

**TOWN OF HACKETTSTOWN  
MINUTES  
Land Use Board  
August 27, 2019 Meeting**

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; by publishing in the New Jersey Herald and Daily Record, the official newspapers of the Town of Hackettstown; by 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.

**CALL TO ORDER**

The August 27, 2019 Meeting of the Town of 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**

Stead; Burke; Moore (7:05); Tierney; Stout; Sherman (7:10); Lambo; Wolfrum (7:11); Camporini

**Board Members Absent**

Bristow; Weaver

**Also Present**

Sterbenz; Mennen

**MINUTES**

**July 23, 2019 Meeting**

The July 23, 2019 Minutes of the Town of Hackettstown Land Use Board Meeting were approved as written by a motion from Burke, seconded by Stead.

**In Favor:** Moore; Sherman; Lambo; Wolfrum; Stead; Burke, Camporini

**Opposed:** None

**Abstain:** Tierney; Stout

**RESOLUTIONS**

**Fortress Realty 2 LLC, #19-09, Block 78, Lot 14 – Interpretation/Section 68 Certification of a Pre-Existing Non-Conforming Multi-Family Residence**

The motion to approve the resolution for Fortress Realty 2 LLC, was made by Stead, seconded by Burke.

**In Favor:** Sherman; Lambo; Wolfrum; Camporini; Stead; Burke

**Opposed:** None

**Abstain:** Tierney; Stout

NOTE: Mr. Moore left the meeting for an emergency medical call and returned after the vote.

**Laurano/Vail Street LLC #19-07, Block 40, Lot 2 – Minor Subdivision/Bulk Variance**

Mr. Mennen stated the matter had been heard by the Board in May and July 2019, and a Resolution was prepared by Mr. Mennen based upon notes from Attorney Zakin, as well as Minutes from the Meetings.

Mr. Mennen stated that only recently a question was raised regarding the notice supplied by the Applicant, and after review, it was found the Applicant noticed for a variance, but did not notice for a subdivision. Proper notice is the responsibility of the Applicant. As the notice in this matter was deficient, the Board cannot grant approval. The Applicant's attorney is researching how he wishes to proceed.

Mr. Mennen advised the Board not to consider the resolution. No action was taken on this Resolution.

**Moudro Corporation, #19-05, Block 45, Lot(s) 1/01 & 2 – Amended Preliminary & Final Major Site Plan**

Mr. Mennen indicated that the resolution would be completed so that the Board could take action at the September 24, 2019 Meeting.

**INFORMAL PRESENTATION**

**Lions Gate at Musconetcong, Block 125, Lot 9**

Mr. Matthew Pomeranc, Developer, PK Developers, present for presentation.

Mr. Michael Seidner, Engineer/Project Manager, present for presentation.

Mr. Seidner stated they are present before the Board to present a proposed alternate site plan and building elevation. Mr. Seidner stated the proposal is for three separate buildings, which would eliminate the 'zig-zag' building, making it two separate buildings, which will provide for better traffic flow, as well as aesthetics. Mr. Seidner continued, stating the buildings remain in the same location as the prior application, however, the connection is eliminated; the parking is to remain the same; utilities and grading will remain the same as well. Mr. Seidner stated there will be one entrance to the property, and one exit. Mr. Pomeranc stated the proposed plan eliminates the double peaks on the roof, and now has single peaks with dormers on the roof line, with the same colorization.

There was discussion as to whether or not the Board wanted to delegate authority to Paul Sterbenz to deal with proposed changes, or if they wanted the applicant to come back before the Board with a new application. The Board did not approve the architectural design of the building initially, but instead required the applicant to return for a separate approval of the architectural design. The current request could be handled by having the applicant come back for an Amendment to the original approval, which would be done at a public hearing, or a sub-committee could be set up to deal with all the changes, and have Mr. Sterbenz included in all meetings.

Mr. Seidner advised the Board the distance between Building 2 and Building 3 is only 43.68 feet, where the Ordinance requires 70 feet, and would require either a waiver or a variance, which means the applicant would have to come back before the Board.

Mr. Sherman stated with the configuration being changed, it makes the buildings look like warehouses.

Mr. Camporini asked why the change in design? Mr. Seidner answered there was wasted space, which ultimately is at the expense of the builder.

Mr. Pomeranc continued by stating the following:

- From the construction aspect, the new design is much better;
- There will be a feeling of continuity between the buildings, which is not there now;
- Curbing and walkways to be modified, and walkways connected;
- Top four floors will be shown in similar materials;
- Brick façade will only be on the first floor

Mr. Mennen stated these changes would trigger an amended approval, specifically the change in design to the architectural design; and the parking lot modifications; as well as the variances needed. Mr. Pomeranc stated he would like to go off of the previous approval, and have minor amendments. Mr. Pomeranc continued stating the main issue with the original approval is with the zig-zag building, and asked if the original approval was conformed to, with the exception of the elimination of the zig-zag, will that require the submittal of an amended application? Mr. Mennen stated the first condition of every Resolution states “in accordance with the plans submitted,” and advised the Board his opinion is the applicant would have to come back to the Board.

Mr. Pomeranc was advised to come back before the Board for the September Meeting, and that he would have to notice for the meeting that the application would be for an amendment to the January 18, 2019 approval.

NOTE: Mr. Sherman left the meeting at 8:00 p.m.

## **COMPLETENESS**

### **Czigmester Brewing Company, #19-10, Block 73, Lot 3 – Amended Minor Site Plan/Variance**

Mr. Sterbenz stated after the July meeting, he had communicated with David Diehl, Zoning Official, and the applicant was to apply to the Board by August 13, 2019, of which a copy is before the members. Mr. Sterbenz stated from a completeness perspective, there are a number of deficiencies to the application and the plan submitted, and therefore recommended the application be deemed incomplete.

A motion was made by Mr. Lambo to deem the application incomplete, with the second being Mr. Burke.

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

**Opposed:** None

**Abstain:** None

## **OLD BUSINESS**

Mr. Sterbenz stated the Updated Housing Plan is ready to be refiled with the Court. Authorization is needed from the Town Council to prepare the updated plan for the October Meeting, and then a public hearing will be held.

Mr. Lambo asked about the LED lights on Main Street and Mountain Avenue, and if Mr. Diehl can enforce this now? Mr. Camporini stated the process is for a letter of concern is to be sent to Mr. Diehl outlining the continued violation of the Town Ordinance prohibiting LED lighting. It was asked for the

Board Clerk to send a letter regarding the lack of compliance relating to the various violations on Main Street and Mountain Avenue.

#### **EXECUTIVE SESSION**

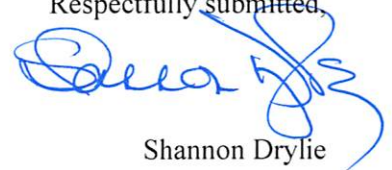
Mr. Burke made a motion to enter into Executive Session regarding the matter of RFPs for services for the future. There was no second.

There was discussion regarding the process of executive sessions.

#### **ADJOURNMENT**

There being no further business, the August 27, 2019 Meeting of the Town of Hackettstown Land Use Board was adjourned by motion from Mr. Moore, and the second being Mr. Stout. All members present in favor of adjournment.

Respectfully submitted,



Shannon Drylie  
Land Use Board Clerk

**Motion to approve: Moore**

**Second: Stout**

**In Favor: Stead; Burke; Moore; Tierney; Lambo; Wolfrum; Moore; Stout**

**Opposed: None**

**Abstain: Bristow**