**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**February 22, 2022 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 February 22, 2022 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**

The Oath of Office was administered to Eric Anthony and Diane Medcraft by Board Attorney Mennen.

**ATTENDANCE**

**Board Members Present**

Moore, Lambo, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft

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

**Board Members Absent**

Becker, Stout

**MINUTES**

Mr. Stead made a motion to approve the minutes of the regular Land Use Board meeting held on January 25, 2022 as submitted. Mr. Moore seconded the motion.

In Favor: Moore, Lambo, Wolfrum, Camporini, Stead Graf

Opposed: None

Abstained: Anthony, Medcraft

**EXTENSION OF TIME**

**Application #21-20 – 2016 Mountain Hackettstown, LLC – B125, L9.01 – 301 Mountain Avenue**

**Application was presented by Jennifer Knarich, Esquire.**

Ms. Knarich introduced Jay Cooperman as the new managing member of Lionsgate as well as the project’s engineer and requested a six month extension on the project.

Mr. Lambo made a motion to grant an extension time through June 27, 2022; Mr. Wolfrum seconded the motion.

In Favor: Moore, Lambo, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft

Opposed: None

Abstain: None

Chairperson Camporini stated that no new testimony will be heard tonight after 9:30 PM in order to allow time for the Board to review Ordinance 2022-02 entitled, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ADOPTING THE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, NJSA 40A:12A-1, ET SEQ., FOR PROPERTY LOCATED AT BLOCK 21, LOTS 18.01 AND 18.02.

Jim Lambo stepped down from the dais at this time.

**COMPLETENESS**

**Application #21-18 – Performance Fleet Maintenance, LLC – 859 Willow Grove Street, B44, L3 – Preliminary & Final Major Site Plan/Use Variance**

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

Mr. Selvaggi explained the the items in Mr. Sterbenz’s completeness report are being worked on and will be submitted in a timely manner.

Mr. Sterbenz informed the Board that Performance Fleet Maintenance, LLC remains incomplete, therefore they will not be heard and no action will be taken at this meeting.

**PUBLIC HEARING**

**Application #21-16 – Sal Toscana – 217-221 Main Street & 223 Main street – B123, L12 & 12.01 – Minor Site Plan/Bulk Variance**

**The application was presented by Michael Selvaggi, Esquire**

Mr. Selvaggi stated that the applicant has agreed to carry the application to the March 22, 2022 Land Use Board meeting, therefore no action will be taken on this application at this meeting.

**Application #22-01 – Estate of Mary Zellars – 123 High Street – B66, L2 – Section 68**

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

Mr. Selvaggi produced an affidavit from John Smijewski, son-in-law of Mary Zellars, who testified that the property has always been used as a boarding house and has been registered with the State as a Boarding House.

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

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

Justin and Serene Ponti, 117 High Street, Hackettstown, inquired about the intent of the use of the house after it is sold and voiced concern regarding low income housing in the area.

Thomas Smijewski, who was sworn in my Board Attorney Mennen, testified as the grandson of Mary Zellars. Mr. Smijewski stated that the intended use of the property would be determined by the new owner.

Don Osinga, 200 High Street, Hackettstown, inquired about parking and the fire code for a boarding house.

Mr. Bloch inquired about the number of rooms that will be rented and if it will be the same amount of rooms as in 1967.

Donna Walling was sworn in my Mr. Mennen as the realtor of the property and presented a census sheet showing multiple residents residing at the property in 1940.

Mr. Moore made a motion to approve the Section 68 application; Mr. Stead seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft

Oppose: None

Abstain: None

**Application #21-08 – G&G Properties, LLC, 406 Church Street, B44, L9 – Use Variance/Section 68**

**Application presented by Mark Maryanski, Esquire**

Mr. Maryanski introduced the following exhibits as proof the property was used as a multi-family dwelling prior to 1968:

* Exhibit A-1: Description of Hammond Hall dedicated by Centenary University in 1956
* Exhibit A-2: 1958 Centenary University yearbook photograph of Hammond Hall
* Exhibit A-3: 1962 Centenary University yearbook photograph of Hammond Hall from Jefferson street showing separate apartments
* Exhibit A-4: 1967 Centenary University yearbook photograph of Hammond Hall
* Exhibit A-5: Deed transfer paperwork from Charles VanWinkle to Warren County Investment Company
* Exhibit A-6:1966-1967 bulletin showing it as a facility for thirteen (13) students
* Exhibit A-7: Department of Community Affairs reporting property as having one apartment and six rooms
* Exhibit A-8: Department of Community Affairs license with an expiration date of February 28: 2022 showing the property as a rooming house with a capacity of 9 people
* Exhibit A-9: Town of Hackettstown Landlord Registration Bureau paperwork showing that two occupants per bedroom are allowed and four occupants in the apartment are allowed
* Exhibit A-10: Township of Mt. Olive Office of the Fire Marshall certificate of inspection with an expiration date of September 1, 2022

David Garcia testified as the managing member of the LLC which owns the property to the following:

* Purchased the property in 2014
* The property has been used as a rooming house for Centenary University students and has a two bedroom apartment
* No changes have been made in the use the property since his purchase

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 no one had any questions at this time.

Mr. Garcia stated there are no issues with parking due to the fact that there is parking for up to a total of eleven cars.

Ms. Medcraft inquired about the need for an outside fire escape.

Mr. Camporini inquired if construction permits were obtained for the finished attic space.

Mr. Bloch asked for further clarification with the parking spaces for the property.

