

**TOWN OF HACKETTSTOWN
LAND USE BOARD REORGANIZATION MEETING
JANUARY 26, 2021
MINUTES**

CALL TO ORDER

The January 26, 2021 Reorganization Meeting of the Town of Hackettstown Land Use Board Meeting was called to order by William Mennen, Board Attorney, at 7:02 p.m.

ANNOUNCEMENT OF PROPER NOTICE

FLAG SALUTE

SWEARING IN OF NEW MEMBERS/REAPPOINTMENTS

The following members were sworn in by Mr. Mennen:

Eric Anthony – Alt 2

Thomas Graf – Alt 3

The following members who were reappointed were sworn in by Mr. Mennen:

Steven Wolfrum – Class II

Jody Becker – Class I

Robert Stead – Class IV

Corey Tierney – Class IV

Jim Lambo – Class III

ATTENDANCE

Board Members Present

Sherman; Moore; Tierney; Becker; Stout; Lambo; Wolfrum; Camporini; Stead; Walling; Anthony; Graf

NOMINATION OF CHAIRMAN

Mr. Mennen asked if there were any nominations for Chairman. Mr. Stead made the motion to nominate Mr. Camporini as Chairman, with Mr. Moore being the second. There were no other nominations.

In Favor

Sherman; Tierney; Becker; Stout; Lambo; Wolfrum; Camporini; Stead; Walling; Anthony; Graf; Moore

Opposed

None

Abstain

None

Chairman Camporini took over the meeting.

NOMINATION OF VICE CHAIRMAN

Chairman Camporini asked if there were any nominations for Vice Chairman. Mr. Moore made the motion to nominate Mr. Stead as Vice Chairman, with the second being Mr. Stout. There were no other nominations.

In Favor

Sherman; Tierney; Becker; Stout; Lambo; Wolfrum; Camporini; Walling; Anthony; Graf; Moore; Stead

Opposed

None

Abstain

None

APPOINTMENT OF CLERK

Mr. Moore made the motion to appoint Sharon Drylie as Clerk, with Mr. Stout being the second. There were no other appointment nominations.

In favor

Sherman; Tierney; Stout; Becker; Lambo; Wolfrum; Camporini; Stead; Anthony; Graf; Walling; Moore

Oppose

None

Abstain

None

APPOINTMENT OF PROFESSIONALS

Mr. Lambo made the motion to appoint William Mennen as Board Attorney, with Mr. Moore being the second.

In Favor

Sherman; Tierney; Becker; Stout; Wolfrum; Camporini; Stead; Walling; Graf; Anthony; Moore; Lambo

Oppose

None

Abstain

None

Mr. Stout made the motion to appoint Paul Sterbenz, Maser Consulting, as Land Use Board Engineer, with Mr. Moore being the second.

In Favor

Sherman; Tierney; Becker; Stout; Wolfrum; Camporini; Stead; Walling; Graf; Anthony; Moore; Lambo

Oppose

None

Abstain

None

Mr. Tierney made the motion to appoint Daniel Bloch, Maser Consulting, as Land Use Board Planner, with Mr. Wolfrum being the second.

In Favor

Sherman; Tierney; Becker; Stout; Wolfrum; Camporini; Stead; Walling; Graf; Anthony; Moore; Lambo

Oppose

None

Abstain

None

SWEARING IN OF PROFESSIONALS

Mr. Mennen swore in all professionals.

ADOPTION OF SCHEDULED MEETING DATES & TIMES

Mr. Lambo made the motion to approve the official 2021 Calendar of the Land Use Board with Mr. Tierney being the second.

In Favor

Sherman; Moore; Becker; Stout; Lambo; Wolfrum; Camporini; Stead; Walling; Anthony; Graf; Tierney

OFFICIAL NEWSPAPERS

The **New Jersey Herald** and **Daily Record** were designated as the official newspapers of the Land Use Board.

FINANCIAL OVERSITE COMMITTEE

Chairman Camporini appointed Mr. Stead and Mr. Moore to the Financial Oversight Committee.

ADOPTION OF ROBERTS RULES OF ORDER AS OPERATING PROCEDURES

All in favor.

AUTHORIZATION OF PROFESSIONAL CONTRACTS

Motion to approve made by Mr. Lambo, seconded by Mr. Moore.

In Favor

Sherman; Tierney; Becker; Stout; Wolfrum; Camporini; Stead; Walling; Anthony; Graf; Moore; Lambo

Abstain

None

Oppose

None

Chairman Camporini made the announcement that the practice of the Board is new applications will not be presented after 10:00 p.m., and no new testimony shall be presented after 10:30 p.m. for all advertised meetings.

MINUTES - December 15, 2020 Land Use Board Meeting

The motion to approve the December 15, 2020 Land Use Board Meeting Minutes was made by Mr. Moore, seconded by Mr. Becker.

In Favor

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

Abstain

Stout; Lambo; Anthony; Graf

Oppose

None

RESOLUTIONS**PK Petroleum, App #20-10, Block 125, Lot 25.01 – Preliminary & Final Major Site Plan/Bulk Variance**

The motion to approve the Resolution of Approval was made by Mr. Wolfrum, seconded by Ms. Walling.

In favor

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

Abstain

Stout; Lambo; Anthony; Graf

Oppose

None

SECTION 68 CERTIFICATION

Jhankhariya, App #20-15, Block 3.04, Lot 22 – Section 68

Applicant did not properly notice, therefore the application is not to be heard.

East Avenue Park Associates, App #20-16, Block 125 Lot 5 – Section 68

Lawrence Cohen of the firm Lavery, Selvaggi, Abromitis & Cohen was present for the application.

Mr. Cohen stated the application is for a preexisting non-conforming two-family structure.

Mr. Cohen asked for Shelley Chiniewicz to be sworn in by Mr. Mennen.

Ms. Chiniewicz testified to the following:

- She is the daughter of Leslie Dorothy Carpenter
- She was born in 1952
- Her parents previously owned the property.
- In 1971, her mother lived in the first-floor unit, and her sister and husband occupied the unit on the second floor.

Chairman Camporini asked if the Board had any questions.

Mr. Sherman asked if there were separate entrances for the units. Ms. Chiniewicz answered yes, there are two front doors, and two side doors.

Chairman Camporini opened the meeting to the public, there being no questions, the meeting was closed to the public.

Mr. Cohen introduced Carol Hammell, 806 E. Prospect Street, who was sworn in by Mr. Mennen.

Ms. Hammell testified to the following:

- In 1975, Ms. Hammell delivered newspapers at the property, and it was always a two family as far back as she remembers.
- In 1975, Ms. Hammell's future husband lived on the property in the downstairs unit.
- In 1981, Ms. Hammell married, and lived on the first floor with her husband, while the second-floor unit had tenants living in it.
- Mr. & Mrs. Hammell purchased the property in 1986.
- Ms. Hammell remained in the first-floor unit until November 1998, when the property was sold to Dale Behre, the current owner.

Chairman Camporini asked if there were any questions from the Board Members. There being none, Chairman Camporini opened the meeting to the public. There being no questions, the meeting was closed to the public.

Mr. Cohen introduced Dale Behre, property owner, who was sworn in by Mr. Mennen.

Mr. Behre testified to the following:

- He is the principal owner of East Avenue Service LLC, property owner, which he purchased in 1998.
- When the property was purchased it contained an auto body shop in Building 2; and a two-family structure, which he continued renting out as a two-family structure.
- A claim was submitted with the insurance company due to the upstairs bathtub overflowing and causing a flood. The downstairs apartment was damaged due to the flooding, and a permit was needed for the rehabilitation of the damage. At that time, the Town informed the owner there was no record on file of a two-family structure.
- Mr. Behre testified it is his intention to continue renting the structure as a two family.

Chairman Camporini asked if there were questions from the Board.

Mr. Mennen stated the submission shows four buildings, and asked Mr. Behre what the purpose is of the four buildings. Mr. Behre answered building 1 is a transmission shop, building two is private storage, building 3 is the two-family residence, building 4 is a body shop.

Mr. Cohen stated the year in question for the existence of the multi-family structure is 1967, and the information submitted dates the two-family structure to 1965, which proves the existence of the non-conforming two-family structure prior to the Zoning change.

The motion to approve the pre-existing non-conforming two-family structure was made by Ms. Walling, seconded by Mr. Moore.

In Favor:

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

Abstain:

None

Oppose:

None

COMPLETENESS

Allentown SMSA/ALL North Hackettstown d/b/a Verizon Wireless, App#20-12, Block 45, Lot 2.01 – Major Site Plan

Mr. Sterbenz stated the application is to install a 150' monopole on Bilby Road along with equipment cabinets to be placed on a thirty (30) foot by fifty (50) foot concrete pad. The application was deemed incomplete at the October 27, 2020 Land Use Board Meeting, and new plans have since been submitted.

Mr. Sterbenz stated an updated completeness report was issued January 20, 2021, and some items for completeness purposes were missing at the time. Mr. Sterbenz referred to this report at this time.

Mr. Sterbenz stated the applicant has asked for waivers on the following:

- Submission of names and addresses of partners or shareholders.
- Submission of soil erosion and sediment control plan

Mr. Sterbenz stated the ownership disclosure was received today, and an Environmental Impact Statement has been submitted.

Mr. Sterbenz stated the applicant indicated the following are not applicable related to the Variance Checklist:

- Location and width of existing and proposed utility easements
- Proposed buffer and landscaped areas (now included on plan)
- Delineation of flood plains
- Depiction of monuments
- Depiction of right of ways
- Depiction of sight triangle easements
- Submission of deed descriptions
- Submission of a Major Development Stormwater Summary Sheet

Mr. Sterbenz agreed with the not applicable designation of the variance checklist items, except for the proposed buffer and landscaped areas, which have now been addressed.

Mr. Sterbenz stated relative to the Preliminary Major Site Plan Checklist the deficiencies outlined in his report dated January 20, 2021 have been addressed.

Mr. Sterbenz stated the applicant has indicated the following are not applicable relative to the Preliminary Final Major Site Plan Checklist:

- Submission of protective covenants, easements, and or deed restrictions
- Submission of watercourse information
- Depiction of existing and proposed contours on the site plan
- Location and design of off-street parking areas
- Utility layout plans
- Plans, cross-sections, and details of existing and proposed streets
- Location and width of utility easements
- Depiction of survey monuments
- Information on the number of shifts worked, the maximum number of employees on every shift, and the hours of operation.
- Submission of a copy of an application filed with the HMUA.
- Submission of a grading plan
- Submission of a Major Development Stormwater Summary Sheet

Mr. Sterbenz agreed with these items being not applicable to the Preliminary Final Major Site Plan Checklist for this application.

Mr. Sterbenz stated the applicant has requested the following waivers of the requirements for Final Major Site Plan applications:

- Details in Section 804B of the Ordinance
- Detailed architectural and engineering data.
- Certification from the applicant indicating that either the site improvements have been installed or a performance guarantee has been posted.
- A statement from the Town Engineer indicating that all installed improvements have been inspected.

Mr. Sterbenz stated testimony must be obtained from the applicant and its professionals to justify the waivers requested.

Mr. Sterbenz stated the applicant has indicated the submission of a phasing plan is not applicable, and Mr. Sterbenz agreed.

Mr. Tierney asked about the watercourse from lot 3B and asked if there was a stream on the property. Mr. Sterbenz stated a buffer does extend onto the property from the adjoining property, however a technical review has not been conducted yet, and he will report on that for the public hearing.

Mr. Sterbenz stated the deficiencies have been met for completeness purposes, and there are a few waivers being requested for completeness purposes:

- Soil Erosion and Sediment plan
- Detailed architectural and engineered data.
- Posting of Bond (deferral)
- Certification of Town Engineer (deferral)

The motion to grant the waivers requested and deem the application complete made by Mr. Stout, seconded by Ms. Walling.

In favor:

Moore; Tierney; Wolfrum; Camporini; Stead; Walling; Stout

Abstain:

Sherman

Oppose:

None

Due to the February Agenda, the applicant was told the public hearing will commence at the March 23, 2021 Meeting and to contact the Board Clerk for the meeting information.

PUBLIC HEARING CONTINUATION

109 Grand Avenue LLC, App #20-14, Block 75, Lot 18 & 19 – Minor Site Plan, Bulk Variance

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

Mr. Selvaggi stated the application is for the renovation of the existing third floor of an existing structure where a portion of the third floor would be a bridal suite dedicated solely for the use of patrons who have catered affairs at the site, as well as eight rooms set aside for use by the staff. At the December meeting, Mr. Bloch noted the rooms for the staff were more characteristic of apartments or boarding rooms. Mr. Selvaggi stated the rooms would be for adult employees, and their spouses, with no children. Mr. Selvaggi stated the D1 variance application is to use the rooms for the staff, and the bulk variance would be for the parking spaces.

Mr. Selvaggi asked for Frank Mileto, Architect, to be sworn in by Mr. Mennen. Mr. Mileto stated he is a Licensed Architect and Licensed Planner in the State of New Jersey since 1976. Mr. Mileto was accepted as an expert witness in the fields of architecture and Professional Planning.

Mr. Mileto stated the D1 variance relief being requested is for the eight rooms on the third floor. Mr. Mileto stated the positive criteria is the property is a historic structure at least 150 years old, and it was originally built as a restaurant. The structure was originally built on Main Street, and then moved to its present site. Mr. Mileto stated the rooms on the third floor have been there since the structure was built, and the application is for the renovation of the existing space as the walls are already there. Mr. Mileto stated the rehabilitation is being privately funded under urban redevelopment.

Mr. Mileto stated the negative criteria with regard to the D1 variance is there is no detriment to the public good; the proposed residential use would help the long-term use of the property. Mr. Mileto stated the TCC Zone allows for residential uses on the second and third floor of structures, and the rehabilitation encourages the preservation and revitalization of the downtown Main Street area.

Mr. Mileto stated for the bulk variance to be justified this falls under the C2 classification, as the benefits outweigh the detriments. Mr. Mileto added the occupant load of the restaurant already account for the employees; therefore, the specific parking spaces are already accounted for.

Mr. Selvaggi asked Mr. Mileto if he is relying on the D1 variance purposes for the C2 analysis, and Mr. Mileto answered yes.

Mr. Selvaggi asked what the code is for a standard room size, and Mr. Mileto answered 100 square foot per person.

Mr. Anthony stated it looked like the traffic flow is changing. Mr. Mileto answered the primary entrance is on Grand Avenue. Mr. Selvaggi added the traffic flow is not changing. Mr. Camporini added the submitted plan is from 2000, and that is how the traffic flow was in 2000. Mr. Sterbenz added in 2012 the traffic pattern changed.

Mr. Graf questioned the number of sanitary facilities for the eight employee rooms and Mr. Mileto answered there are two bathrooms on the third floor for these rooms. Mr. Graf asked if the rooms would be part of a compensation for the employees, or would the rooms be rentals. Mr. Bussell, managing member of the LLC who had been previously sworn in at the December public hearing, answered that employees would pay a monthly rent.

Mr. Stout stated when he was younger these rooms were existing, and every room had a sink. Mr. Bussell stated he had the sinks and plumbing removed and the rooms have all been sheetrocked, and aside from the sinks the rooms are exactly how they were.

Mr. Bloch stated the Town can record the rooms as affordable housing credit if they are deed restricted for ten years. Mr. Selvaggi addressed Mr. Bussell stating that restaurant employees could probably qualify as lower income, and if he agreed, the Town could deed restrict four of the units for lower income people. Mr. Bussell answered he was fine with that. Mr. Bloch added this condition could be added to the Resolution of Approval.

Mr. Stead asked if COAH prohibits the units from being public rentals. Mr. Bloch answered it will be a different type of credit.

Mr. Stead stated relative to the parking spaces, the resolution passed in 2001 granted a fifty percent reduction in spaces. Mr. Stead added in 2001 there was no Manskirt or Czigmeister, which generates a lot of parking and you will now have a lot of patrons seeking parking off-site which will be non-existent. Mr. Stead asked if the applicant would consider renting parking spaces for the employees/tenants in the public lots. Mr. Bussell answered that would be a great idea if they could rent parking spaces.

Mr. Sterbenz stated the condition set forth in the 2001 resolution, which was applied to the 2012 resolution, can be added to this resolution if the Board so chooses.

Mr. Stead recommended language be revised to read that permanent off-site parking for employees be provided by renting spaces in public lots, and the on-site parking be reserved for patrons, which would alleviate the need for the eight dedicated parking spaces for employees. Mr. Bussell added his interest is to have more parking for patrons and he agrees.

Mr. Bloch stated there would be no bulk variance required if the resolution has the conditions for the off-site parking for employees being rented in the public lots.

Chairman Camporini opened the meeting to the public. There were no comments or questions from the public and Chairman Camporini closed the meeting to the public.

Mr. Selvaggi stated the application advances the purposes of the Zoning as follows:

- With the addition of the off-site parking now creating less of an impact.
- The Building has a lot of history, and the applicant is now doing something creative with the third floor.
- The applicant is willing to make an investment for eight employees, which will hopefully be successful.
- The proposed application is consistent with the Master Plan and the Zone

Mr. Mennen summarized the application, and stated if the Board moved to approve the application it would be for:

- The relief to permit the use on the third floor.
- Rooms are not to be leased to the public. The rooms are for employees and their spouses only.
- Additional condition of approval will be included in the resolution relative to the designation of COAH units.
- Alternative parking arrangements to be arranged for employees off-site.
- Reference of 2001 and 2012 resolutions regarding off street parking for events and employees
- No cooking facilities on the third floor
- Bathroom next to dorm room 306 shall have a shower.
- Rooming portion of structure shall be subject to State of New Jersey inspection
- No children or pets allowed in boarding rooms.

The motion to approve the Minor Site Plan/Variance for 109 Grand Avenue LLC made by Stout, seconded by Walling.

In Favor:

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

Abstain:

None

Oppose:

None

Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan

Mr. Mennen addressed the Board and the Public stating the applicant will provide documentation evidence, and testimonial evidence, and all witnesses are subject to cross examination by the Board, as well as the public. The public will have the opportunity to ask questions of the witnesses and the applicants after each testifies. At the end of the application process, there will then be an opportunity for members of the public to make statements provide testimony.

Michael Selvaggi, Attorney, of Lavery, Selvaggi, Abromitis & Cohen was present for the application.

Mr. Selvaggi stated Hackettstown is known for the Clarendon, as well as the Livestock Auction. Members of this auction sell livestock and butchers and wholesalers can purchase the livestock and have them prepared off-site. Mr. Selvaggi added with the changing times, the income has not been good, and there is an opportunity to secure a variance which will further the convenience for the members of the market. Mr. Selvaggi added the proposed slaughterhouse raises concerns and asked for the Board Members to listen with an open mind. The facility will be heavily regulated by the federal government and will not be something left to the whim of the auction market.

Mr. Selvaggi introduced Musa Simreen, 65 Cresthill Road, Yonkers, New York, and asked for Mr. Simreen to be sworn in by Mr. Mennen.

Mr. Simreen testified to the following:

- He has been licensed by the USDA since 1988 as an operator/owner of a facility.
- Previously owned a processing facility in Jamaica Queens, New York
- He will be the operator of the proposed facility if it is approved

Mr. Selvaggi asked Mr. Simreen to explain the operation of a processing facility. Mr. Simreen stated:

- Animals are purchased.
- All animals must meet USDA standards.
- No animals are held in a processing facility. They will be held in the existing building (auction house until processing)
- Animals are inspected by both a veterinarian and a USDA inspector.
- The procedure for processing happens within seconds.
- This facility is for the processing of animals, not the packaging.
- The facility will have to be approved by the USDA.
- After Board approval, an application would be filed with the USDA, and permits will be needed for the facility.
- The location must meet USDA criteria and an establishment number is assigned.

- A USDA inspector is assigned to the site five days per week, and all processing is done with the inspector present all day long.
- There could be one or two inspectors plus trainees.
- Inspectors make sure everything is cleaned including floors, shackles; bathrooms, knives; racks, etc.
- If standards are not met, the processing facility cannot operate, and the issues must be corrected. Then everything is reinspected.
- Organs, carcasses, skins are checked by the inspectors and are then put in a freezer and haulers will pick up daily.
- Certain areas/rooms dedicated to different points of processing.
- Every animal is washed and sprayed with disinfectant, then put in cooler.
- Animal must be cooled to 37 degrees to be shipped.

Mr. Simreen stated the process for cleaning the facility at the end of the day includes:

- Trays, boots, tools, rooms, coolers, walls, tables, etc. must all be cleaned and inspected.
- Tanks are cleaned and emptied and then picked up at the end of every day.

Mr. Simreen stated the operations would be as follows:

- There will be four to five employees who will only be working when inspectors are present.
- Facility will not be for deer processing.
- Any infractions cause shutdown, and time of shutdown depends on area of infraction.

Mr. Simreen further stated there has been a larger demand for slaughterhouse/processing plants since the pandemic (Covid 19); currently, the animals have to go far away from the auction house for processing.

Chairman Camporini asked if the Board had any questions for Mr. Simreen.

Mr. Sherman asked if the animals were stunned. Mr. Simreen answered no.

Mr. Simreen stated the facility will be for goats, sheep, and cows. There will be no pigs processed at this site according to HASA. Mr. Simreen stated the animals would be housed overnight at the auction market, as they are now.

Mr. Wolfrum asked if this would be for the slaughtering and processing of the animals, and there would be no packing, correct? Mr. Simreen answered this is a small facility, and it would depend on the customer's request.

Chairman Camporini asked if there were further questions from the Board. There being none at this time, the meeting was opened to the public.

Michelle Morpath asked after the carcasses are inspected what happened then. Mr. Simreen answered the animal is inspected, put down, inspected again, and the carcass is then put for rendering. The carcass does not get processed for consumption.

Jennifer Daly asked how many jobs are being created. Mr. Simreen answered five. Ms. Daly stated there are seventy parking spaces proposed and asked if a traffic impact study has been conducted. Mr. Selvaggi answered there will be another witness to testify to this item.

Lucia Stout Huebner asked if farmers will be able to get their animals processed or will this only be for animals at the auction market. Mr. Simreen answered any farmer. Ms. Stout Huebner asked if there will be a cut and wrap service as well, and Mr. Simreen answered yes, a small area.

Donna Walling asked if the containers for the animal carcasses, organs, etc., are being trucked off the site, and if the trucks are closed. Mr. Simreen answered yes, and there is no leakage.

Steven & Donna Lasso asked if the animals are only from the auction market and Mr. Simreen answered no.

Chairman Camporini stated due to the time, there would be no further testimony. Mr. Mennen stated the application would be carried to the February 23, 2021 Land Use Board Meeting with no further notice required.

CORRESPONDENCE

NEW BUSINESS

ADJOURNMENT

There being no further business, the January 26, 2021 Land Use Board Meeting was adjourned at 11:10 p.m. by a motion from Mr. Moore and the second being Mr. Sherman.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve:

Second:

In Favor:

Abstain:

Oppose: