

DEVELOPMENT APPLICATION
TOWN OF HACKETTSTOWN

PAGE 1 OF 5

1. GENERAL INFORMATION

A. Applicant: Name Orjor Kasneci
Street Address 89 Route 206 North
Municipality Chester, N.J. 07930
Telephone (908) 209-7060

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 225 Franklin Street Realty Co., LLC
Street Address 1 Larch Drive
Municipality Chester, N.J. 07930
Telephone _____

F. Engineer/Land Surveyor:

Name N/A
Street Address _____
Municipality _____
Telephone _____

G. Attorney: Name David C. Pennella
Street Address 1201 Sussex Turnpike
Municipality Randolph, N.J. 07869
Telephone (973) 361-7100

2. TYPE OF APPLICATION - check where appropriate

	VARIANCES
<input type="checkbox"/> Minor Site Plan	<input type="checkbox"/> Use
<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Bulk
<input type="checkbox"/> Preliminary Major Site Plan	<i>Application for Certificate pursuant to NJSA 40:55D-68 "Nonconforming structures and uses" Interpretation (appeal from Administrative Officer)</i>
<input type="checkbox"/> Preliminary Major Subdivision	
<input type="checkbox"/> Final Major Site Plan	
<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 225 Franklin Street
B. BLOCK NUMBER 65.01 LOT NUMBER 14
C. The location of the property is approximately 60 feet from
the intersection of Ashley and Franklin

- D. Existing Use 4 family residential
- E. Proposed Use Same
- F. Zone District R-12.5
- G. Acreage of Entire Tract to be Subdivided N/A
- H. Proposed Number of Lots N/A
- 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 ☐ Unknown
- 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

No development is proposed. The applicant requests a
certificate from the Board that the 4 family home is a pre-existing
nonconforming structure and use per NISA 40:55D-68

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

Description	Date Prepared	Prepared By
See attached OPRA request response from the Clerk of the Town of Hackettstown. See attached certified Sanborn map report.		

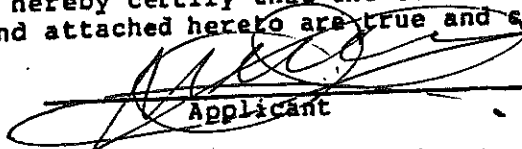
6. VARIANCES

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:

No variance requested just a certificate pursuant to
NISA 40:55D-68

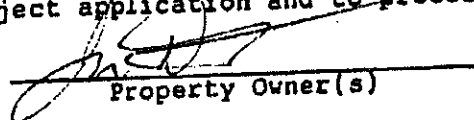
7. VERIFICATION AND AUTHORIZATION

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


Applicant

Date

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


Property Owner(s)

2/25/21

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: _____

225 Franklin Street
225 Franklin Street
Hackettstown, NJ 07840

Inquiry Number: 6381807.1

February 25, 2021

Certified Sanborn® Map Report



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Certified Sanborn® Map Report

02/25/21

Site Name:

225 Franklin Street
225 Franklin Street
Hackettstown, NJ 07840
EDR Inquiry # 6381807.1

Client Name:

Orjor Kasneci
125 Morris St.
Morristown, NJ 07960
Contact: Orjor Kasneci



The Sanborn Library has been searched by EDR and maps covering the target property location as provided by Orjor Kasneci were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

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Certified Sanborn Results:

Certification # 154B-40B2-8524

PO # NA

Project NA

Maps Provided:

1961



Sanborn® Library search results

Certification #: 154B-40B2-8524

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ☒ Library of Congress
- ☒ University Publications of America
- ☒ EDR Private Collection

The Sanborn Library LLC Since 1866™

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Sanborn Sheet Key

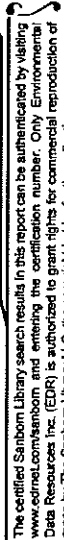
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1961 Source Sheets



