

**TOWN OF HACKETTSTOWN
LAND USE BOARD
REGULARLY SCHEDULED MEETING
MINUTES
August 28, 2018**

Adequate notice of this regular public meeting has been provided in accordance with the Open Public Meetings Act by posting notice on the bulletin board in the Municipal Building; publishing in the Daily Record and New Jersey Herald, official newspapers of the Town of Hackettstown; posting notice on the website of the Town of Hackettstown; filing said notice with the Town Clerk of Hackettstown; as well as furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act. As advertised, action may be taken at this meeting.

All meetings are held at the Hackettstown Municipal Building, 215 Stiger Street, Hackettstown, NJ 07840 at 7:00 p.m., unless otherwise advertised.

CALL TO ORDER

The August 28, 2018 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:02 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

SWEARING IN OF NEW MEMBERS

Board Attorney Alan Zakin swore in new Board Members Len Carida, Alternate #3, and Steven Wolfrum, Alternate #4.

ATTENDANCE

Board Members Present

Burke, Lambo, Stead, Tierney, Moore, Weaver, Carida, Wolfrum

Board Members Absent

Bristow, Stout

Professionals Present

Sterbenz, Zakin (for Mennen)

MINUTES

June 26, 2018 Meeting

Motion made by Stead, with the second being Moore, to approve the June 26, 2018 Land Use Board Meeting Minutes as written.

In Favor: Burke; Tierney; Moore; Camporini; Stead

Opposed: None

Abstain: Weaver; Carida; Wolfrum; Lambo

July 24, 2018 Meeting

Motion made by Stead, with the second being Moore, to approve the July 24, 2018 Land Use Board Meeting Minutes with minor changes.

In Favor: Burke; Camporini; Stead; Moore

Opposed: None

Abstain: Lambo; Tierney; Weaver; Carida; Wolfrum

RESOLUTIONS

There were no Resolutions for approval.

PUBLIC HEARING

David's Country Inn, Application #18-02, Block 121, Lots 1, 2, 4 & 5 Minor Subdivision/Preliminary & Final Site Plan, Use Variance

Mr. Lambo left the meeting room.

Mr. Weaver left the meeting room.

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

Mr. Selvaggi introduced Christopher Falzarano, Applicant, and Mr. Falzarano was sworn in by Attorney Zakin. Mr. Falzarano testified the business was started in 1978 by his father. Mr. Falzarano worked at the inn when he was younger, and went to college for a degree in hospitality. When Mr. Falzarano's father became ill, he and his sister stepped in to take over the business.

Mr. Falzarano stated David's Country Inn owns two of the lots that are part of the application, Lots 1 and 4, and 1227 Properties LLC owns the other two, Lots 2 and 5.

Mr. Falzarano stated there are five full time employees of David's Country Inn, and 10 part time employees. The days of the week the inn is in operation are Friday and Saturdays 52 weeks of the year; Sundays and Thursdays only part of the year. Mr. Falzarano further stated, with regard to parking, a valet service is offered; there is useable on site parking of 45 spaces; there is carpooling by attendees of functions; parking on Warren Street, as well as in neighbors driveways; and there are shuttle agreements with a hotel in Mount Olive.

Mr. Falzarano was asked by Mr. Selvaggi what businesses are in the 106 Mountain Avenue property. Mr. Falzarano answered five residential apartments and three commercial tenants: Westside Hair Care; Florals Devine; Fantasy Productions, all wedding businesses.

Mr. Selvaggi stated the application would bring an additional 15 on site parking spaces.

Mr. Sterbenz clarified with the applicant that the Applicant will not be having two separate events at one time. Mr. Falzarano indicated that an event would have the ceremony outside, and then move inside for the rest of the time.

Mr. Selvaggi stated the intensification of the use is only for allowing the ceremonies outside.

Mr. Selvaggi stated the impervious coverage of the site would be reduced; landscaping is being added; seats related to the outdoor ceremony area would be stored inside when not in use.

Mr. Sterbenz asked if there were plans for outside storage, and Mr. Selvaggi answered no.

Mr. Falzarano stated the two buildings in the rear of the property would be used as bridal suites in the future etc., however that is a 2 – 5 year plan.

Mr. Camporini asked if there were questions from the Board.

Mr. Stead asked if the fence to the left of the structure was a trash enclosure. Mr. Falzarano answered yes, and testified it is to be relocated as part of the project.

Mr. Stead asked if there were proposed roadway improvements on Warren Street specifically the sidewalks. Mr. Falzarano answered yes, and the timeline is 18 to 24 months to redo the sidewalks.

