**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**October 26, 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 October 26, 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**

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

Also Present: Board Engineer Sterbenz and Board Attorney Mennen,

**Board Members Absent**

Sherman, Moore, Becker, Graf

Also Absent: Board Planner Bloch

**MINUTES**

Mr. Stead made a motion to approve the minutes of the September 28, 2021 Regular Land Use Board meetings as submitted. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

**RESOLUTIONS**

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

Mr. Anthony made a motion to adopt the Resolution of Approval. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: Mr. Lambo

**Application #21-12 – Above Grid Solar Carport – B45, L4 – Preliminary and Final Major Site Plan/Use & Bulk Variance**

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

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

Opposed: None

Abstained: Mr. Lambo

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

**COMPLETENESS**

**Application #21-14 – 109 Grand Avenue Associates, LLC – B75, L18&19 – Minor Site Plan/Use & Bulk Variance**

Mr. Sterbenz explained that this original application was approved by resolution in January 2021 and the applicant has resubmitted an amended application to allow the third floor use to be changed to all employee housing. Mr. Sterbenz recommended the amended application be deemed complete at this time.

Ms. Walling made a motion to deem this application complete. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

**PUBLIC HEARING**

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

Mr. Sterbenz informed the Board that the architectural renderings of the structure that were requested by the Board could not be completed in time for this meeting, therefore, the applicant requested his application and notice be carried to the November 23, 2021 meeting.

All Board members were in favor with carrying the application and notice to the November 23, 2021 regular Land Use Board meeting.

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

Mr. Sterbenz informed the Board that the applicant could not provide the required architectural plan in time for tonight’s meeting, therefore the applicant’s attorney requested the application and notice be carried to the November 23, 2021 meeting.

All Board members were in favor with carrying the application and notice to the November 23, 2021 regular Land Use Board meeting.

Mr. Moore entered the meeting.

**Application #21-14 – 109 Grand Avenue Associates, LLC – B75, L18&19 – Amended Site Plan/Use Variance/Bulk Variance**

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

Mr. Selvaggi stated the following:

* The bridal suite that was approved at the January 19, 2021 Land Use Board meeting was deemed to be a hotel under the Building Code
* The cost of accommodating a hotel use is prohibitive
* The applicant would like to convert four of the bridal suite rooms to be part of the rooming house that was originally approved in January
* Rooms would be for employees and spouses only
* Rooms will not be rented to the public

Because Mr. Selvaggi did not notice for this meeting, he requested the Board consider this informal presentation as a request for a field change and not require a public hearing on this amended application.

Mr. Mileto, the applicant’s architect, stated that over the next thirty (30) days no time will be lost if this applicant is required to notice and reappear at the November Land Use Board meeting.

Mr. Stout made a motion to require the applicant to provide notice and to be put on the agenda for the November 23, 2021 regular meeting for Public Hearing and asked Board Attorney Mennen to draft a resolution in advance for possible approval. Mr. Anthony seconded the motion.

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

Opposed: None

Abstained: None

**Application #21-11 – ST Fra Willow Grove, LLC – B44l L3.02 – Preliminary and Final Major Site Plan**

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

Mr. Selvaggi explained that the applicant would like to construct a 50,000 square foot warehouse and introduced Dan Reeves to speak as the project’s Civil Engineer.

Mr. Reeves was sworn in as an expert witness in the field of Professional Engineering by Board Attorney Mennen.

Mr. Reeves presented Exhibit A1 entitled, Aerial Exhibit dated October 26, 2021 which showed an aerial view of the site.

Mr. Reeves presented Exhibit A2 entitled Colorized Version of the Site Plan dated July 16, 2021. Mr. Reeves testified to the following:

* Drainage elements, water, sewer, electric and telecommunications have already been previously installed on the site
* Easements run through the lot for the existing utilities
* The warehouse will be on the north side of the existing driveway
* The driveway will not be changed
* There will be four loading docks in the rear of the building
* There will be four separate entrances in the front of the building
* The building height will be 32 feet
* There are 130 proposed parking spots
* Curbing will be in compliance with the Land Development regulations
* There will be a 12’x20’ pad enclosure for a dumpster enclosure
* There is no proposal for additional signage and the applicant will be using the two existing monument signs
* Circulation driveways that will accommodate a WB-62 will be installed
* Circulation around the building will allow traffic flow in either direction and all emergency vehicles will be able to get around the building.
* The natural wooded area will be preserved.
* Trees will be provided behind the parking lot area
* Lighting will consist of seven pole lights in the driveway and seventeen building light fixtures.
* Stormwater regulations will be complied with

Mr. Camporini asked if anyone from the Board had any questions at this time. No Board members had any questions at this time.

Mr. Selvaggi reviewed Mr. Sterbenz’s Engineer’s Report dated September 23, 2021 as follows:

* Page 5, Section 1.02 – off street loading/unloading space, the applicant is requesting a design waiver. Page 5, Section 1.04-Outdoor storage, the applicant will not store any equipment outside of the building. 1.05-Section 509 d, f, g & j, the applicant will be compliant with the noise ordinance, the waste will be contained in a gated dumpster, there will be proper ventilation and they will be fully compliant with the drainage regulations.
* Page 5, Section 1.06-Pedestrian Path will be installed.
* Section 2.0 curb returns will be complied with and heavy duty pavement in the parking area will be installed.
* 3.09-a stormwater maintenance manual will be prepared.
* Page 10 Section 4.01 a through e were addressed. Letter a. in Mr. Sterbenz’s report addressed landscaping and screening of the loading area. The applicant is requesting a design waiver for this. The applicant will comply with the b. through e. of Mr. Sterbenz’s report.
* Section 4.02 d. an analysis was prepared on the on site lighting intensity and will be provided to Mr. Sterbenz showing the applicant is in compliance.
* Section 6.03, Highlands Consistency conditions will be met by the applicant.

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

Mr. Wolfrum asked if there will be any fencing to secure the new parking lot area. The applicant agreed to install a fence subject to the approval of the Town Engineer if a future tenant required one.

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. Selvaggi introduced Andrew Feranda who was sworn in by Board Attorney Mennen. He was accepted as an expert witness in the field of traffic engineer. Mr. Feranda testified as to how the traffic study was prepared and gave his findings from the study. It was determined that with the study that was done, the traffic produced from this project would not have a major impact on the existing traffic patterns. Mr. Feranda explained the circulation around the building will be wide enough for two way traffic. Mr. Feranda explained why there is not a need for a plan change to require tractor trailers to make an immediate right into the driveway, per Mr. Sterbenz’s report. Mr. Feranda explained that the chances of all four loading areas being used at once would not be likely, but if it were to occur, a tractor trailer could wait in a location around the building that wouldn’t interfere with the traffic.

Mr. Sterbenz withdrew the review comment requiring tractor trailers to turn right immediately into the driveway leading to the loading area.

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

Mr. Wolfrum inquired if trucks could only go in and out of the site in a one way direction.

Mr. Camporini asked if the vehicles included in upcoming development projects were considered in the traffic study.

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. Stout made a motion to approve the preliminary and final site plan application with the following conditions: that any tenant of the building comply with signage conditions, that the parking spaces not exceed 130 spaces, there will be no outdoor storage on the site, if a fence is needed around the southern parking area that it is approved by Mr. Sterbenz, backup data be given to Mr. Sterbenz regarding the lighting, a blanket condition that the applicant will comply with all of the Highlands consistency conditions, to provide a turning template and to grant the two design waivers. Mr. Moore seconded the motion.

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais at this time.

**DISCUSSION**

Ordinance #2021-11 – AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING SECTION 601.P OF THE LAND DEVELOPMENT ORDINANCE CONCERNING THE LOCATION OF CLASS 5 CANNABIS RETAIL BUSINESS IN THE HC AND CC ZONE DISTRICTS.

Mr. Stout made a motion to deem this ordinance to be not inconsistent with the Master Plan, but the Board is not in agreement with the use being allowed in the CC district opposite the Mars Facility on the west side of High Street. Mr. Moore seconded the motion.

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

Opposed: None

Abstained: Lambo

Mr. Moore made a motion to adjourn this meeting at 9:12 PM. Mr. Stout seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Secretary