Volume 1, Sheet 13
1961



Certification #154B-40B2-8524

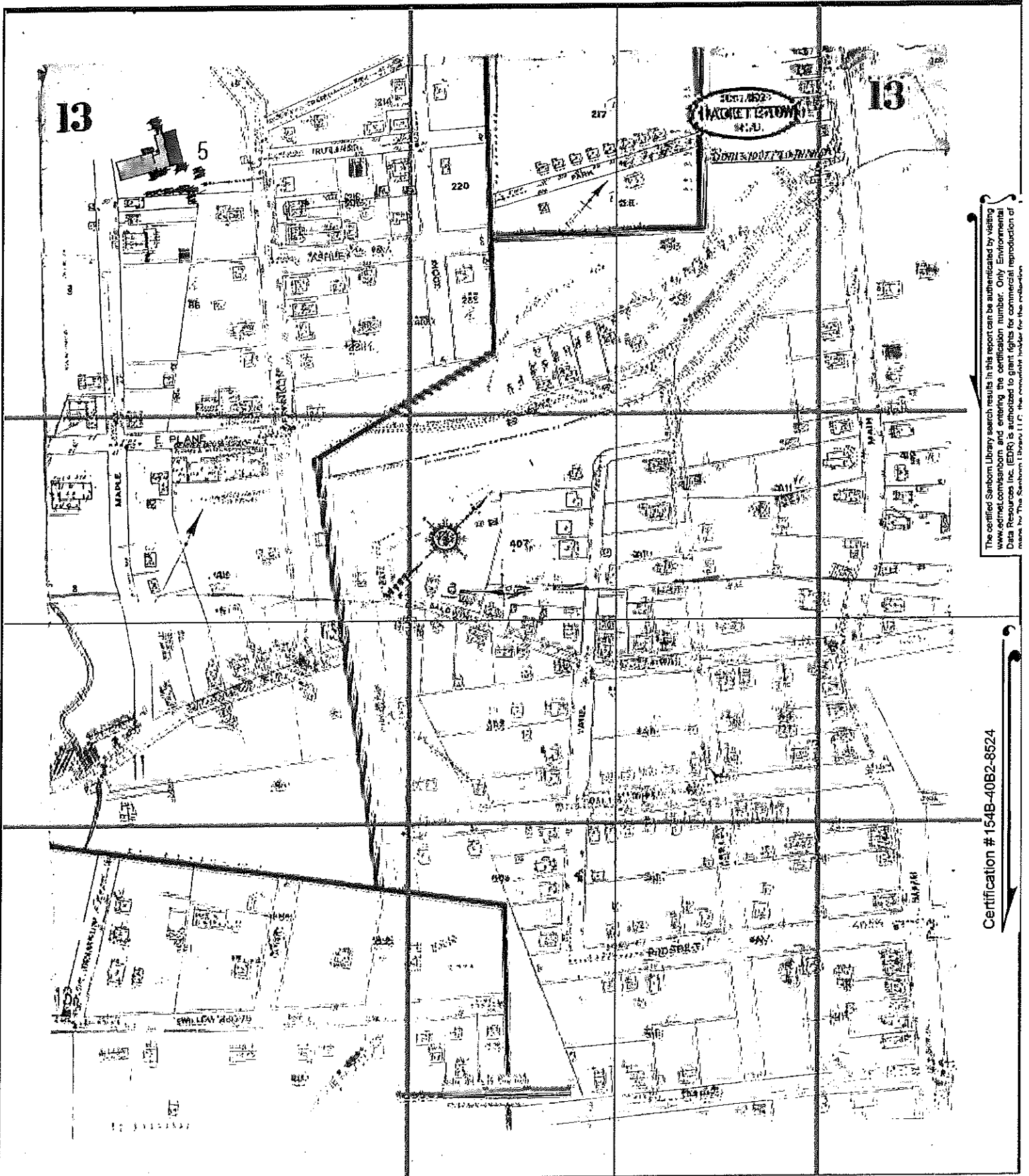


The circular logo for "Sawborn's Little White Seal" features the brand name in a stylized font across the center. Above the name is a small illustration of a sailing ship. The outer ring of the seal contains the text "Sawborn's Little White Seal" and "MADE IN U.S.A." at the bottom.

