

#20-02

DEVELOPMENT APPLICATION
TOWN OF HACKETTSTOWN

PAGE 1 OF 5

1. GENERAL INFORMATION

A. Applicant: Name Brian Cannon
Street Address 307 Church St.
Municipality Hackettstown
Telephone (908) 399-4049

B. Applicant Status:

Individual(s) ☒ Partnership ☐ Corporation ☐
Other ☐ Specify _____

C. If Applicant is a Partnership or Corporation, attach a list of the names of persons having a 10% interest or more in said partnership or Corporation.

Check here if list is attached. ☐

D. Applicant relationship to property: Owner ☐ Lessee ☐
Under Contract ☐ Other ☐ Specify _____

E. Property Owner (if other than Applicant):

Name _____
Street Address _____
Municipality _____
Telephone _____

F. Engineer/Land Surveyor:

Name _____

Street Address _____

Municipality _____

Telephone _____

G. Attorney: Name _____

Street Address _____

Municipality _____

Telephone _____

2. TYPE OF APPLICATION - check where appropriate

_____ Minor Site Plan

_____ Minor Subdivision

_____ Preliminary Major Site Plan

_____ Preliminary Major Subdivision

_____ Final Major Site Plan

_____ Final Major Subdivision

VARIANCES

_____ ☒ Use

_____ Bulk

(appeal from _____ Interpretation
Administrative Officer)

_____ Conditional Use

(REFER TO SECTION 200 OF
THE LAND USE ORDINANCE)

3. PROPERTY DATA

A. STREET ADDRESS 307 Church ST. Hackensack N.J. 07841B. BLOCK NUMBER 89 LOT NUMBER 9C. The location of the property is approximately 168.5 feet from
the intersection of Madison St and Church St.

- D. Existing Use _____
- E. Proposed Use _____
- F. Zone District _____
- G. Acreage of Entire Tract to be Subdivided 0.19. 55W. X 150 L.
- H. Proposed Number of Lots 1
- I. Is the property located on a County of Warren Roadway?
Yes ☐ No ☒
- J. Is the property located within 200' of a municipal boundary?
Yes ☐ No ☒
- K. Was this property subject to a prior development application?
Yes ☐ No ☒
- L. Is the property subject to any existing or proposed deed restrictions, easements, rights of way, private roads, or other dedications?
Yes ☐ No ☒

If so, attach all relevant information.

Check here if such information is attached. ☐

4. DEVELOPMENT PROPOSAL - Describe the nature of the application being sought, including on-site improvements

5. SUBMISSIONS - List all maps, plats, sketches and other exhibits accompanying this application:

<u>Description</u>	<u>Date Prepared</u>	<u>Prepared By</u>
H.M.V.A. Water Bill dated 1964.		
Letter From W. Schaedel Stating legal grand		
Fathered Approved two-Family house.		
Documentation From my lawyer to seller at the time		
Lawyer to the town.		

6. VARIANCES

Describe any proposed variances requested, detail and/or location, proposed block and lot and the specific section(s) of the Zoning Ordinance of the Town of Hackettstown from which relief is sought and the basis for said relief:

Apply For an Interpretation under MLUL 40:55D-70b that a Multifamily existed prior to 1965 obtain Section 68 Certification. Lot 9 Block 89.

7. VERIFICATION AND AUTHORIZATION

I hereby certify that the statements and information contained herein and attached hereto are true and correct.

Brian Cannon
Applicant

02-21-2020
Date

I hereby authorize the Applicant referenced herein to submit the subject application and to proceed for approval of same.

Brian Cannon
Property Owner(s)

02-21-2020
Date

OFFICIAL USE ONLY

8. APPLICATION HISTORY

- A. Date Filed: _____
- B. Date Complete: _____
- C. Fee Paid: _____ Date Paid: _____
- E. Notice of Hearing: Date of Publication _____
- Date of Mailing _____
- Affidavit Received _____

9. DISPOSITION OF APPLICATION

- A. _____ Application Denied
- B. _____ Application Withdrawn
- C. _____ Application Granted

DATE OF DISPOSITION: _____

::::CHECK LIST::::

Details required for

Minor Subdivision Plats and Minor Site Plans

Note: See Section 803 of the Hackettstown Land Development Ordinance for further details of submission requirements and procedures.

Applicant

N/A

Application Form (s) and Checklist(s) (20 copies).

N/A

Plats or Plans (20 copies) signed and sealed by a N.J.P.L.S. or N.J.P.E., as required, and folded into eighths with title block revealed.

N/A

Protective Covenants, Easements and/or Deed Restrictions (10 copies).

N/A

Scale of not less than 1" = 50' on one of four of the following standard sheet sizes (8 1/2" x 13"; 15" x 21"; 24" x 36"; or 30" x 42").

