

**TOWN OF HACKETTSTOWN
MINUTES
Land Use Board
February 26, 2019 Meeting**

CALL TO ORDER

The February 26, 2019 Meeting of the Hackettstown Land Use Board was called to order by Chairman Camporini at 7:00 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE

Board Members Present

Bristow; Burke; Moore; Tierney; Weaver; Stout; Lambo; Wolfrum; Camporini; Stead

Board Members Absent

Sherman

Professionals Present

Mennen; Sterbenz; Bloch

MINUTES

December 18, 2018 Meeting

The December 18, 2018 Meeting Minutes were approved with changes by a motion from Stead, seconded by Bristow.

In Favor: Moore; Tierney; Weaver; Stout; Lambo; Wolfrum; Stead; Bristow; Camporini

Oppose: None

Abstain: Burke

January 22, 2019 Reorganization Meeting

The January 22, 2019 Reorganization Meeting Minutes were approved by a motion from Stead, seconded by Moore.

In Favor: Bristow; Burke; Weaver; Stout; Lambo; Wolfrum; Stead; Moore; Camporini

Oppose: None

Abstain: Tierney

RESOLUTIONS

228-230 LLC, Block 77 Lots 2 & 3 – Lot Line Adjustment

Motion to approve made by Bristow, seconded by Stout.

In Favor: Stead; Camporini; Burke; Moore; Weaver; Stout; Lambo; Wolfrum; Bristow

Oppose: None

Abstain: Tierney

COMPLETENESS

Ciocca, Block 119, Lot 19.46 – Bulk C Variance

Mr. Sterbenz recommended the Board deem the application complete. The motion to deem the application complete was made by Moore, seconded by Stead.

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

Oppose: None

Abstain: None

FINAL HEARING

Ciocca, Block 119, Lot 19.46 - Bulk C Variance

Mr. Mennen swore in Eric Ciocca, Applicant, 72 Saxton Drive, Hackettstown, New Jersey.

Mr. Mennen swore in Caren Ciocca, Applicant, 72 Saxton Drive, Hackettstown, New Jersey.

Mr. Ciocca stated they have just moved to Hackettstown recently, and through their naivete, when the home was purchased, they thought they would be able to construct a screened room on the existing deck. Upon educating themselves, they were told of a variance from 1999 which stated, “the deck was to remain open to the sky”. Mr. Ciocca stated they did not want to enlarge the deck, they just wanted to build up on the existing deck. Mr. Ciocca added the property is unique in the development, as there would be no visual effect to the neighbors on either side due to the placement of the homes, nor would any neighbors be affected to the rear.

Mr. Mennen explained to the Board bulk c variances, and what was needed from the applicant. Mr. Mennen stated there are two ways for an applicant to testify, either advancing the goals of the Master Plan of the Town, or by demonstrating a hardship. Mr. Mennen explained the property in question is subject to a prior resolution of approval, which contained conditions, specifically condition #7 stating decks shall remain open to the sky, and condition #8 there shall be no further deck variances. Mr. Mennen stated the applicant needs to demonstrate to the Board the need to change the previous conditions or undo the original resolution.

Mr. Sterbenz stated the property is located in the Brook Hollow Development, which contained 187 units; 166 units are single family dwellings, and 21 are multi-family dwellings. Mr. Sterbenz added the planned community allowed for smaller lots and open space, which included a swath of land to be left undisturbed and placed in preservation along the Musconetcong River. The lots along the Musconetcong River were smaller and did not have as much depth as the other lots, which made it hard for the developer, Hovnanian, to market those lots. Hovnanian came back to the Board and sought an amendment to allow for relief of the rear setbacks for Lots 19.31 thru 19.62, to allow for the construction of the decks, with the condition that the decks had to be at least eight feet off the rear property line.

Mr. Lambo asked if the property owners could put awnings over the decks. Mr. Sterbenz stated the Board at the time didn't want to enclose the space on the decks, as they were concerned about creating livable space within the rear yard setback.