A horizontal number line representing a distance of 600 feet. The line has tick marks at 0, 150, 300, and 600. The segments between 0 and 150, 150 and 300, and 300 and 600 are each labeled "150 Feet" above the line.



6381807 - 1 page 4



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Certification # 154B-40B2-8524

Site Name: 225 Franklin Street
 Address: 225 Franklin Street
 City, ST, ZIP: Hackensack, NJ 07640
 Client: Ogor Kesnel
 EDR Inquiry: 6381807.1
 Order Date: 02/29/2021
 Certification #: 154B-40B2-8524
 Copyright: 1961





Bill Kuster <admin@hackettstown.net>

225 Franklin St OPRA

dkasnecl@weichert.com <dkasnecl@weichert.com>
To: Bill Kuster <admin@hackettstown.net>

Wed, Jan 20, 2021 at 12:59 PM

Requesting if in the past 10 years any construction permits were open or closed, electric, plumbing, ect.
Zoning issues is just that we would like to verify if the property is a registered four family home as its non-confirming use.

[Quoted text hidden]

[Quoted text hidden]

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TD Const 1-21-21
Zoning



1. Permits

(All Data, Location Address Like 225 franklin

<u>Permit Number</u>	<u>Permit Issue Date</u>	<u>Location Address</u>	<u>Control Number</u>	<u>Block</u>	<u>Lot</u>	<u>Application Status</u>	<u>des Used</u>	<u>Work Type</u>	<u>Work Description Comments</u>
10-250	08/03/2010	225 FRANKLIN ST	21403	65.01	14	Voided	E	Alteration	ELECTRIC ONLY
08-227	06/26/2008	225 FRANKLIN ST	22554	65.01	14	CA and Close Date Issued	B	Demolition	UST REMOVAL
07-436	11/02/2007	225 FRANKLIN ST	22965	65.01	14	CA and Close Date Issued	P F	Alteration	OIL TO GAS CONVERSIONS (4)
05-493	10/31/2005	225 FRANKLIN ST	24223	65.01	14	CA and Close Date Issued	P F	Alteration	INSTALL WATER HEATERS - 4 FAMILY APTS.
Grand Totals									

"How To" Section 68

TO: Whom It May Concern
FROM: David J. Diehl, Zoning Official
RE: Two (2) Family, Multi-Family Dwellings within the R-12.5, R-15, R-30 and CC Zone Districts

REMARKS:

A two (2) family or multi-family dwelling within the above referenced zone district would most likely fall into one of these four categories:

1. Illegal non-conforming: Converted after 1965 without permits or approvals.
2. Pre-existing non-conforming: Existing prior to 1965, no Section 68
3. Pre-existing non-conforming: Constructed or converted with permits Between 1965 and 7/22/68.
4. Legal non-conforming: Interpretation/Section 68 or 'D' Use Variance from Zoning Board of Adjustment on file.

In order to rectify conditions 1, 2 and 3 the following shall apply:

The dwelling would need to be altered/remodeled back to a single-family dwelling or apply to and receive approval from the Zoning Board of Adjustment for a 'D' Use Variance for a multi-family dwelling in a single-family zone district.

Obtain an application from the Zoning Board of Adjustment Secretary and apply for an Interpretation under MLUL 40:55D-70b that the multi-family existing prior to 1965 or was converted or built between 1965 and 7/22/68. A favorable interpretation would entitle the applicant/property a memorialized resolution as a Section 68 Certification and thus would be 'Legal non-conforming'.

11/3/2020

225 Franklin St - Block 65.01 Lot 14 - FIEDLER REALTY - zoning@hackettsdown.net - Town of Hackettsdown Mail



Search mail



2 of 2015

Compose

Inbox 348

Starred

Sncozed

Sent

Drafts 39

Categories

Social 1

Updates 52

Meet

New meeting

My meetings

Hangouts

David

+

No recent chats

Send a new message

No, we do not.

Yes, it is.

Yes, that is correct.

Reply

Forward

225 Franklin St - Block 65.01 Lot 14 - FIEDLER REALTY

Inbox x

Bill

to me

David,

10:03 AM (10 minutes ago)

For 225 Franklin St, which is a 4 unit multi-family residential property, is there a Section 68 on file (if required)?

