**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**February 28, 2023**

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 28, 2023 Meeting of the Town of Hackettstown Land Use Board was called to order by Chairman Camporini at 7:00 p.m.

**ATTENDANCE**

Present: Moore, Lambo, Wolfrum, Camporini, Stead, Graf, Medcraft, DeAngelis, Ferarra

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

Absent: Becker, Stout

**MINUTES**

Mr. Moore made a motion to approve the minutes of the regular Land Use Board meeting held on January 24, 2023 with the amendment of Mr. Lambo stepping down from the dais prior Application #22-09. Ms. Medcraft seconded the motion.

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

Opposed: None

Abstained: None

**RESOLUTIONS**

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

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

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

Opposed: None

Abstained: Ferarra

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

Mr. Graf made a motion to approve the Resolution of Approval. Ms. Ferarra seconded the motion.

In Favor: Wolfrum, Camporini, Stead, Graf, Medcraft, DeAngelis, Ferarra

Opposed: Moore

Abstained: Lambo

**COMPLETENESS**

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

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

Mr. Selvaggi stated that all of the incomplete items have been submitted.

Mr. Sterbenz confirmed the applicant’s resubmission addressed the deficiencies and recommended to deem the application complete.

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

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

Opposed: None

Abstained: None

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

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

Mr. Selvaggi stated that the tax certification, the Highlands exemption application and the title search have been submitted per Mr. Sterbenz’s completeness report dated February 21, 2023. Mr. Selvaggi requested a waiver for the historic impact statement for the reason that no work is being done to the building on the site.

Mr. Sterbenz stated that the deficiencies in his report have been addressed and recommended that the Board deem this application complete.

Mr. Moore made a motion to deem the application complete. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: None

**Application #23-01 – 237 Main Hack, LLC – 237 Main Street – B71, L8&9 – Preliminary Major Site Plan/Final Major Site Plan/Use Variance/Bulk Variance**

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

Mr. Selvaggi referred to Mr. Sterbenz’s completeness report dated February 24, 2023 and stated that the tax certification has been submitted, the lighting plan will be revised, requested a waiver for the landscaping plan, requested a partial waiver for the utility services, requested a partial waiver for the submission of the Environmental Impact Statement, and a waiver for the Historic Impact Statement.

Mr. Sterbenz stated that he is in agreement with the waivers, however, some of the deficiencies (i.e. lighting plan) must still be addressed and recommended that the Board deem the application incomplete at this time.

Mr. Moore made a motion to deem this application incomplete for the lack of submission of a lighting plan. Mr. DeAngelis seconded the motion.

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

Opposed: None

Abstained: Lambo

**PUBLIC HEARING**

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

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

**Application, continued from the January 24, 2023 meeting was presented by Michael Selvaggi, Esquire of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Mr. Selvaggi introduced Ray O’Brien, O’Brien Architects, 101 Route 94, Blairstown, NJ, who was previously sworn and qualified to testify as a professional architect for the applicant. Mr. O’Brien continues to be under oath from the previous meeting.

Mr. O’Brien presented Exhibit A-3 titled, Floor Plan, with a revision date of February 13, 2023 showing that phase 2 of the application has been withdrawn, the seating has decreased from 128 to 121, the modified display areas, the labeled sliding doors and a back area ramp from the main level to the driveway.

Mr. Sterbenz stated his concern with the steep incline of the service area ramp and the risk of injury and worker safety. Mr. O’Brien suggested bringing products into the building through the overhead doors and converting the ramp to steps, which Mr. Sterbenz was in agreement with and also suggested signage indicating “no deliveries”.

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. Selvaggi introduced John Hansen, P.E, P.P. of E&LP, Denville, NJ was sworn and qualified to testify as a Civil Engineer and Professional Planner.

Mr. Hansen testified to the following:

* The project has been reduced from a two phase to a one phase project
* On site ADA parking stalls have been addressed
* Evidence of Lot 10 has been provided to show a paved section for 75 parking stalls
* Potholes will be repaired within the access area from Madison Street

Mr. Hansen presented Exhibit A-4 titled, Detailed Site Plan (approved site plan of the 2019 application), Revision #5 with a revision date of November 8, 2019 showing the 52 original parking spaces that were required for the production areas per ordinance.

Mr. Hansen addressed that loading and unloading will take place in lot 10. Mr. Hansen also stated that the Applicant’s off site storage facility, 308 Stiger Street will be used as an alternate loading site.

Mr. Hansen referred to Mr. Sterbenz’s Technical Report 3 dated February 22, 2023.

Mr. Selvaggi stated that in 2015 a cross easement was filed for both Lot 1 and Lot 10 to allow vehicles to pass between them.

