as a non-condemnation area in need of redevelopment.

**In Favor:** Bristow; Lambo; Stead; Tierney; Moore; Weaver; Wolfrum; Stout; Camporini

**Oppose:** None

**Abstain:** None

#### **CORRESPONDENCE**

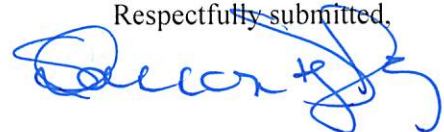
The following correspondence was reviewed.

**David Diehl, Zoning Official re: 72 Saxton Drive - Addition**

#### **ADJOURNMENT**

There being no further business, the December 18, 2018 Town of Hackettstown Land Use Board Meeting was adjourned by a motion from Moore, seconded by Stout, at 8:48 p.m. All members present in favor of adjournment.

Respectfully submitted,



Shannon Drylie  
Land Use Board Clerk

Motion to approve: Stead

Second: Bristow

In Favor: Tierney; Weaver; Stout; Lambo; Wolfrum; Camporini; Stead; Bristow; Moore

Oppose: None

Abstain: Burke