

**TOWN OF HACKETTSTOWN
MINUTES
Land Use Board
April 23, 2019 Meeting**

CALL TO ORDER

The April 23, 2019 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:00 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

ATTENDANCE

Board Members Present

Camporini; Stead; Bristow; Burke; Moore; Weaver; Lambo; Sherman (7:05 p.m.) Wolfrum

Board Members Absent

Tierney; Stout

Also Present

Mennen; Sterbenz

MINUTES

March 26, 2019 Meeting

The March 26, 2019 Meeting Minutes were approved as written by a motion from Bristow, seconded by Burke.

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

Oppose: None

Abstain: None

RESOLUTIONS

Longworth, #19-02, Block 79, Lot 6 – Interpretation/Section 68 Certification

Motion to approve the Section 68 Certification for Block 79, Lot 6 with regard to the two-family home made by Stead, seconded by Moore.

In Favor: Bristow; Burke; Lambo; Camporini; Stead; Moore

Oppose: None

Abstain: None

Stuber/Auger, #19-03, Block 91, Lot 17 – Interpretation/Section 68 Certification

Motion to approve the Section 68 Certification of Block 91, Lot 17, with regard to the two-family home made by Bristow, seconded by Burke.

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

Oppose: None

Abstain: None

Mr. Sherman entered the meeting at 7:05 p.m.

COMPLETENESS

128 Liberty Street LLC, #19-06, Block 60, Lot 10 –Interpretation/Section 68 Certification

Mr. Camporini stepped down as he had a conflict.

Mr. Richard Keiling, attorney, present for application.

Jesus Lopez, owner, present for application.

William O'Rourke, witness, present for application.

Mr. Mennen swore in Mr. Keiling, Mr. Lopez and Mr. O'Rourke.

Mr. Keiling stated Mr. Lopez purchased the property, understanding it was a two-unit residential rental property, of which Mr. Lopez is currently renovating.

Mr. Keiling stated during the renovations, a cement walkway was unearthed with a handprint and the year 1955 in the cement. This walkway serviced both the lower and upper unit. Mr. Keiling further testified that behind the walls Mr. Lopez found "Saturday Evening Post" magazines from the year 1941, as well as Life magazines from 1940 being used as insulation.

Mr. Keiling stated Town historical records show that during the late 1800's to early 1900's the structure was a facility where kegs of beer were brought to be bottled.

Mr. Keiling referred to a memorandum from David Diehl, Zoning Official, dated April 4, 2019, which stated:

- The property was the subject of a minor subdivision in 1982;
- Property was purchased by Paul Reidinger in 1947, which places the construction of the structure prior to the first zoning ordinance enacted by the Town in or about the year 1962;
- A survey prepared by Frank Kowalick dated June 29, 1982 depicts two entrances off of Franklin Street – one for the first floor and the second on the right side to the second-floor unit;
- Tax card dated 5/24/82 stated Conv to house in 1946.

Mr. Diehl's memorandum further states a site visit was conducted on April 4, 2019, and there is an existence of a residential dwelling unit on the first floor, and a residential dwelling unit on the

second floor. There are no interior entrances/stairwells that allow access between the first-floor unit and the second-floor unit, making each unit individual. Mr. Diehl stated the bath fixtures, kitchen exhaust fans and layered wall paper predate 1962, and the paneling that covered the wall paper is more of the era of the 60s and 70s.

Mr. O'Rourke testified he has been a resident of Hackettstown since the 3rd grade, (1976-1977), and lived one block away from the subject property, on Main Street. Mr. O'Rourke stated he now lives on Franklin Street. Mr. O'Rourke testified he has always known the building to be a two-family home and knew a family that lived there when he was younger.

Sean Burke (Board Member) stated the property was Grogan Bottle Works. The Grogan's were ancestors of Mr. Burke's mother. Mr. Burke stated the Reidingers purchased the property pre-war, and Mr. Burke's uncle lived downstairs, and his aunt lived upstairs.

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

The motion finding the subject property existed as a two-family structure prior to the enactment of the zoning ordinance in the Town was made by Moore, seconded by Weaver.

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

Oppose: None

Abstain: None

Chairman Camporini returned to the dais.

Laurano/Vail Street LLC #19-07, Block 40, Lot 2.01 – Minor Subdivision/Bulk Variance
John Vitale, Attorney, present for Application.

Mr. Lambo stepped down from the dais as he is within 200 feet of the subject property.

Mr. Sterbenz stated there was discussion at the last meeting regarding the forty-five day completeness requirement, and the Board gave Mr. Sterbenz the authority to review the application, and act if needed, on completeness issues.

Mr. Sterbenz stated he deemed the application incomplete in his report dated April 10, 2019 and referred to the following deficiencies, and gave an update:

1a. Subdivision plan was not signed by a licensed land surveyor - **complied**

1b. A signed and sealed copy of the boundary survey referenced in General Note 1 on Sheet 1 of 1 of the subdivision plan was not furnished - **complied**;

1c. A sixty-year title search was not furnished – **complied**;

1d. A letter from the Highlands Council indicating that the project is consistent with the Highlands Regional Master Plan was not furnished, or, in the alternative, an application for a Municipal Highlands Exemption was not submitted - **complied**;

1e. A copy of the filed Warren County Planning Board application was not furnished - **complied**;

1f. No information on the proposed lot 2.01 has been shown on the subdivision plan - **complied**;

1g. Information on Block 40, Lot 6 has not been furnished in the application package and on the plan set - **outstanding**

Mr. Sterbenz's indicated the following waivers were requested, and this is what the Board is looking at tonight:

Minor Subdivision Plat

- a. The submission of an Environmental Impact Statement
- b. The submission of proposed utility plans;
- c. The submission of deed restrictions;
- d. The submission of a Highlands Consistency Determination or an application for a Municipal Highlands Exemption - **addressed**;
- e. Submission of deed restrictions

Mr. Sterbenz stated he had no issues with the waivers requested on items a, b, c, and e, however the waiver requested on item d cannot be granted due to the provisions in the Town's approved petition with the Highlands Council. Mr. Sterbenz indicated this checklist item was addressed through the submission of the Municipal Highlands Exemption Application.

