**TOWN OF HACKETTSTOWN**

**REGULARLY SCHEDULED MEETING**

**VIA ZOOM MEETING**

**May 26, 2020**

**MINUTES**

**CALL TO ORDER**

The May 26, 2020 Regularly Scheduled 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**

Moore; Tierney; Lambo; Walling; Wolfrum; Camporini; Stead; Sherman (7:55 p.m.)

**Board Members Absent**

Stout; Bristow; Kunz; Becker

**Also Present**

Mennen; Sterbenz

**MINUTES**

**April 28, 2020 Meeting**

The Minutes were approved by a motion from Lambo, seconded by Moore.

**In Favor**

Tierney; Walling; Wolfrum; Camporini; Stead; Moore; Lambo

**Opposed**

None

**Abstain**

None

**PUBLIC HEARING**

**204 Vail Street, LLC., App #19-07, Block 40, Lot 2 -Minor Subdivision/Variances**

**John Vitale, Attorney, Present for Applicant**

**Michael Laurano, Applicant, Present**

**Mr. Lambo stepped down for this application**

Mr. Mennen stated this application was originally heard in May and July 2019. The Board did vote to approve the application, however, prior to the approval of the Resolution, the Board determined the applicant’s notice was deficient. Given that deficiency, the Applicant moved to reopen the proceedings. It was further determined the Board would reopen the proceedings. The applicant did correct the deficiency in the notice, and all parties have been properly noticed.

Mr. Vitale asked that the previous testimony of Paul Couvrette, and Jessica Caldwell be accepted by the Board from the July Meeting.

Mr. Sterbenz presented the Board with the following history of the application:

* The subject lot is located on Vail Street in the R12.5 Zone;
* The Applicant proposed to take the parcel and split it in half equally;
* The original plan had no off-street parking for either the existing dwelling, or the proposed dwelling;
* Mr. Sterbenz recommended at the May 2019 Hearing to create a flag lot for the new home to allow for parking and the Applicant amended the plans and testified this would be done;
* At the time, the Board was not happy with the 20’ wide stem for the flag lot, and the Applicant agreed to a 30’ stem with a 10’ driveway setback;
* Parking for the remainder lot would be off the common driveway, and that was placed in the resolution;
* Extensive landscaping would be placed along the new driveway (flag stem);
* The Resolution was never memorialized due to the notice deficiency.
* The revised plan submitted for this meeting incorporated all the conditions in the previous draft Resolution

Mr. Sterbenz referred to his Technical Report dated March 26,2020 and recommended the following:

* Revise Emerald Arborvitae to Green Giant Arborvitae;
* Remove the Winterberry altogether;
* Plant the entire buffer with Green Giant Arborvitae, 6-8 feet high, spacing six (6) feet on center

Mr. Vitale asked for Mr. Laurano, Owner to be sworn in. Mr. Laurano was sworn in by Mr. Mennen. Mr. Laurano testified he purchased the property in 2018. Mr. Laurano stated he converted the home on the property from a two-family to a single-family residence, and fully renovated the dwelling. At this time, the dwelling is occupied.

Mr. Vitale asked for Jessica Caldwell, Professional Planner, and Paul Couvrette, Professional Engineer to be sworn in. Mr. Mennen reminded Ms. Caldwell she was still under oath.

Ms. Caldwell stated the positive criteria for the C1 Variance for non-conforming setbacks is as follows:

* Pre-existing setbacks – The plan brings the site more in conformance with the Zoning;
* Frontage – Minimum lot width. They cannot conform to the Zone;
* No detriment to the public good as the lot size is much larger than the size for the zone;
* Residence as proposed will be in keeping with the residences in the area;

Ms. Caldwell added the variance can be granted as this would be a positive development for the neighborhood.

Mr. Camporini asked if the Board had any questions for Ms. Caldwell. Mr. Tierney asked how many other flag lots were in the area. Ms. Caldwell answered there were not any adjacent to this property, however, there were a few in the area.

Mr. Camporini opened the meeting to the public for questions of Ms. Caldwell at 7 :50 p.m.

Denise Goins-Cuccinella, 304 W. Valley View Avenue, asked how many multi-family structures were being placed on the property. Ms. Caldwell answered just one single family unit on the new lot. Ms. Goins-Cuccinella asked if there were only going to be two single family residences? Ms. Caldwell answered the original dwelling was a two-family dwelling, which was converted to a single-family dwelling, and the new structure would be a single family as well.

Anthony Cuccinella, 304 W. Valley View Avenue asked about water on the lot, and Ms. Caldwell answered that would be a question for the engineer.

Louis Anthony Sotomayor, 101 Charles Street, asked if the new dwelling would be a rental unit, or if it would be sold. Mr. Laurano answered he has no intention to rent, however, he could not rule that out with the real estate market as it is now. Mr. Sotomayor also had a concern with the lot being so narrow. Ms. Caldwell stated the flag stem is what is narrow, as the lot itself is 200 feet wide in the back portion and is a regularly shaped lot in the back.

Robert West, 200 Vail Street asked if the setbacks and landscaping that were discussed at the July 2019 Meeting would still be implemented, as they were nice. Ms. Caldwell answered yes. Mr. Sterbenz added the original setback was a five-foot setback, and the applicant has since changed it to a ten-foot setback, as well as to a thirty-foot wide stem.

