**TOWN OF HACKETTSTOWN**

**LAND USE BOARD SPECIAL MEETING**

**MAY 18, 2021**

**MINUTES**

**CALL TO ORDER**

The May 18, 2021 Special Meeting of the Town of Hackettstown Land Use Board Meeting held via Zoom, was called to order by Chairman Al Camporini at 7:00 PM.

**ANNOUNCEMENT OF PROPER NOTICE**

**ATTENDANCE**

**Board Members Present**

Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony

Also Present: Board Attorney Mennen, Board Engineer Sterbenz and Board Planner Bloch

**Board Members Absent**

Becker, Stout, Lambo, Graf

**Paul Couvrette – Nader Group – 118-126 Maple Avenue, LLC – B71, L3&3.01 – Concept Hearing**

The concept was presented by Mr. Couvrette and Engineer Michael Laurano

Paul Couvrette presented the potential development of townhouses on Lot 3 and Lot 3.01. The Townhouses would be accessible from Maple Avenue and would include eleven 2 bedroom units with one garage per unit.

Mr. Sterbenz informed the Board that out of the two variances, this applicant would need a D1 Use Variance, which is not permitted in the CC District and in the most recent master plan report, there are no recommendations to rezone this property.

The Board agreed that this project would be an improvement to the area, more information would be needed but they have concerns with the property being in a flood zone.

Mr. Graf entered the meeting at 7:36 PM.

**SECTION 68**

**Application #21-03 – Kasneci – B65.1, L14 – Section 68**

The applicant is being represented by David Panella, Esquire

Mr. Panella provided the following documentation, along with what was provided in the application, proving the dwelling was a four family residence prior to 1968:

* Certification (exhibit A1) from Mr. Gerald DiMaio, former member of the Board stating the property was purchased in 1958. He and his brothers built a four family dwelling, which was sold in 1964.

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

Ms. Walling asked if the property is registered at the State as a four family dwelling. Mr. Panella said not at this time, but they will register it.

Mr. Moore made a motion to approve the Section 68; Mr. Stead seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: Becker

**Application #21-05 – Benkendorf – B67, L6 – Section 68**

The applicant was represented by Daniel Benkendorf, Esquire

Mr. Benkendorf provided the following documentation showing the residence was a two family prior to 1968:

* Sanborn map dated 1914 showing the property was two separate units
* Sewer line map dated 1967
* Water and Sewer statements dating back to 1966
* Client has owned property since 2005

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

Mr. Wolfrum made a motion to approve the Section 68; Ms. Walling seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

**PUBLIC HEARING**

**Application #21-02 – 7 Route 57 – B129, L23&24 – Use Variance**

Applicant was represented by Michael Selvaggi, Esquire

Anthony Amato, 163 East Main Street, #308, Little Falls, NJ was sworn in by Board Attorney Mennen to provide testimony as the property manager of 7 Route 57. Mr. Amato testified to the following:

* Lot 24 was purchased by his father in 2010
* The property was a multifamily residential building with three units
* The building is rectangular in shape
* The building was for multifamily purposes from 2010 through 2019 when was deemed uninhabitable due to a fire
* They are contract purchasers of Block 23, which is currently being used as a single family home
* Both lots are accessed from a driveway easement on Route 57
* Lot 24 is behind Berk’s Furniture Store and Lot 23 is behind Paintpourri
* Neither lot is accessible to Mountain Avenue
* The proposal is to build apartment building on both lots as rental units, which would include 20% for affordable housing units
* Rent costs would be in line with market rents
* Access to the apartments would be through lot 25, which is being used as a commercial site with a warehouse tenant in the front and a recreation tenant in the rear of the property
* Warehouse stores electrical components, employs 20-25 employees, box trucks deliver the bulk of the products, and the hours of operation are from 6:30 am to 3:00 pm Monday through Friday
* The Recreational building is used as an Airsoft facility with a store, hours of operation vary from Thursday through Sunday, the facility holds 50-80 people
* The parking lot has 90-95 parking spaces
* If the application is approved, the owner of lot 25 would enter into an easement agreement allowing access to Lots 22 and 24

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

Mr. Bloch asked if any other uses for this property were considered. Mr. Amato stated no.

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

Fred Wawra, Architect of Fox Architectural Design, was sworn in by Board Attorney Mennen as a registered architect.

Mr. Wawra presented drawings of the first floor plan, second and third floor plan and the basement floor plan. The proposal shows 24 one bedroom units, 5 two bedroom units and 1 three bedroom unit. The 20% allowance for affordable housing will consist of 2 one bedrooms, 3 two bedrooms and 1 three bedroom. Each unit has a furnace, air conditioner and hot water unit.

Mr. Wawra presented Exhibit A1 entitled Colored 3D Rendering showing the exterior of the building.

Mr. Wawra presented the Elevation and Roof Drawing for review. The applicant is requesting an additional ten feet to have a decorative pitched roof.

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

Mr. Sherman inquired about the color of the building.

Ms. Walling inquired about where potential children would play and keep their bikes as well as getting to and from school since Hackettstown is a walking district.

Mr. Moore inquired about the capability of a fire truck getting to the building from Lot 25.

Mr. Bloch inquired if there is a 3D rendering from the back of the building.

Mr. Graf asked if a rendering could be provided of the footprint of the proposed building and parking areas as well as the existing building and parking areas.

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

Jamie DeAngelis, 70 Lawrence Drive, Hackettstown, inquired if the building has a truss roof, how the residents will get out in case there is a fire if the fire truck cannot get to the building.

Mr. Selvaggi answered that the structure meets all setback requirements which will allow a fire truck to navigate to the area. Mr. DeAngelis asked if there will be fire stops in the attic space. Mr. Wawra responded that this building will be designed as per all the applicable building codes and will be fully sprinklered.

John Hansen was sworn in by Board Attorney Mennen to provide testimony as a certified engineer and planner.

Mr. Hansen presented Exhibit A2 showing an aerial photograph dated 2018 which focuses on the subject property. Mr. Hansen used the photograph to detail the existing conditions of the properties.

Mr. Camporini asked if any Board Members had any questions at this time. No one from the Board 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. Hansen presented the variance plan to the Board members which shows the proposed building.

Mr. Sherman inquired as to what is under the existing driveway.

Mr. Sterbenz stated that soil data will need to be provided to support the design of the drainage system and that the main concern is the close proximity to the river.

Mr. Moore inquired if there will be balconies in the back of the building. Mr. Hansen stated there will no balconies on the back of the building.

Mr. Camporini inquired about the accessibility of fire trucks getting to the back of the building and Mr. Hansen agreed to meet with the Fire Department to devise a plan.

Mr. Anthony asked if the plan could be flipped to have the parking lot is closer to Lawrence Drive and the structure is closer to Route 57. Mr. Hansen stated that the proposed option would block the activity of the parking lot from the existing residents.

Mr. Hansen presented Exhibit A3, Proposed Access Exhibit dated May 14, 2021, which was an aerial photo showing the colorized site, which shows the modified access to the site. It also shows they type of landscaping that will be used.

Mr. Camporini asked if any Board members had any questions.

Mr. Moore inquired if the current entrance to the driveway will be closed off. Mr. Hansen stated it will be closed off.

Mr. Camporini inquired if a no left turn will be considered when exiting onto Route 57.

Mr. Sterbenz stated that the driveway where the island starts needs to be extended and more striping in the driveway needs to be done for safety reasons.

Mr. Hansen listed the variance reliefs that are required for approval of the Use Variance.

Mr. Selvaggi questioned Mr. Hansen about the negative criteria. Mr. Hansen stated the following:

* It has been quite some time since a non-age-restricted apartment dwelling has been constructed.
* This project would create other apartment owners to update their dwellings
* There will be more use of businesses on Mountain Avenue because they are within walkable distance of the apartment complex.
* The apartment complex would house approximately 6.264 school aged children
* Sidewalks along Route 57 to access Laurie Terrace would make walking convenient

Mr. Selvaggi asked Mr. Amato why he would like to put an apartment complex in this area. Mr. Amato stated that because there is no visibility to these properties, there would be no commercial use that would be successful.

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

Mr. Sherman inquired if any consideration was given to make this a two story structure instead of a three story structure and if an emergency access could be put in behind Berks’ Furniture Store.

Ms. Walling stated that she feels this building is too large for this particular site.

Mr. Bloch stated the following:

* he agrees there is no better use of the site, but the building seems too intense for this location and may need to be scaled back.
* the access needs to be clearly delineated going through Lot 25
* take into consideration that lighting would be on 24 hours.

Mr. Sterbenz stated he feels more work is needed on Block 25, that this is a good transitional use of this site and that the Board needs to consider the intensity of the application.

Discussion was held regarding how to limit the height and density of the building.

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

Mr. DeAngelis inquired about how many apartments there are compared to parking spaces and if there is a limit on how many parking spaces will be available per unit. Mr. Hansen stated there are 30 apartments and 57 parking spaces, which includes visitor parking.

Mr. Camporini asked if any of the Board Members had any questions. None of the Board members had any questions.

Mr. Selvaggi requested a brief recess to confer with his client regarding the application.

The Board agreed to recess this application and moved to the next agenda item during this time.

**DISCUSSION**

Ordinance #21-04 – Master Plan Consistency Review

Mr. Sterbenz explained the ordinance entitled, , AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE AND PERMITTING THE OPERATION OF CANNABIS CULTIVATIONS OR MANUFACTURING BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES.

Mr. Bloch stated he feels this ordinance is what would be considered allowed in the LM District.

Mr. Moore made a motion to find this ordinance not inconsistent with the Master Plan; Mr. Stead seconded the motion.

In Favor: Moore, Wolfrum, Camporini, Stead, Walling Anthony, Graf

Oppose: None

Abstain: Sherman

Mr. Selvaggi returned to continue discussion on Application #21-02, 7 Route 57, Use Variance

Mr. Selvaggi stated that after his discussion with his client, his client is in agreement of the following:

* Eliminate the third floor and take out 10 units
* Prefer to keep the roof as it is at 35 feet
* Reduce parking which will make stormwater management more manageable
* Pull building back from the neighbors a little bit

The applicant is requesting a Use Variance approval with the building being a height of 35 feet.

Mr. Sterbenz explained what variances will be eliminated if the application is approved with the new proposed changes.

Mr. Bloch stated that the number of units in the new proposal is more consistent with the rest of the Town.

Mr. Sherman made a motion to approve a D1 Use Variance and the modified D4 variance for the floor area based upon the new calculation of .386, with the condition that there will be an access easement agreement between Lots 24 and 25 if approved; Ms. Walling seconded the motion.

In Favor: Sherman, Moore, Wolfrum, Camporini, Stead, Walling, Anthony, Graf

Oppose: None

Abstain: None

**NEW BUSINESS**

Discussion was held regarding holding a Special Meeting in June to hear applications.

A special meeting will be tentatively scheduled for June 15, 2021 to be held at 7:00 PM via zoom.

**ADJOURNMENT**

Mr. Moore made a motion to adjourn this meeting at 10:45 PM; Mr. Anthony seconded the motion.

All were in favor.

Respectfully submitted,

Mary Matusewicz

Board Clerk