Mr. Sterbenz stated with regard to the driveway off of Mountain Avenue for the commercial property located on Lot 2, he will work with the applicant regarding the signage placement and style, as there is to be no exit from the property onto Mountain Avenue, and as such the signs will prevent people from driving from the site onto Mountain Avenue. Mr. Falzarano agreed to the signage.

Mr. Stead asked if brick pavers would be installed in the location of the prohibited drop-off area on Mountain Avenue. Mr. Selvaggi answered yes.

Mr. Selvaggi stated the only part of site improvements being phased is the sidewalk on Warren Street. Mr. Selvaggi stated the applicant is not opposed to the sidewalks, but is not able to commit while everything else on the site is being constructed. Mr. Selvaggi added they could bond for the sidewalk work, however, he would leave it up to Mr. Sterbenz and Mr. Zakin.

Mr. Stead asked why there are four handicapped parking spaces planned, however, during an even hour would you handle the need for additional spots. Mr. Burke asked what the requirement is, and Mr. Selvaggi answered three handicapped accessible spots are required.

Mr. Zakin asked if the applicant's intention is to complete the street and sidewalk improvements within three years, and if so, are they willing to provide a bond. Mr. Falzarano answered yes, they are totally committed to the improvements on Warren Street, and are expecting to finish within eighteen months of the outdoor area site improvements finish date. Mr. Falzarano added they are planning to start the project in February-March 2019 if approved, and finish the outdoor site work within three months.

Mr. Sterbenz stated the Board could indicate in the approval that should any streetscaping on Warren Street not be completed by the date the outdoor area is in operation, then it could be bonded.

Mr. Camporini opened the meeting for questions from the public with regard to Mr. Falzarano's testimony. There being none the meeting was closed to the public.

Mr. Selvaggi introduced Gene Weber, Civil Engineer, Finelli Consulting. Mr. Weber was sworn in, and was accepted by the Board as an expert witness.

Mr. Weber referred to the Existing Condition Plan, and stated the following:

- Lots 1 & 2 share parking spaces;
- Lots 4 & 5 share a common entrance off of Warren Street;
- Lots 4 has 13 parking spaces for commercial, and is in poor condition;
- The southern parking lot has no curbs, however new curbing is proposed in most areas
- Storm water sheets off of the lots;
- Impervious coverage being decreased by ¼ acres
- Current dumpster on the southerly property line being relocated to the new driveway on Warren Street.

Mr. Weber referred to Sheet 5 of the Site Plan regarding the subdivision of the properties and stated the following:

- The new boundary lines between Lot 4 and Lot 5 maximizes the efficiency of the site, and increases the parking spaces on lots 1 and 2;
- Two access points on Warren Street – main access onto Lot 1 will be by the existing building, and another access point by the ceremony area, which is the relocation of the existing driveway 150' to the west on Warren Street;

- Proposed ceremony area is 40' x 120', and the actual area is grass;
- Proposed ceremony area will have 200 seats, and there will be 2 pergolas: one on east end and one on west end of proposed ceremony area;
- Paver patio proposed adjacent to the existing building on Lot 1;
- Entrance to Building 1 and handicap ramp being reconstructed;
- Parking lot being resurfaced;
- Traffic circulation will be improved by the Mountain Avenue driveway being ingress only; new driveway on Warren Street providing for two way circulation;
- Signage will be low key, and Applicant will work with Board Professionals;
- Drainage conditions will be kept as they exist, application will not exacerbate conditions;
- Impervious coverage being reduced – 1.28 acres existing and 1.07 acres proposed;
- Overall area of disturbance is less than one acre, therefore no need for storm water management;
- No storm drain improvements proposed;

Mr. Weber referred to Paul Sterbenz's report dated July 20, 2018 and testified to the following:

