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November 19, 2020

Land Use Board
Town of Hackettstown
215 Stiger Street
Hackettstown, NJ 07840

Re: Completeness Review #2 and Technical Report #1
Use Variance and Site Plan Application
Livestock Co-Op Auction c/o Michael Toretta
Lot 24, Block 41
224 West Stiger Street, Hackettstown, NJ
MC Project No. HKP-183

Dear Board Members:

Pursuant to your request, we have reviewed, from completeness and technical standpoints, plans, applications, and other documents filed by the Livestock Co-Op Auction in support of an application for use variance and preliminary and final major site plan approvals to convert an existing office building into an animal processing operation at 224 West Stiger Street.

The following documents were submitted by the applicant in support of this application:

Original Submission

1. Completed Town Development Application.
2. Addendum to Application describing the applicant's proposal.
3. Certificate of Paid Taxes issued by Tax Collector Patricia Noll of the Town of Hackettstown, dated May 15, 2020, for Lot 24 in Block 41.
4. 10% Owner's Disclosure Statement for Lot 24 in Block 41.
5. Completed Variance Checklist.
6. Completed Preliminary Major Site Plan Checklist.
7. Completed Final Major Site Plan Checklist.
8. April 15, 2020 document entitled "Checklist Waiver Requests - Block 41, Lot 24 - 224 West Stiger Street, Town of Hackettstown, Warren County, NJ" summarizing the reasons for various submission waiver requests, prepared by E & LP.
9. Completed Town of Hackettstown Highlands Exemption Determination Application.
10. Site Plan entitled "Site Plan - Hackettstown Farm Auction - 224 West Stiger Street, Block 41 Lot 24 - Town of Hackettstown, Warren County, New Jersey" consisting of two (2) sheets, prepared by John E. Hansen, P.E., of E & LP, dated April 13, 2020. **(Note: Superseded by Submission Item 21 below).**



Second Submission

11. Survey Plan entitled “Boundary Survey – 224 West Stiger Street, Block 41, Lot 24 – Town of Hackettstown, Warren County, New Jersey” consisting of one (1) sheet, prepared by Wayne Ingram, P.L.S. of E&LP, dated December 3, 2019, unrevised.
12. Sixty Year Title Search for 224 Stiger Street, Block 41, Lot 24, prepared by Simplicity Title Agency, LLC, dated July 28, 2020.

Third Submission

13. Transmittal Letter to Board Secretary Shannon Drylie from Michael S. Selvaggi, Esq, of Lavery, Selvaggi, Abromitis & Cohen, P.C., dated October 8, 2020, summarizing the submission of documents addressing outstanding completeness items.
14. Transmittal Letter to Board Secretary Shannon Drylie from John E. Hansen, PE, of E&LP, dated October 1, 2020, summarizing the submission of documents addressing outstanding completeness items.
15. Letter to the Hackettstown Planning Board from the Livestock Cooperative Auction Market Association of North Jersey, Inc., providing statements in support of the construction of the proposed livestock harvesting and processing facility, dated October 26, 2020.
16. Application addendum – Livestock Auction Statement of Operations, undated.
17. Site Plan entitled “Site Plan - Hackettstown Farm Auction - 224 West Stiger Street, Block 41 Lot 24 - Town of Hackettstown, Warren County, New Jersey” consisting of two (2) sheets, prepared by John E. Hansen, P.E., of E & LP, dated April 13, 2020, last revised August 5, 2020 **(Note: Superseded by Submission Item 21 below)**.
18. Architectural Plan entitled “Proposed Alterations – Slaughter House – Existing One Story Building – 224 Stiger Street, Town of Hackettstown, County of Warren, New Jersey, Lot 24, Block 41” consisting of two (2) sheets, prepared by Nassir Almukhtar, RA, of Heritage Madison Architecture, LLC, dated September 24, 2020, unrevised.
19. Letter from Kathleen Corcoran, PE, Executive Director of the HMUA to John Hansen, PE of E&LP, dated September 15, 2020, confirming receipt of their letter indicating a request for sewer and water service associated with the construction of the proposed animal processing facility.

Fourth Submission

20. Copy of the completed Warren County Planning Board Land Development Application and associated checklists, undated.
21. Site Plan entitled “Site Plan - Hackettstown Farm Auction - 224 West Stiger Street, Block 41 Lot 24 - Town of Hackettstown, Warren County, New Jersey” consisting of two (2) sheets, prepared by John E. Hansen, P.E., of E & LP, dated April 13, 2020, last revised October 28, 2020.

