**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**April 25, 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 April 25, 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, Stout, Lambo, Wolfrum, Camporini, Stead, Graf, Medcraft, DeAngelis

Also Present: Board Engineer Sterbenz, Board Attorney Zakin

Absent: Becker, Anthony, Ferrara

Also Absent: Board Planner Bloch

**MINUTES**

Mr. Stead made a motion to approve the minutes of the regular Land Use Board meeting held on March 28, 2023 as submitted. Mr. Moore seconded the motion.

In Favor: Moore, Stout, Wolfrum, Camporini, Stead, Medcraft, DeAngelis

Opposed: None

Abstained: Lambo, Graf

Mr. Camporini and Mr. DeAngelis were allowed to vote because they listened to the recording of the March 28, 2023 meeting.

**RESOLUTIONS**

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

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

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

Opposed: None

Abstained: Lambo

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

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

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

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**

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

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

Opposed: None

Abstained: 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, Esquire, 39 Maxim Drive Hopatcong, NJ 07843**

Mr. McCarthy presented a title search for the property, chain of title which included a 1934 Sheriff’s deed showing a two story and attic frame double house and a 1941 deed showing there is a second lot.

Mr. McCarthy introduced Christopher Teeter, Architect for Metamechanics, LLC Bell Works 101 Crawfords Corner Rd., Holmdel, NJ 07733

Mr. Teeter was sworn in by Board Attorney Zakin and was qualified by the Board to testify as a professional Architect.

Mr. Teeter testified to the following:

* The house is separated lengthwise down the middle, indicating that it was built as a two family home
* There are two staircases, two doors, two kitchens (mirrored/duplicate systems for 2 households)
* The framing and construction material, which consists of plaster and lathe, indicates the home has been existing for approximately 100 years
* There is a rubble foundation, which dates the house back to late 1800 to early 1900

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

Mr. Stead inquired if it was Mr. Teeter’s professional opinion that the house was built as a two family house. Mr. Teeter testified that there are two subpanels in the basement with glass fuses, so along with this and the previous testimony, he believes the house was built as a two family structure.

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

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais.

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

**Application was presented by Robert and Kelly Colucco, owner of 81 Watch Hill Road, Hackettstown, NJ**

Mr. and Mrs. Colucco were sworn in by Board Attorney Zakin to testify as fact witnesses.

Mr. Colucco testified to the following:

* There is an existing three foot fence in the back yard that he would like to replace with a six foot fence
* Approximately 100 feet of fence would be replaced with the six foot fence
* There is a cul-de-sac in the rear of the home
* There are front yards on three sides of the home
* They are applying for a C-Variance for the fence height
* The existing fence was installed by the previous homeowner
* They are concerned about the safety of their young children and their pet(s) and would like privacy

Mrs. Colucco testified that the six foot fence would provide safety and security for their family.

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

Mr. Lambo inquired if there would be plans to landscape the outer fence area. Mr. Colucco stated that there were no immediate plans to do so.

Mr. Sterbenz reported that he inspected the property and stated that there is in fact a privacy issue at the property.

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. Stout made a motion to grant the C-Variance and approve the application. Mr. Lambo seconded the motion.

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

Opposed: None

Abstain: None

Mr. Camporini reopened Application #23-02 and asked if anyone from the public had any questions regarding the application at this time.

Jeff Saunders, 122 Washington Street, Hackettstown, NJ asked for clarification on the location of the house.

There being no further questions or comments, and due to the fact that no negative comments or substantial changes were made to materially affect the previous vote, this application was closed without further action.

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

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

Mr. Selvaggi introduced Paul Couvrette of Nader House of Design, 111 Mill Street, Hackettstown, NJ 07840, who was sworn in by Board Attorney Zakin and qualified by the Board to testify as a professional Engineer.

Karen Wenschhof, part owner of Ghalieh Holdings, LLC and the Nader Group was sworn in by Board Attorney Zakin to testify as a fact witness.

Mr. Couvrette testified to the following:

* There is a white house in the front of the property
* There is a parking lot in the rear of the building
* There are two outbuildings on the site, which consist of a shed and garage
* There is gravel wrapped around the garage area that provides parking for service vehicles and a boat
* The lot consists of 1.77 acres and is the shape of an arrowhead
* The back of the lot is undeveloped
* There is a 300 foot riparian buffer from Bowers Brook
* There is a flood hazard limit line that generally parallels the northerly property line
* There is 95 feet of lot frontage where 120 feet is required
* There is 95 feet of lot width where 120 feet is required
* The front yard setback is 40.22 feet existing where 45 feet is required
* The accessory structure setback to the side is 1.54 feet where 10 feet is required

Mr. Selvaggi stated that there will be no modifications to the preexisting non-conforming conditions.