N/A

Key map at not more than 1"=1000'.

N/A

Title block:

N/A

Name of subdivision or development, Town of Hackettstown, Warren County, with each sheet specifically titled with appropriately descriptive words;

N/A

Name, title, address and telephone number of subdivider or developer.

N/A

Name, title, address and license number of the professional or professionals who prepared the plot or plan;

N/A

Name, title and address of the owner or owners of record;

N/A

North arrow;

N/A

Scale (written and graphic); and

N/A

Date of original preparation and of each subsequent revision thereof and a list of specific revisions entered on each sheet.

Names and addresses of partners or stockholders as required by Ordinance.

- N/A Acreage figures (both with and without areas within public rights-of-way).
- N/A Approval signature lines.
- N/A Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the Town Tax Map, and proposed block and lot numbers as provided by the Town Tax Assessor upon written request;
- N/A Tract boundary line (heavy solid line).
- N/A The location of existing and proposed property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and treed areas, both within the tract and within one hundred feet (100') of its boundary.
- N/A The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.
- N/A Zoning districts affecting the tract, including district names and all area and bulk requirements, with a comparison to the proposed development.
- N/A Proposed buffer and landscaped areas.
- N/A Delineation of flood plains, including both floodway and flood fringe areas.
- N/A Contours as shown on the U.S.G.S. topographic sheets.
- N/A Marshes, ponds and land subject to flooding within the tract and within one hundred feet (100') thereof.
- _____ The names of all adjacent property owners as they appear on the most recent tax list prepared by the Clerk of the Planning Board or Clerk of the Zoning Board of Adjustment, as the case may be. TAX ASSESSOR
- _____ Five (5) copies of a certificate from the Town Tax Collector indicating that all taxes and assessments are paid to date.
- N/A Five (5) copies of the completed application to the Warren County Planning Board, if applicable.
- N/A Five (5) copies of the completed application to the Hackettstown Municipal Utilities Authority, if applicable.
- N/A Concerning minor subdivisions only, existing and proposed monuments.
- N/A Proposals for soil erosion and sediment control as required by N.J.S.A. 4:24-39 et seq.

_____ Concerning minor subdivisions only, an Environmental Impact Statement in accordance with the provisions of Section 804 C.

_____ Road right-of-way dedication and improvement, as applicable.

_____ Plans of proposed improvements and/or utility layouts as required by Ordinance; and required letters from appropriate State and County agencies granting approval for the extension of utility service(s).

_____ Sight triangle easements, as applicable.

_____ Deed descriptions (including metes and bounds), easements, covenants, restrictions, and roadway dedications.

_____ An Historic Impact Statement, if applicable, in accordance with Section 806 E. of this Ordinance.

_____ A sixty-year title search dated within 6 months of the application date including copies of all deeds, easements, covenants, restrictions and other items affecting title to the property.

_____ Highlands Consistency Determination or, in the alternative, documentation per Section 807 of the Land Development Ordinance entitled "Highlands Area Exemption Ordinance" that shows that the application is exempt from the Highlands Act.

_____ A "Major Development Stormwater Summary Sheet" shall be submitted when a stormwater management basin is proposed on a project.



Signature and Title of person who prepared check list.

02-21-2020.

Date

Brian And Jane Cannon

307 Church St.
Hackettstown N.J. 07840
lot 9 block 89
(908) 399-4049
cannonbrian2003@yahoo.com

February 25, 2020

Township of Hackettstown
Land and use.

To whom it may concern,

We are coming before the town to provide documentation and apply for interpretation under M.L.U.L. 40:55D-70B that the property with multifamily existed prior to 1965 and to apply for a Section 68 certificate.

When we purchase this property from the Buttners in 2007 we had thought we did our due diligence in obtaining back dated letters from the town, and documentation that presented the case that we had everything in order. (please see documents included)

Please see water bill provided by H.M.U.A dated back to 1964 showing two units 307 and 307 1/2 .

Sincerely yours,

Brian Cannon

NAME

Brinkman, Mrs. E.

ACCT. NO. _____

ADDRESS

307-7 $\frac{1}{2}$ Church St.,SIZE 3/4

TOWN

Town

CUBIC - GALS. _____

8 CHASE PARK, BELLOWS FALLS, VT, #05001
 mbt - 3 Maple Road, Chelmsford, Mass.

NO. OF UNITS 2

READING	DATE	USED	AMOUNT	CODE	DATE	OTHER CHARGES	CREDITS	BALANCE
BALANCE FORWARDED								
	JUN 1'64		18.00					
			JUN 1'64		JUL 13	18.00	6.00	12.00 •
							<i>adjust for vacancy 12.00</i>	
	SEP 1'64		9.00					
			SEP 1'64		SEP 17'64	9.00	9.00	.00 CR
	DEC '64		9.00					
			DEC '64		JAN 4'65	9.00	9.00	.00 •
	MAR 1'65		9.00					
			MAR 1'65			9.00		
						<i>since vacant - 3/11/65 - 9.00</i>		.00
	JUN 1'65		3.00					
			JUN 1'65		JUN 14'65	3.00	3.00	.00 CR
	SEP 1'65		4.50					
	SEP 1'65		9.00					
	SEP 1'65		13.50					
			SEP 1'65		SEP 21'65	13.50	13.50	.00 CR
	DEC 1'65		18.00					
			DEC 1'65			18.00		
						<i>AMVA</i>		
					FEB 1'66		18.00	.00 CR

SC - SERVICE CHARGE

FS - PRIVATE FIRE SERVICE CHG.

SS - SPRINKLER SYSTEM CHG

IN - INTEREST

TO - TURN OFF - ON FEE

EC - ERROR CORRECTED

ES - ESTIMATED

AR - ARREARS

**TOWN OF HACKETTSTOWN****MUNICIPAL BUILDING**

215 STIGER STREET • HACKETTSTOWN • NEW JERSEY 07840

TEL: 908-852-3130

FAX: 908-852-5728

MAYOR

John DiMato

MEMBERS OF COUNCIL

Nancy Brown

William Conforti

Roger Hines

Edward Kelly

Beatrice Lake

Steven Sturgis

TOWN CLERK/**ADMINISTRATOR**

William W. Kueter, Jr.

RMC/CMC

CHIEF FINANCIAL**OFFICER**

Jeffery A. Theriault

CMFO

MUNICIPAL ASSESSOR

Kathleen C. Degan

CTA

TAX COLLECTOR

LeRoy W. Hickey

CTC

CONSTRUCTION**BUILDING SUBCODE****AND ZONING OFFICIAL**

William K. Schaedel

TOWN ATTORNEY

Thomas K. Thorp

July 15, 1998

Brian Buttner
307 Church Street
Hackettstown, NJ 07840

RE: Block 89 - Lot 9
307 Church Street

Dear Mr. Buttner:

In response to your recent phone call, please be advised that the house located at 307 Church Street in Hackettstown is a legal grandfather approved two-family house.

Trust this is what you need.

Yours truly,

Wm. Schaedel
Wm. Schaedel
Zoning Officer

WS/moh

JOHNSON & JOHNSON
COUNSELLORS AT LAW
33 EAST BLACKWELL STREET
DOVER, NEW JERSEY 07801
973-366-9800
Fax: 973-366-6451

CLIFFORD A. JOHNSON
(1929-2005)
GEORGE W. JOHNSON
WILLIAM G. JOHNSON

OF COUNSEL
ROBERT E. YADLON

PLEASE REPLY TO:
P.O. BOX 529
DOVER, N.J. 07802-0529

VIA FAX & REGULAR MAIL
March 27, 2007

Michael Lavery, Esq.
326 Washington Street
Hackettstown, NJ 07840

RE: BUTTNER TO CANNON
307 CHURCH STREET
HACKETTSTOWN, NJ

Dear Mr. Lavery:

As I believe you are aware that I represent Brian and Jane Cannon in connection with their purchase of the above captioned property.

As set forth on the last page, Mr. and Mrs. Cannon are under contract to sell their home and attorney review is complete. The contract, however, is contingent upon closing of title to their home at 43 West Shore Trail, Sparta, New Jersey.

The only other change that I request is that you make it clear that the sellers represent that the home is a valid two-family home and may be used as such under the Land Use Ordinances of the municipality.

Please confirm to me that these clarifications are acceptable and forward all back title.

Very truly yours,

George W. Johnson

pb

cc: Mr. and Mrs. Brian Cannon
Remax Elite Services/attn: Michel Blinn (908-852-4422)

SIRKIS & LAVERY
ATTORNEYS AT LAW
326 WASHINGTON STREET
P.O. BOX 510
HACKETTSTOWN, NEW JERSEY 07840
(908) 852-5511
FAX (908) 852-7423

ARTHUR K. SIRKIS, N.J. & N.Y.
MICHAEL B. LAVERY
JOAN S. LAVERY

April 2, 2007

KATRINA L. CAMPBELL, N.J. & PA.
—
OF COUNSEL
KEVIN C. DECIE, N.J. & PA.

Via Fax to: 908-366-6451
And Regular Mail
George W. Johnson, Esq.
33 E. Blackwell St.
Dover, New Jersey, 07801

Re: Buttner to Cannon
307 Church St., Hackettstown, N.J.

