**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

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

**ATTENDANCE**

Present: Moore, Stout, Lambo, Wolfrum, Stead, Medcraft, Ferrara

Also Present: Board Engineer Wisniewski (filling in for Board Engineer Sterbenz), Board Planner Bloch, Board Attorney Zakin

Absent: Becker, Camporini, Anthony, Graf, DeAngelis

Also Absent: Board Engineer Sterbenz

**MINUTES**

Mr. Lambo made a motion to approve the minutes of the regular Land Use Board meeting held on February 28, 2023. Mr. Moore seconded the motion.

In Favor: Moore, Lambo, Wolfrum, Stead, Medcraft, Ferrara

Opposed: None

Abstained: Stout

**RESOLUTIONS**

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

This resolution of approval has been tabled until the April 25, 2023 Land Use Board Meeting.

**COMPLETENESS**

**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 of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Mr. Selvaggi informed the Board that the incomplete items referred to in Mr. Sterbenz’s report dated February 23, 2023have been addressed.

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

In Favor: Moore, Stout, Wolfrum, Stead, Medcraft, Ferrara

Opposed: None

Abstained: Lambo

**Application #23-03 – Robert Colucco – 81 Watch Hill Road – B119, L19.35 – Minor Site Plan/Bulk Variance**

**Application was presented by Mr. Colucco**

Mr. Colucco, owner of 81 Watch Hill Road, Hackettstown, was sworn in by Board Attorney Zakin.

Mr. Colucco stated that he is looking to replace the four foot fence in the rear yard with a six foot fence.

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

In Favor: Moore, Stout, Lambo, Wolfrum, Stead, Medcraft, Ferrara

Opposed: None

Abstained: None

**Application #23-04 – Karoun Holdings, LLC – 200 Grand Avenue – B80, L3 Preliminary Major Site Plan/Final Major Site Plan**

**Application was presented by Michael Selvaggi, Esquire of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Mr. Selvaggi requested the following waivers:

* A request for a historic impact statement is being made because there is no change being made to the structure
* The location of the utility structures within 200 feet of the tract boundary
* Plans and other information for streets abutting the tract
* Information on the number of employees and hours of operation
* The submission of an Environmental Impact Statement because there will be no impact to the site
* Utility letters
* Certification from the applicant on the completion of improvements
* Town Engineer certification on the completion of improvements

Mr. Moore made a motion to deem this application complete with the waivers as noted. Mr. Stout seconded the motion.

In Favor: Moore, Stout, Wolfrum, Stead, Medcraft, Ferrara

Opposed: None

Abstain: Lambo

**PUBLIC HEARING**

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

**Application #23-02 – Noe D. Morales Mejia – 918 Grand Avenue – B108, L3 – Section 68**

**Application was presented by Daniel McCarthy, 39 Maxim Drive, Hopatcong, NJ 07843**

Mr. McCarthy introduced Noe Morales Mejia, 4006 Sherman Boulevard, Bethlehem, PA, who was sworn in by Board Attorney Zakin to testify as a fact witness, Steven Voyce, general contractor from BOCHA Industries to testify as a contractor for the project was sworn in by Board Attorney Zakin and Christopher Davie, CRD Electric, LLC, 47A Fairmount Rd. Califon, NJ, to testify as an electrician for the project was sworn in by Board Attorney Zakin.

Mr. Morales testified to the following:

* The property was purchased by him on August 26, 2020
* It was a two family property at the time of this purchase
* The property has two kitchens, two entrances and two boilers

Mr. McCarthy presented Exhibit A1 dated March 28, 2023 showing the back of the of the building showing two entrances.

Mr. McCarthy presented Exhibit A2 dated March 28, 2023 showing the main entrance of the home.

Mr. McCarthy presented Exhibit A3 dated March 28, 2023 showing two electrical meters.

Mr. McCarthy presented Exhibit A4 dated March 28, 2023 showing the basement boiler.

It was agreed to carry this application to the April 25, 2023 Land Use Board meeting.

Mr. Stead inquired if the applicant has any proof that it was a two-family dwelling prior to the zoning change in 1968.

Mr. Voyce and Mr. Davie were sworn in by Board Attorney Zakin who were his contractor and electrician respectively.

Mr. McCarthy introduced Mr. Voyce who testified to the following:

* He has been a general contractor for six years
* The house has the original 2x4’s in the wall that separates the units
* Each side of units mirror each other
* There is radiator steam heat, no cooling in either unit and there is a wood burning stove in each unit
* There is a cesspool on the property
* The home sits on a stone rubble foundation
* Property records show the home was built in the 1900’s

Ms. Ferrara inquired if there is only one address associated with the dwelling. Mr. Voyce confirmed the property shows two addresses.

Mr. McCarthy introduced Mr. Davie who testified to the following that the electrical meters on the outside of the house lead to their own electrical panel using screw type fuses and the wiring through the house is BX wiring.

After no further discussion, it was agreed that this application and notice will be carried to the April 25, 2023 Land Use Board meeting so the applicant can gather more information showing the dwelling was a two family prior to 1968.

Mr. Lambo returned to the dais at this time.