Mr. Sterbenz stated the applicant had indicated the following items are not applicable:

Minor Subdivision Plat

- a. Protective covenants, easements, and or deed restrictions - **addressed**
- b. Warren County Planning Board Application - **addressed**
- c. Roadway dedications;
- d. Sight triangle easements
- e. Historic Impact Statements

Variance Application

- f. Right of way dedication
- g. Sight triangle easement

Mr. Sterbenz stated items 3c, 3d, 3e, 3f and 3g are not applicable, however items 3a, 3b are applicable and must be addressed by the applicant. Mr. Sterbenz indicated that these items were addressed by the applicant.

The motion was made by Stead, seconded by Moore, to deem the application incomplete for the outstanding item 1d outlined in Mr. Sterbenz's report dated April 10, 2019, with waivers for the filing of an environmental impact statement; submission of proposed utility plans; submission of deed restrictions.

In Favor: Burke, Weaver; Wolfrum; Camporini; Bristow; Moore; Stead

Oppose: None

Abstain: None

Mars Incorporated, #19-08, Block 4 Lot 1 – Preliminary & Final Major Site Plan, Bulk & Use Variances

Mr. Sterbenz stated this matter was addressed by the Zoning Board of Adjustment in 1992 relative to the wastewater treatment plant. The plant was built after the approval, and twenty-two years later, the plant needed to be replaced. The applicant went to the Zoning Board to obtain approvals to replace the plant, and the application was approved. The first phase was to build the plant, and the second phase was to demolish the existing plant. The applicant returned to the Board for a reprieve of some of the conditions of the resolution of approval. In May 2018, the Zoning Board granted an extension to the applicant to demolish the plant, and if the area of the plant was to be repurposed for anything other than grass, they were to come back to the Board. The extension was granted to March 31, 2019, to allow more time for the required demolition. The applicant did at that time indicate that they were evaluating the use of this area. The applicant is now proposing a truck/trailer parking area.

Mr. Sterbenz recommend the application be deemed incomplete due to the deficiencies outlined in his April 18, 2019 report to the Board.

The motion was made by Mr. Stead, seconded by Mr. Moore, to deem the application incomplete, without prejudice.

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

Oppose: None

Abstain: None

PUBLIC HEARING

Moudro Corporation, #19-05, Block 45, Lot(s) 1/01 & 2 – Preliminary & Final Major Site Plan (request received to carry application without further notice to the May 28, 2019 Meeting).

Mr. Sterbenz stated there is a new plan submittal, however, the consistency determination from the Highlands Council has not been provided. As a result, Mr. Sterbenz recommended that the Board deem the application to be deemed incomplete.

The motion to deem the application incomplete without prejudice, and to carry the application without to the May meeting without further notice was made by Moore, seconded by Bristow.

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

Oppose: None

Abstain: None

Schiano, #19-04, Block 137, Lot 6 – Interpretation/Section 68 Certification/ Public Hearing.

Mr. Mennen stated this matter was being discussed at the last meeting, and it was being deliberated as to how to present the application. Mr. Selvaggi and Mr. Mennen have had discussions in between the meetings, and Mr. Selvaggi concurred that they would be making a variance application to the Board. Mr. Mennen stated it has also been requested for the application to be carried to the May meeting without additional notice. Mr. Mennen added the Board could delegate to Mr. Sterbenz to prepare a completeness report for the May meeting as well.

Mr. Sterbenz stated he reviewed the 1988 Master Plan, and at that time the Zoning of the property was R15, and the criteria was the same as it is now.

The motion to delegate to Mr. Sterbenz the preparation of a completeness report for the May meeting, as well as carrying the application without further notice, was made by Moore, seconded by Bristow. All members present in favor.

NEW APPLICATIONS

Fortress Realty LLC, #19-09, Block 78, Lot 14 – Section 68 Certification 2 -Family

Members were asked to bring the application to the May meeting.

OTHER BUSINESS

Mr. Stead stated at the last meeting the Board was given the NJ Planner, and the top article was regarding wireless facilities. Mr. Stead stated according to the article, the clock starts ticking at the moment an application is submitted, not when deemed complete, and there is a real tight window for hearings to be had on these facilities. Mr. Stead feels like Zoning and Planners should be aware of this, and the author of the article recommends municipalities should have Ordinances in place. Mr. Sherman stated he is right now helping Newark with Ordinances for this very reason. Mr. Lambo was asked to go to the Council with a draft Ordinance. Mr. Stead and Mr. Sherman would collaborate with Mr. Lambo.

Mr. Sterbenz stated he has had contact with Czigmeister's attorney, and a draft site plan is to be filed with the Board, hopefully for the May meeting.

ADJOURNMENT

There being no further business, the April 23, 2019 Meeting of the Town of Hackettstown Land Use Board was adjourned at 8:01 p.m. by a motion from Mr. Moore, seconded by Mr. Burke. All members present in favor of adjournment.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve:

Second:

In favor:

Oppose:

Abstain: