

**TOWN OF HACKETTSTOWN
MINUTES
Land Use Board
May 28, 2019 Meeting**

CALL TO ORDER

The May 28, 2019 Land Use Board Meeting was called to order by Chairman Camporini at 7:00 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE

Present

Bristow; Burke; Moore; Tierney; Stout; Sherman; Lambo; Camporini; Stead; Wolfrum (7:25 p.m.)

Absent

Weaver

Also Present

Zakin; Sterbenz

MINUTES

April 23, 2019 Meeting

Motion to approve the April 23, 2019 Land Use Board Meeting Minutes made by Moore, seconded by Bristow.

In Favor: Burke; Sherman; Lambo; Camporini; Stead; Bristow; Moore

Oppose: None

Abstain: Tierney; Stout

RESOLUTIONS

128 Liberty Street LLC, #19-06, Block 60, Lot 10 – Section 68 Certification

The motion to approve the resolution for 128 Liberty Street LLC made by Lambo, seconded by Stout.

In Favor: Burke; Moore; Tierney; Sherman; Camporini; Stead; Stout; Lambo

Oppose: None

Abstain: None

INFORMAL PRESENTATION

Lion Gate @ Musconetcong River Urban Renewal LLC – Block 125, Lot 9.01

Greg Leo presenter.

Mr. Leo stated he appeared before the Board a few months ago with proposed changes to the approved plans for the first building, and advised the Board the plan is to go forward with the original approved plans.

Mr. Leo referred to architectural renderings of the second building, which is much larger than the first building. Mr. Burke asked if Mr. Leo was applying for a PILOT program, and Mr. Leo answered it has already been discussed with the Town Council.

Mr. Leo advised the Board that COAH units are located in both buildings.

Mr. Camporini asked if the landscaping will look as presented. Mr. Leo answered yes, if approved by the Board.

Mr. Moore asked how many COAH units are in the buildings. Mr. Leo answered 25.

Mr. Camporini asked what the elevator sizes were, Mr. Leo answered the elevators would be handicap accessible.

Mr. Camporini asked if the Board has any further questions. There being none, Mr. Camporini opened the meeting to the public for questions.

Robert West, 200 Vail Street, Hackettstown, asked where the proposed buildings were located. Mr. Leo answered 301 Mountain Avenue, behind WaWa.

There being no further questions, the meeting was closed to the public by Chairman Camporini.

No action was taken by the Board.

COMPLETENESS/PUBLIC HEARING

Fortress Realty 2 LLC, #19-09, Block 78, Lot 14 – Interpretation/Section 68 Certification. No one present for application

Laurano/Vail Street LLC #19-07, Block 40, Lot 2 – Minor Subdivision/Bulk Variance.

Mr. Sterbenz stated the main issue for Completeness was the submission of written consent from an adjacent property owner to accept a conveyance as part of the subdivision. The applicant did not receive the written consent, so the subdivision plans were revised to delete the proposed conveyance to Lot 6. Therefore, Mr. Sterbenz recommended the application be deemed complete.

The motion to deem Vail Street LLC, Block 40, Lot 2 complete was made by Stead, seconded by Moore.

In Favor: Burke; Bristow; Tierney; Stout; Sherman; Camporini; Stead; Moore

Oppose: None

Abstain: None

FINAL HEARING

Vail Street LLC, Block 40, Lot 2

John Vitale, Attorney, present for application.

Mr. Wolfrum present at meeting at 7:25 p.m.

Mr. Vitale advised the Board that there are notice deficiencies in the application that were brought to his attention tonight, however, the applicant would like to proceed as their professionals are present.

Mr. Zakin stated that because the neighbor (John Benson, 305 W Baldwin Street) whose notice was defective was present that evening, he could, if he so chooses, waive the notice requirement. Mr. Benson, in fact, did waive the notice requirement, and the applicant then proceeded with their application, including testimony of their professionals who were all present.

Mr. Vitale introduced Paul Couvrette, Engineer, Nader Group LLC, who listed his credentials. Mr. Vitale asked that Mr. Couvrette be accepted as an expert in his field by the Board.

Mr. Couvrette stated the application proposes to subdivide Lot 2 Block 40. Mr. Couvrette referred to sheet C-100, revised May 15, 2019. Mr. Couvrette stated presently the property is 34,000 square feet, located in the R12.5 Residential Zone. The current house has two non-conformities: Current side yard setback in the northeast of 14.5 feet, where 15 feet is required; and front yard setback of 16 feet, where 40 feet is required.

Mr. Couvrette stated the applicant is proposing the subdivision of Lot 2 into two separate lots. The remainder lot shall consist of 16,600 square feet, and proposed Lot 2.01 will consist of 17,600 square feet. Both lots shall comply with the area requirement of 12,500 square feet. Mr. Couvrette further stated the applicant has not finalized the plans for the proposed house, however, it shall be approximately 26 feet, x 46 feet.

Mr. Sterbenz referred to his report dated May 21, 2019. Mr. Sterbenz stated the applicant is seeking bulk variances including: Lot frontage, width and side yard setbacks for Remainder Lot 2, as well as variances for frontage, width, front yard setback and side yard setbacks for proposed Lot 2.01.

