

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

CALL TO ORDER

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

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE

Board Members Present

Camporini; Stead; Bristow; Burke; Moore; Weaver; Stout; Sherman (7:20 p.m.); Lambo; Wolfrum

Board Members Absent

Tierney

Professionals Present

Sterbenz; Mennen

MINUTES

February 26, 2019 Meeting

The motion to approve the February 26, 2019 Land Use Board Meeting Minutes was made by Stout, seconded by Moore.

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

Abstain: None

Oppose: None

RESOLUTIONS

Ciocca, Block 119, Lot 19.41 – Bulk C Variance

The motion to approve the Resolution for Ciocca was made by Bristow, seconded by Stout.

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

Oppose: None

Abstain: None

COMPLETENESS/PUBLIC HEARING

Longworth, Block 79, Lot 6 – Interpretation/Section 68 Certification

(notice carried from February 26, 2019 Meeting)

Richard Keiling, Attorney, Present for Application

Mr. Keiling asked for Mr. George Longworth, owner of Block 79, Lot 6, to be sworn in by Mr. Mennen.

Mr. Keiling entered the following into the record:

1. Exhibit A1 – Deed dated June 8, 1962 showing seller Lynch to Moneymakers Inc. (Longworth purchased property from Moneymakers Inc);
2. Exhibit A2 – Purchase contract by Judge Houston in 1971 stating “two story frame two family residence”;
3. Exhibit A3 – Letter from Judge Houston in 1972 referring to the “two family structure”;
4. Exhibit A4 – Memo dated February 14, 1972 containing an affidavit sworn by Mr. Longworth and his wife serving an eviction notice to two tenants;
5. Exhibit A5 – Property card from Tax Assessor listing a multi-family/two family home on September 5, 1986;
6. Exhibit A6 – Property card from Tax Assessor designating the property being used as a two family

Mr. Keiling asked for Richard Souders to be sworn in by Mr. Mennen.

Mr. Souders stated he lived in the house across the street between 1950 and 2015, and the home was always a two family home.

Mr. Longworth testified the units are side by side mirror images. Mr. Burke asked if there was an apartment in the attic, and Mr. Longworth replied there is a kitchen in the attic, which has nothing to do with the two-family, as it is an extra kitchen.

There being no further testimony, the meeting was opened to the public by Chairman Camporini at 7:12 p.m. There being no public comment, the meeting was closed to the public at 7:12 p.m.

The motion to approve the Section 68 Certification was made by Stout, seconded by Burke.

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

Oppose: None

Abstain: None

Stuber/Auger, Block 91, Lot 17 – Interpretation/Section 68 Certification

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

Mr. Selvaggi asked for Arthur Stuber to be sworn in by Mr. Mennen.

Mr. Selvaggi entered the following into the record:

1. Contract for sale dated July 4, 1964 of a two-family structure;

2. Document with a statement of closing title listing rents of \$85.00 per month for two different tenants;
3. Deed to property dated July 27, 1964 for a two-family structure

Mr. Stuber testified when his parents passed away, his nephew, Johnathon Stuber moved into the home in 2002.

Mr. Mennen swore in Johnathon Stuber. Johnathon Stuber testified he purchased the home in December of 2002, and the home was a two-family home at that time.

The meeting was opened to the public at 7:20 p.m. by Chairman Camporini. There being no comment, the meeting was closed to the public at 7:20 p.m.

The motion to approve the Section 68 Certification was made by Weaver, seconded by Moore.

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

Opposed: None

Abstain: None

NOTE: Mr. Sherman entered the meeting at 7:20 p.m.

Schiano, Block 137, Lot 6 – Interpretation/Section 68 Certification

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

Mr. Selvaggi stated the application is being presented as an Interpretation or a Section 68 Certification, however, an Interpretation is what is really be focused on. Mr. Selvaggi stated the following:

1. The applicant purchased the property and when a survey was done, the title company noted bulk variances on the lot, specifically for the rear lot line;
2. An addition was constructed in 1988, and as presented in the application, Zoning and Building permits were issued, when a Zoning permit should not have been issued;
3. When the matter was presented to the current Zoning Official David Diehl, Mr. Diehl rendered an opinion that the structure is legal non-conforming, however, the Title Company said that does not address the question of the bulk variance issues.

Mr. Selvaggi added it would be unfair to the applicant to deny the application, after the prior approvals.

Mr. Sterbenz asked when the addition was constructed. Mr. Selvaggi answered the permits were issued in 1987, and the Certificate of Occupancy was issued in 1988. Mr. Sterbenz stated a new Master Plan was adopted in 1988, and in March of 1989, the Zoning changed, therefore there could have been smaller lot sizes up to that point.

Mr. Mennen stated for the interest of the applicant, there should be something to endorse the application proving the zoning of the property in 1988. Mr. Sterbenz added he would review a copy of the 1988 Master Plan to determine the zoning at that time.

The application was adjourned to the April 23, 2019 Land Use Board Meeting with no new notice.

COMPLETENESS ONLY

Moudro Corporation, Block 45, Lot(s) 1/01 & 2 – Site Plan

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

Mr. Selvaggi stated the property is part of the redevelopment zone, which was adopted by the Town on February 28, 2019. Mr. Selvaggi stated the application has been filed for Completeness, and the applicant is looking for some direction from the Board as well.

Mr. Selvaggi asked for Franz Laki, NJ Professional Engineer, Sesi Engineering, to be sworn in by Mr. Mennen.

Mr. Selvaggi asked Mr. Laki if he had time to review Mr. Sterbenz report dated March 21, 2019. Mr. Laki answered yes. Mr. Selvaggi asked Mr. Laki to address Mr. Sterbenz report.

Mr. Laki offered the following with regard to the Completeness Comments, Section A., Preliminary Major Site Plan Details Checklist:

- a. Protective Covenants, Easements and Deed Restrictions have been **addressed and updated;**
- b. The location of natural features such as wetlands and treed areas within 100 feet of the boundary **will be provided;**
- c. The location of all existing utility structures within 200 feet **will be provided**
- d. **A waiver is requested** of the copies from the County for the extension of utility services into the Bilby Road right of way;
- e. Copies of any protective covenants of deed restriction applying to the land being developed or an indication of submitted on the plat or plan **is being addressed;**
- f. The location and width of all existing and proposed utility easements **will be provided;**
- g. Copies of the completed application submitted to the Warren County Planning Board **will be provided;**
- h. Grading plan details **will be provided;**
- i. Sixty year title search **has been provided;**
- j. Highlands Consistency Determination has been applied for and **will supply prior to the next meeting;**

Mr. Laki also addressed the requested waiver regarding the submission of an Environmental Impact Statement and stated nothing has changed on the site since the previous submission. Mr. Laki further stated documentation will be provided regarding the transition area, based on the LOI, which has not been updated.

Mr. Sherman asked if there was a set a plans for the Board to look at, and Mr. Selvaggi explained the Board stated at the last meeting that prior to the submission of plans for the members, the applicant would present plans to the professionals for Completeness Review only, subsequently, plans would be submitted for the Public Hearing and Final Hearings.

Mr. Sterbenz stated a very comprehensive drainage report has been completed, with a lot of infiltration on the site, and when the plans are submitted the Board Members will see this.

Mr. Selvaggi stated the hope is the Board grants the waivers requested, as the applicant would like the application to be heard for public hearing at the April 23rd Land Use Board Meeting as it is expected that the Highlands consistency determination will be issued.

The motion to deem the application incomplete was made by Moore, seconded by Lambo, due to the following items in Mr. Sterbenz's Completeness report dated March 21, 2019:

Part A

A1b. Location of natural features such as wetlands and treed areas, both within the tract and within 100-feet of its boundary;

A1c. Location of all existing utility structures within 200-feet of the tract boundaries;

A1f. Location and width of all existing and proposed utility easements;

A1g. Copies of the completed application submitted to the Warren County Planning Board;

A1h. Grading Plan details in accordance with Section 804B.37 of the ordinance

- i. Top of curb and gutter elevation at maximum 50-foot intervals in all parking areas;
- ii. Top of curb and grate elevations to be provided for all storm structures on the grading plans;
- iii. The Utilities Plan must be reviewed for legibility and to ensure that all relevant utility information has bene provided.

A1j. Highlands Consistency Determination must be provided;

In addition, the following requested waivers are granted:

Part A

A1d. Copies of approvals from the County for the extension of utility services into the Bilby Road right-of-way;

A2a. Submission of an Environmental Impact Statement;

Part B.

B2a. Letters to the Chairman of the Board indicating that utility companies will provide service to the tract as required by Ordinance;

B2b. Certification in writing from the Applicant to the Board indicating that all improvements have been installed per Ordinance and a performance guarantee has been posted in accordance with Section 902;

B2c. A statement from the Town Engineer indicating that all proposed improvements have been inspected.

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

Oppose: None

Abstain: None

CONCEPT REVIEW

LionGate at Musconetcong Urban Renewal LLC

Gregory Leo, owner, present.

Mr. Sterbenz stated the proposed is the second component of the site where the Wawa has been built. This application contains two apartment buildings containing 145 units, including twenty-five affordable housing units. Mr. Sterbenz stated Mr. Leo is here tonight to discuss with the Board some changes he would like implemented to the plan.

Mr. Leo stated Building 2 has a parking garage under the building, that contains a drive aisle twenty-four feet in width, which is causing a problem due to the structural steel that would be needed. Mr. Leo is proposing private individual garages for units, with driveways going into the garages instead of the actual parking garage. Access to the elevators would be through a common hallway within the garage area. Mr. Sterbenz added this change would be in accordance with the approved redevelopment plan. Mr. Sterbenz added the parking space loss due to this change would be made up by increasing the supply of the parking outside of the building.

Mr. Leo stated there is an idea to subdivide the property so each building could be done separately, however the Ordinance calls for 100 feet of road frontage, and if the property were to be subdivided, the lots would not meet this requirement. Mr. Sterbenz added a Variance would be required for the road frontage, however the requirement is 100 feet of frontage. Mr. Sterbenz added the applicant could come to the Board for an amendment to the previous approval, or the applicant could go through the redevelopment plan process again; it would depend on how the Board feels.

Mr. Burke asked if the foundations installed would be affected by these changes, Mr. Leo answered no.

Mr. Lambo asked if the timelines put in place by the previous approval are going to be affected. Mr. Sterbenz answered the applicant has two and a half years for the entire project to be completed.

Mr. Lambo asked Mr. Leo if the first building needs to be full in order to receive the financing for Building 2? Mr. Leo answered sixty percent occupancy should allow for the financing.

Mr. Leo stated according to the Ordinance, affordable housing units could not all be located in the same building, however, the request is for all to be in affordable housing units to be in the second building. Mr. Leo stated he thinks the reason for this decision by the Board was to prevent only one building being built. Mr. Camporini answered the Board wanted the units mixed into the two buildings so no one knew who was in a COAH unit.

Mr. Leo stated they have been looking into how to create larger units, and is now proposing a variance to make a four story building, using the dormer area for units instead of only be decorative. Mr. Sterbenz stated five stories are allowed by Ordinance, which would allow for four residential stories, with the individual parking garages.

Mr. Leo was asked to bring in plans showing the changes being requested, as well as additional landscaping of the property surrounding the buildings.

NEW APPLICATIONS

Laurano, Block 40, Lot 2.01 – Minor Subdivision/Bulk Variance (April 23, 2019 Meeting)

Mr. Sterbenz stated there must be action taken on an application within 45 days of its submission to the Board, and is requesting the Board delegate authority to the Engineer to deal with the Completeness aspect of this application, including the administrative issues. Mr. Sterbenz stated that although the lots will be well over the area requirement of the zone with regard to area, there is inadequate frontage and side yards for the proposed lots.

The motion to delegate authority to the Engineer for Completeness of the application was made by Moore, seconded by Stead.

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

128 Liberty Street LLC, Block 60, Lot 10 – Interpretation/Section 68 Certification

Applicant to notice for the April Meeting.

OLD BUSINESS

Mr. Sterbenz stated he met with the owners of Czigmeister Brewing and Michael Lavery, and they will be coming to the Board with an amended site plan application as the approved refrigerated containers will not be installed as a lease was negotiated to place the refrigerated storage elsewhere in Town. a new seating area was provided in the approved container area, and they are now looking for a new area for the dumpsters. Mr. Lambo asked if they knew the outside area could not be used, and Mr. Sterbenz answered they did not discuss those specifics.

Mr. Sterbenz stated he and Dan Bloch went to the Highland Council meeting to submit projects to them dealing with the center of Town and the Historic District.

ADJOURNMENT

There being no further business, the March 26, 2019 Land Use Board Meeting was adjourned at 8:54 p.m. by a motion from Moore, seconded by Stead. All members present in favor of adjournment.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve: Bristow

Second: Burke

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

Oppose: None

Abstain: None