**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**September 28, 2021 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 September 28, 2021 Meeting of the Town of Hackettstown Land Use Board was called to order by Chairman Camporini at 7:00 p.m.

**FLAG SALUTE**

**ANNOUNCEMENT OF PROPER NOTICE**

**ATTENDANCE**

**Board Members Present**

Sherman, Stout, Lambo, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Also Present: Board Engineer Sterbenz, Board Planner Bloch and Board Attorney Mennen,

**Board Members Absent**

Moore, Becker

**MINUTES**

Mr. Stead made a motion to approve the minutes of the August 24, 2021 Regular Land Use Board meetings as submitted. Mr. Anthony seconded the motion.

In Favor: Sherman Lambo, Wolfrum, Camporini, Stead, Walling, Anthony

Opposed: None

Abstained: Stout, Graf

**RESOLUTIONS**

**Application #21-07 – Miller – B72 L27 – Section 68**

Mr. Sherman made a motion to approve the Resolution of Approval. Mr. Stead seconded the motion.

In Favor: Sherman, Wolfrum, Camporini, Stead, Walling, Anthony

Opposed: None

Abstained: Stout, Lambo, Graf

**Application #21-10 – Schaffer – B75, L10 – Section 68**

Mr. Sherman made a motion to approve the Resolution of Approval. Ms. Walling seconded the motion.

In Favor: Sherman, Wolfrum, Camporini, Stead, Walling, Anthony

Opposed: None

Abstained: Stout, Lambo, Graf

**Application #21-04 – LCTW, LLC – B129, L16.01 – Site Plan/Bulk Variance**

Ms. Walling made a motion to approve the Resolution of Approval. Mr. Sherman seconded the motion.

In Favor: Sherman, Lambo, Wolfrum, Camporini, Stead, Walling,

Opposed: None

Abstained: Stout, Anthony, Graf

**COMPLETENESS**

**Application #21-11 – ST Fra Willow Grove, LLC – B44, L3.02 – Preliminary Site Plan**

**Application was presented by Michael Selvaggi, Esquire**

Mr. Selvaggi stated that the deficiencies specified in the Preliminary Site Plan Checklist, numbers 1 through 3 in section A of in Mr. Sterbenz’s report dated September 23, 2021, have been addressed.

The waiver requests in Section A #2 a and b of Mr. Sterbenz’s report were addressed by the applicant’s engineer, Dan Reeves. The Board and Mr. Sterbenz agreed there are no objection to the waiver requests. Section A, #3b in Mr. Sterbenz’s report was addressed stating that no changes are planned for the existing roadway. The Board agreed there is no objection to this wavier. Mr. Selvaggi stated that under the Final Major Site Plan Checklist, Item 1b will be addressed and notification will be sent to the utility companies.

Mr. Lambo made a motion to deem this application complete and the grant the submission waivers in Mr. Sterbenz’s report dated September 23, 2021. Ms. Walling seconded the motion.

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

Oppose: None

Abstain: None

**PUBLIC HEARING**

**Application #21-08 – G&G Properties – B44, L9 – Use Variance**

Mr. Sterbenz stated the applicant requested to have the application and notice be carried to the October 26, 2021 Land Use Board Meeting.

Mr. Stead made a motion to to carry the application to the October 26, 2021 Land Use Board Meeting and require no new notice be given. Ms. Walling seconded the motion.

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

Opposed: None

Abstained: Lambo, Graf

Mr. Lambo stepped down from the dais at this time.

**Application 21-13 – TC Crawford, Estate of Sherrer – B85, L4 – Section 68**

**Application was presented by David Wallace, Esquire, Attorney for the applicant**

Mr. Wallace presented Donna Petras, daughter of Samuel Sherrer to testify. Ms. Petras was sworn in by Board Attorney Mennen.

Ms. Petras testified to the following:

* Her father is Samuel Sherrer
* Her father owned the property since the 1970’s
* Every unit is identical
* There are three porches, three rear entrances, three kitchens and bathrooms and three furnaces in the unit

Mr. Wallace presented Exhibit A1, a deed from 1961 showing a transfer subject to existing tenancies.

