**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**January 24 2023 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 January 24, 2023 Meeting of the Town of Hackettstown Land Use Board was called to order by Board Attorney Zakin at 7:00 p.m.

**FLAG SALUTE**

**ANNOUNCEMENT OF PROPER NOTICE**

**SWEARING IN OF NEW MEMBERS**

Mr. Zakin swore in Mr. Lambo to the position of Class III Land Use Board Member, Mr. Wolfrum to the position of Class II Land Use Board Member, Mr. DeAngelis to the position of Alternate #2 Land Use Board Member and Ms. Ferarra to the position of Municipal Land Use Board Alternate #3 Member.

**ATTENDANCE**

**Board Members Present**

Moore, Stout, Lambo, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft, DeAngelis, Ferarra

Also Present: Board Engineer Sterbenz, Board Attorney Zakin

**Board Members Absent**

Becker,

Also absent: Board Planner Bloch

**NOMINATION OF CHAIRPERSON**

Mr. Moore made a motion to nominate Mr. Camporini to the position of Chairperson for 2023. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: None

Mr. Camporini led the meeting at this time.

**APPOINTMENT OF VICE CHAIRPERSON**

Mr. Moore made a motion to nominate Mr. Stead to the position of Vice Chairperson for 2023. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

**APPOINTMENT OF CLERK**

Mr. Wolfrum made a motion to appoint Mary Matusewicz to the position of Clerk of the Board. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: None

**APPOINTMENT OF PROFESSIONALS**

Mr. Moore made a motion to appoint Mr. Sterbenz of Colliers Engineering and Design, Inc. to the position of Board Engineer, Mr. Bloch of Colliers Engineering and Design, Inc. to the position of Board Planner and Mr. Zakin of Azzolini and Benedetti, LLC to the position of Board Attorney for 2023. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: None

**SWEARING OF THE PROFESSIONALS**

Mr. Sterbenz was sworn in by Board Attorney Zakin.

Ms. Matusewicz was sworn in by Board Attorney Zakin.

**APPROVAL OF CONTRACTS FOR PROFESSIONAL ENGINEERING AND PLANNING SERVICES**

Mr. Stead made a motion to have the Board Chairperson and the Board Clerk sign the 2023 Professional Services Contracts for the Board Engineer and the Board Planner. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: None

**ADOPTION OF MEETING DATES AND TIMES**

Mr. Lambo made a motion to approve the official meeting dates and times as follows: January 24, 2023,February 28, 2023, March 28, 2023, April 25, 2023, May 23, 2023, June 27, 2023,
July 25, 2023, August 22, 2023, September 26, 2023, October 24, 2023, November 28, 2023,
December 11, 2023, January 23, 2024
All meetings of the Board shall be held at 7:00 PM at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: None

**ADOPTION OF OFFICIAL NEWSPAPERS**

Mr. Lambo made a motion to designate the Daily Record and NJ Herald as the official newspapers of the Board. Mr. Moore seconded the motion.

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

Opposed: None

Abstained: None

**APPOINTMENT OF THE FINANCIAL OVERSITE COMMITTEE**

Mr. Camporini appointed Mr. Stead and Mr. Moore as the Financial Oversite Committee.

**ADOPTION OF ROBERTS RULES OF ORDER AS OPERATING PROCEDURES**

Mr. Moore made a motion to adopt Roberts Rules of Order for 2023. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: None

**MINUTES**

Mr. Lambo made a motion to approve the minutes of the regular Land Use Board meeting held on December 12, 2022 as submitted. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: Moore, Stout, Graf

**RESOLUTIONS**

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

Mr. Moore made a motion to adopt the Resolution of Approval. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: Stout, Graf, Ferarra

**COMPLETENESS**

**Application #22-12 – Carlos Rojas & Carmen Carangui – 224-226 Franklin Street – B69, L5 – Use Variance**

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

Mr. Selvaggi referred to Mr. Sterbenz’s comments in his email dated January 17, 2023 and stated that a survey could not be located and inquired if an aerial map of the property would be accepted, and informed the Board that a floor plan has been submitted.

Mr. Sterbenz stated that he is satisfied with the submissions and recommended the Board deem this application complete.

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

In Favor: Moore, Stout, Wolfrum, Camporini, Stead, Anthony, Graf, Medcraft, DeAngelis, Ferarra

Opposed: None

Abstained: Lambo

**Application #22-13 – Hackettstown Crossing, LLC – 93-95 Main Street – B21, L18.02 – Minor Subdivision /Amended Preliminary Major Site Plan/Amended Final Major Site Plan/Bulk Variance**

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

Mr. Selvaggi introduced Denis Keenan, Engineer for the applicant, to comment on Mr. Sterbenz’s completeness report dated January 17, 2023.