Thank you,

Bill Lerman
Sales Associate
Fiedler Realty
Cell 973.713.0794
Office 908.852.2586
Fax 908.852.2587
Bill.lerman@rdi.com

Bill,
Unfortunately NO. By the picture and a quick
review of the tax records on file it appears the
4 unit building was built with that intent. However,
without a Certification of Non-Conformity (Section 68) this
office can not recognize it as a legal N.C.U. Please
contact the Board of Zoning Adj. for an App. If
the owner would like to file an app, which in

Error checking mail for zoning@pair.com. Details Dismiss

Mail

More

COMPOSE

Certification of Non-conforming Uses

Inbox x

Inbox (179)

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Important

Sent Mail

Drafts (3)

More

Search people...

Barbara Sansever...

Bernice will

Bob Hess

BT

Cheryl Hodge

Deborah Hrebanak

Donna Gooley

Hackettstown BID

Katherine Taylor

Paul Sterbenz

Mark Peck <mpeck@psflawfirm.com>

Jul 16 (5 days ago)

to me, mayor

David -

Following up on our conversations, regarding whether the Town could create a procedure to certify pre-existing non-conforming uses, please be advised of the following: This issue arose out of an apparent two-family home located at 217 Franklin Street. The former property owner asserts that this property has been a two-family home for some time, possibly since its construction decades ago. The Town has classified this property as a two-family home, but there are no records to support this.

In 1962 and again in 1965 the Town adopted ordinances that permitted two-family homes – but only those two-family homes in existence at the time of the ordinances' passing; no new two-family homes were to be permitted.

N.J.S.A. 40:55D-68 provides for certification of pre-existing non-conforming uses. Essentially, the statute states that if a municipality adopts an ordinance that renders a property non-conforming, the property owner has one (1) year from the date of ordinance adoption to obtain a certification of pre-existing non-conforming use. Accordingly, the property owner should have, not later than 1966, obtained such a certificate. Apparently no such certification exists, and accordingly you have deemed this property non-conforming and unable to be used as a two-family residence.

N.J.S.A. 40:55D-70(a) and (b) permit people to apply to the zoning board of adjustment where they either take issue with a decision by the zoning officer, or for an interpretation of a zoning ordinance. Unfortunately for the former



[Error checking mail for zoning@pair.com. Details Dismiss](#)

Mail

More

COMPOSE

Inbox (179)

Starred

Important

Sent Mail

Drafts (3)

More

Search people...

Barbara Sansever...

Bernice Will

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BT

Cheryl Hodge

Deborah Hrebanak

Donna Gooley

Hackettstown BID

Katherine Taylor

Paul Sterbenz

NJSA 40:55D-70(a) and (b) permit people to apply to the zoning board of adjustment where they either take issue with a decision by the zoning officer, or for an interpretation of a zoning ordinance. Unfortunately for the former property owner, this is the only recourse they have. There are no provisions in the Municipal Land Use Law for certifying a pre-existing non-conforming use more than one year after the adoption of the subject ordinance. Accordingly, the former or current property owner should make an application to the zoning board under NJSA 40:55D-70(a) and/or (b) and present their proofs to the Board that the property is, and has been, a two-family home. If the zoning board accepts their proofs, then the property can be deemed a pre-existing non-conforming use. Regrettably, there is no simpler process for a case such as this.

Please let me know if I have misstated any of the facts, or if you have any questions or concerns. Thank you

Mark R. Peck, Esq.

