**TOWN OF HACKETTSTOWN**

**MINUTES**

**Land Use Board**

**September 26, 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 September 26, 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, Wolfrum, Camporini, Stead, Graf, Medcraft, DeAngelis

Also Present: Board Engineer Sterbenz and Board Attorney Zakin

Absent: Becker, Stout, Lambo, Anthony, Ferarra, DaRonco

Also Absent: Board Planner Bloch

Mr. Lambo entered the meeting at 7:01 PM.

**MINUTES**

Ms. Medcraft made a motion to approve the minutes of the regular Land Use Board meeting held on August 22, 2023 as submitted. Mr. Stead seconded the motion.

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

Opposed: None

Abstained: Lambo, Graf

**RESOLUTIONS**

**Application #23-11 – 237 Main Hack, LLC – 237 Main Street – B71, L9 – Amended Preliminary Major Site Plan/Final Major Site Plan**

Mr. DeAngelis made a motion to approve the resolution of approval. Mr. Wolfrum seconded the motion.

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

Opposed: None

Abstained: Lambo, Graf

**PUBLIC HEARING**

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

Mr. Sterbenz informed the Board that the applicant was not prepared to appear before the Board and the applicant requested to carry the application and notice to the October 24, 2023 regular Land Use Board meeting.

Mr. Stead made a motion to carry the application and notice to the October 24, 2023 Land Use Board meeting. Mr. Lambo seconded the motion.

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

Opposed: None

Abstained: None

**INTERPRETATION**

**Application #23-12 – Main Street Hospitality and Events, LLC – 269 Main Street – B72, L19 – Appeal of Zoning Officer Decision per N.J.S. 40:55D-70a & N.J.S. 40:55D-72a**

**The applicant was represented by Matthew Sontz, Esquire, 53 Cardinal Drive, Westfield, NJ 07090, assisted by Michael Mule, Esquire, 40 Wall Street, New York, NY 10005.**

Also present for the application was the applicant, Chris Barrett, owner of Main Street Hospitality and Events, LLC, Marcin Podgrony, owner of the property at 265 Main Street, Hackettstown, NJ and Siva Gunasegaram, a producer and branding specialist, who were sworn in by Board Attorney Zakin.

Mr. Sontz presented Exhibit P1 entitled, Photograph of 269 Main Street, which shows the building where the proposed business will be going.

Mr. Sontz presented Exhibit P2 entitled, Copy of Proposed Menu, showing the list of menu items to be sold at this location.

Mr. Barrett testified to the following regarding the proposed pizza restaurant:

* The name of the business will be Pizza Pusha
* The proposed hours of operation will be from 4:00 PM to 11:00 PM
* Customers of all ages will be able to walk into the restaurant and get a slice of pizza during all operating hours, the operation is intended exclusively as a family friendly venue
* There are existing pizza ovens in the building
* There will be tables and chairs for customer use
* The events that are proposed will be birthdays, graduation parties, etc., which will take place in the outside back area of the building.

Mr. Sterbenz clarified that any outdoor use in the TCC zone would require the applicant to return to the Board for site plan approval.

Mr. Zakin asked the applicant for clarification regarding a website advertising a cannabis related business by the name of Stoned Pizza operating out of 269 Main Street.

Mr. Barrett explained to the Board that the web designer he uses mistakenly put the website up, the business was never open, he has not operated any business in Warren County and the website information has been removed.

Mr. Sterbenz recited Section 70A of the Municipal Land Use Law, which addresses appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on the zoning ordinance.

Mr. Camporini inquired if the applicant operates any cannabis infused pizza or other foods in any other locations and Mr. Zakin asked for those locations to be listed. Mr. Barrett stated he does operate cannabis infused pizza restaurants, however he refused to discuss his other business locations.

Mr. Graf inquired if the applicant operates any non-infused cannabis pizza restaurants. Mr. Barrett stated that he plans to open three non-infused cannabis pizza restaurants, but none are currently open or operating at this time. The locations of these proposed restaurants include Catskill, NY, Philadelphia, PA and Hackettstown, NJ.

Mr. Zakin presented an article from the Philadelphia Inquirer in which the applicant’s restaurant was shut down due to operating against local ordinances. Mr. Sontz informed the Board that the business was not open for business and the violations that were issued had nothing to do with cannabis.

Mr. Zakin asked if Mr. Barrett is legally able to serve cannabis infused food in the New York restaurant or other jurisdictions where his pizza is sold. Mr. Mule stated that the applicant has not received any violations for operating at that location or any other location in New York because the regulatory and enforcement scheme is different in each location.

Mr. Zakin inquired about the applicant’s desire to open his business in the Town of Hackettstown.

Mr. Barrett admitted that he believed he was visiting Hackensack, NJ and was not aware he was actually in Hackettstown when he visited the Town. Mr. Barrett stated that he liked the Hackettstown location and when he met Mr. Podgrony, he decided to open his business in his building.

Mr. Zakin inquired if there will be a manager at the location in Hackettstown and if Mr. Barrett planned to be at the location. Mr. Barrett confirmed that a manager will be on location at the Hackettstown restaurant, and he does not plan on being in Hackettstown on a regular basis in relation to the restaurant.

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

Peg Sheldon Russak, 209 Maple Avenue, Hackettstown, NJ inquired about Mr. Lambo’s participation as a member of Council in this interpretation application. Mr. Zakin confirmed that Mr. Lambo should step down from the dais, which Mr. Lambo did at this time.