Mr. Stout made a motion to approve the Section 68. Ms. Walling seconded the motion.

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais at this time.

Ms. Walling stepped down from the dais at this time.

**Application #21-06 – Neuner – B97, L9 – Minor Subdivision/Bulk Variance**

**Application was presented by Bernard Neuner, 411 West Plane Street, Hackettstown**

Mr. Neuner was sworn in by Board Attorney Mennen.

Mr. Neuner testified to the following:

* He and his wife have owned the property for twenty five years
* The lot is large relative to the neighborhood
* Requesting bulk variance on depth of remainder lot
* Proposed structure will enhance neighborhood and will be a Queen Ann/Victorian style

Mr. Camporini inquired about the lot depth.

Mr. Neuner introduced Jessica Caldwell to testify as a Professional Planner at this time.

Jessica Caldwell, 145 Spring Street, Newton, NJ was sworn in by Board Attorney Mennen to testify as a Professional Planner.

Ms. Caldwell presented Exhibit A1, entitled, Planning Exhibit, which shows four sheets including an existing subdivision zoning map, a study area map, a study area table and a bulk variance table.

Ms. Caldwell referred to the exhibit, which shows the neighborhood, adjacent lot sizes, etc. Ms. Caldwell stated that:

* Mr. Neuner will go before the Historic Preservation Commission for approval of the proposed home
* Applicant is seeking a C2 Variance
* The goals of the Master Plan have been met
* There would be a positive visual environment with the subdivision and new development

Mr. Camporini inquired if there would be any negative impact.

Mr. Lambo inquired if there will be off street parking. Ms. Caldwell stated there will be a driveway on the property.

Mr. Stout inquired if there is a preliminary site plan for the house and if one is needed to approve a minor subdivision.

Mr. Lambo inquired about how close the new construction will be to the existing neighbor’s house.

Board Planner Bloch stated that more clarity is needed on the architectural plans of the house.

Mr. Camporini asked if anyone from the public had any questions at this time. No on from the public had any questions at this time.

The Board, at this time, agreed that a rendering of the house be presented to Board Members prior to moving forward with the application to show a visual representation of the what the house will look like on the proposed lot. This rendering should show side yard setbacks, elevation of the back of the house, the driveway, shrubbery, decking, etc. Mr. Neuner agreed to prepare a rendering of the proposed house and requested that his application be carried to the October 26, 2021 Land Use Board Meeting and to not require new notice.

All Board members were in agreement to allow the application to be carried to the October 26, 2021 meeting and not require new notice.

Ms. Walling returned to the dais at this time.

Mr. Lambo left the meeting at 8:25 PM.

**Application 21-12 – Above Grid Solar Carport 2020, LLC – B45, L4 – Preliminary Site Plan/Use Variance/Bulk Variance**

**Application was presented by Kenneth Pape, Esquire, Attorney for the Applicant**

Mr. Pape introduced Philip Smith, Project Manager of the applicant, 153 Old Farm Drive, Great Meadows, New Jersey, 07838.

Mr. Smith was sworn in by Board Attorney Mennen to testify as the Project Manager of the applicant.

Mr. Smith presented Exhibit A-1, a colored rendering of the Layout Plan dated July 27, 2021.

Mr. Smith testified to the following:

* Solar carports will create green solar energy
* Will provide protection for people getting to their cars
* 20 solar carports will be installed, three in the front yard of the hospital
* The solar carports will be 102,000 square feet with 4200 individual solar panels
* Carports will include inverter technology and are connected by underground conduit and wiring.
* Solar will accommodate 90% of hospital’s demands
* The hospital will not be selling electricity to the utility company
* There will be 41 proposed electric vehicle charging stations on the supporting columns. Each charging station can handle two vehicles.
* The charging stations will be available to the general public during hospital hours only.
* The Willow Grove Street fence line will not be disturbed.
* No parking spaces will be eliminated

Mr. Camporini asked if anyone from the public had any questions at this time. No one from the public had any questions at this time.

Mr. Pape introduced Jeffrey Szabo, 611 Industrial Way West, Suite A, Eatontown, NJ 07724 Design Engineer for the project.

Mr. Szabo was sworn in by Board Attorney Mennen and was accepted as an expert witness to testify as a Professional Engineer.

Mr. Szabo presented Exhibit A-2, Aerial Map Exhibit, dated September 28, 2021, showing the property boundary of the hospital.

Mr. Szabo testified to the following:

* Property is 38.85 acres
* Property located within the highlands planning area
* The property slopes from north to south
* Gutter system will be installed to collect runoff from the panels
* The downspout and storm drainage are linked into the underground drainage system
* Two 10’x10’ transformer pads will be located on the site
* Minimum clearance will be 14 ½ feet for emergency vehicles
* Minimum clearance will be 11 feet for passenger vehicles
* Canopies will have LED lighting
* The trees cleared from the parking area will relocated
* Storage area in the back of the site will be used for materials during installation

Mr. Camporini asked if any of the Board Members had any questions at this time.

Mr. Stead inquired if there is a plan in place to address the temporary loss of parking while the carports are being built. Mr. Szabo explained that the construction will be done in sections and one entire parking lot will not be blocked at one time.

Mr. Anthony inquired if the panels would be able to be moved to the back of the property. It was explained that the location was intended for vehicular coverage.

Ms. Walling inquired if this would impact the helicopter. Mr. Smith explained it will have no impact on the helicopter.

Mr. Camporini inquired about cleaning the panels and snow removal from the panels.

Mr. Camporini asked if anyone from the public had any questions at this time.

William and Kathleen Deisenroth, 316 Hurley Drive, Hackettstown, inquired about how close the solar panels will be to the oxygen tank near their property. Mr. Smith explained that they would be about 45 feet from the property line and that the maximum height of the construction is 21 feet. The area will be open to allow for oxygen tanker access.

Mr. Pape informed the Board that the applicant is familiar with Mr. Sterbenz report dated September 22, 2021 and that they will comply with all comments in the report.

Mr. Pape introduced Brian Cuff, licensed architect, to testify as an expert in solar canopy design.

Mr. Cuff answered Mr. Camporini’s question regarding the cleaning of the solar panels. He explained that the panels are naturally cleaned by the weather and the snow melts from the heat of the solar panels and does not need to be shoveled off.

Mr. Cuff introduced Exhibit A3 entitled, Site Overview which shows the architectural rendering of the panels.

Mr. Stead inquired about the possibility of collapse under the weight of a heavy snow. Mr. Cuff explained that the same calculations are used to construct these foundations, columns and panels as is used to construct commercial roofs.

Mr. Camporini asked if anyone from the public had any questions at this time.

Mr. Deisenroth inquired how long the project would take to construct. It was explained that they would like to complete construction in 2022.

Mr. Pape introduced Allison Coffin, P.P., to testify as an expert witness in professional planning.

Ms. Coffin was sworn in by Board Attorney Mennen.

Ms. Coffin explained why a D1 Variance and a bulk variance is being requested.

Mr. Camporini asked if any Board Members had any questions at this time. No one had any questions at this time.

Mr. Camporini asked if anyone from the public had any questions at this time. No one from the public had any questions at this time.

Mr. Stead made a motion to approve the application for site plan use/bulk variance with the conditions of a post construction site lighting analysis and evaluation to be conducted with the Board Professionals, a landscaping plan review to establish buffering, an agreement that all recommended site plan changes in Mr. Sterbenz report be met, a staging plan for construction and turning radius analysis be presented to the Board Engineer for approval and the temporary construction area must be restored to current conditions within 60 days of completion. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

**NEW BUSINESS**

Mr. Sherman requested smaller plan sets be submitted with applications and also requested that a profile or rendering be submitted with any new applications.

Ms. Walling made a motion to adjourn this meeting at 10:14 PM. Mr. Anthony seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Land Use Board Clerk