Discussion was held regarding the storage containers on Lot 10. It was suggested that the containers be fenced in or modified by siding them or painting them to make them less unsightly.

In reference to 2.01 of Mr. Sterbenz’s report, Mr. Selvaggi stated that an additional easement was proposed with the owners of Dollar General, however while they are fine with the current arrangement, they are not interested in putting an additional easement into place. The applicant stated that the ramp in lot 1 leading to lot 3 is only used during festivals and is supervised by employees during said events. The applicant agreed to encourage people to use Main Street to Valentine Street to access the brewery with signage during non-events. All such events will require a Town permit that will be signed by agents for both Lot 1 and Lot 3

Mr. Hansen stated that the following variances are required:

* D4 Variance for the request of a maximum of 0.76 floor area ratio
* The addition will serve as a noise barrier
* D1 Variance for a free standing sign on Lot 1 (6 ft. monument sign)
* D1 Variance for the principal use of Lot 10 for off-street parking
* D1 Variance for outdoor seating on Lot 3
* D1 Variance for outdoor storage on Lot 10
* C Variance include the following:
  + Front yard setback of 16.7 feet proposed for Lot 3
  + Side yard setback of 23.9 feet proposed for Lot 3
  + Lot coverage of 98.4% proposed for Lot 3
  + 75 Parking stall proposed (2 of which are EV compliant)
  + Maximum number of signs, 100 Square feet of signage on Lot 1 with new freestanding sign
  + Minimum sign setback on Lot 1 of 3.2 feet proposed
  + Loading area on lot 10
  + Lot coverage of 75.60% proposed on Lot 10

Discussion was held regarding having music played on the outdoor patios. The applicant stated that they would like to have music under the tent behind the building reduce noise levels. These events will be held only when a permit is obtained. It was agreed as a condition of approval that no music would be played on the two outdoor patios and if there is a band playing inside the building, the sliding doors will be closed.

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

Board Planner Bloch inquired if a restriction should be created on lot 10 to prevent future development due to the enhanced FAR on Lot 3. The applicant agreed to do so as a condition of approval.

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

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

Mr. Sterbenz suggested that the existing storage containers be sided and that if an expansion of the brewery is requested in the future, an appropriate structure per approval of the Board Engineer and Board Planner will be constructed for storage. The applicant agreed to do so as a condition of approval.

The applicant agreed that during events, the contents of the containers will be set up no earlier than one week prior to the event and will be put back into the containers no later than two weeks after the event.

Mr. DeAngelis made a motion to approve the application with the conditions that there will be no live music on the outdoor patios, when music is playing indoors, the doors will be closed, there can be outdoor music under the tent with a permit only, there will be no further building development on Lot 10, the improvement plan for the outdoor storage area to be reviewed and approved by the Board Engineer, the loading and unloading area will take place on Lot 10 or the alternate location of 308 Stiger Street, there will be a maximum of 225 seats, site plan and architectural plan revisions to be submitted to Mr. Sterbenz for approval, if the applicant comes back to expand the brewery beyond 225 seats they must complete the parking area in Lot 10 and develop a code-compliant pedestrian access agreement between Lots 3 and 10 and install a garage for storage and eliminate the existing storage containers. Mr. Moore seconded the motion.

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais at this time.

**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, French & Parrello Associates, 43 Newburgh Road, Hackettstown, to testify as the Engineer for the applicant. Mr. Keenen was accepted by the Board and sworn in by Board Attorney Zakin to testify as a professional civil engineer.

Mr. Keenan presented Exhibit A-1, titled Sheet 3 of 19 of the submitted Site Plan Application dated November 15, 2022 which showed a colored rendering of Sheet 3, which was submitted to the Board. Sheet 3 shows the phasing plan of Hackettstown Crossing, Phase 2C of B21, L18.02.

Mr. Keenan referred to Sheet 6 of 19 of the Site Plan set, Phase 2C of the project showing 2.5 acres, the proposed two buildings, a mixed use building allowing for retail on the first floor and 35 one bedroom units on the second and third floors, a Dunkin Donuts and the access drive from Main Street to Stiger Street.

Mr. Lambo inquired about the drive through access to Dunkin Donuts.

Mr. Keenen presented Exhibit A-2 titled Revision to Sheet 6 of 19 of the Site Plan for Hackettstown Crossing, Phase 2Cwith a revision date of February 28, 2023 showing the curbing, pavement and signage for Dunkin Donuts.

Mr. Keenen testified to the following:

* The applicant is asking for a total of 105 parking stalls.
* There are 19 carport parking stalls located in the back of the building that the apartments will extend over. These stalls will be made of concrete and will be available to the tenants in the apartments for use.
* There will be 15 regular EV parking stalls and one ADA parking stall.
* The parking stalls will be 9’x18’ in size.
* Parallel parking stall lengths will be increased to 22 feet.
* The space between the Townhome units (building one) and mixed use building will have a barrier or fencing of some kind.
* There will be two trash enclosures, one for Dunkin Donuts and one for the mixed use building.

Mr. Keenan informed the Board that the applicant is requesting relief for the following:

* The mixed use building has a fourth floor considered a half floor or mezzanine. They meet the 42 ft. requirement but not the three story limitation.
* The separation requirement between buildings
* The property line setback

Mr. Lambo inquired about only one lane entering into the Dunkin Donuts drive through.

Discussion was held regarding the back up of traffic from the drive through with the plan as it is being presented.

Mr. Sterbenz inquired about angling the parking stalls along the road off of Main Street, and stated that he feels it would be necessary. He also suggested that the site plan be updated to address everything in his review letter dated February 23, 2023 along with the circulation change for Dunkin Donuts and presented to the Board at the next meeting.

Mr. Selvaggi introduced Rob Larsen, CPL Partnership, 95 Matawan Road, Matawan, NJ who was sworn in to testify as a Professional Planner for the applicant.

Mr. Larsen was accepted as a professional and sworn in by Board Attorney Zakin.

Mr. Larsen presented Sheet 2 of 9 of the submitted architectural plan showing 35 one bedroom units, 34 of which are upper units and one of which is on the ground floor and handicap accessible. They range from 645 sq. ft. to 1,000 sq. ft. in space and have either one or one and a half bathrooms.

Mr. Larsen presented Sheet 3 of 9 showing the retail on the first floor, the entrance to the building and the carports in the rear of the building.

Mr. Larsen presented sheet 4 of 9 showing the first main residential floor above the retail.

Mr. Larsen presented sheet 5 of 9 showing the second floor of the triplex residential units.

Mr. Larsen explained that the applicant is taking advantage of the under roof space by adding a third level to use as a mezzanine. These mezzanines do not have closets or doors.

Mr. Lambo inquired about an elevator. Mr. Larsen stated that there is no elevator access in the building.

Mr. Larsen testified that 18 out of the 35 units will be the triplex units.

Mr. Larsen presented Exhibit A-3 titled, Perspective Image at Entry to Residential showing balconies on the first floor measuring 3.5 to 4 feet, the signage on the retail building and the windows in the mezzanines. Mr. Larsen stated that the roofing materials will be asphalt and metal, the exterior building materials will be siding and brick and the colors will be grays, blacks and whites.

Mr. Larsen presented Exhibit A-4 titled, Image at Front of Dunkin Donuts showing Streetscape showing the placement of the monument to the American Saw.

Mr. Larsen presented Exhibit A-5 entitled a Birdseye Down Road A.

Mr. Selvaggi stated that the units will be registered with the Town’s Landlord Registration Office to prevent any stacking issues.

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

Ms. Ferarra asked for clarification for the variance request.

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

Chris Morpeth, 148 East Prospect Street, Hackettstown, inquired about obtaining a copy of the latest plan.

Joseph Clark, 93 East Prospect Street, Hackettstown, inquired if he could submit questions in writing. It was explained that this is a public hearing and all questions must be asked verbally.

Ms. Medcraft asked if the mezzanine is considered living space and if it effects the fire department’s ability to access it.

Michele Morpeth, 148 East Prospect Street, Hackettstown inquired about the number of units originally proposed. Mr. Sterbenz confirmed the number previously approved was forty-two. Ms. Morpeth inquired about who would monitor the units to be sure extra bedrooms are not added. Mr. Selvaggi stated that the deed would be properly recorded and the units would be registered with the Town’s Landlord Registration office. Ms. Morpeth inquired about whether an on site inspection can be done right away or if twenty four hour notice must be given. Ms. Morpeth asked if the building height and the stories of the building were known at the time of application.

Mr. Lambo inquired if there would be a limit on the number of people on the lease. He was advised there would be a limit of two.

Mr. Bloch asked the applicant to define the difference between a mezzanine and loft. He was advised they are synonymous terms.

Mr. Selvaggi stated he had no more testimony to present, therefore will provide the Board with revised plans for the March meeting and asked that notice be carried to the March 28, 2023 Land Use Board meeting.

**OLD BUSINESS**

Mr. Sterbenz informed the Board that Lion Gate and Russo Properties are getting close to resolution compliance.

Mr. Moore made a motion to adjourn this meeting at 10:40 PM. Mr. Lambo seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Land Use Board Clerk