- Section 2.02 – On-site parking spaces do not meet the Land Development Ordinance, however, during the operational hours of events at the Inn, such as Friday and Saturday evenings, adjacent business are not open during these hours;
- Section 2.03 – regarding number of employees and hours testified to by Mr. Falzarano previously;
- Section 2.04 – Lot lines for proposed Lots 4 and 5 will be adjusted to bring both lots closer to compliance;
- Section 2.05 No objections to driveway on north side of mixed use building to be converted to one way driveway, exiting onto Warren Street.
- Section 2.06 – No objections to revising the site plan to include additional signage and pavement markings;
- Section 2.07 – No objections to revising site plan to indicate a right turn prohibition at the proposed driveway onto Warren Street;
- Section 2.08 - Adjusting paver patio to allow disabled individuals to enter patio directly, and flush curb currently shown must be revised to a full face curb;
- Section 2.09 - No objections to revising site plan to include striping or other delineation for driveway aisle on north side of building on Lot 2 to transition into driveway aisle adjacent to proposed wedding ceremony area;
- Section 2.10 - No objections to reconstructing landings at bottom of stairwells within Lot 2 and 3;
- Section 2.11 - Streetscape along Warren Street including sidewalks and curbing will be completed within 18 to 24 months from start of the project;
- Section 2.12 - Applicant has no objections to revising the layout and orientation of parking stalls proposed to serve proposed Lots 4 and 5;
- Section 2.13 - Applicant stated the handicap stalls proposed on the north side of the building on Lot 2 are not intended to service the commercial use building on Lot 2, and the plan will be revised adding another 2 stalls next to the outdoor ceremony area;
- Section 2.14 - If the construction code or ADA states there is a need for ADA seating within the outdoor ceremony area, hardscaping will be added to the plan;

Mr. Weber continued addressing Mr. Sterbenz's report dated July 20, 2018 and testified:

- Section 3.01 and 3.02 - the Applicant has no objections to the revisions requested;
- Section 4.01 - Applicant agrees to address the lighting levels;
- Section 4.02 - Applicant agrees a note shall be added to the plan stating automatic shut-off and/or dimming devices shall be installed, and lighting shall be turned off at midnight;
- Section 4.03 - Six to seven trees are required according the LDO and the amount of parking spaces proposed, and seven trees are shown on the plan around the perimeter;

- Section 4.04 - Design waiver requested for 5% of the interior of the parking lot being landscaped;
- Section 4.05, 4.06 & 4.07 - Applicant agrees to make modifications if necessary regarding proposed plantings within the parking areas;
- Section 4.08 - Applicant agrees the plan shall be revised to indicate the existing spot light attached to a utility pole in the Warren Street right of way;
- Section 5.01 thru 5.06 - Applicant agrees to revise the site plan to include details, including curbing, sidewalk, driveway apron, brick pavers, sidewalks, handicap ramps, cross sections of sidewalk areas, brick paver sidewalk details indicating a maximum slope of 1.5% per Town policy, parking lot pavement details, demolition plan indicating the removal of the existing parking lot pavement in the south area of existing residences, as well as the refuse enclosure.
- Section 5.07 - Applicant agrees to provide a staging plan to Board Engineer Paul Sterbenz.
- Section 6.0 - Applicant has no exception to prior approvals.

Mr. Camporini asked if there were any questions from the Board for Mr. Weber.

Mr. Camporini asked if drainage was being addressed under the new grassy areas. Mr. Weber answered there is no drainage there currently, however, it would be something to think about and will advise his client.

Mr. Camporini opened the meeting to the public at 8:35 p.m. for questions of Mr. Weber. There being none, the meeting was closed to the public at 8:35 p.m.

Mr. Selvaggi introduced Kevin M. Smith, Professional Planner, Finelli Consulting & Engineering. Mr. Smith was sworn in and accepted as an expert in professional planning by the Board.

Mr. Smith testified the applicant is applying for D Variances and C Variances. Mr. Smith listed the D Variances:

- D2 Variance for Expansion of Non-conforming Use
- D1 Variance for Use Not Permitted (Lot 1)
- D1 Variance for Use Not Permitted (Lot 2)
- D4 Variance for Floor Area Ratio (Lot 1)

Mr. Smith further testified the C Bulk Variances:

- Minimum Lot Area (Lots 4, 5)
- Minimum Lot Depth (Lots 4, 5)
- Minimum Side Yard Setback (Lot 4)
- Minimum Rear Yard Setback (Lots 4, 5)
- Maximum Building Coverage (Lots 4, 5)
- Maximum Lot Coverage (Lots 4, 5)
- Landscape Buffer (Lots 1,2)
- Parking Spaces (Lot 1)
- Shared Parking Spaces (Lots 1, 2)
- Accessory Structure Location/Setback (Lot 1)

Mr. Selvaggi asked Mr. Smith to list the positive and negative criteria with regard to the use variances applied for in this application. Mr. Smith stated the banquet facility is an existing non-conforming use in the CC Zone. The use variance will redefine the existing outdoor area, which will improve the economic viability of the Inn; the outdoor area will be an amenity to the existing Inn, however will not increase the number of visitors; the applicant is removing 1206 sq. ft of retail, which lessens the demand of parking by seven spaces; the lot area of lots 4 and 5 are being redefined from a zoning standard.

Mr. Smith stated Use Variances and flexible C2 Variances according to the MLUL need to show the purposes of Zoning have been advanced, positive criteria, and Mr. Smith listed the following:

- A – the application is enhancing the viability of the property;
- G – providing sufficient space for the proposed site;
- I – promoting design visual enhancement, such as the upgrade to the property entrances, and new and upgraded overall beautification.

Mr. Smith further testified the laws require the Board to determine if the Variances are suited to the existing property. Mr. Smith stated the Inn has been established for over 40 years, and is a well maintained structure that is highlighted in the Historic Zone.

Mr. Smith stated the positive criteria must outweigh the negative criteria, and the Applicant must show relief is not a substantial detriment to the area. This project will not increase traffic; parking demand is being reduced; there is no negative change to the appearance to the residential lots; and buffering will be included between the commercial lot and the residential area

Mr. Smith further stated the relief granted would not substantially impede the area or the Zoning Ordinance.

Mr. Camporini asked if there were any questions of Mr. Smith from the Board. There being none, Mr. Camporini asked Mr. Sterbenz if he had any questions or comments.

Mr. Sterbenz stated he is standing in for Board Planner, Dan Bloch, as well. Mr. Sterbenz added with regard to the positive criteria the following:

- Purpose A refers to health, safety and welfare. This application is making the property safer;
- Purpose C refers to providing adequate open space. This application is reducing impervious coverage, and providing for more green areas;
- Purpose H refers to transportation routes. The application does improve traffic safety by better organizing traffic routes within the site;
- Purpose I – The application proposes a better visual site due to landscaping;
- Purpose J – The application promotes historic site preservation.

Mr. Sterbenz referred to Mr. Bloch's report dated July 20, 2018, specifically to the following:

- #5 regarding the garage on Lot 5, and if it is still being used. Mr. Weber responded it is not being used as a garage, only storage;
- #6 Additional landscaping to be provided on Lot 2 along Washington Street frontage to screen the view of the proposed parking lot from the residential neighbors. Mr. Weber stated deciduous trees are shown on the plan, however, more screening will be added;
- #8 Proposed parking lot expansion on Lot 2 would be set back only two feet from existing deck on Lot 4. Mr. Weber stated the Applicant agrees to install bollards to protect the structure;
- #9 Dumpster enclosure. Mr. Weber stated landscape screening will be added to the plan to screen the dumpster enclosure;
- #10 Additional landscaping along rear of dumpster. Mr. Weber stated a fence is shown on the plan at the rear of the dumpster, and there are existing arborvitae at the rear of the enclosure.

Mr. Stead asked if the Applicant would consider landscaping on the rear of the dumpster, and Mr. Weber answered it is already existing on-site. He agreed to revise the site plan to note the existing trees.

Mr. Camporini asked if there were any questions from the Board. There being none, the meeting was opened to the public at 9:10 p.m. for comments. There being none, the meeting was closed at 9:10 p.m. to the public.

Mr. Sterbenz stated the Board should require the Applicant supply a bond for the sidewalk on Warren Street between the proposed driveway and the Washington Street intersection if the applicant chooses not to do all the sidewalk improvements on Warren Street simultaneously. Mr. Selvaggi stated the Applicant is in agreement.

Mr. Selvaggi stated the Application consists of: D2 Variances allowing for the expansion of the pre-existing non-conforming use of the property, and the outdoor seating area; D1 variance for the expansion of the parking area into the R12.5 Zone; minor subdivision application reconfiguring 4 lots, including the reduction in size of Lots 4 and 5, and the expansion of Lots 1 and 2.

The motion to approve the D2 Variance granting the expansion of a non-conforming use, was made by Mr. Burke, seconded by Mr. Moore.

In Favor: Stead; Tierney; Carida; Wolfrum; Moore, Burke; Camporini

Opposed: None

Abstain: None

The motion to approve the D1 Variance granting the relief for the commercial parking in the R12.5 Zone where the use is not permitted; and floor area ratio made by Mr. Stead, seconded by Tierney.

In Favor: Burke, Moore, Carida, Wolfrum, Stead, Tierney, Camporini

Oppose: None

Abstain: None

The motion to approve the Minor Subdivision was made by Burke, seconded by Moore.

In Favor: Carida, Wolfrum, Stead, Tierney, Camporini, Burke, Moore

Oppose: None

Abstain: None

The motion to approve the Site Plan with Bulk Variances, with the following conditions was made by Stead, seconded by Burke.