Lot 24 in Block 41 is located on the west side of West Stiger Street between Charles Street and Beatty Street in the Town. The property contains 2.66 ± acres and is situated in the Town’s LM

(Limited Manufacturing) District where a variety of commercial and industrial uses are permitted. Livestock auctions are a principal permitted use provided that no slaughterhouse operations are included, and animals are not kept on-site in excess of seven (7) days.

The site is currently developed. Three (3) buildings are located on-site including two (2) office buildings and a poultry building. In addition, paved and gravel parking areas and driveways exist within the site. The westerly portion of the property abuts the Trout Brook and is wooded.

The applicant is seeking preliminary and final major site plan approvals to convert an existing one-story office building along West Stiger Street to an animal processing facility, which will include a fenced animal holding pen. Parking, access, and lighting improvements are also proposed as part of the project. The animal processing facility will operate in connection with the livestock auction on Lot 27 in Block 41.02, which is located on the east side of Stiger Street.

Because animal processing facilities are not a permitted principal use in the LM District, the applicant is also seeking approval for a use variance.

The application was previously deemed to be incomplete at the July and October Planning Board meetings.

We have the following comments on this application:

A. Completeness Comments

The Board evaluated completeness at the October 27, 2020 meeting. While the Board agreed to waive a number of submission requirements, the application was deemed to be incomplete for the following reasons:

1. Lack of property owner information on the site plan.
2. Lack of soil erosion and sediment control provisions on the site plan.
3. The lack of submission of an application filed with the Warren County Planning Board for the project.

Since the October 27, 2020 Planning Board meeting, all of the above items have been addressed. Thus, we recommend that the Board deem the application to be complete.

B. Technical Issues

1.0 Zoning/Variances

- 1.01 We defer to Board Attorney William Mennen, Esq. and Board Planner Daniel Bloch, P.P., AICP, as to planning and zoning issues, the specific relief that is required from the Town's LDO, and the proofs that must be put forth to justify the relief that is requested.

- 1.02 The “Variances Required” list on Sheet 1 of 2 the site plan must be revised to state that the change in use is from “Office Building” to “Slaughterhouse” and to state that a use variance is being sought.
- 2.0 Site Layout/ Dimension Plan
- 2.01 The Board must obtain testimony from the Applicant and its professional representatives to explain the proposal for operating the site, including:
- a. Hours of operation
 - b. Anticipated number of employees
 - c. Proposed operation of the facility, specifically in housing the livestock on site prior to harvesting, and planned maintenance of the proposed outdoor holding pen at the southern building face.
 - d. Proposed services to be provided to clients of the Livestock CO-OP auction and potential retail service to the general public as alluded to in the letter to the Planning Board dated October 26, 2020.
 - e. Testimony must be provided indicating the specific regulations promulgated by the New Jersey Department of Agriculture and the USDA (i.e. Federal Meat Inspection Act, 9 CFR Chapter III – Food Safety and Inspection Service) related to livestock handling, food safety, inspection, sanitation, and facility standards.
 - f. Required frequency of facility and operational inspections by the USDA Food Safety and Inspection Service and reporting requirements as they pertain to the Town Board of Health, as applicable.
 - g. The proposal for waste management on the site, including trash, recyclables and waste generated from the processing of livestock, on-site and off-site handling and storage, hauling, and disposal.
 - h. The facility capacity and frequency of on-site harvesting operations.
 - i. The process of packaging product for a member of the Livestock Co-Op and the protocol for pick-up of packaged products.
 - j. Measures to be implemented at the facility, both inside and outside, to prevent nuisances such as noise, odors, vectors, and discharges to public right-of-ways and the adjacent stream corridors.
- 2.02 Upon a review of the architectural plans, we note that the floor plan indicates that animals will be brought into the facility through an overhead door proposed at the rear of the building. The reconfigured overhead door shown at the south face of the building is to provide access to the shipping area. Given the proposal put forth regarding the operation of the meat processing facility, it seems that the animal holding pen at the southern face of the building will have to be relocated to provide access to the livestock entrance at the rear of the building. Accordingly, the site plan must be revised to provide a holding pen and access to the proposed shipping door at the southern building face.