**Application #22-13 – Hackettstown Crossings, LLC – 93-35 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 of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Mr. Selvaggi introduced Dennis Keenan to continue testimony as the applicant’s engineer who is currently still under oath.

Mr. Keenan introduced Exhibit A-6 titled, Rendered Site Plan for Hackettstown Crossing Phase 2C dated March 23, 2023 showing a copy of the submitted site plan displaying coloring and the two one way lanes by the Dunkin Donuts.

Mr. Keenan testified to the following:

* There is now 45 degree angled parking
* The Main entrance is still two-way
* A stop bar has been added to discourage drivers from entering the one way lanes near Dunkin Donuts
* The parallel parking stall size has been increased to 22 feet
* “No Left Turn” signs will be installed exiting Dunkin Donuts onto Route 46
* There is a proposed amount of 97 parking stalls
* A fire hydrant was added at the corner of the mixed use building
* The zoning table was updated to reflect the proposed four story building
* The landscaping plan has been updated
* The applicant is working with the power company with regard to the underground wires and the landscaping plan

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

Mr. Lambo inquired about raising the curb on the Main Street exit to prevent cars from turning left out of the parking lot. Mr. Keenan stated that the request could be considered.

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

Chris Morpeth, 148 East Prospect Street, Hackettstown, asked for clarification on the “do not enter” section of the Dunkin Donuts and the drive through traffic flow. Mr. Morpeth suggested making the bypass lane out of the Dunkin Donuts drive through a “right turn only”. Mr. Morpeth stated that the speed of the cars at the intersections and the entry of the Dunkin Donuts is a concern of his.

Mr. Selvaggi introduced Eric Liepins, Principle Architect at Zelta Design, 139 Chestnut St., Nutley, NJ, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a professional architect.

Mr. Liepins testified to the following:

* The applicant is proposing a 1916 square foot single story drive through Dunkin restaurant
* There are 14 seats proposed
* The will be two ADA compliant restrooms
* Threw will be two drive through widows with orange canopies covering them
* The building will have stone veneer on the bottom with darker gray brick façade
* There will be a total of three non-illuminated signs on the building

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

Greg Gaertner, 20 Seymour Terrace, Hackettstown inquired whether there will be tinting or screening on the windows. Mr. Liepins stated that there will not be tinting or screening on the windows.

Michele Morpeth, 148 East Prospect Street, Hackettstown inquired about the parking lot lighting. Mr. Keenan stated that there will be standard LED lighting projecting downward and there will be gooseneck lighting on the signage, which will only be lit during store hours.

Mr. Bloch inquired about LEED energy and if it will be proposed for the building. Mr. Liepins stated that they will be in compliance with the National Energy codes.

Mr. Wisniewski inquired if the entire building and site will be ADA compliant. Mr. Liepins stated that it will be ADA compliant. Mr. Wisniewski also stated that the lighting levels meet the ordinance requirements.

Chris Morpeth inquired how much seating there will be for Dunkin Donuts customers. Mr. Liepins stated there will be 14 seats.

Mr. Morpeth asked for clarification that the signs will not be backlit. Mr. Liepins confirmed that the signs will not be backlit.

Mr. Selvaggi introduced Rob Larson wo was previously sworn in and qualified to testify as a professional architect and planner.

Mr. Larson stated that the applicant is requesting three C Variances. The first is for the proposed four story mixed use building, the second is for a 6 foot sidewalk where a 10 foot sidewalk is required, and the third is for the 2 foot signage setback where 5 feet is required.

Mr. Larson presented Exhibit A7 titled, Section of the Building with the Elevation of the Building and Partial Site Plan, dated March 28, 2023 showing a partial site plan and typical building section graphic of the different floors of the building.

Mr. Larson stated that his project has no detriment to the public and is not out of line with the redevelopment plan.

Ms. Ferrara inquired how many people will be allowed on the apartment leases. The applicant stated that two people will be allowed on each lease.

Mr. Bloch stated that there will be a deed restriction to prevent any conversion of the office or loft into a bedroom.

Mr. Larson presented Exhibit A8, titled More Accurate Rendering of View into Courtyard, showing the actual colors of the building.

Mr. Bloch inquired about whether there would be any continuity of the business signage. Mr. Larson stated that there will be a signage plan for the businesses.

Mr. Stead asked if anyone from the public has any questions at this time.

Michele Morpeth inquired about how many parking spaces are proposed for the apartment building and if it will be enough to accommodate the possibility of more than two people occupying an apartment. Mr. Keenan stated that there are 97 parking spaces proposed.

Mr. Lambo inquired if there will be assigned parking spaces to the apartment tenants. Mr. Keenan stated there will be no assigned parking spaces.

Chris Morpeth inquired about how much acreage Dunkin Donuts has and if it will be subdivided so Dunkin Donuts will own the property. Mr. Keenan stated that the Dunkin Donuts sits on .69 acres and the apartments sit on 1.8 acres, and that they will own their subdivided property.

Mr. Stout made a motion to approve the application with the following variances, the fourth floor mezzanine, the separation between the buildings, the property line setback, the sign setback and the sidewalk size, as well as the condition of creating a cross access agreement with CVS for parking. Mr. Moore seconded the motion.

