**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**December 12, 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 December 12, 2022 Meeting of the Town of Hackettstown Land Use Board was called to order by Chairman Camporini at 7:00 p.m.

**FLAG SALUTE**

**ATTENDANCE**

**Board Members Present**

Present: Lambo, Wolfrum, Camporini, Stead, Anthony, Medcraft, DeAngelis

Also Present: Board Engineer Sterbenz, and Board Attorney Zakin

**Board Members Absent**

Absent: Moore, Becker, Stout, Graf

Also Absent: Board Planner Bloch

**MINUTES**

Mr. DeAngelis made a motion to approve the minutes of the regular Land Use Board meeting held on November 22, 2022 as submitted. Mr. Lambo seconded the motion.

In Favor: Lambo, Wolfrum Camporini, Stead, Medcraft, DeAngelis

Opposed: None

Abstained: Anthony

**COMPLETENESS**

**Application #22-11 – Nadia & Armin Huseinovic – 107 Countryside Lane – B3, L31 – Bulk Variance**

Application was presented by Michael Selvaggi, Esquire.

Mr. Selvaggi explained that the applicant lives on a corner lot and that the fence has already been installed. Because the property is a corner lot, the fence is located in the front yard which is why a bulk variance is being sought.

Mr. Sterbenz recommended that the Board deem the application complete at this time and approve the waivers in the application’s checklist.

Ms. Medcraft made a motion to deem this application complete. Mr. Wolfrum seconded the motion.

In Favor: Wolfrum, Camporini, Stead, Anthony, Medcraft, DeAngelis

Opposed: None

Abstained: Lambo

**Application #22-12 – Carlos Rojas and Carmen Carangui – 224-225 Franklin Street – B69, L5 – Use Variance**

Application was presented by Michael Selvaggi, Esquire

Mr. Selvaggi informed the Board that the applicant originally submitted a Section 68 application and was not able to provide proof that the home was used as a multi-family home prior to 1968, which is why they are asking for a Use Variance at this time.

Mr. Sterbenz suggested that the applicant provide a floorplan and map of the site of the property and recommended that the Board deem the application incomplete at this time.

Mr. Stead made a motion to deem this application incomplete. Mr. Anthony seconded the motion.

In Favor: Wolfrum, Camporini, Stead, Anthony, Medcraft, DeAngelis

Opposed: None

Abstain: Lambo

**PUBLIC HEARING**

Jim Lambo stepped down from the dais at this time.

**Application #22-09 – Frank Czigler – 106 Valentine Street – B73, L3 & 10 – Preliminary Major Site Plan/Final Major Site Plan/ Use Variance/Bulk Variance**

Application was presented by Michael Lavery, Esquire

Mr. Lavery informed the Board that many items need to be addressed after receiving the technical report from Mr. Sterbenz and the planning report from Mr. Bloch and requested that the application be carried to the January 24, 2023 Land Use Board meeting and that notice will be given.

Jim Lambo returned to the dais at this time.

**Application #22-10 – Hackettstown Crossing Associates, LLC – 93-95 Main Street – B21, L18.02 – Amended Preliminary Major Subdivision/Amended Final Major Subdivision**

Application was presented by Michael Selvaggi, Esquire

Mr. Selvaggi explained to the Board that each townhouse unit will be subdivided into individual fee simple lots that will be owned with the townhouse unit when purchased.

Mr. Selvaggi introduced Denis Keenan, French & Parrello Associates, 43A Newburgh Road, Hackettstown, NJ 07840.

Mr. Keenan was sworn in and qualified by Board Attorney Zakin to testify as a professional engineer for the applicant.

Mr. Keenan presented Exhibit A1-12/12/2022 entitled, Final Major Subdivision for Hackettstown Crossing Lot 18.02, Block 21 dated October 13, 2022 which shows the Board approved plan for the subdivision of the subject parcels.

Mr. Keenan stated that the applicant is proposing a fee simple subdivision where each townhouse unit and lot would be individually owned with the remaining land to be owned by the Homeowner’s Association, including the open space to be considered common areas for equal shared use by all homeowners as detailed in the Homeowner's Association Agreement (HOAA).

Mr. Camporini inquired about the size of the individual buildings and parcels. Mr. Keenan estimated the parcels will range from 20 feet to 26.7 feet wide and 56.35 to 73.5 feet deep and the building would be approximately 20 x 36 feet.

Mr. Selvaggi addressed the technical comments in Mr. Sterbenz technical report dated December 9, 2022 and stated that there are no objections to #3, #4 and #6 on the report. Mr. Keenan stated that per #5 of Mr. Sterbenz’s report the site plan will be revised to indicate a 25 foot perimeter setback in Block 21, Lot 18.03 and that no decks project into the 25 foot setback. Mr. Keenan stated that the applicant will comply with #7 of Mr. Sterbenz’s report to confirm that patios will be installed in Lots 18.50 -18.55 instead of decks, which would violate the 25 foot setback. Mr. Selvaggi stated that #8 will be revised per Mr. Sterbenz’s report. Mr. Selvaggi referenced #9 agreeing that the applicant will specify what the Homeowner’s Association will be responsible for in writing. Mr. Keenan stated that a sidewalk and utility easement will be shown within the fee simple lots and a blanket easement will be used on the land that the homeowner’s association owns.

Mr. Selvaggi stated that a deed will be provided to the homeowner with the purchase of each lot and townhouse.

Board Attorney Zakin inquired if there will be Homeowner’s Association documents and if so, if the Board members will be able to view and make reasonable it prior to approval. The applicant was in agreement.

Mr. Lambo inquired who would maintain the back yards of the units. Mr. Selvaggi stated that lawns within the fee simple lots would be maintained by the homeowner. There was Board discussion that it would be preferred if the HOA would maintain yards and public areas to provide a consistent look and a curated appearance.

Mr. Moore entered the meeting at 7:42 PM.

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

John Brady, Washington Street, Hackettstown inquired if the developers have a plan to prevent the water excess that has been draining onto his client’s property on Bergen Street since construction began. Mr. Brady was informed that the Developers are aware of the issue and are working on a solution. Mr. Brady is an attorney representing Roxana Trejos and Ronald Bolanos of 125 Bergen Street, Hackettstown. Applicant agreed that they would set up a meeting in the near future with Applicant owner / representatives Jeffrey Weinflash and Matthew Leshetz and Mr. Brady regarding stormwater management at the Property. Joe Clark, 94 Stiger Street, Hackettstown, also raised concerns regarding stormwater. Applicant advised that the most current stormwater control regulations would be complied with.

Mr. Selvaggi stated that if this subdivision application is approved, the subdivision map will be recorded and the lots will be created.

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

Joseph Clarke, 94 East Stiger Street, Hackettstown, was sworn in by Board Attorney Zakin. Mr. Clarke recommended maintaining the basin landscaping on a regular basis and requested that language be put in the agreement to address standing water issues.

Mr. Lambo made a motion to approve the application with the conditions that the Homeowner’s Association will maintain the landscaping on the fee simple lots and that the Board Engineer, Board Attorney and Town Attorney will review and approve the Homeowner's Association documents.

Ms. Medcraft seconded the motion.

In Favor: Lambo, Wolfrum, Camporini, Stead, Anthony, Medcraft, DeAngelis

Opposed: None

Abstained: None

**ADJOURNMENT**

Mr. Moore made a made a motion to adjourn this meeting at 8:10 PM. Mr. Lambo seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Land Use Board Clerk