- 2.03 The Board must obtain testimony from the applicant and its architect to clarify if façade improvements are part of the building renovation on this project. An inspection of the site revealed discolored siding and mortar delamination on the foundation blocks. Improvement of the façade will improve the look of the building.
- 2.04 The site plan indicates that the area to the west of the proposed meat processing building is a gravel parking area. A recent site visit, and review of aerial imagery revealed that this area includes a roughly 3,500-square foot area containing a soil and straw covered area. The site plans will have to be revised to reflect this pervious area within the lot, and that this area will be replaced with a stabilized gravel cover to permit vehicular traffic and parking as proposed. The impervious lot coverage calculations in the Zoning Requirements Table must also be updated accordingly.
- 2.05 Section 408.E.5 of the LDO requires the first 20-feet of a property adjacent to any street and/or property line be planted and maintained in lawn area, or ground cover and landscaped. The site plan currently proposes a planted grass strip, 8-feet in width, which is located entirely in the right-of-way. Relief will be required from this section of the LDO.
- 2.06 The Applicant is proposing 62 parking spaces for the proposed livestock processing facility. As requested in Comment 2.01 above, testimony must be provided clarifying the anticipated intensity of the use on the site, including operating hours, anticipated number of employees and the peak parking demand envisioned for the proposed use.
- 2.07 Per Section 408.H.1 of the LDO, a minimum 15'x 40' off street loading area must be provided on the site and indicated on the site plan. This area will be necessary for shipping and receiving, as well as the loading of waste containers associated with the livestock processing facility. In order to accommodate these operations, this area must be paved, and the plans must be revised to indicate the limits, and proposed grading of the area.

The site plan must be revised unless relief is granted by the Board.

- 2.08 Per Section 508.C.1 of the LDO, all parking and loading areas shall be paved unless waived by the Land Use Board. At a minimum, we recommend that the areas of ingress/egress (driveways), loading and unloading areas, parking areas, access aisles, and areas likely to experience heavy traffic must be paved. These areas must be paved with 5" of Hot Mix Asphalt Base Course and 2" of Hot Mix Asphalt Surface Course. The Asphalt Paving Detail provided on the site plans must be revised to comply with the LDO.

If the Board agrees, the site plan must be revised to indicate the limits of the areas to be paved including all associated details.

- 2.09 Per Section 508.C.2 of the LDO, all off-street parking lots shall have adequate designations to indicate traffic flow and parking spaces. The site plan indicates that only the handicapped spaces will be marked. In accordance with Comment 2.08 above, any paved parking spaces

constructed as part of this site plan approval must be striped. The site plan must be revised unless a waiver is granted by the Board.

- 2.10 Since no curbing is proposed along the south side of the building where the parking stalls are proposed, concrete bumper blocks or bollards must be provided per Section 508.C.4 of the LDO to prevent vehicle overhang at the sidewalk areas and the ramp from possibly being struck by a vehicle. The site plan must be revised accordingly.

3.0 Grading/ Drainage/ Utilities

- 3.01 The proposed site plan does not propose an increase an impervious surface and limits the disturbance on site to less than 1-acre. As such, this project is not considered a Major Stormwater Development in accordance with Section 525 of the LDO and stormwater management improvements are not required. The site plan indicates that existing downspouts will be directed to the ground. We have no objection to that continued configuration but downspout discharges to the new sidewalks must be prohibited for safety reasons.

- 3.02 The installation of the proposed utility connections for sanitary sewer and water service will require disturbance of West Stiger Street. West Stiger Street is currently under a 5-year moratorium for disturbance following its resurfacing, which expires in 2023. The Applicant may have to explore alternative methods of providing utility service to the proposed use or wait until the expiration of the moratorium.

4.0 Landscaping/ Lighting

- 4.01 Per Sections 504.B and 508.B of the LDO, all parking areas, driveways, walkways and loading areas must be adequately illuminated for safety and security, to a minimum level of 0.50-footcandles (fc) at intersections and 0.3-fc elsewhere on site. The lighting plans must be revised to at a minimum illuminate the entire parking area along the building frontage, the accessible pedestrian route, as well as the loading area, livestock holding area, and driveways providing access to the building. The large gravel parking area at the rear of the building is not proposed to be illuminated either. The applicant must provide testimony so that the Board may make a determination as to the need for lighting within the large parking area in the rear of the site.
- 4.02 Per Section 508.A.1 of the LDO, off-street parking areas for more than 10-vehicles abutting a lot line or street line must be provided with a screen planting, berm or fence no less than 5-feet in height. The site plan must be revised to indicate the required landscaping unless waived by the Board.
- 4.03 Per Section 508.A.2 of the LDO, all loading areas are to be screened from any public street, or on-site parking area. Such screening may be a building extension, a fence, berm, wall or

evergreen planting, no less than 5-feet in height. The animal holding pen is currently unscreened from the parking area, and the property frontage.

The site plan must be revised to depict the loading zone landscaping unless waived by the Board.

- 4.04 Per Section 508.A.3 of the LDO, parking lots are to be landscaped to include landscaping covering at least 5% of the interior area, and one tree per 10 spaces, exclusive of buffer plantings. Currently no landscaping improvements are proposed within the parking areas. The site plan must be revised to indicate the interior parking lot landscaping unless waived by the Board.
- 4.05 The landscaping proposed on site is limited to the establishment of the 8-foot grass strip within the Stiger Street right-of-way, as well as the planting of one Arborvitae and three Japanese Barberry shrubs along the building façade. In accordance with NJ Highlands Council guidance and the requirements of Section 523.C.7 of the LDO, native and non-invasive plants and shrubs are to be utilized. The Japanese Barberry is classified as an invasive species and must be removed from the proposed planting list and substituted with a native species. In addition, the arborvitae is not a good planting choice in this area given the adjacent wooded areas. The landscaping plan must be revised to address the above noted issues.

5.0 Highlands Exemption Determination Application

In support of the Preliminary and Final Major Site Plan application, the Applicant has also submitted an Application for an Exemption from the NJ Highlands Act pertaining to development within the Planning Area, in accordance with the Town's Approved petition with the NJ Highlands Council.

The exemption is requested under Exemption 4, which permits the reconstruction and/or expansion of any building or structure within the Planning Area for any reason within 125% of the footprint of the lawfully existing impervious surfaces on site as of March 8, 2012, provided the impervious surfaces are not increased by 1/4 acre, or more.

The submitted application, and supporting materials indicate that the site was approved and constructed to its current condition many years ago prior to the adoption of the Highlands Act. Further, with the addition of a small lawn areas, and landscape beds along the building façade, the improvements propose a 294-square foot reduction in the impervious coverage on the site.

Therefore, we agree that this application qualifies for the NJ Highlands Council Planning Area Exemption 4 and no further approvals from the NJ Highlands Council would be necessary.

6.0 Miscellaneous

- 6.01 Testimony must be provided to the Board addressing the performance standards in Section 509 of the LDO, including but not limited to the following: noise, odor, storage and waste disposal, ventilation, etc.
- 6.02 The Asphalt Paving Detail must be revised to provide for hot mix asphalt courses in accordance with current NJDOT Mix Designs (HMA 9.5M64 Surface Course, and 19M64 Base Course) per Section 508.C.1.a of the LDO.
- 6.03 The Building Mounted Light Fixture Detail must be revised to specify the finish and bulb selection proposed to be installed in accordance with the updated lighting design for the site, referenced in Comment 4.01 above.

7.0 Approvals/ Fees/ Guarantees

We recommend that any approvals granted by the Board be conditioned upon the following:

- a. The payment of real estate taxes.
- b. The payment of outstanding fees and assessments, if any.
- c. The procurement of any outside agency approvals or waivers thereof including from the Warren County Planning Board and the HMUA.
- d. The applicant revising its site plan to address comments from the Board and its professionals. (Note: specific revisions to be enumerated in the resolution).
- e. Any operational or use limitations required by the Board (Note: specific limitations to be enumerated in the resolution).
- f. The posting of performance guarantees and inspection fees in amounts to be determined by the Board Engineer.
- g. Any other conditions through the legal review of the Board Attorney William Mennen, Esq.
- h. No construction is permitted until the applicant revises the site plan to the satisfaction of the Board Engineer, procures all outside agency approvals or waivers thereof, pays all fees and taxes, posts performance guarantees and inspection fees, and attends a preconstruction conference to be scheduled by the municipal engineer for the project.

Conclusion

If any Board member has questions on this review letter, please do not hesitate to call us.



We will be participating in the meeting on Tuesday, November 24, 2020.

Very truly yours,

MASER CONSULTING, Inc.

A handwritten signature in blue ink, appearing to read 'p. sterbenz'.

Paul M. Sterbenz, P.E., PP
Land Use Board Engineer

A handwritten signature in blue ink, appearing to read 'Adam T. Wisniewski'.

Adam T. Wisniewski, P.E.

PMS/ATW:dc

cc: Shannon Drylie, Board Clerk
William Mennen, Esq., Land Use Board Attorney
Daniel Bloch, P.P., AICP, Board Planner
Michael Selvaggi, Esq.

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