In Favor: Moore, Stout, Lambo, Wolfrum, Stead, Medcraft, Ferrara

Opposed: None

Abstained: None

Mr. Lambo left the meeting at 9:07 PM.

**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 as presented by Michael Selvaggi, Esquire of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Mr. Selvaggi introduced Candice Davis, PE of Yannaccone, Villa & Aldrich, LLC, Chester, NJ, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a professional engineer.

Ms. Davis testified to the following:

* The site is fronted only on Main Street
* The site is surrounded by retail and commercial

Ms. Davis presented Exhibit A1 titled, Colored Version of Sheet 1 of the Site Plan
Ms. Davis presented Exhibit A2 titled Colored Version of Sheet 2 of 9 showing the existing conditions on the site
Ms. Davis presented Exhibit A3 titled, Colored Version of the Zoning Plan, Sheet 3 of 9 showing the Main proposal of the site. The applicant is requesting apartments on the second floor, retail on the main floor and an apartment in the basement of the building. A variance is being requested for the basement apartment.
Ms. Davis presented Exhibit A4 titled Colored rendering of Sheet 4 of 9, showing the parking area of the project. Ms. Davis stated that permission was received from the Hackettstown Parking Authority to allow tenants of the building to use six parking spaces. The parking spaces for the residential uses will be leased by the landlord from the Hackettstown Parking Authority. The Parking Authority also agreed to allow access to the municipal lot during construction of the project.
Ms. Davis presented Exhibit A5 titled, Colorized Version of Sheet 5 showing the showing the grading plan. The first floor will be 2.5 feet higher than the existing floor grade and there will be ADA access from the parking lot to the building, there will be a 10x10 enclosure for waste disposal and there will be five concrete pads along the side of the building to accommodate air conditioning units for the building.
Ms. Davis presented Exhibit A6 titled Colorized Site Plan Sheet 6 of 9 showing the utilities plan.
Ms. Davis presented Exhibit A7 titled Proposal of Construction, Sheet 7 of 9.

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

Mr. Moore inquired how close the air conditioning units will be to the building next to the site.

Mr. Bloch inquired what the set back distance is for the air conditioning units from the property line. Ms. Davis stated that the pads are 3x3 feet but will consider making them smaller to comply with setback requirements.

Mr. Wisniewski inquired about pedestrian access to the rear trash enclosure. Ms. Davis stated that the trash enclosure could be moved closer to the patio area to provide more access if needed.

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

Greg Gaertner, 20 Seymour Terrace, Hackettstown, inquired if the lower ADA compliant apartment is subterranean.

Mr. Selvaggi introduced Edward Neighbour, Parette Somjen Architects, LLC, 439 Route 46, Rockaway, NJ, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a professional architect.

Mr. Neighbour testified to the following:

* The building will have commercial retail on the main level.
* There will be two two-bedroom apartments on the second floor
* There will be a single bedroom basement level apartment
* There will be gooseneck lighting to illuminate the signage on the building
* There will be step lights along the walkway and stairs
* The lighting in the front of the building will be on timers and will not affect Lots 7 and 8
* The building materials will be hearty plank gray siding in gray, white corner boards with double hung windows

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

Mr. Bloch inquired about affordable housing units.

Bill Bertello, owner of 237 Main Hack, LLC was sworn in by Board Attorney Zakin, agreed to either pay a 6% fee or deed restrict an affordable housing unit.

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

Greg Gaertner, 20 Seymour Terrace, Hackettstown NJ was sworn in by Board Attorney Zakin and gave a brief history of the building.

Mr. Selvaggi introduced Rob Larson, CPL Partnership, Matawan, NJ who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a Professional Planner for the Applicant.

Mr. Larsen stated that a D Variance is being requested for this application because of the location of the unit on the ground floor and the C Variance is being requested because of the parking on the site.

Mr. Larsen stated that this project is suited to this site, there would be no impact on the public good, it would not impair the zone plan or zoning ordinance.

The Applicant agreed to a condition making the air conditioning units as small as possible and will work with Board Engineer Sterbenz to come up with an acceptable size and location for the units.

The Applicant also agreed to as conditions of approval:

1. Execute a lease agreement with Hackettstown Parking Authority
2. Maintain a chain link fence surrounding the site, including an opening for the parking area
3. A curb cut that is ADA compliant
4. To work with the Board Engineer to manage the drainage swale

Mr. Stout made a motion to approve the application to allow a mixed use building, to grant the D1 variance for the apartment, the C Bulk variance for the off street parking, and bulk variance for the air conditioning units on the side of the building. Mr. Moore seconded the motion.

In Favor: Moore, Stout, Wolfrum, Stead, Medcraft Ferrara

Opposed: None

Abstained: None

**NEW BUSINESS**

Mr. Stout informed the Board that he was approached by Mr. and Mrs. Russack, Hackettstown residents, regarding zoning concerns with a property across from theirs and that they may be attending the April meeting to address the Board with their concerns.

Mr. Moore made a motion to adjourn this meeting at 10:38 PM. Mr. Stout seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Clerk