

DAVID WALLACE LAW OFFICES
399 CLOVE ROAD
POST OFFICE BOX 1848
MONTAGUE, NEW JERSEY 07827
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774 PROCTOR ROAD, GLEN SPEY, NEW YORK 12737

August 26, 2021

Mary Matusiewicz, Administrative Assistant
Town of Hackettstown
215 W Stiger St.
Hackettstown, NJ 07840

Re: 628 - 632 Washington St., Hackettstown, NJ
Application under Section 68 - Pre-existing Non-conforming Use

Dear Sirs/Madams:

This office is counsel to owner of the above property who applies for a Section 68 Certification of the pre-existing, nonconforming use. This property is a three family property of long standing. Submitted herewith are the following checks and 20 copies of the following materials:

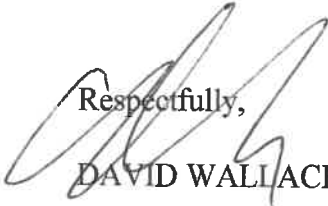
1. A check payable to the Town of Hackettstown for application fees of \$250.00;
2. A check payable to the Town of Hackettstown for escrow fees of \$1,500.00, and please use the Tax Identification Number 22-3126191 for same;
3. The application for a variance to allow the pre-existing non-conforming use, signed by the Executor of the Estate of Sherrer, TC Crawford;
4. The checklist completed and signed by the undersigned;
5. The Tax Collector's tax status certification;
6. A letter of counsel the application, with a 1961 Deed attached and the sketch from the Assessor's record of the property; and
7. The Certification of Donna Petras giving a history of the property.

Kindly list this matter for the September 28, 2021 hearing date.

received
August 30, 2021

ned w-9

Thank you for your courtesies.


Respectfully,
DAVID WALLACE

Encls.

cc: TC Crawford
Donna Petras

**DEVELOPMENT APPLICATION
TOWN OF HACKETTSTOWN**

PAGE 1 OF 5

1. GENERAL INFORMATION

A. Applicant: Name TC CRAWFORD, EXECUTOR OF THE ESTATE OF SHERRER

Street Address 191 Chokeberry Dr.

Municipality Milford, PA 18337

Telephone 908-303-7393

B. Applicant Status:

Individual(s) ☐ **Partnership** ☐ **Corporation** ☐

Other ☒ **Specify** ESTATE

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** APPLICANT IS THE
EXECUTOR OF THE ESTATE OF SAMUEL C. SHERRER, JR.

E. Property Owner (if other than Applicant):

Name _____

Street Address _____

Municipality _____

Telephone _____

F. Engineer/Land Surveyor:

Name NONE
Street Address _____
Municipality _____
Telephone _____

G. Attorney: Name DAVID WALLACE, ESQ.
Street Address 399 CLOVE RD., P.O. BOX 1848
Municipality MONTAGUE, NJ 07827
Telephone 973-293-8383

2. TYPE OF APPLICATION - check where appropriate

<input type="checkbox"/> Minor Site Plan	VARIANCES
<input type="checkbox"/> Minor Subdivision	<input checked="" type="checkbox"/> Use (PRE-EXISTING NON-CONFORMING)
<input type="checkbox"/> Preliminary Major Site Plan	<input type="checkbox"/> Bulk
<input type="checkbox"/> Preliminary Major Subdivision	
<input type="checkbox"/> Final Major Site Plan	<input type="checkbox"/> Interpretation (appeal from Administrative Officer)
<input type="checkbox"/> Final Major Subdivision	<input type="checkbox"/> Conditional Use

(REFER TO SECTION 200 OF
THE LAND USE ORDINANCE)

3. PROPERTY DATA

A. STREET ADDRESS 628 WASHINGTON ST.
B. BLOCK NUMBER 85 LOT NUMBER 2
C. The location of the property is approximately .100 feet from
the intersection of WASHINGTON and CENTER

- D. Existing Use THREE FAMILY RESIDENTIAL
- E. Proposed Use THREE FAMILY RESIDENTIAL
- F. Zone District R125
- G. Acreage of Entire Tract to be Subdivided NA
- H. Proposed Number of Lots NA
- 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

SELLER APPLIES FOR SECTION 68 APPROVAL TO CONTINUE THE
NON-CONFORMING USE AS A THREE FAMILY BUILDING. ATTACHED IS A
1961 DEED SHOWING THE CONVEYANCE WAS "SUBJECT TO EXISTING TENANCIES"
SHOWING THE MULTIFAMILY USE IS PRE-EXISTING. SEE THE ATTACHED
SUPPORTING LETTER.