Partner

Florio Penucci Steinhardt & Fader, LLC

235 Broubalow Way

Phillipsburg, New Jersey 08865

tel.: 908-454-8300 x1019

fax: 908-454-5827

mpeck@fpslawfirm.comwww2.fpslawfirm.com

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LAW OFFICES

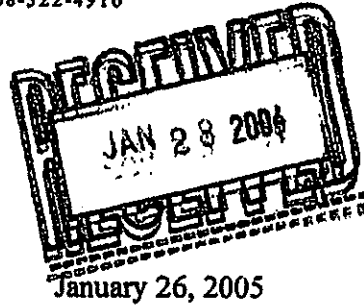
CRANER, SATKIN & SCHEER

A PROFESSIONAL CORPORATION
320 PARK AVENUE
P.O. BOX 367
SCOTCH PLAINS, NJ 07076

908-322-2333

TELECOPIER 908-322-4916

JOHN A. CRANER*
STEPHEN A. SATKIN*
M. RICHARD SCHEER*
BRIAN D. SCHWARTZ
JONATHAN P. ARNOLD**
MAGED W. HANNA*
*MEMBER NJ AND NY BARS
**MEMBER NJ, NY AND DC BARS
*CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY



NEW YORK OFFICE
246 EAST 30th STREET
1st FLOOR
NEW YORK, NEW YORK 10016
212-938-2337
TELECOPIER
212-321-2101
REPLY TO SCOTCH PLAINS

Zoning Official
Town of Hackettstown
215 Stiger Street
Hackettstown, NJ 07840

Re: MONTICELLO FROM FURDA
225 Franklin Street (Block 65-1, Lot 14)
Hackettstown, NJ

Dear Sir/Madam:

Please be advised that I represent Mr. and Mrs. Joseph P. Monticello, contract purchasers of the above-referenced property, from Mary Furda.

Kindly advise if this property is a legal four-family property. Thank you.

Very truly yours,


CRANER, SATKIN & SCHEER, P.A.

STEPHEN A. SATKIN

SAS:sm - Doc. 160256

cc: Mr. and Mrs. J. Monticello

Town of Hackettstown

Office of the Zoning Official

215 Stiger Street, Hackettstown, NJ 07840

(908) 852-3702 / FAX: (908) 852-2538

Craner, Satkin & Scheer
PO Box 367
Scotch Plains, NJ 07076

Att: Stephen A. Satkin

Re: Block 65.1, Lot 14 – 225 Franklin St.

Dear Mr. Satkin;

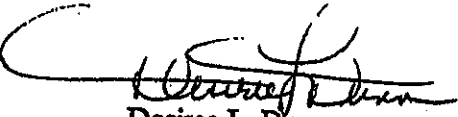
Please be advised that the subject property is zoned R-12.5 allowing for single-family residential use only. Town assessing records indicate that the premise was assessed as a four-unit apartment structure around 1971 and doubtless earlier. As this property is nonconforming, the following regulation will apply for reconstruction in the event of destruction:

Sec. 507.B: Any pre-existing non-conforming use or structure existing at the time of this Ordinance may be continued upon the lot or in the structure so occupied and any structure may be repaired in the event of partial destruction thereof.

In cases involving partial destruction by fire or other unforeseen disasters, nonconforming structures may be rebuilt to the same size and height specifications provided said damage is determined to involve less than 50% of the structure.

Please feel free to call if you desire further assistance.

Sincerely,



Desiree L. Dunn
Zoning Officer

Block 65 Feb 14 SRIA 2654653

195895

100-DEED - WARRANTY-FULL COVENANT
IND. TO IND. OR CORP.

V.L. 520 PAGE 316

COPYRIGHT © 1964 BY ALL-STATE OFFICE SUPPLY CO.
49 EDISON PLACE, NEWARK, N. J. 07102

Chia Beed, made the 24th day of March 1971.

Between LEO F. McGINNIS and CATHERINE J. McGINNIS, his wife,

residing at 104 Hillside Terrace
in the Warren Township of Hackettstown in the County of
and State of New Jersey herein designated as the Grantors,
and JOHN J. FURDA and MARY O. FURDA, his wife,

residing or located at Smithtown Road
in the Morris Township of Mt. Olive in the County of
and State of New Jersey herein designated as the Grantees;

Witnesseth, that the Grantors, for and in consideration of Fifty-One Thousand
Five Hundred (\$51,500.00) - Dollars,

lawful money of the United States of America, to the Grantors in hand well and truly paid by the
Grantees, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowl-
edged, and the Grantors being therewith fully satisfied, do by these presents grant, bargain, sell and
convey unto the Grantees forever.

All that tract or parcel of land and premises, situate, lying and being in the
County of Warren and State of New Jersey, more particularly described as follows:

BEGINNING at a point in the easterly side line of Franklin
Avenue distant 60 feet on a course of South 35 degrees East from the
southeasterly corner of the Ashley and Shaw lot and running thence
(1) along the easterly edge of said Franklin Avenue South 35 degrees
East 60 feet to a corner of a lot conveyed to J. Wood Appar, et al;
thence (2) at right angles to said Franklin Avenue North 55 degrees
East 150 feet to a stake, the rear corner of said Appar's lot; thence
(3) parallel with the first line North 35 degrees West 60 feet to a
stake, the rear corner of lot conveyed to William S. Rittonhouse,
et al; thence (4) South 55 degrees West 150 feet to the point and
place of beginning.

BEING the same lands and premises conveyed by Mildred V. Ort
and Paul L. Ort to Samuel DiMaio, Alphonse DiMaio, Gerald DiMaio and
Andrew DiMaio, by Deed dated October 3, 1958 and recorded in the
Warren County Clerk's Office in Book 416 of Deeds, page 322e.

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

The above description is written in accordance with a survey of
Robert C. Evertz, Licensed Land Surveyor, entitled "Franklin Street
Survey for Leo F. McGinnis and Catherine, his wife, Hackettstown-
Warren County, New Jersey, Scale 1"=30' " dated March 1964.

BEING the same lands and premises conveyed by Samuel DiMaio and
Agnes DiMaio, his wife; Alphonse DiMaio and Shirley DiMaio, his wife;
Andrew DiMaio and Susan DiMaio, his wife, and Gerald DiMaio and
Linda DiMaio, his wife, to Leo F. McGinnis and Catherine McGinnis,
his wife, by Deed dated March 30, 1964 and recorded in the Warren
County Clerk's Office in Book 158 of Deeds, pages 613e.

The aforesaid beginning point is also distant 60 feet on a course of South
35 degrees East from the point of intersection of the southeasterly side of
Ashley Avenue with the easterly side of Franklin Street.

COUNTY OF WARREN

CONSIDERATION \$51,500.00
RECEIVED BY TRANSFER FILE
DATE 2/29/71 BY

65-14

STATE OF NEW JERSEY
LOCAL PROPERTY TAX BUREAU

FORM NO.
SR1A

DATE 3/5/71 COUNTY SARATOGA DISTRICT 8

DEED REGISTRATION

BOOK	PAGE	DEED DATE	DATE RECORDED	R.T. FEE	PRICE
520	316	3/26/71	3/26/71		\$51,500

GRANTOR

Leo P. McGinnis & Catherine J. McGinnis, wife
104 Hillside Terrace, Hackensack, N.J.

GRANTEE

John J. Furda & Mary G. Furda, wife
Satchtown Road, Mt. Olive, N.J.

MAP & TAX BOOK DESCRIPTION				PROPERTY CLASSIFICATION					
BLOCK	LOT	PAGE	LINE	1	2	3	4A	4B	4C
				VACANT LAND	RESIDENTIAL	FARM	COMMERCIAL	INDUSTRIAL	APARTMENT
065	14	50	14						✓

YEAR	LAND	BUILDINGS	TOTAL
1971	3000	44550	46550

ADDRESS OF PROPERTY

225 FRANKLIN STREET

REMARKS:

SECTION THREE

VERIFIED BY:

DATE

REMARKS:

SALES PRICE

FOR USE ONLY BY LOCAL PROPERTY TAX BUREAU

USABLE — YES ☐ NO ☐ TO VERIFY ☐ QUESTIONNAIRE ☐

CHECK TOTAL SALES PRICE MORTGAGE FOR CHATTELS

REMARKS:

USE REVERSE SIDE FOR ADDITIONAL REMARKS

USABLE	N	E	C	I	P	V
YES <input type="checkbox"/>						
NO <input type="checkbox"/>						

SERIAL NO.
2659683

RATIO

oldest Card dated 1971 shows
4 Apt.