Mr. Keenan stated the following:

* The application has not been filed with the Warren County Planning Board because an offsite traffic study has been requested and is in the process of being completed.
* A copy of the application will be submitted to the HMUA.
* A waiver is being requested for the Environmental Impact Statement because this is an amended application, and nothing has changed since the prior approval.
* The utility service letters will be provided.
* A temporary waiver is being requested for the submission of deed descriptions. These will be submitted upon approval.
* The sixty-year title search has been submitted.
* A waiver is requested for the submission of the Highlands Consistency Determination because this is an amended application and there will be no additional impact.
* A waiver is being requested for detailed information on abutting streets because this project is not modifying any of the abutting streets.

Mr. Sterbenz stated that there is no need to have the Highlands Council review the plans again and recommends their waiver be granted, however, he recommended deeming this application incomplete at this time due to the deficiencies outlined in his report.

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

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

Opposed: None

Abstained: None

**Application #22-14 – Ghalieh Holding, LLC – 111 Mill Street – B119, L104 – Minor Site Plan/Bulk Variance**

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

Mr. Selvaggi stated that some plan revisions need to be done per Mr. Sterbenz’s completeness report dated January 18, 2023.

Mr. Sterbenz recommended the Board deem the application incomplete based on his report.

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

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

Opposed: None

Abstained: None

**PUBLIC HEARING**

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

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

Application was presented by Michael Selvaggi, Esquire

Mr. Selvaggi introduced Armin and Nadia Huseinovic, owners of 107 Countryside Lane, who were sworn in by Board Attorney Zakin.

Mr. and Mrs. Huseinovic testified to the following:

* The home was purchased in 2016 and is a corner lot.
* There was an existing 4-foot fence around the property at the time of purchase.
* A 6-foot fence was installed in the same area as the existing 4-foot fence for privacy reasons by a fence company. The fence company indicated that a permit was not required.
* Surrounding homes in their neighborhood also have 6-foot fences.
* The 6-foot fence that has been installed is a board-on-board vinyl fence.

Mr. Camporini recommended landscaping be installed around the fence as a buffer to lessen the impact of the look of the fence. Mr. Sterbenz informed the Board that landscaping in certain areas along the fence would be in the right-of-way and is not allowed.

Mr. Camporini read a memo from Zoning Official David Diehl recommending the applicant remove two panels of fencing and relocating them back to the shed area.

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

Danielle Ferarra, neighbor of the applicant, stated that she felt the fence poses no blockage to drivers on the road.

There being no further questions, discussion returned to the Board.

Applicant attorney Selvaggi stated that he believes that the Applicant has proven hardship, however Board Planner Sterbenz found the C-2 variance appropriate as special reasons were cited that advanced the purposes of the zone. Mr. Sterbenz also stated that the 6-foot fence does not obstruct the sightline of motorists in the area.

Ms. Medcraft inquired about if approving this application would set a precedence for the Zoning Official referring people to the Land Use Board to install a 6-foot fence.

Joseph Clarke, 94 Main Street, Hackettstown, NJ was sworn in by Board Attorney Zakin to provide public testimony for the applicant.

Mr. Clarke stated that he has driven by the location and feels that the fence does not block traffic and does not affect the site.

Mr. Stout made a motion to approve the application. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: None

Ms. Ferarra returned to the dais at this time.

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

**Application #22-12 – Carolos Rojas & Carmen Carangui – 224 Franklin Street – B69, L5 – Use Variance**

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

Mr. Selvaggi introduced Jessica Caldwell, who was sworn in by Board Attorney and was qualified by the Board to testify as a professional planner for the applicant.

Ms. Caldwell testified to the following:

* The lot is a large lot located in the R12.5 zone.
* The lot is located in a transitional area with mixed uses in the area.
* There are four other two family residences in the area within 200 ft.
* This property is conforming with the zone and setbacks.
* The home looks like a single-family residence.
* There is no development proposed to the property or proposed changes.
* There is enough parking on the site for the residents.
* The use does not have any negative impact.
* There is no detriment to the zone plan.

Mr. Camporini recommended that if this application is approved, to notify the Building Department to be sure permits were taken out and an inspection can be done to be sure the building is up to code.

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

Mr. Stout made a motion to approve this application. Mr. Graf seconded the motion.

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

Opposed: None

Abstained: Moore

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

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

Mr. Selvaggi introduced Matt Czigler, 640 Washington Street, Hackettstown, President of Czig Meister Brewing and Frank Czigler, 28 Camp Wasigan Road, Blairstown, NJ, Vice President of Czig Meister Brewery to testify as fact witnesses.

Mr. F. Czigler testified to the following:

* They started their business in 2014.
* They would like to add a two-story addition to be able to add more fermentation tanks to the first floor and additional seating
* The second floor would be used primarily as a separate private party area.
* There would be two phases to the project. The first phase would allow approximately 225 seats in the brewery which would require three handicap parking spots.
* There is an easement with Dollar General to allow cars to go through their parking lot.
* The retail section and the tasting area will be from the current entrance, around the bar area to the garage door beer garden entrance.
* The size of the production area will not be increased and will remain as is.

Mr. Sterbenz stated that if there is going to be a dedicated retail area, it will need to be shown on the architectural plans.

Mr. Selvaggi introduced Ray O’Brien, Ray O’Brien Architects, 101 Route 94, Blairstown, NJ, who was sworn in by Board Attorney Zakin and was qualified by the Board to testify as a professional architect for the applicant.

Mr. O’Brien presented Sheet A-1 dated January 12, 2023 which showed the proposed addition to the building and also presented A-2, which shows the proposed first and second floor plan showing Phase I of the addition.

These plans were used to show the area where the retail area and packaged goods will be located as well as the bar area.

Mr. O’Brien presented Exhibit A-1, titled Perspective Rendering Along Valentine Street, showing the outside details of the proposed additions to the building along Valentine Street.

Mr. O’Brien testified that the width of the addition is approximately 48 feet, including the stairwell area and that building is approximately 23-24 feet away from the neighbor’s property line.

Mr. M. Czigler testified to the following:

* There will be year-round accessibility to the beer garden.
* The hours of operation will not change.
* They will be able to serve the same amount of people, but in a separate setting and throughout the year.
* The number of staff during operating hours will not change.
* More tanks will be installed making it possible for an increase in production.
* Hours of operation for production are approximately 6:00 am to 2:00 pm.
* Deliveries are currently brought by tractor trailer to Valentine Street once a week between the hours of 9:00 am and 2:00 pm. There will be no changes to the delivery process if the application is approved.
* There will be a 40x80 outdoor area behind the building addition with eight picnic tables with lattice type fencing to reduce noise levels.
* There will be no bands or music in the outdoor patio area in the building addition.
* The wooden barrels will be stored inside a container shed.

Mr. F. Czigler addressed the parking easement with Dollar General. Mr. Czigler stated that parking behind the Dollar General is available and encouraged if needed.

Mr. Selvaggi introduced Exhibit A-2, titled Easement Agreement for Driveway Access and Other Rights, prepared by Megan Ward, Esquire and recorded on November 12, 2015 at the Warren County Courthouse. It was agreed that this document will be verified that it is still current.

Mr. M. Czigler stated that written consent from the Dollar General is required in order to use a portion of their lot if it is needed for a special event.

Mr. Sterbenz expressed his concern with the proposed loading and unloading area as it is located in a no parking area of Valentine Street and the Police Department is not in favor of the location without the Town Council amending the ordinance to allow this specific area to be designated a loading zone. Mr. Sterbenz also expressed concern about the location of the handicap parking stalls on Valentine Street and the fact that cars entering and exiting the stalls will cross a public sidewalk. Discussion was held regarding the ability to put a pedestrian path from the parking lot on Lot 10 to Valentine Street with handicap accessibility.

Mr. Selvaggi introduced John Hansen, who was sworn in by Board Attorney Zakin and was qualified by the Board to testify as a professional engineer and planner for the applicant.

Mr. Hansen testified that there is a small piece of land that separates the lot 3 and lot 10 that is privately owned by someone other than the Cziglar’s and the owner of Dollar General that is not accessible and spoke regarding the difficulties of making the walkway from the back parking lot handicap accessible.

Mr. Sterbenz suggested removing Phase II from the application process at this time, revising the plans, and establishing a better idea for the parking lot and handicap parking stalls to be brought before the Board at the next meeting. The Board and the applicant were in agreement.

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

Mr. Lambo returned to the dais at this time.

Mr. Selvaggi inquired about the Board’s requirement of Mr. Toscana’s need to return to the
Board for approval to install sliding storm window in the outdoor patio at 223 Main Street that was approved at a prior meeting. Mr. Selvaggi explained that there would be no heat in enclosed patio area and it would not be used year round, but would protect the outdoor area from the elements.

The Board suggested presenting a drawing of what the windows would look like at February meeting. Mr. Selvaggi agreed that he will inform his clients to put together a proposal for the Land Use Board to vote on at the March meeting.

**NEW BUSINESS**

Mr. Lambo inquired what the Board would consider sufficient for the Parking Authority to provide to allow 237 Hack, LLC, 237 Main Street to use Lot 4 when they present their Land Use Board Application. It was agreed that a copy of the Parking Authority minutes would be sufficient.

**PUBLIC COMMENT**

Chris Morpeth, 148 East Prospect Street, Hackettstown, expressed concern to the Board that some residents are not receiving notice within the 200 foot list.

ADJOURNMENT

Mr. Moore made a motion to adjourn this meeting at 10:52 PM. Mr. Anthony seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Land Use Board Clerk