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

<u>Description</u>	<u>Date Prepared</u>	<u>Prepared By</u>
LETTER	AUGUST 20, 2021	DAVID WALLACE
PROPERTY SEARCH AND SKETCH	N.A.	TAX ASSESSOR
PHOTOGRAPH	AUGUST 20, 2021	GOOGLE MAPS
CERTIFICATION OF DONNA PETRAS	AUGUST 20, 2021	

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 Backettstown from which relief is sought and the basis for said relief:

SECTION 68 PERMIT CERTIFICATION OF THE PRE-EXISTING,
NON-CONFORMING USE AS CLEARLY DEMONSTRATED HEREIN.

7. VERIFICATION AND AUTHORIZATION

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

TC Crawford, Executor
Applicant

8/27/21
Date

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

TC Crawford, Executor
Property Owner(s)

8/27/21
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
Variance Applications

Note: See Section 802 C. of the Hackettstown Land Development Ordinance for further details of submission requirements and procedures.

XX

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

waiver

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.

waiver

Scale of not less than 1" = 100' on one of the following standard sheet sizes (8 1/2" x 13"; 15" x 21"; 24" x 36"; or 30" x 42").

waiver

Key map at less than 1"=1000'.

waiver

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;

waiver

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

waiver

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

waiver

North arrow;

waiver

Scale (written and graphic);

waiver

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

waiver

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

waiver

Acreage figures (both with and without areas within public rights-of-way).

waiver

Approval signature lines.

waiver

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.

waiver Tract boundary line (heavy solid line).

waiver 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.

waiver The location and width of all existing and proposed utility easements, the use(s) for which they are intended, and the manner in which the easements will be controlled.

waiver 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.

waiver Delineation of flood plains, including both floodway and flood fringe areas. Contours as shown on the U.S.G.S. topographic sheets.

waiver Marshes, ponds and land subject to flooding within the tract and within one hundred feet (100') thereof.

To Be Provided
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.

XX Five (5) copies of a certification from the Town Tax Collector indicating that all taxes and assessments are paid to date.

N/A Concerning subdivisions only, existing and proposed monuments.

N/A Road right-of-way dedication and improvement, as applicable.

N/A Sight triangle easements, as applicable.

N/A Deed descriptions (including metes and bounds), easements, covenants, restrictions, and roadway dedications.

N/A 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.

N/A 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.

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

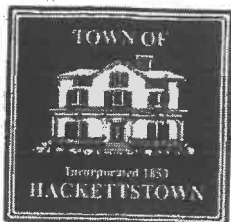


David Wallace/Attorney

8/26/21

Signature and Title of person who prepared check list

Date



TOWN OF HACKETTSTOWN

MUNICIPAL BUILDING

215 W. STIGER STREET • HACKETTSTOWN • NEW JERSEY 07840

TEL: 908-852-3130 • FAX: 908-852-5728

WWW.HACKETTSTOWN.NET

MAYOR

Gerald DiMaio, Jr.

MEMBERS OF COUNCIL

Jody Becker

Matthew Engela

Leonard Kunz

James Lambo

Scott Sheldon

Eric Tynan

TOWN CLERK/

ADMINISTRATOR

William W. Kuster, Jr.

RMC/CMC/CMR

CHIEF FINANCIAL

OFFICER

Danette Dyer

CMFO/QPA

MUNICIPAL ASSESSOR

Jason Cohen

CTA

TAX COLLECTOR

Patricia Noll

CTC

CONSTRUCTION

OFFICIAL

Richard O'Connor

ZONING OFFICIAL

David Diehl

August 26, 2021

CERTIFICATION OF TAXES PAID

Block 85, Lot 2

Owner: Sherrer, Samuel C Jr

This is to certify that property tax on the above noted property is paid through the 2021 third quarter. The next payment is due November 1, 2021.

Patricia H. Noll

Tax Collector



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774 PROCTOR ROAD, GLEN SPEY, NEW YORK 12737

August 18, 2021

Town of Hackettstown
Land Use Board
215 W Stiger St.
Hackettstown, NJ 07840

Re: 628 - 632 Washington St., Hackettstown, NJ
Application under Section 68

Dear Sirs/Madams:

This office is counsel to owner of the above property who applies for a Section 68 Certification of the pre-existing, nonconforming use. This property is a three family property of long standing.

Attached is the Certification of Donna Petras giving a history of the property as follows:

1. My father acquired this property in the early 1970s, and I am familiar with its history and evidence of the pre-existing, nonconforming use as a multifamily property.
2. Based on the architecture and information from my relator, the property was evidently constructed in the 1920s as a three-family property. It's architecture suggests it has always been a three family, and thus would precede the code established in 1965. It has an older style of trim, transoms, three entrances and three porches. It's layout is consistent in the three units, as are trim and architectural features. Thus, it does not appear to have been altered to make it a three family, but the trim and configuration is consistent with a building having been built as a three family residential building about 100 years ago.
3. Our realtor found a Deed online showing a transfer in 1961 that was "subject to existing tenancies."

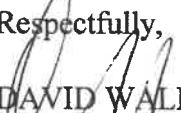
4. In the early 1970s, I recall that the property was a three family when my father acquired it. My father is deceased and his Estate is now in control of the property. My son, TC Crawford, is the Executor.

5. To my knowledge, this has always been a three family property.

The 1961 Deed is attached hereto, along with the assessor's sketch and property card.

NJSA 40:55D-68 provides: "Nonconforming structures and uses. Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof."

Accordingly, owner applies for a Section 68 certification of the three family use.

Respectfully,

DAVID WALLACE

Encls.

cc: TC Crawford
Donna Petras

This Indenture,

Made the 20th day of February, in the year of our Lord
One Thousand Nine Hundred and sixty-one.

Between
THOMAS C. GILL and JULIA D. GILL, his wife,
residing in the Township of Far Hills, in the County of Somerset, and
State of New Jersey,
JAMES A. GILL and GENEVIEVE GILL, his wife,
residing in Baldwin, Long Island, in the State of New York, and
CATHERINE RYAN and FRANK J. RYAN, JR., also known as FRANCIS J.
RYAN, her husband, residing in the Township of Madison County of
New Jersey, party of the first part;

And

HOWARD M. LISK, JR.,

in the Town of Hackettstown County of Warren
and State of New Jersey, party of the second part;

Witnesseth, That the said party of the first part, for and in consideration of
One Dollar (\$1.00) and other good and valuable consideration
lawful money of the United States of America, to them in hand well and truly paid by the said
party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and
paid, have given, granted, bargained, sold, aliened, conveyed, confirmed and confirmed and by
these presents do give, grant, bargain, sell, alien, convey, release, extend, convey and confirm unto the said
party of the second part, and to his heirs
and assigns, forever.

All that certain
tract or parcel of land and premises, hereinafter particularly described, situate, lying and being
in the Town of Hackettstown County of Warren
and State of New Jersey

BOUNDED AND DESCRIBED AS FOLLOWS:-

BEGINNING at a corner in the edge of Washington Street ninety
(90) feet from the corner of Washington and Center Streets, and runs (1)
at right angles to Washington Street, one hundred and fifty (150) feet;
thence (2) southerly parallel with Washington Street sixty (60) feet to
a corner in William Moller's line; thence (3) Easterly along Moller's
line one hundred and fifty feet (150) to Moller's corner or line in the
edge of Washington Street; thence (4) along the edge of Washington Street
sixty (60) feet to the Beginning.

Being the same premises conveyed to the parties of the first
part by virtue of a deed from Grace M. Hills, single, dated May 16, 1960,
and recorded May 16, 1960, in Book 432 of Deeds for Warren County on page
790 &c..

The premises above described are conveyed subject to such statement

This conveyance is subject to existing tenancies which are on a month to month basis.

Together with all and singular the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the reversion and reversions, remainder and remainders, rents and profits thereof.

That also, all the assets, right, title, interest, property, possession, claim and demand, whatsoever, as well in law as in equity, of the said party of the first part, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances.

On date and to both all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns, to his own proper use, benefit and behoof forever.

And the said parties of the first part, for themselves, their heirs and assigns do hereby covenant, agree, do and with the said party of the second part, his heirs and assigns, that the said parties of the first part, their heirs and assigns, shall and lawfully shall, at the time of the sealing and delivery of these presents, lawfully seized in and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted bargain and described premises, with the appurtenances and his full good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid.

that the said party of the second part, his heirs and assigns, shall and may at all times hereafter, peaceably and quietly have, hold, use, occupy, possess and enjoy the above granted premises, and every part and parcel thereof, with the appurtenances, without any let, suit, trouble, molestation, eviction or disturbance of the said party of the first part, their heirs and assigns, or of any other person or persons lawfully claiming or to claim the same.

Hint: that the same law are free, clear, discharged and unincumbered of and from all, former and other debts, claims, charges, covenants, judgments, taxes, assessments and incumbrances of what nature and kind whatsoever, except as aforesaid.

And that the said party of the first part, and **his heirs** and assigns and all and every other person or persons whoever, lawfully or equitably desiring any estate, right, title or interest, of, in or to the hereinbefore granted premises, by, from, under or in trust for them, shall and will at any time or times hereafter, upon the reasonable request, and at the proper costs and charges in the law, of the said party of the second part, **his heirs** and assigns, make, do and execute, or cause or procure to be made, done or executed, all and every such further and other lawful and reasonable acts, consequences and assurances in the law for the better and more effectually executing and confirming the premises hereby intended to be granted, in and to the said party of the second part, **his heirs** and assigns forever, as by the said party of the second part, **his heirs** or assigns, or **him** cannot be reasonably advised or required.

And the said parties of the first part, their heirs and assigns the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto the said party of the second part, his heirs and assigns, against the said party of the first part, and their heirs and assigns, and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and well warrant and by these presents forever defend.

CERTIFICATION OF DONNA PETRAS

IN RE: APPLICATION OF THE ESTATE OF SHERRER
628-632 WASHINGTON STREET, HACKETTSTOWN
CERTIFICATION OF THE PREEXISTING NONCONFORMING USE

I, DONNA PETRAS, state as follows by way of Certification in support of the application for Certification for the pre-existing nonconforming use:

1. My father acquired this property in the early 1970s, and I am familiar with its history and evidence of the pre-existing, nonconforming use as a multifamily property.

2. Based on the architecture and information from my relator, the property was evidently constructed in the 1920s as a three-family property. Its architecture suggests it has always been a three family, and thus would precede the code established in 1965. It has an older style of trim, transoms, three entrances and three porches. Its layout is consistent in the three units, as are trim and architectural features. Thus, it does not appear to have been altered to make it a three family, but the trim and configuration is consistent with a building having been built as a three family residential building about 100 years ago.

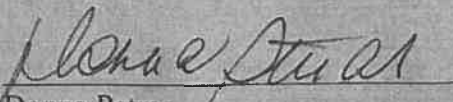
3. Our realtor found a Deed online showing a transfer in 1961 that was "subject to existing tenancies."

4. In the early 1970s, I recall that the property was a three family when my father acquired it. My father is deceased and his Estate is now in control of the property. My son, TC Crawford, is the Executor.

5. To my knowledge, this has always been a three family property.

The foregoing statements are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

DATED: August 20, 2021


Donna Petras