Mr. Vitale asked for Paul Couvrette, Professional Engineer, to be sworn in. Mr. Mennen swore Mr. Couvrette in. Mr. Mennen stated Mr. Couvrette was accepted as an expert in the field of Professional Engineering at the July 2019 Meeting.

Mr. Couvrette testified a revised plan was submitted to the Board, which contained one change to the original plan. This change was the additional parking area toward the front of the lot for three parking spaces to comply with the Ordinance.

Mr. Couvrette testified the Applicant is amendable to the additional landscape buffering toward the west of the property as per Mr. Sterbenz report.

Mr. Vitale asked Mr. Couvrette about the question raised by a resident regarding the water on the lot. Mr. Courvette asked for clarification from the resident. Mr. Cuccinella stated his property is lower than the subject property, and water drains off and onto Mr. Cuccinella’s property already. Mr. Courvette stated a grading plan will address the drainage issue, and will contain improvements, which must be approved by the Town Engineer. Mr. Sterbenz added a condition of approval for the application is the applicant will have to submit grading plans for lot 2.01, as well as stormwater management, landscaping, and driveway design all before construction commences.

Denise Goins-Cuccinella asked with regard to the water impacting other properties, will there be a barrier to create separation of properties? Mr. Courvette answered a plan must be submitted to the Town Engineer, and that plan will be scrutinized before construction. Mr. Sterbenz asked if they were concerned about the landscaping or the drainage or both. Ms. Goins-Cuccinella answered both. Mr. Sterbenz stated the subject property extends to the south and southwest corner, and the applicant agreed to install additional trees to the property line, which would extend the buffering.

There being no further questions from the public, the meeting was closed at 8:20 p.m.

Chairman Camporini asked if the Board had any questions or comments.

Mr. Tierney asked if the applicant is leaving the wooded area? Mr. Laurano answered yes, and the grading plan would address that.

Ms. Walling asked if the applicant would be amendable to adding a conservation easement so the house behind can’t build on the corner of the property. Mr. Sterbenz stated the area is useable and an easement can be granted. Mr. Laurano stated there were 50’-60’ tall trees there, and they would not be coming close to disturbing those trees. Mr. Mennen stated a declaration can be placed in the Deed creating a new parcel, preserving the buffering of the trees, but not dedicating them to the adjoining property owner. Mr. Laurano stated he was not opposed to this idea.

Mr. Mennen and Mr. Vitale will work out the wording for the Deeds indicating no disturbance/no construction in this area. Mr. Courvette added a large area of the triangle is currently being maintained by the owners of Lot 6 as lawn area.

Mr. Tierney asked when the vegetative buffering and the driveway will be installed and Mr. Sterbenz answered during the construction of the new structure and will be subject to Engineer review and approval prior to construction.

Mr. Vitale stated this has been a long road for the applicant, and thanks the Board for their patience. Mr. Vitale stated the applicant is seeking a C1 Variance. The Planner has laid out the positive and negative criteria, the Engineer submitted plans conforming to what the Town Engineer and Board’s request, and the neighbors asked questions, and answers were given. Mr. Vitale further stated the Applicant changed the non-conforming use, to a conforming use; will be addressing the drainage issues with the Town Engineer; and there will be a dedication of non-disturbance area as the Board requested. Mr. Vitale added the conditions of the original resolution have been met.

The motion to grant the Minor Subdivision and Bulk Variance approvals was made by Walling, seconded by Wolfrum.

**In Favor**

Camporini; Stead; Tierney; Moore; Sherman; Wolfrum; Walling

**Oppose**

None

**Abstain**

None

**Mars Inc., App #19-08, Block 4, Lot(s) 1 & 4 – Preliminary & Final Site Plan**

Jason Rittie, Attorney, Einhorn, Barbarito, Frost & Botwinick, PC, present for application.

Mr. Rittie asked how many Board Members who were eligible to vote were present for the meeting. Ms. Drylie answered five. There was discussion between the Board, Professionals and Mr. Rittie regarding a special meeting being scheduled. A motion was made by Mr. Sherman, with the second being Mr. Wolfrum, authorizing the Board Clerk to poll Board Members regarding the following dates, and setting a date for a special meeting that eligible Board Members will be able to attend. The time of said meeting shall be 7:00 p.m., and the dates available are:

June 11, 2020

June 15, 2020

June 18, 2020

The Board Clerk will advise the Applicant, as well as the Board Members of the date for the special meeting.

**NORWESCAP Head Start, App#20-05, Block 77, Lot 2 – Minor Site Plan**

Mr. Mennen will contact NORWESCAP attorney, James Swick, to request an extension.

**NEW BUSINESS**

Mr. Sterbenz stated in 2016 the Board approved the site plan for the Bergen Tool Project, with the Resolution being memorialized in February 2017. There has been a submission recently for Resolution compliance, and a number of items have been addressed, however, further work is needed. Mr. Sterbenz stated these items are administrative issues that must be dealt with prior to the construction phase, and the Mr. Rice is eager to move forward.

Mr. Lambo stated the Zoning Official has been approved for additional hours for enforcement issues.

**ADJOURNMENT**

The motion to adjourn was made by Mr. Moore at 9:05 p.m., seconded by Mr. Tierney. All members present in favor of adjournment.

Respectfully submitted,

Shannon Drylie

Land Use Board Clerk

**Motion to Approve:**  Lambo

**Second:** Moore

**In Favor:** Walling; Becker; Wolfrum; Camporni; Stead; Sherman; Tierney; Moore; Lambo

**Opposed:** None

**Abstain:** None