

**TOWN OF HACKETTSTOWN LAND USE BOARD
MINUTES
NOVEMBER 24, 2020**

CALL TO ORDER

The November 24, 2020 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:02 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE Board Members Present

Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Stead; Camporini

Board Members Absent

Bristow

Also Present

Mennen; Sterbenz; Bloch

Mr. Mennen advised the Board that effective this meeting, Mr. Becker, who was just voted in as a Town Council Member and will now be serving on the Board as a Class I Member. Mr. Lambo, who was appointed to the Town Council, will be serving the Board as a Class III Member.

MINUTES - October 27, 2020 Land Use Board Meeting

The motion to approve the October 27, 2020 Land Use Board Meeting Minutes was made by Lambo, seconded by Becker.

In Favor: Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Stead; Camporini

Abstain: None

Oppose: None

RESOLUTIONS

There were no resolutions.

DISCUSSION

Frank Czigler, Czigmeister Brewery

Was not in attendance for the meeting as they will be submitting a formal application.

COMPLETENESS

PK Petroleum, App #20-10, Block 129, Lot 25.01 – Preliminary & Final Major Site Plan/Bulk Variance.

Mr. Sterbenz advised the Board the outstanding items for completeness purposes have been submitted, and he recommends the application be deemed complete.

The motion to deem the application complete made by Moore, seconded by Stead.

In Favor: Sherman; Tierney; Stout; Walling; Wolfrum; Camporini; Stead; Moore

Oppose: None

Abstain: Lambo; Becker

Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan Mr. Sterbenz advised the Board the outstanding items for completeness purposes have been submitted and recommends the application be deemed complete.

The motion to deem the application complete made by Sherman, seconded by Wolfrum.

In Favor: Moore; Stout; Walling; Stead; Camporini; Wolfrum; Sherman

Oppose: None

Abstain: Tierney; Lambo; Becker

109 Grand Avenue LLC, App #20-14, Block 75, Lot 18 & 19 – Minor Site Plan, Bulk Variance

Mr. Sterbenz stated the application submitted is a minor site plan with bulk variances for the renovation of the third floor of the building to include a bridal suite with four bedrooms and two bathrooms, as well as space for employees of the restaurant including eight bedrooms and two bathrooms. Mr. Sterbenz stated the application is due to a stipulation in the resolution of approval from 2001, which included a condition that stated, “the third floor of the facility shall not be used without further approval by this Board.”

Mr. Sterbenz advised the Board that an updated certification from the Tax Collector indicating tax payments are current through November 1, 2020, as well as a site plan or supporting reports sketches been not been submitted. Mr. Selvaggi advised the Board that regarding the site, nothing is proposed to be changed. Mr. Selvaggi added parking spaces for the employees will be set aside, and the site plan on file will be relevant to this application.

Mr. Sterbenz stated he agrees with the waivers requested by the applicant, however an updated tax certification has not been received. Mr. Sterbenz recommended the application be deem incomplete due to the lack of the updated tax certification.

The motion to deem the application incomplete made by Stead, seconded by Moore due to the lack of the updated tax certification, and granting waivers requested by the applicant for the submission of site plan and variance checklists.

In Favor: Sherman; Tierney; Stout; Walling; Wolfrum; Camporini; Stead; Moore

Oppose: None

Abstain: Lambo; Becker

SECTION 68 CERTIFICATION

Garlick, App #20-13, Block 79, Lot 22 – Section 68 Certification Robert

Russell, Attorney, present for application.

Mr. Russell stated the Applicant submitted an application for the certification of a pre-existing nonconforming two-family structure which was constructed in the 1800s. Mr. Russell stated the documents submitted show two separate entrances for the side by side units, which existed prior to the Zoning change. Mr. Mennen asked Mr. Russell if he will be relying on the written submissions or will there be testimony given by witnesses. Mr. Russell stated they will be relying on the documents submitted with the application.

Mr. Stout stated for previous applications, the Board relied upon the Sanborn Maps submitted with applications, and this application contains a copy of a Sanborn Map showing the two-family structure. Mr. Stead agreed.

The motion to grant the certification of the pre-existing non-conforming two-family structure was made by Stead, with the second being Walling.

In Favor: Sherman; Moore; Tierney; Stout; Wolfrum; Camporini; Walling; Stead

Oppose: None

Abstain: Lambo; Becker

Mr. Lambo and Mr. Becker left the meeting at this time.

PUBLIC HEARING

PK Petroleum, App #20-10, Block 129, Lot 25.01 – Preliminary & Final Major Site Plan/Use

Variance Michael Selvaggi, Attorney, of Lavery, Selvaggi, Abromitis & Cohen present for application.

Mr. Selvaggi stated the applicant is requesting relief relative to the remodeling of the existing gas station, as well as eliminating the maintenance/service bays and converting the space to a convenience store.

Mr. Selvaggi asked Paul Kas, Owner, be sworn in by Mr. Mennen.

Mr. Kas testified to the following:

- He has owned the property since March 2018.
- The request is to install a convenience store; install a new canopy over the fuel dispensers; install two additional fuel pumps; install a digital sign; new paving; new concrete blocks; new landscaping
- The proposed convenience store is in the area of the existing two-bay garage. Items to be sold will include coffee, pre-made sandwiches, candy, soda, etc.
- The food will not be made on site
- There will be no seating on site
- Auto repairs will no longer be performed
- Currently the business is open seven days. Hours of operation are 6:00 a.m. - 9:00 p.m. Monday thru Saturday; 6:00 a.m. – 8:00 p.m. Sunday. They would like to change the hours of operation to Monday thru Friday 5:00 a.m. – 9:00 p.m.; Weekends 6:00 a.m. – 9:00 p.m.
- There are currently four employees. There would be an increase in the number of employees from four to eight who would work in shifts. Two employees inside during the day and one outside during the day; One employee inside at night, and one employee outside at night.
- The building area including the convenience store will be approximately 2000 sq. ft.
- Product delivery will be approximately one time each week per vendor and will be delivered by box trucks and vans
- Petroleum deliveries are three times per week, or as needed. There is a system in place that notifies the petroleum company how much gas is remaining in the tank
- There is a proposed outdoor enclosed garbage area
- Propane tanks will be sold outside. Bollards will be placed around the tank area. No other outdoor storage is proposed.
- There will be no items for sale in the fuel dispensing area

- There are currently four (4) tanks in the ground for regular gas, diesel, and off-road diesel

Chairman Camporini asked the Board Members if there were any questions.

Mr. Sterbenz stated there is currently motor oil and ice for sale outside and asked if it was the applicant's intention to not have them stored outside. Mr. Kas answered the ice has been there for fifteen years, but they will put the ice inside if the Board would like it to be. Mr. Kas further answered the oil is there for patrons who may need it however the oil will be put inside as well.

Chairman Camporini opened the meeting to the public for questions on the testimony given, there being none the meeting was closed to the public.

Mr. Selvaggi introduced Tyler Vandervalk, P.E., Houser Engineering, and asked that Mr. Vandervalk be accepted as an expert in the field of Engineering. The Board accepted Mr. Vandervalk as an expert.

Mr. Vandervalk testified to the following:

- Current conditions: Property is in the Highway Commercial Zone, and consists of 40,822 sq. ft.
- The building is surrounded by pavement/gravel
- There is an attached canopy over the fueling depot
- Underground storage tanks
- Current lighting consists of four pole mounted fixtures in groups of two

Mr. Vandervalk stated the proposal before the Board is to enhance the existing site by:

- Converting the existing vehicle service area to a convenience store
- Replace the old canopy with new to provide coverage of the fuel dispensers
- Replace the existing fuel dispensers, and adding two dispensers – one being diesel
- Creating a 4 x 8 kiosk for employees dispensing gas
- Proposed pavement to the east of the site to be removed to provide an added landscaping buffer
- Lining of six 9x20 parking stalls
- Drive aisle for circulation

Mr. Selvaggi asked for Exhibit A-1 be entered, *Turning Analysis dated November 23, 2020* – 3-page document.

Mr. Selvaggi asked for Exhibit A-2 be entered into the record, *LED Sign Set-Up dated November 20, 2020*.

Mr. Vandervalk stated the conditional use relief needed is as follows:

- The site is not located within 500 feet of a fire house, school, or public building
- Convenience Store – relief needed – D1 Use Variance
- Trash will be outside – relief needed – D3 Conditional Use Variance
- Fuel dispensaries are located 20.1 feet away from the street, which is needed for proper circulation – relief needed – D (3) Conditional Use Variance
- There will be no junk motor vehicles on the property
- Twenty percent of landscaping will be in the front yard
- Signage – relief needed – D (3) Conditional Use Variance

Mr. Vandervalk testified the following Bulk Requirements are needed per Mr. Bloch's review:

- Canopies are not listed as a permitted accessory use or structure
- Distance of 20 feet between principal building and accessory structures. The proposed canopy is 8.3 feet to the principal building, and 7 feet from the trash enclosure to the principal building

Mr. Selvaggi added there is a decrease in impervious coverage, and the landscaping improvements proposed will be within thirty feet off the road. There is no landscaping there currently and the pavement will be cutback to provide for landscaping including spruce trees to provide barriers.

Mr. Vandervalk stated that along the front of the property there will an addition of grasses and flowering plants along the sidewalk, and the pavement will be pulled back to provide for the plantings. Mr. Vandervalk added on the west side of the building there will the addition of a small planting bed, as well as the disheveled, overgrown areas in the rear of the building will be cleaned up.

Chairman Camporini asked if there were any questions from the Board. There were none.

Mr. Bloch asked for the procedure for fuel spills to be addressed. Mr. Vandervalk answered the underground storage tanks have sensors and are automated. Mr. Vandervalk added the piping is double walled, and in some cased triple walled. Mr. Bloch stated some type of containment to capture fuel so it does not run into the river would be needed. Mr. Vandervalk answered at the filling pumps there are overflow buckets built into the tanks themselves.

Mr. Bloch stated the proposal is to move the propane to the right side of the building, and the sidewalk is not large enough. Mr. Bloch recommended this be pushed further back. Chairman Camporini asked if the Board Members had any questions.

Mr. Sherman stated it would be prudent to have spill controls in place, such as a boom. Mr. Kas answered he had no objection.

Chairman Camporini stated the Board has been recommending monument signs and would like to see this instead of the lollipop signs. Mr. Kas stated he will look into this.

Chairman. Camporini asked what the life expectancy of the tanks were. Mr. Kas answered double walled tanks forty years. Mr. Kas further answered his tanks do not have to be replaced for twelve years.

Chairman Camporini opened the meeting to the public.

John Crowe, Reese Avenue, asked why plantings indigenous to the area are not being used.

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

Mr. Selvaggi asked that Glen Gorlich, Architect be accepted as an expert in the field of architecture. The Board accepted Mr. Gorlich as an expert witness and was sworn in by Mr. Mennen.

Mr. Gorlich asked that Exhibit A-3 be entered into the record, which consisted of *Proposed Layout, First Floor*. Mr. Gorlich stated the proposal is converting the east side of the existing building to storage and staff room, and on the West side of the building a new store counter be installed, as well as new doors according to ADA specifications; the current non-compliant ADA restroom is to be removed.

Mr. Gorlich asked for Exhibit A-4 be entered into the record, which consists of the *colorized rendering of the South elevation*. Mr. Gorlich testified the exterior block is to be painted; the existing garage door opening is to be replaced with an aluminum frame storefront sliding door; an employee entrance is to be added.

Chairman Camporini asked if there any questions of Mr. Gorlich from the Board. There being none, the meeting was opened to the public. There were no questions, and the meeting was closed to the public.

Mr. Selvaggi introduced John Hansen, Professional Planner, and asked he be accepted as an expert witness. The Board accepted Mr. Hansen as an expert and Mr. Hansen was sworn in by Mr. Mennen.

Mr. Hansen stated he has been to the site many times, and listed the following conditions:

- The existing canopy is decorative, not functional
- The building in its current state lacks identity
- The site is walkable from an age restricted apartment complex
- The lack of signage is detrimental to the safe accessibility from a highway
- The site is void of vegetation and landscaping
- The one-acre property is larger than most gas station properties

Mr. Hansen stated the application is seeking a C Variances for setback relief.

- The fuel pumps are required to have a forty-foot minimum setback. There is 8.9 feet provided.
- The canopy is to be a minimum of 20 feet from the principal structure. There is 8.3 feet provided. The canopy promotes a safe environment for employees and patrons during inclement weather; the signs on the canopy increases safety for the site.

Mr. Hansen stated the application is seeking relief for signage as one sign is permitted, while four signs are proposed. Mr. Hansen stated the relief can be granted under C2 criteria as the building lacks identity, and the increase in signage promotes safety to the site.

Mr. Bloch asked if all the signs can be seen from the highway while travelling on the road. Mr. Hansen replied yes, with the traffic movements being unrestricted making it easy to turn in, he believes the east and west signs proposed on the canopy are critical to the safety of the site.

Mr. Bloch asked Chairman Camporini if the Board during past applications considered the logos on the fuel pumps as signs. Chairman Camporini deferred to Mr. Sterbenz. Mr. Sterbenz will look at previous approvals and advise the Board at the next meeting.

Mr. Sterbenz recommended at this time the plans be updated as there are a lot of issues that should be addressed in the plans.

Mr. Selvaggi stated depending upon the outcome of the signage issue, the applicant may have to address the variances applied for.

The Board agreed the application be carried to the December 15, 2020 Meeting, and the applicant is to supply updated plans which shall include the following:

- Lighting details

- Monument sign details
- Relocation of propane area
- On site spill mitigation
- Bollards

The public was advised the notice is carried to the December 15, 2020 Meeting, and there will be no further notice made.

Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan The public was advised the notice carried to the December 15, 2020 Meeting, and there will be no further notice made.

PUBLIC COMMENT

CORRESPONDENCE

ADJOURNMENT

There being no further business, the motion to adjourn was made by Moore, seconded by Lambo. All members in favor of adjournment.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve: Moore

Second: Stead

In Favor: Tierney; Walling; Sherman; Wolfrum; Stead; Moore; Camporini; Stead

Opposed: None

Abstained: Lambo