Ms. Russack also inquired about work that has been done in the back yard of the applicant’s location, 269 Main Street, and whether the owner had permission from DEP to do such work. It was determined that this question did not pertain to the application being heard. Ms. Russack also stated that being a long time resident of Hackettstown, she has concerns of this business opening in Town.

There being no further questions or comments, Chairperson Camporini closed the public comment and discussion returned to the Board at this time. Chairperson Camporini stated he was relying on the Applicants sworn testimony that they will comply with all applicable laws.

Mr. Moore made a motion to reverse the February 2, 2023 denial of the Zoning Officer and deem this application as a legal permitted use of the business and direct the Zoning Officer to issue a permit to the applicant with the condition that all business will take place within the building and that the applicant will return to the Board for all appropriate approvals for any intended outdoor use. Mr. Wolfrum seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Graf

Opposed: Stead, Medcraft, DeAngelis

Abstained: None

**PUBLIC HEARING**

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

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

## Mr. Lavery introduced Tom Schiano, Owner of Mamas Pizza Café Baci, Coach Room and [Bello Giorno Estate](https://www.bing.com/ck/a?!&&p=2a05646c9cbf6413JmltdHM9MTY5NjM3NzYwMCZpZ3VpZD0zYjE2YjFkNC04OWZmLTYwNzItMjA4OS1hM2M1ODg5ZDYxMDMmaW5zaWQ9NTUxNA&ptn=3&hsh=3&fclid=3b16b1d4-89ff-6072-2089-a3c5889d6103&u=a1aHR0cHM6Ly93d3cuYmluZy5jb20vYWxpbmsvbGluaz91cmw9aHR0cHMlM2ElMmYlMmZiZWxsb2dpb3Jub2NhdGVyaW5nLmNvbSUyZiZzb3VyY2U9c2VycC1sb2NhbCZoPTRoMiUyYldzVzNXMG93OTFxY3hJRlROSnlrdzBiaTk2SyUyZjREUjElMmJkaHFWNUUlM2QmcD1sd19nYnQmaWc9RUQ5QUQ4QzE3NzJCNDkxMjkyN0U2Rjk2MUZERjY4QUQmeXBpZD1ZTjU4MHg0MDIwOTk4NDc&ntb=1) who was sworn in by Board Attorney Zakin to testify as a fact witness and John Hansen, PE, E & LP, 140 West Main Street, High Bridge NJ who was also sworn in and qualified by the Board to testify as a professional Engineer.

Mr. Schiano testified that the sign helps people locate the business with more ease, he feels it makes it safer for traffic navigating through that area because the sign does not advertise the carwash, which is not in operation at this time, and it takes away from the abandoned buildings near the “Welcome to Hackettstown” sign on Mountain Avenue.

Mr. Stead inquired about the fading of the signage over time. Mr. Schiano stated that there is a layer of protection that prevents fading and agreed that if it begins to fade that he will keep up the aesthetics of the sign.

Mr. Camporini asked if anyone from the public has any questions or comments at this time.

There being no questions or comments from the public, Chairperson Camporini closed the public comment and discussion returned to the Board at this time.

Mr. Lavery introduced John Hansen who testified that this application is for a D1 variance and requested that the Board consider granting the variance because there are safety benefits by not having motorists turning into the carwash, as it is not operating at this time. He also stated that there is no substantial detriment to the public good. The proposal will improve safety and aesthetics.

Mr. Camporini asked if any Board Members had any questions at this time. No one had any questions at this time.

Mr. Moore made a motion to approve the application to grant the variance for a free standing sign to be installed at 300 Mountain Avenue for the advertisement of the Coach Room located at an off site location for a period of two years from September 26, 2023 or within thirty (30) days of the date of the preconstruction meeting for the carwash project, whichever comes first. Mr. DeAngelis seconded the motion.

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

Opposed: None

Abstained: None

Mr. Lambo returned to the dais at this time.

Mr. Stead made a motion to enter into executive session. Ms. Medcraft seconded the motion.

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

Opposed: None

Abstained: None

The meeting was closed at 8:33 PM for the purpose of discussing Personnel Matters.

Mr. Moore made a motion to leave executive session at 8:41 PM. Mr. Lambo seconded the motion.

All Board members were in favor.

Chairperson Camporini stated that no action was taken in executive session.

Discussion was held regarding Board members picking up monthly packets. It was determined that moving forward, if the packets are small enough, the Board Clerk will mail them to the Board members.

Discussion was held regarding a letter of extension received from LTCW, LLC for work to be done at the carwash. Because it was not placed on this month’s agenda, the Board will consider the one year extension request retroactive to September 28, 2023 at the October 26, 2023 Land Use Board meeting.

**NEW BUSINESS**

Ms. Medcraft inquired about who enforces the local ordinances for Town businesses to be sure that no illegal activity is being conducted. The Board Clerk explained that the Town now requires all businesses to obtain a business license and that a code enforcement officer is in the process of being hired, who will be able to do inspections upon complaints. If a business is found to be conducting illegal activity, their license will be revoked for a period of five years.

**ADJOURNMENT**

Mr. Moore made a motion to adjourn this meeting at 8:56 PM. Mr. Lambo seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Clerk