Mr. Couvrette explained the two changes that would require a variance are (1) that the parking that is proposed is less than 10 feet off of the property line on the east side of the property and (2) the applicant is not providing a 15’x40’ foot loading area.

Mr. Couvrette pointed out the area on Sheet C-03 which shows the parking area that had been covered with additional stone. Mr. Camporini asked how much soil had been trucked in, to which Mr. Couvrette stated approximately 80 cubic yards.

Mr. Sterbenz explained to the Board that the applicant is expanding the parking lot by more than four stalls, which requires a site plan approval, and a bulk variance is required because the edge of the parking lot is less than 10 feet from the neighboring lot.

Mr. Lambo inquired about the removal of trees to expand the parking area. Mr. Selvaggi stated that the trees were removed beyond the darker area on Sheet C-03 showing the gravel parking area and were removed because they were either dead or dying.

Mr. Graf inquired if the original Ash trees provided a barrier between the property and Willow Grove Street residents. Ms. Wenschhof stated that they did not provide a barrier.

Mr. Couvrette stated that there will be motion censored lighting to allow people to get to their vehicles at night.

Mr. Zakin inquired if any work vehicles will be left on the lot overnight. Mr. Couvrette stated there would be three vans and two boats on the lot.

Mr. Wolfrum inquired if there will be a buffer between the two lots where the vehicles are parked. Mr. Couvrette stated that there is a privacy fence between the lots.

Mr. Camporini inquired about compliance with the State’s flood hazard regulations. Mr. Couvrette stated that the work that was done was “covered under permit” by rule #10.

Mr. Couvrette stated that a drywell, or drywells, will be installed at the lower back corner of the parking lot.

Mr. Couvrette referred to Mr. Sterbenz’s Technical Report dated April 19, 2023 and addressed the design waivers in section 2.01 as follows:

* 502B request is withdrawn
* 508A1 will be addressed
* 508A3-Mr. Couvrette stated that he is unsure if there is enough room to plant trees or landscaping
* 508C1-The parking lot has always been stone and has never been paved
* 508C2-There is no need to designate traffic flow as the lot will mainly be used by employees and an occasional client
* 508C6-They are not able to stripe gravel
* 508C7-This refers to Lot 99 & Lot 100 on Willow Grove Street and Mr. Couvrette stated that there is a fence there

Mr. Couvrette stated that the applicant would like to keep the block foundation under the garage in case they would like to rebuild the garage at some point, which is now flush with the current driveway.

Mr. Couvrette stated that installing bumper blocks would make it difficult to snowplow during snow storms and agreed to install a fence so as not to have stone or debris encroach onto the neighboring property.

Mr. Couvrette informed the Board that a soil test was submitted, and the report showed the soil was clean.

Mr. Couvrette agreed to submit a revised site plan showing the wall mounted light fixture on the garage facing southward as well as conditions to include a 2.2 ft. border separation fence to prevent stone creep. The applicant agrees to work with the Board Engineer for both appropriate fencing an appropriate storm water management, including possible dry wells, and appropriate shrubs will be planted to buffer parking lot.

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

Mr. Lambo stated that he would like to have at least three trees replanted in the area where the Ash trees were removed.

Mr. Moore inquired about the type of business that is run out of this site. Ms. Wenschhof, owner of the Nader Group and Ghalieh Holdings, stated that the Nader Group is an architect and engineering firm.

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

Peg Sheldon Russack, 209 Maple Avenue, Hackettstown, stated that the Town is only planting trees on rights-of-way and not private property.

Mr. Stout made a motion to approve the application to grant minor site plan approval and bulk variance with the conditions that the applicant will work with the Board Engineer for reasonable Stormwater mitigation, appropriate fencing, screening and landscaping, soil testing to be reviewed and approved by the Board Engineer, and the applicant will comply with the Board Engineer's Technical Report dated April 19, 2023. The applicant must have the site improvements completed along with the survey of the property no later than six months from the date of this meeting.

Mr. Moore seconded the motion.

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

Opposed: None

Abstained: None

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

**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 introduced John Hansen of E&LP, Engineering Associates, Inc., 400 Morris Avenue, Suite 210 Denville, New Jersey 07834 and was sworn in by Board Attorney Zakin and qualified by the Board to testify as a professional Engineer and Planner. Mr. Selvaggi stated that prior Resolution #22-07 memorialized the successful application for a D Use Variance for a Food Testing Lab and this is the second part of that bifurcated application.