Mr. Moore asked if the point was to not make the house bigger, and Mr. Sterbenz answered yes, and the Board wanted to help the original developer by allowing for the decks.

Mr. Stout asked if enclosed means three or four-season per year. Mr. Sterbenz answered enclosed means by a roof and walls. Mr. Stout asked if a screened in room is enclosed, and Mr. Sterbenz answered anything with walls is enclosed.

Mr. Mennen asked Mr. Ciocca if they were planning on adding heating to the room. Mr. Ciocca answered no.

Mr. Burke asked if the applicant is making lot coverage worse. Mr. Sterbenz answered that the applicant is not making the coverage worse, however the proposal is in contrast to what the Board approved in 1999. Mr. Bloch added whenever you have an expansion of a non-conforming structure, a variance is needed. The application is increasing the amount of building materials on that lot.

Mr. Mennen swore in Michael Hengge, KSN Construction, contractor for applicant. Mr. Hengge stated what is being considered a room has no heat or air conditioning. The applicant is proposing adding plywood to the existing deck, using the existing foundation and footings and adding sheetrock and insulation. Mr. Hengge further stated there is no change to the footprint of the existing deck, and the structure will be used as a three-season room, not a four-season room.

Mr. Camporini asked if the applicant is proposing to use siding to match the existing structure. Mr. Hengge answered the room will be all screened or glass. There will be no siding.

Mr. Lambo asked if the additional square footage would be similar to adding a shed. Mr. Sterbenz answered they are adding to an existing structure (the deck), not to the footprint.

Mr. Mennen explained the Board must first determine whether or not it is appropriate to grant relief that prohibited the requirement, and then the Board must determine whether or not to grant the enhancement.

Mr. Ciocca asked Mr. Mennen if the 1999 resolution was for all of the lots. Mr. Mennen answered yes, the resolution covered thirty-one lots at one time. Mr. Burke asked if the variance relief can be granted for just this one lot. Mr. Mennen answered yes.

Mr. Tierney asked Mr. Ciocca if the plan is to extend the lot coverage with a concrete patio. Mr. Hengge answered yes, however, on the side of the deck, not to extend further into the rear of the property.

Mr. Burke asked if there is a plan for more piers. Mr. Hengge answered one in the middle of the existing deck.

Mr. Hengge advised the Board that this property has more setback to the river, and there is more open space compared to the other lots along the river.

Mr. Burke stated generally the approach is more lenient when the work is being done to the rear of the house. Mr. Burke asked if this development was put in prior to the added buffers around the Musconetcong River. Mr. Sterbenz answered this development was put in prior to the DEP regulations. Mr. Burke stated so today they wouldn't have been able to build.

Mr. Stout stated the developer wasn't cooperative when they appeared before the Board, and added it was very generous of the Board to grant the variance.

Mr. Lambo asked if only one side of the street has the variance, and Mr. Ciocca answered yes.

Mr. Bloch stated there is sufficient amount of lot depth on the property, which was one of the proofs. The Board is now saying that condition is not needed. The Applicant is proposing to enclose the porch structure (deck), which will not encroach on the neighboring properties; behind the house is an open space parcel, so there will be no encroachment in the rear of the property.

Mr. Mennen stated if the Board so chooses, they can make their finding based on Mr. Bloch's review, and if so, the Resolution of Approval shall also state the structure shall be constructed consistent with the drawing set submitted as part of the application, and if those plans should be deviated from, the Applicant must come back before the Board.

The motion to approve the application for C-1 variance relief from Condition #7 regarding the 'deck to remain open to the sky' of the 1999 Resolution, specifically for Block 119, Lot 19.46, was made by Mr. Stead, with the second being Mr. Lambo, with the following conditions:

1. No heating shall be installed in the 3-season room;
2. No plumbing shall be installed in the 3-season room;
3. The proposed 3 season room shall be one story only;
4. Plywood will be installed on the decking;
5. Footings to be reinforced if needed;
6. No additional footings to be constructed;
7. R-30 insulation to be installed on the floor area only
8. All construction shall be consistent with the drawing set submitted by the Applicants

In Favor: Bristow; Burke; Moore; Tierney; Weaver; Stout; Lambo; Wolfrum; Camporini; Stead
Opposed: None
Abstain: None

Longworth, Block 79, Lot 6 – Interpretation/Section 68 Certification notice carried to the March 26, 2019 Meeting)

OLD BUSINESS

Bilby Road Redevelopment Plan (Moudro Site)

Mr. Sterbenz stated the Town introduced the Redevelopment Plan Ordinance for the Bilby Road site, of which the Ordinance was referred to the Board for review and comment at the January 22, 2019 meeting. There were not a lot of changes to the current Redevelopment Plan as compared to the Plan that the Board reviewed on January 22, 2019. The Board was concerned with the height of the buildings, and there were discussions with the applicant's architect regarding reducing the allowable height to 66 feet, and the changes are being implemented to the plan. Mr. Sterbenz continued stating with regard to the Open Space area requirement being dropped from 250 square feet per unit, to 150 square feet per unit, the architect did not label all Open Space areas, and therefore the applicant's plans will be reviewed to depict the Open Space on the previous site plan.

Mr. Bloch added the Redevelopment Plan is straight forward, and based on the Board's recommendation to the Council, both parcels are being incorporated into the plan. The next step in the process would be for the developer to come back to the Board for site plan approval. Mr. Burke asked if the plan submitted the final plan is, or if the applicant would be coming to the Board with better plans. Mr. Camporini stated the developer would need to come back with a full submission.

Mr. Mennen stated the next step is the submission of an application and plan showing the application is consistent with the zoning. The Board has a role in the process to review the plan and provide recommendations. Mr. Mennen reminded the Board at this point the Council is looking for input from the Board regarding the redevelopment zone.

Mr. Stead asked if the recreational space was underreported. Mr. Sterbenz answered it was looked at very closely during the 2013 site plan by the Board, and the areas were not hatched on the submitted plan to match the 2013 site plan.

The meeting was open to the public at 8:20 p.m. by Chairman Camporini, there being no public comment, the meeting was closed to the public.

The motion to find the Redevelopment Plan as presented is consistent with the Town's Master Plan was made by Moore, seconded by Weaver.

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

Oppose: None

Abstain: None

Mr. Lambo stated customers of Wawa are exiting the site, and making left turns out of the driveway onto Mountain Avenue and stated the approved plan did not allow for this. Mr. Sterbenz stated the DOT allowed the left turn ingress from Mountain Avenue, but prohibited a left turn egress movement onto Mountain Avenue. Mr. Sterbenz met with members of Wawa and Sergeant Tynan with regard to more signage on the site directing exits towards the traffic light. Mr. Sterbenz added there has been motorists making illegal u-turns as well.

Mr. Sterbenz advised the Board there was a scheduled meeting with the Highlands Council regarding grant money, which was rescheduled due to weather. Mr. Sterbenz will report back at the next meeting.

Mr. Sterbenz stated with regard to the concerns with Czigmeister, a meeting has been scheduled with Frank Czigler and Michael Lavery,

CORRESPONDENCE

CBRE re: 100 Bilby Road, Hackettstown proposed monopole.

Mr. Sterbenz stated there is no application submitted. This letter is to inform the Board someone is interested in putting a monopole on a property in town, should the process move forward, a variance application will need to be submitted.

NEW BUSINESS – Board members were asked to bring the following to the next meeting.

Stuber/Auger, Block 91, Lot 17 – Interpretation/Section 68 Certification (March 26, 2019)

Schiano, Block 137, Lot 6 – Interpretation/Section 68 Certification (March 26, 2019)

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m. by a motion from Mr. Bristow, seconded by Mr. Moore. All members in favor of adjournment.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve:

Second:

In Favor:

Oppose:

Abstain: