**TOWN OF HACKETTSTOWN**

**LAND USE BOARD MEETING**

**MARCH 23, 2021**

**MINUTES**

**CALL TO ORDER**

the March 23, 2021 Meeting of the Town of Hackettstown Land Use Board Meeting held via Zoom, was called to order by Chairman Al Camporini at 7:00 PM.

**ANNOUNCEMENT OF PROPER NOTICE**

**ATTENDANCE**

**Board Members Present**

Sherman, Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf, Board Also Present: Board Attorney Mennen and Town Engineer Sterbenz

**Board Members Absent**

Tierney, Becker

**MINUTES – FEBRUARY 23, 2021 LAND USE BOARD MEETING**

Mr. Moore made a motion to approve the minutes of the February 23, 2021 Land Use Board meeting as submitted; Mr. Stout seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, and Graf

Oppose: None

Abstain: Stout, Lambo and Anthony

Mr. Sterbenz explained that the Livestock Co-op and Allentown SMSA applicants requested their applications be heard at the April meeting and that the notices also be carried to the April meeting.

Mr. Stout made a motion to carry the Livestock Co-op application for continued public hearing to the April 27, 2021 meeting and to not require new notice be given; Mr. Sherman seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: No

Abstain: Lambo

Mr. Selvaggi agreed to grant the Board an extension on this application until May 1, 2021.

Mr. Moore made a motion to carry the Allentown SMSA application for public hearing to the April 27, 2021 meeting and to not require new notice be given; Mr. Stout seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Lambo

Discussion was held regarding the number of applications needing to be heard. Mr. Sterbenz suggested holding special meetings in order to hear some of the applications in a timely manner.

It was agreed that April 20, 2021 would be the preferred date to hold the special meeting.

Mr. Moore made a motion to schedule a special meeting on April 20, 2021 at 7:00 PM via zoom to hear applications, and if that specific date is not available to use the Zoom account, to hold a special meeting on April 21, 2021 at 7:00 PM via zoom to hear applications and to have the Board Clerk advertise said meeting in the Town newspapers; Mr. Stead seconded the motion.

In favor: Sherman, Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

Mr. Sterbenz suggested that the 7 Route 57 application be placed on the special meeting agenda for a public hearing and the LCTW, LLC application also be placed on the special meeting agenda to be heard for completeness and possible public hearing as well as any Section 68 applications that have properly noticed. If the applications run late at the special meeting, they could be carried to the May meeting.

Mr. Sterbenz suggested setting up a special meeting in May as well in case there is the need to hear applications that may need to be carried from the April meetings.

Mr. Stead made a motion to hold a special meeting on May 18, 2021 at 7:00 PM via zoom, if needed to hear any applications; Mr. Wolfrum seconded the motion.

In Favor: Sherman, Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

Mr. Selvaggi informed the Board that he and possibly some of the professionals for the 7 Route 57 application may not be available to attend the April special meeting date that was previously agreed to.

Mr. Moore made a motion to amended the date of the April special meeting to be held on April 29, 2021 at 7:00 PM via zoom and that Mr. Selvaggi will re-notice for this special meeting; Mr. Stead seconded the amended motion.

In Favor: Sherman, Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

Mr. Lambo asked that the applicants re-notice so the public is aware of what applications will be on which agenda.

**COMPLETENESS**

**7 Route 57, LLC, App#21-02, Block 129, Lot 23&24, Use Variance**

Mr. Sterbenz indicated that all of the deficiencies from his review dated February 19, 2021 have been addressed by the applicant. Mr. Sterbenz stated that delinquent tax payments had been discovered, however they have also been addressed as of this meeting date, therefore he is suggesting the application be deemed complete and have the public hearing on the April 29, 2021 special meeting.

Mr. Camporini asked the Board if they have any questions regarding the completeness of the application.

Mr. Stead stated that he felt the site plan should be revised to show Block 129, Lot 23. Mr. Sterbenz stated that there is a lot line and stated that he and Mr. Bloch are doing a technical review for the next meeting and he will note Mr. Stead’s suggestion.

Mr. Moore inquired if the houses on the lot were vacant.

Mr. Moore made a motion to deem this application complete; Mr. Wolfrum seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Lambo

**REQUEST FOR EXTENSION OF TIME**

**2016 Mountain Hackettstown, LLC, Block 125, Lot 9.01**

Mr. Sterbenz reviewed the application with the Board. Mr. Sterbenz stated that one specific condition that is still outstanding and has not yet been addressed is Condition K regarding no construction permits being issued before more detailed architectural drawings for residential apartment buildings has been submitted and approved by the Board. Mr. Sterbenz stated the applicant is requesting two one year extensions at this time.

Jennifer Berardo, Esquire spoke on behalf of her applicant, 2016 Mountain Hackettstown, LLC. Ms. Berardo requested that since the two one year extensions would only take them to June 2021, she is requesting a third extension until June 27, 2022 so they will not have to come back in June 2021 to request another extension.

Greg Leo, principal of 2016 Mountain Hackettstown, LLC explained to the Board the difficulties he has been having with the site, including the pandemic and developer contract issues. Mr. Leo stated he is in negotiations with another developer at this time and when an agreement is reached and finalized, the architectural plans will be submitted for review and approval.

Mr. Camporini asked if the Board Members have any questions.

Mr. Lambo inquired about the timelines in which each phase was supposed to be completed.

Mr. Sterbenz explained that there was a redevelopment agreement that will require the applicant to go before the Town Council for an extension of time because the development will not be completed by August 8, 2021 as stipulated in the agreement.

Daniel Bloch stated that there are still ongoing affordable housing issues in Town and that this project does not specify that these units that are proposed will be rental units. Mr. Block also suggested that if the Board approves the extension, it be put in the resolution that they be rental units.

Mr. Camporini inquired if the new developer Mr. Leo is working with wants to make changes to the plan or if he is in agreement with working with what was already presented to the Board. Mr. Leo was not able to confirm there would not be changes made.

Mr. Lambo suggested approving two one-year extensions but to submit drawings or an agreement prior to approving the third extension.

Mr. Lambo made a motion to grant two one-year extensions through June 2021and not grant the third year extension; Ms. Walling seconded the motion.

Further discussion was held regarding the length of an extension to be given.

Based upon that discussion, Mr. Lambo amended the original motion to grant the extension through December 31, 2021; Ms. Walling seconded the amended motion.

In Favor: Sherman, Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Opposed: None

Abstain: None

**Jade Hackettstown Associates, LLC, Block 12, Lot 18.02**

Mr. Selvaggi submitted a request for a one year extension through February, 28 2022 because the applicant is waiting for outside agency approvals and a financial agreement with the Town.

Mr. Camporini asked if the Board members have any questions.

Mr. Sherman made a motion to grant a one year extension through February, 28, 2022; Mr. Stout seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Lambo

**SECTION 68**

**Despres, App#21-01, Block 31, Lot 2**

Mr. Selvaggi stated that a sanborn map from the year 1914 (marked as A2) shows that the dwelling was a two family at that time and a record of consumption was received from the HMUA (marked as A1) from 1967 through 1972 showing the dwelling as a two family

Mr. DesPres was sworn in by Board Attorney Mennen.

Mr. DesPres stated the following:

* Property was purchased by his family in January 1970
* Mr. DesPres is the current owner
* This structure was a two family structure when purchased by his family in 1970
* Mr. DesPres has lived in the home since 1970 and it has always been a two family residence since he’s lived there
* It is being used as a two family residence now and there is currently a tenant living there

Mr. Camporini asked if the Board members have any questions.

Mr. Sherman asked the location of the property.

Mr. Mennen asked if the pictures that were submitted are current.

Mr. Camporini opened the application to the public. There being no questions or comments, Mr. Camporini closed the application to the public and discussion returned to the Board.

Mr. Stout made a motion to approve the section 68; Mr. Moore seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Lambo

**Jhankhariya, App #20-15, Block 3.04, Lot 22**

Harsh Jhankhariya spoke on behalf of the homeowner.

Mr. Jhankhariya was sworn in by Board Attorney Mennen.

Mr. Jhankhariya presented the following regarding the section-68 request

* HMUA documentation from 1964 showing two meters on the dwelling
* A letter from the Zoning Official stating that the house is taxed as a two family house

Mr. Camporini asked if the Board members have any questions.

Mr. Mennen asked if Mr. Jhankhariya is aware of any interruption of the dwelling being used as a two family residence from date of the HMUA documentation until the time his family purchased the home. Mr. Jhankhariya stated that while he was not able to personally confirm this, he testified that he had spoken to the neighbors who confirmed the continuous use as a two family residence. Mr. Jhankhariya further testified that the two family use has been continuous since his family purchased the property.

Mr. Camporini opened the application to the public. There being no comments or questions from the public, Mr. Camporini closed the application to the public and discussion returned to the Board.

Mr. Stout made a motion to approve the Section-68; Mr. Wolfrum seconded the motion.

In Favor: Sherman, Moore, Stout, Wolfrum, Camporini, walling, Anthony, Graf

Oppose: None

Abstain: Lambo, Stead

**CORRESPONDENCE**

Mr. Camporini read a letter requesting a Board member be appointed to the Soil Waste Advisory Council as a representative for the Town. Mr. Sherman expressed interest.

NEW BUSINESS

ADJOURNMENT

There being no further business, Mr. Moore made a motion to adjourn this meeting at 8:43 PM; Mr. Stout seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Land Use Board Clerk