Mr. Mileto was sworn in by Board Attorney Mennen to testify as an expert witness in architecture and planning. Mr. Mileto testified to the following:

* The Floor plans were prepared by Mr. Mileto
* An outdoor fire escape is not required as the egress windows are large enough to accommodate a fire rescue
* The State of New Jersey changed the Code to no longer require outdoor fire escapes if the bedrooms are equipped with egress windows
* Each room on the second floor has a window, which is compliant with the egress window code
* There will be two occupants in the attic room
* A deployable fire ladder will be installed in the attic
* The rooming house parking areas are consistent with the Master Plan
* There will be no negative impact on the neighborhood

Mr. Stead made a motion to approve the Section 68 portion of this application certifying the prior non-conforming use for 9 occupants and 1 operator. Mr. Anthony seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Stead, Anthony, Graf

Oppose: None

Abstain: Medcraft

The second part of the Applicant’s application seeks to expand the prior nonconforming use to add an additional occupant to the already finished 300 square foot attic room – 10 occupants plus 1 operator total.

Mr. Stead made a motion to approve the Use Variance portion of this application. Mr. Anthony seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Stead, Anthony, Graf

Oppose: None

Abstain: Medcraft

Mr. Lambo returned to the dais at this time.

**Application #21-19 – Russo Acquisitions, LLC – 104-112 Bilby Road – B45, L101 – Amended Preliminary & Amended Final Major Site Plan**

**Application was presented by Christopher Minks, Esquire**

Mr. Minks introduced Anthony Castillo, 12A Maple Avenue, Pinebrook, NJ, to testify as a professional engineer to the project. Mr. Castillo was sworn in by Board Attorney Mennen.

Mr. Castillo presented the following exhibits:

* A1 – A currently approved Site Plan with a revision date of October 9, 2020
* A2 – A colorized Site Plan dated November 11, 2021 showing six four-story residential buildings, the relocation of building #4, a larger clubhouse layout, a proposed pool, a proposed playground and an increase of fourteen parking spaces.

Mr. Anthony inquired about access by a fire truck to the back of building #4.

Mr. Castillo testified to the following:

* The applicant is willing to comply with the changes that were recommended in Mr. Sterbenz review letter dated December 17, 2021.
* Trash will be serviced by a private trash hauler
* The plans will be forward to the Fire Department for their review and comment
* There will be 275 apartments and 532 parking spaces
* EV parking stalls will be installed
* The playground will be fenced in

Mr. Camporini asked if any of the 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. Minks introduced Lance Blake, 16 Microlab Road, Livingston, NJ as a licensed professional architect. Mr. Blake was sworn in by Board Attorney Mennen.

Mr. Blake presented Exhibit A3 – Colorized Rendering of Building #2 and testified to the following:

* Each unit will have a balcony
* There will be no vinyl siding and all materials will be a wood tone coloring
* There will be no BBQ grills allowed on balconies
* The residences will be pet friendly and there will be a fenced dog park

Mr. Blake presented Exhibit A4 – Clubhouse Rendering

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

Mr. Anthony inquired if the playground could be moved to the other side of the parcel of land so it is away from the roadway.

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

Chris Morpeth, 148 East Prospect Street, inquired if the playground area would be available to the public. Mr. Blake stated that the playground will only be used by residents of the units.

Mr. Minks introduced Diego Santos, 570 Commerce Boulevard, Carlstadt, NJ as a Professional Planner. Mr. Diego was sworn in by Board Attorney Mennen.

Mr. Santos explained the new Site Plan differences and stated that there is no detriment to the public good.

Mr. Bloch inquired about the density of the property not being met because of the shift of Lot 1 and the phasing of the construction.

Mr. Sterbenz stated that the applicant has addressed all of the items in his letter and has also committed to the required revisions to the site plan.

Mr. Lambo made a motion to approve the amended application with conditions of working with the engineer when determining the landscape plan to the back of Building #4, to work with the Fire Department regarding fire truck access to building #4, and working with the Board Engineer regarding EV-ready parking stalls. Mr. Anthony seconded the motion.

In Favor: Moore, Lambo, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft

Opposed: None

Abstained: None

**NEW BUSINESS**

Review of Ordinance 2022-02, AN ORDINANCE OF THE TOWN OF HACKETTSTOWN ADOPTING THE REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, NJSA 40A:12A-1, ET SEQ., FOR PROPERTY LOCATED AT BLOCK 21, LOTS 18.01 AND 18.02

The ordinance was explained by Board Planner Bloch and discussed by the Board Members.

Mr. Camporini asked if anyone from the public would like to speak at this time.

Michele Morpeth, 148 E. Prospect Street, Hackettstown, inquired about open space pertaining to Ordinance 2022-02.

Chris Morpeth, 148 E. Prospect Street, Hackettstown, inquired about using the open space on the property as it is cleared as opposed to when the project is complete.

Darrin Matusewicz, 93 East Stiger Street, Hackettstown, requested clarification regarding drive throughs for certain business within the site.

Mr. Moore made a motion that Ordinance 2022-02 is not inconsistent with the Master Plan and made the following recommendations: The height of the buildings abutting Main Street and E. Stiger Street to be reduced, to eliminate shared parking spaces, that any HOA changes must be approved by the Town and that there will be a requirement for a marker to denote the historical use of the property. Mr. Anthony seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft

Opposed: None

Abstained: Lambo

**ADJOURNMENT**

Mr. Moore made a motion to adjourn this meeting at 10:24 PM. Ms. Medcraft seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Clerk