1. Site Plan to be revised for access driveway on north side of mixed use building on Lot 2 be converted to one-way driveway. Additional signage, striping, pavement markings to be indicated on Site Plan;
2. Site Plan to be revised to include signage and pavement markings to delineate one way isle that abuts wedding ceremony area, including Left Turn Prohibition sign on main entrance driveway;
3. Site Plan to be revised to indicate a Right Turn Prohibition sign at the exit driveway for the parking lot due to Warren Street being a one-way street;
4. Site Plan to be revised to allow disabled individuals within the pedestrian access aisle between the handicap stalls to enter the patio directly. Proposed curb to be revised to indicate a full face curb.
5. Site Plan to be revised to include striping or other suitable delineation so driveway aisle on north side of the building on Lot 2 can transition into the driveway aisle adjacent to the wedding ceremony area;
6. Site Plan to be revised to include reconstruction of the landings on the stairwell on Lot 2, and Lot 3;

7. Site Plan to be revised to include construction of new curbing between the end of the curbing that was built in 2016 adjacent to the northwesterly corner of the David's Country Inn building and the handicap ramp at the Washington Street intersection; the construction of brick paver sidewalks from the northwesterly corner of the David's Country Inn building to the combined driveway for Lots 4 and 5 at the same width as the sidewalk that currently exists on the north side of David's Country Inn; and the construction of concrete sidewalks from the combined driveway for Lots 4 and 5 to the sign just south of the handicap ramp at the Washington Street intersection. Should the construction of the sidewalks and curb improvements on Warren Street not be done fully in conjunction with the Site Improvements, it shall be completed within 24 months;
8. Layout and orientation of the parking stalls proposed to serve residences on proposed Lots 4 and 5 shall be discussed by the board engineer and applicant's engineer;
9. Grading plan to be revised to include spot grades along the periphery of the entire paver patio; spot grades along length of paver walkway within wedding ceremony area; spot grades within Warren Street right-of-way; adjust the grades in parking area south of the homes to lessen amount of fill; eliminate grading within buffer area along Lot 3; and provide for sheet flow off of the edge of the parking area;
11. Lighting Plan to show light grid out to zero level;
12. Lighting plan to include a note regarding automatic shut-off and/or dimming devices shall be installed on lights. Lights shall shut off at 12:00 p.m.;
13. Parking lots are required to have 5% of the interior of the parking lot landscaped via islands per Section 508A3b of the LDO. *Waiver requested by Applicant, and Board agreed;*
14. Landscaping plan to be revised to show lower height plantings being substituted for Karl Forester Grasses;
15. Landscaping plan to be revised with respect to the planting of Otto Luyken English Laurel;
16. Landscaping plan to be revised to show more summer flower plants;
17. Site Plan to be revised to indicate streetscape improvements within Warren Street right of way;
18. Site Plan to be revised to include typical cross-sections of the sidewalk areas;
19. Site Plan Sheet 11 of 11 to be revised to indicate maximum cross-slope of 1.5% on sidewalk areas per Town Policy;
20. Site Plan sheet 10 of 11 to be revised to indicate HMA 9.5M64 Surface Course;
21. Demolition plan to be revised to include the removal of the existing parking lot pavement in the area south of the residences;
22. Site plan to be revised to include a detail for the new refuse enclosure;
23. All other approvals outlined by outside agencies and departments;
24. The Lot lines for proposed Lot 4 will be adjusted to increase the area of Lot 4 and separate proposed Lot 2 from the Washington Street right-of-way.

In favor: Camporini, Burke, Stead, Tierney, Moore, Carida, Wolfrum

Oppose: None

Abstain: None

Mr. Lambo returned to the meeting room.

CORRESPONDENCE

Ordinance Amending Land Development (Prohibiting Marijuana) forwarded by the Town Council. The Board had no comments relative to the proposed Ordinance.

Draft letter to Town Council regarding Zoning Office hours. The Board requested that changes be made to the letter prior to issuance to the Mayor. Once changes are made by Paul Sterbenz, the letter will be forwarded to the Board Clerk for Chairman's signature, and then forwarded to Council.

MASTER PLAN REEXAMINATION DISCUSSION

EXECUTIVE SESSION – The Board entered Executive Session at 9:02 p.m.

The Board re-entered the regularly scheduled meeting at 9:36 p.m.

ADJOURNMENT

There being no further action, the August 28, 2018 Land Use Board Meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve: Stead

Second: Tierney

In Favor: Burke; Moore; Weaver; Wolfrum; Camporini; Stead; Tierney

Oppose: None

Abstain: Lambo; Bristow