Mr. Hansen testified to the following:

* This site is a corner lot located on Block 80, Lot 3 and is a commercial site
* A dedicated solid waste and recycling area will be constructed
* The bollards will be removed from the drive through lane
* The curbing and sidewalk will be repaired
* Existing landscaping will be freshened up and will also be placed at the northerly drive through lane and the subject property
* Fence sections surrounding the property will be repaired
* Landscaping will be done at the front of the property
* The current ground mounted lights will be removed
* Two signs will be installed, one on Grand Avenue and one on Washington Street, and will not be internally illuminated. Both of these signs together would total 59 square feet
* One vehicle charging station will be installed
* ADA ramps will be up to code
* The site lighting will be upgraded to LED lights
* This project is exempt from the Highlands requirements
* This project is exempt from soil conservation approval
* This project is exempt from County requirements
* There is no substantial detriment to the public good or the zoning ordinance

Mr. Hansen addressed the technical comments in Mr. Sterbenz’s Technical Review dated April 19, 2023 and stated that traffic signage will be replaced. Mr. Hansen stated that the applicant would like to keep the canopy as it will be expensive to remove, and it will be used for loading and unloading purposes.

Mr. Selvaggi introduced Tim Burke, Director of Logistics for IEH Laboratories, who was sworn in by Board Attorney Zakin.

Mr. Burke explained the purpose of using the front door only for deliveries of samples. He explained this would be the designated entry to eliminate any contamination from any outside source to protect the chain of custody.

Mr. Sterbenz stated that revisions to the site plan and architectural plan need to be made to include improvements between the canopy and front door. These improvements would include sidewalks, a curb ramp, etc.

Mr. Burke stated that there will be a maximum of two vehicles parked in the lot overnight.

Applicant agreed to the following conditions: loading against building, bollards on sidewalks and drive through window will be removed, driveway on Grand Avenue will be exit only, front door ingress/egress and lighting and sidewalk improvements will be added to the site plan.

Mr. Camporini asked if any Board 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.

Jeff Saunders, 122 Washington Street, Hackettstown, inquired about the fence materials and requested that it remain wood. Mr. Saunders also inquired about the removal of a tree stump that is located at the top of his driveway on the applicant’s property. Mr. Selvaggi agreed that the stump will be removed by the applicant. Mr. Saunders inquired about the position of the lighting to be sure his home would not be impacted by it. He was assured the lighting would be angled downward and would not impact his home.

Mr. Saunders was sworn in by Board Attorney Zakin. Mr. Saunders stated that he would recommend that the yellow brick portion of the building be painted a red color and the metal trim be done in a slate gray or black color. Mr. Burke assured Mr. Saunders that he would speak to the owners regarding his concerns.

Ms. Medcraft made a motion to approve the site plan application with the conditions in Mr. Sterbenz’s report dated April 19, 2023 and that the site plan and architectural be revised to show the use of the front door, the improvements to the loading and unloading area, and the sidewalk and curb ramp. Mr. Moore seconded the motion.

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais at this time.

**NEW BUSINESS**

 Mr. Sterbenz distributed a colorized rendering which shows the architectural renderings of what was approved in the February 2017 resolution of approval for the Hackettstown Crossings townhouse buildings and the updated version of what Ryan Homes would like to build now. The Board was in agreement that they construct the townhouse buildings based on the new colored rendering Mr. Sterbenz presented.

**PUBLIC COMMENT**

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

Darrin Matusewicz, owner of 93 East Stiger Street, Hackettstown, expressed his concerns about the time it took to create an ordinance regarding Hackettstown Crossings and how the Board approved the application, specifically the mezzanines in the apartments, without taking the details of the ordinance and the public’s concerns into consideration. Mr. Matusewicz also expressed concern regarding the flooding that occurred during a rainstorm that recently occurred and inquired about what will be done about future flooding.

Mr. Sterbenz explained that the site is unfinished at this time and that there was a large amount of rain that fell during a short time during the storm in question. Mr. Sterbenz stated that when construction is complete, the flooding issues will be corrected.

Michele Morpeth, 128 East Prospect Street, Hackettstown, inquired about who would inspect the rental units if the Town does not have a Landlord Registration inspector. Mr. Lambo informed Ms. Morpeth that the Town is in the process of hiring an inspector.

Mr. Moore made a motion to adjourn this meeting at 9:15 PM. Mr. Stead seconded the motion.

All were in favor.

Mary Matusewicz

Clerk