Dear Mr. Johnson:

Enclosed please find information provided to me by my client with regard to the use of the property as a two-family home. Please provide me with your client's position with regard to the foregoing at your earliest opportunity.

Sincerely,



Michael B. Lavery

MBL:hg

cc: Brian and Maria Buttner

Grandfather Rental Status of 307 Church Street

Purchased 1987, listed as single family with grand-fathered rental unit.

During renovation the zoning officer at that time, Mr. Harrison, came to our residence and asked what our intentions were regarding rental of the apartment and ongoing renovations. He informed us that we would lose the grand-fathered rental status if we did not rent the apartment within 12 months. The two units were occupied within 6 months of purchase.

In 1998 the house was refinanced. The lender asked for proof of rental status. We notified the zoning officer, who at the time was Mr. Wm. Schaedel. Please see enclosed letter regarding the property as having legal grand-fathered approved two family status.

Approximately six years ago Hackettstown reassessed property values. We called the town tax official to inquire about the reason for 50% increase in our taxes. We were informed by the tax official that it was based on our house being located in the most desirable part of town and that it had a rental unit.

In 2006 we were sent a letter from the town stating that we had to register our rental property. We paid the \$60.00 fee and sent our registration into the town.

During the 20 years of ownership of 307 Church Street the status of the grandfather rental was never questioned by the town.



TOWN OF HACKETTSTOWN

MUNICIPAL BUILDING

215 STIGER STREET • HACKETTSTOWN • NEW JERSEY 07840

TEL: 908-852-3130 • FAX: 908-852-5726

MAYOR

Michael B. Lavery

MEMBERS OF COUNCIL

Joseph Bristow

Nancy Brown

Maria DiGiovanni

Ralph Quaresima

Scott Sheldon

Paul Wallace

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CTA

TAX COLLECTOR

Regina McKenna

CTC

CONSTRUCTION OFFICIAL

Richard O'Connor

ZONING OFFICIAL

David Diehl

TOWN ATTORNEY

Thomas K. Thorp

March 30, 2007

Mr. & Mrs. Brian Buttner
307A Church Street
Hackettstown, NJ 07840

Re: Landlord Registration
307 Church Street
Block 89 Lot 9

Dear Mr. & Mrs. Buttner:

Enclosed please find a copy of your check number 3794, dated November 13, 2006 in the amount of \$60.00 which represents full payment for the rental located at the above address for the year 2006.

If you have any questions please feel free to call my office at 908-852-1864.

Sincerely,

Maria Spangenberg

From Maria Spangenberg
For Richard O'Connor
Landlord Registration

ROC/ms
Enc.

Fax: 908-850-1425

Visit Our Web Site: www.hackettstown.net

Council meets in the Municipal Building, 215 Stiger Street, the Second and Fourth Mondays of each month at 7:30 p.m.



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COUNSELLORS AT LAW
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WILLIAM G. JOHNSON

PLEASE REPLY TO:
P.O. BOX 529
DOVER, N.J. 07802-0529

OF COUNSEL
ROBERT E. YADLON

April 3, 2007

Mr. and Mrs. Brian Cannon
43 West Shore Trail
Sparta, New Jersey 07871

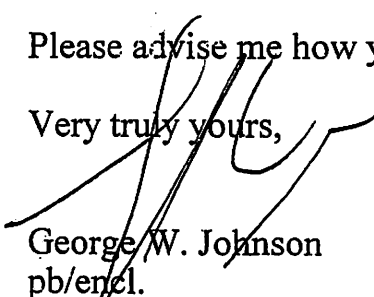
**RE: CANNON FROM BUTTNER
307 CHURCH STREET
HACKETTSTOWN, NJ**

Dear Mr. and Mrs. Cannon

I enclose a copy of a letter that I have received from Michael B. Lavery, Esq., the attorney for sellers of the property in Hackettstown. Please note the proof that has been supplied with regard to the property being a legal two-family home.

Please advise me how you are doing on the home inspection.

Very truly yours,


George W. Johnson
pb/encl.

TOWN OF HACKETTSTOWN
COUNTY OF WARREN
215 STIGER STREET
HACKETTSTOWN, NEW JERSEY 07840

**CERTIFICATE OF REGISTRATION
RESIDENTIAL RENTAL PROPERTY**

BLOCK 89
LOT 9

MAILING ADDRESS : 307 Church Street

MAXIMUM OCCUPANCY PER UNIT

UNIT #1 SIX

This License is not to be modified or altered

**7-48b. the owner shall post the maximum number of occupants in a
conspicuous area within the rental unit.**

**7-48c. only the maximum number of tenants as set forth in the landlord
registration statement may reside in the registered premises.**