**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**August 22, 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 August 22, 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, Wolfrum, Camporini, Stead, Anthony, Medcraft, DeAngelis, Ferarra

Also Present: Board Engineer Sterbenz and Board Attorney Zakin

Absent: Becker, Lambo, Graf

Also Absent: Board Planner Bloch

**MINUTES**

Mr. Anthony made a motion to approve the minutes of the regular Land Use Board meeting held on July 25, 2023 as submitted. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: Stout, Wolfrum, Ferarra

**COMPLETENESS**

**Application #23-11 – 237 Main Hack, LLC – 237 Main Street – B71, L9 – Amended Preliminary Major Site Plan/Final Major Site Plan
Application was presented by Michael Selvaggi, Esquire of Lavery, Selvaggi, Abromitis & Cohen, PC, Hackettstown, NJ**

Board Engineer Sterbenz informed the Board that the applicant submitted an updated tax certification and recommended the Board deem this amended application complete at this time.

Mr. Stead made a motion to deem this application complete. Mr. DeAngelis seconded the motion.

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

Opposed: None

Abstained: None

**Application #23-09 – Jiffy Lube International, Inc. – 213 Mountain Avenue – B55, L20 – Preliminary Major Site Plan/Final Major Site Plan/Bulk Variance**

Mr. Zakin explained that the required notice was not given in the local newspaper and that the applicant requested that the application and notice to property owners within 200 feet be carried to the September 26, 2023 Land Use Board meeting. Mr. Zakin stated he will speak to the applicant’s attorney regarding the 200 foot list notification.

**Application #23-10 – LTCW, LLC – 300 Mountain Avenue – B129, L16.01 – Use Variance**

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

Mr. Selvaggi requested the application and notice be carried to the September 26, 2023 Land Use Board meeting so that the applicant, Mr. Schiano, can be present to testify.

Mr. DeAngelis made a motion to carry the application and notice to the September 26, 2023 Land Use Board Meeting. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

**PUBLIC HEARING**

**Application #23-11 – 237 Main Hack, LLC – 237 Main Street – B71, L9 – Amended 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 explained that the applicant is requesting to amend the approved resolution that was adopted on April 25, 2023 to allow for an additional story to be built. Mr. Selvaggi explained that the proposed height of the amended building is under the 40 foot maximum height, however because there is a basement floor, another story would make the building four stories.

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 presented Exhibit A1, entitled Original Elevation Sheet, dated March 27, 2023 showing the original plans that were approved at the March 28, 2023 Land Use Board Meeting.

Mr. Neighbour testified to the following

* The additional proposed story will be used as a two bedroom unit.
* The residents would enter the building from the sidewalk that connects to the municipal parking lot.
* There is no fire escape proposed, however fire sprinklers will be installed.
* The application will be reviewed by the Mt. Olive Fire Official as a condition of approval.
* The setback from the front of the building is 30 feet.

Mr. Anthony inquired about installing a mansard roof as a measure of fire safety instead of the pitched roof. Discussion was held regarding the different fire safety measures that could be taken for the additional floor.

Mr. Neighbour presented Exhibit A2 entitled Amended Elevations dated June 14, 2023 showing the currently proposed exterior elevations of the building.

Mr. Selvaggi referred to Mr. Sterbenz Completeness and Technical Report dated August 18, 2023 and stated that two additional parking spaces have been secured in the municipal lot to accommodate tenants on the additional floor, with the permission from the Hackettstown Parking Authority.

Mr. Selvaggi addressed the need for professional testimony regarding the bulk variance. Because the basement apartment creates the fourth story, however the building will not exceed the height requirement and because of the condition for review by the Mt. Olive Fire Official, he is requesting no further testimony be given at this time.

Mr. Neighbour introduced Exhibit A 3, entitled Section and Detail of the Exterior Stair Railing, dated August 22, 2023, showing the guardrail and exterior stairs and railing looking toward East Plane Street, which will be indicated on the site plan.

Mr. Selvaggi stated that the existing utilities will be extended to the building and will be added to the plans and any disturbance created along Main Street to accommodate the connection of the utilities will be repaired.

Mr. Selvaggi stated that the site plan will be revised to remove the Sugar Maple tree and perennial plantings and that Sheet 5 on the site plan will also be revised to indicate the 548 contour on the east side of the building.

Mr. Sterbenz advised the Board that he is withdrawing Comment #7 on page 4 of his report to revise the plans and details for the dry well, as he has spoken to the applicant’s engineer and is satisfied with the results of that discussion.

Mr. Selvaggi indicated that the applicant agrees with the conditions listed in Mr. Sterbenz’s report and will work with the Parking Authority to execute a lease agreement for a total of 8 parking spaces in the municipal lot.

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

Mr. Anthony inquired about the second floor windows being egress windows. Mr. Neighbour stated that the bedroom and living room windows are egress windows. Mr. Anthony inquired about whether there are egress windows on the top floor and if there can be egress windows added to the back of the building. Mr. Neighbour stated that there are egress windows in the bedrooms and living room of the apartment on the third floor and indicated the plans will be adjusted to show that the window near the stairway will also be egress.

Mr. Selvaggi introduced Rob Keller, member of 237 Main Hack, LLC as well as owner of R. Keller Construction, 27 Harrison Street, Dover, NJ, to testify as a fact witness.

Mr. Keller testified that the distance from the window at the top of the stairs to the ground level is between 24-25 feet. Mr. Keller stated that he feels that putting a mansard roof as a solution to the fire safety issue would introduce other safety hazards if people are using that particular space recreationally.

Some suggestions the Board made to address the fire safety issues pertaining to the proposed new unit were to install a deployable fire ladder, installing a small porch onto the new unit, which would cut into the roofing, add more egress windows to the unit, or possibly adding a porch/balcony to match the lower units.

Mr. Moore inquired if all the internal doors were automatic closures. Mr. Neighbour stated that they were automatic closures, and that the stairwell is a fire rated enclosure.

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 approve the amended application to add an additional floor with a two bedroom unit with the conditions that the applicant will comply with the Mount Olive Fire Official’s recommendations for fire safety precautions, egress windows to be added to the top floor and rear of the building, compliance with the engineer’s recommendations in his report dated August 18, 2023, with the exception of #7, which was withdrawn by Mr. Sterbenz, the handrail revision to be added to the site plan, the planting revisions, the additional spot grades in the sidewalk areas, the indication of the 548 contour on the east side of the building and finally the number of leased parking stalls to be changed from six to eight. Mr. Moore seconded the motion.

In Favor: Moore, Stout, Wolfrum, Camporini, Stead, Ferarra

Opposed: Medcraft, DeAngelis

Abstain: Anthony

**OLD BUSINESS**

Mr. Stout inquired about all commercial plans going to the Fire Official for review prior to each meeting. It was agreed going forward that all plans will be submitted to the Fire Official.

Mr. Selvaggi addressed the Board regarding Condition D on page 12 of the approved Hackettstown Crossing Associates, LLC, Phase 2C resolution adopted at the April 25, 2023 Land Use Board meeting that required a cross easement with CVS for parking and requested that the condition be eliminated from the resolution.

Mr. Wolfrum made a motion to strike the condition for the cross easement with CVS from the resolution. Mr. Stout seconded the motion.

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

Opposed: None

Abstained: None

Mr. Selvaggi asked the Board to permit Hackettstown Crossing Associates, LLC to start development of the project.

Mr. Sterbenz informed the Board that he feels that the condition requiring the applicant to receive Warren County Planning Board approval should be waived temporarily because it would delay further development by several months, but all other conditions must be addressed. Discussion was also held regarding the completion of the streetscape to be done during the Phase 2C project completion.

Mr. Stead made a motion to allow a temporary waiver for approval from the Warren County Planning Board to allow for Hackettstown Crossing Associates, LLC to begin developing the project. Mr. DeAngelis seconded the motion.

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

Opposed: None

Abstained: None

Mr. Camporini spoke about the parking of trailers at the Mars parking lot and asked if the zoning official’s office could inspect the site for any ordinance violations.

**ADJOURNMENT**

Mr. Moore made a motion to adjourn this meeting at 8:54 PM; Mr. Stout seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Clerk