Mr. Bristow asked a procedural question regarding the variances, and if he should be stepping down as the representative of the Mayor. Mr. Zakin answered if the application was part of a use variance Mr. Bristow would have to step down.

Mr. Sherman asked what the objective of the subdivision was, and Mr. Couvrette answered to build a single family home. Mr. Couvrette further stated the applicant would speak to this directly.

Mr. Sterbenz asked if there was any proposed off-street parking. Mr. Couvrette answered the proposal was for on-street parking. Mr. Couvrette further stated two of the three homes on the street are relying on on-street parking. Mr. Burke stated making the situation on the street worse will not help, as during snowstorms, there is no parking on the street, and where would the residents park? Mr. Sterbenz stated the lot is oversized, and there is plenty of room to put off-street parking, as there is a curb cut off of Vail Street. Mr. Burke stated this in turn could affect the setbacks. Mr. Stead asked where the curb cut is, and Mr. Sterbenz answered on the proposed new lot.

Mr. Stead asked if in the future there is an application to build on this lot in the future, can the Board set a setback to accommodate off-street parking? Mr. Sterbenz responded absolutely.

Mr. Camporini asked for a description of a flag lot. Mr. Sterbenz answered it is an L-shaped lot, and the other Lot would be in front of the bottom of the L.

Mr. Camporini asked if the applicant were to create a flag lot, would that in fact alleviate some of the variances. Mr. Sterbenz answered yes.

Meeting opened to the public for questions of Mr. Couvrette. There being none, the meeting was closed to the public.

John Benson, 305 W. Baldwin Street, Hackettstown. Mr. Benson stated his main concern was on-street parking. There is an apartment building across the street, and the tenants also park on the street even though they have on-site parking. Chairman Camporini stated there would be a time for comments later, that this time is for questions of Mr. Couvrette only.

Mr. Vitale asked for a recess to confer with his client. Chairman Camporini recessed the meeting for 10 minutes.

Chairman Camporini called the meeting back into session. Mr. Vitale stated he conferred with his clients and asked the application be carried so it may be amended. Mr. Moore asked if the applicant needs to renote. Mr. Zakin answered if the applicant can be ready for the next meeting, the notice can be carried.

Motion was made by Moore, seconded by Stout, to carry the application to the next meeting without further notice.

In favor: Burke; Bristow; Tierney; Sherman; Wolfrum; Camporini; Stead; Moore; Stout

Oppose: None

Abstain: None

Schiano, #19-04, Block 137, Lot 6 – Interpretation/Section 68 Certification/Variance Public Hearing Continuation (Carried to next meeting without further notice).

Mr. Sterbenz stated he received an e-mail requesting to carry the application to the June 25, 2019 Meeting.

Mr. Camporini stated it seems the Agenda for the June meeting may be rather busy, and requested Mr. Sterbenz and Ms. Drylie work together on the Agenda.

NEW BUSINESS

5G Towers – Don Sherman

Mr. Sterbenz stated he forwarded Board Members agreements between Verizon Wireless and the Town, and Mr. Sherman shared information he had as well. Mr. Lambo stated he brought the Morris Township Ordinance to the Town Attorney at the last Council Meeting and gave it to the Ordinance Committee to work on. Mr. Camporini asked if the Board should have a sub-committee for this item, or if Mr. Lambo or Mr. Sherman would head this up and report to the Board.

Mr. Sherman asked if there could be a third person on this committee and Mr. Bristow said he would be interested.

Mr. Burke addressed the Board and asked if he could address the application tonight, in general terms. Mr. Burke read the Land Use Law concerning Variances and what they entail. There was a general discussion as to what is expected of the Board and the Land Use Law guidelines. The Board Members discussed the parking, flag lots, etc.

Czigmeister Brewing Company

Chairman Camporini stated the Resolution is null and void at this point, and Mr. Sterbenz added Mr. Czigler has not addressed the conditions of the Resolution of Approval. Mr. Sterbenz stated he will call Mr. Lavery to discuss the violations of the approval, and Mr. Camporini answered more needs to be done, as nothing has been done since last March. Mr. Sterbenz added the Applicant changed their plan, on their own accord since they didn't need the refrigeration units anymore. Mr. Camporini added the Applicant didn't do what he was supposed to do for over six months, but added things he wasn't supposed to do without approvals. Mr. Lambo stated the approval was given in March of 2018, and he had until September of 2018 to comply with the

Resolution. Mr. Sterbenz stated he would correspond with the Zoning Officer to take action on the lack of compliance, and the Zoning must be enforced.

Mr. Moore made the motion for Mr. Sterbenz to send the letter to the Zoning Official for the Zoning to be enforced, with a copy to the Mayor, with the second being Mr. Lambo.

In Favor: Bristow; Burke; Moore; Tierney; Stout; Lambo; Camporini; Stead

Oppose: None

Abstain: Sherman

ADJOURNMENT

The motion to adjourn was made by Moore, seconded by Lambo. All members present in favor of adjournment at 8:28 p.m.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve: Stead

Second: Lambo

In Favor: Burke; Camporini; Lambo; Stead

Oppose: None

Abstain: None