**TOWN OF HACKETTSTOWN**
**REGULARLY SCHEDULED MEETING**
**July 28, 2020**

# MINUTES

Adequate notice of the time, place and manner of this remote public Land Use Board Meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by: (1) posting said notice on the municipal building bulletin board and front window of the municipal building; (2) emailing said notice to the press and all others who have requested it; (3) posting on the official Town website; and (4) transmission to residents via nixle notification.

**CALL TO ORDER**
The July 28, 2020 Town of Hackettstown Land Use Board Meeting, held via teleconference, was called to order by Chairman Camporini at 7:00 p.m.

**ANNOUNCEMENT OF PROPER NOTICE**

**FLAG SALUTE**

**ATTENDANCE Present**
Sherman; Moore; Tierney; Lambo; Walling; Stout; Becker; Wolfrum; Camporini; Stead **Absent**
None
**Also Present**
Sterbenz; Zakin (for Mennen)

**MINUTES June 23, 2020 Land Use Board Meeting**
The motion to approve the June 23, 2020 Land Use Board Meeting Minutes was made by Lambo, with the second being Moore.

**In Favor:** Sherman; Tierney; Stout; Walling; Becker; Wolfrum; Camporini; Stead; Moore; Lambo
**Abstain:** None
**Oppose:** None

**RESOLUTIONS Mars Inc., App #19-08, Block 4, Lot(s) 1 & 4 – Preliminary & Final Site Plan**
Mr. Sterbenz advised the Board Members that an additional change was required to the version that was sent after comments were addressed by himself, and Mr. Mennen. Mr. Sterbenz indicated that Finding of Fact #31 must now reflect the one-way driveway being changed to a two-way driveway, per Ms. Abline's testimony.

The motion to approve the resolution, to include the changes to Finding of Fact #31, was made by Moore, seconded by Lambo.

**In Favor:** Sherman; Tierney; Becker; Wolfrum; Lambo; Moore
**Abstain:** Walling; Camporini; Stead

**Oppose:** None

**NORWESCAP Head Start, App #20-05, Block 77, Lot 2 – Minor Site Plan** Motion to approve the resolution made by Becker, seconded by Wolfrum.

**In favor:** Moore; Sherman; Tierney; Lambo; Walling; Camporini; Stead; Becker; Wolfrum **Abstain:** None
**Oppose:** None

**COMPLETENESS Livestock Auction Market, App #20-08, Block 41, Lot 24 - Preliminary Major Site Plan/Final Major Site Plan & Use Variance Approvals**
Michael Selvaggi, of Lavery, Selvaggi, Abromitis & Cohen present for application.

Mr. Camporini asked if Mr. Sterbenz had any comments. Mr. Sterbenz referred to his Completeness Report dated July 20, 2020. Mr. Sterbenz stated the application is for preliminary and final major site plan and use variance approvals to convert an existing one-story office building to an animal processing facility, which shall include a fenced-in animal holding pen. Mr. Sterbenz added there are a number of deficiencies for completeness:

- Wetlands area on-site not shown on the site plan.
- Flood plain to be shown on the site plan
- Property owners within 200 feet to be listed on the site plan
- Soil erosion and sediment control plan not supplied
- Floor plan to be supplied
- Warren County Planning Board application
- Types of animals to be listed

Mr. Sterbenz stated the applicant requested the following waivers from the Variance Checklist, and he does not have any issues for waiving for completeness purposes:

- Depiction of features within 100 feet of the property boundary
- Depiction of the flood hazard area within the stie
- Depiction of marshes, ponds, and lands subject to flooding within the tract and within 100 feet of the property boundary
- Submission of a Consistency Determination from the Highlands Council

Mr. Sterbenz also stated the applicant indicated the following items are "not applicable" with regard to the Variance Checklist, which Mr. Sterbenz agreed:

- Location and width of utility easements
- Depiction of existing and proposed monuments
- Depiction of right-of-way dedications
- Depiction of sight triangle easements
- Major Development Stormwater Summary Sheet

Mr. Selvaggi stated with regard to Mr. Sterbenz report and the Environmental Impact Statement, the applicant is not requesting a waiver, as they are seeking an exemption.

Mr. Selvaggi added they take no exception to the application being deemed incomplete.

Mr. Sterbenz recommended the Board deem the application incomplete due to the following:

**Variance Checklist**

- 1b. Floodplain information from the FIRM for the Town of Hackettstown is not shown on the site plan;
- 1c. Wetland areas on-site are not shown on the site plan

**Preliminary and Major Site Plan Checklist**

- 1b. Listing of all property owners within 200 feet on the site plan;
- 1c. Inclusion of a soil erosion and sediment control plan in the site plan set;
- 1d. Submission of a copy of an application filed with the Warren County Planning Board

**Final Major Site Plan Checklist**

- 1a. Submission of a floor plan for the animal processing building

Mr. Sterbenz added the waivers requested are acceptable and agrees with the non-applicable items listed in his report of July 20, 2020.

Mr. Lambo asked if Mr. Sterbenz was okay with all the waivers requested, such as HMUA, since the wastewater would be dispensed into the town system. Mr. Sterbenz answered an HMUA application would be supplied, and the applicant would need to give testimony on the operations, odors, waste, noise, etc., of the processing facility. Mr. Sherman added cattle lots have runoff, dust, etc., which needs to be dealt with by HMUA. Mr. Sterbenz stated that is where the floor plan would come into play.

Mr. Lambo stated his recommendation is to reject the waiver for submitting to HMUA, as well as the waiver for the EIS.

Mr. Selvaggi asked John Hansen to give a narrative on the outdoor pen. Mr. Hansen stated a note will be added to the plan with regard to animal wasted, which shall state the waste will be stored in stainless steel coolers and hauled away. The animal pen is a temporary pen, and the animals are not there for an extended period.

Mr. Sterbenz added with regard to the EIS, an operational statement could be supplied.

The motion to deem the application incomplete was made by Lambo, seconded by Moore, due to the following not being submitted:

- Floodplain information from the FIRM for the Town of Hackettstown is not shown on the site plan;
- Wetland areas on-site are not shown on the site plan
- Listing of all property owners within 200 feet on the site plan
- Inclusion of a soil erosion and sediment control plan in the site plan set
- Submission of a copy of an application filed with the Warren County Planning Board
- Submission of a floor plan for the animal processing building

As well as granting the waivers requested, with the exception of the submission of a copy of the application filed with HMUA, and the submission of an Environmental Impact Statement (EIS) of which operational guidelines could be submitted in lieu of the EIS.

**In Favor:** Walling; Becker; Wolfrum; Sherman; Stead; Camporini; Moore; Lambo **Abstain:** Tierney
**Oppose:** None

**INFORMAL PRESENTATION Paftinos, Block 45, Lots 1.01 & 2 – Preliminary & Final Major Site Plan**

Mr. Zakin stated the application was not noticed as it was not necessary as it is not an official hearing. The Applicant is asking for administrative changes without coming back to the Board with a formal application.

Mr. Camporini asked if the Members had any questions of Mr. Zakin. There were none.

Mr. Paftinos addressed the Board and stated an informal plan was presented to the Board, per their request at the June Meeting. Mr. Paftinos stated the approved Site Plan had two clubhouse buildings, one which housed a meeting room and game room, and on the other side of the site there was one with a gym with an adjacent playground. Mr. Paftinos is proposing to put everything into one building by adding a second floor, which would then leave an additional grassy area to the left of the property.

Mr. Lambo stated his first concern with the previous site plan approval was the lack of outdoor space, and he applauds this proposed change.

Mr. Camporini stated the Applicant is now asking if Mr. Sterbenz can review and approve these changes. Mr. Sterbenz stated there will be a change to the site plan which will reflect the two-story clubhouse on the western side, and the open grassy area on the eastern side.

Mr. Camporini asked if there were any questions from the Board. There being none, Mr. Camporini asked if there was a motion from the Board. Mr. Lambo made the motion to direct Mr. Sterbenz to review the changes with the Applicant to the Site Plan administratively as per the submitted informal plan, with the second being Mr. Tierney.

**In Favor:** Sherman; Moore; Moore; Walling: Becker; Wolfrum; Stead; Camporini; Tierney; Lambo
**Oppose:** None
**Abstain:** None

**PUBLIC HEARING DeTombeur, App #20-06, Block 71, Lot 12 – Variance**
Michael Selvaggi of Lavery, Selvaggi, Abromitis & Cohen, present for application. Keith DeTombeur, Applicant, present for application.

Mr. Sterbenz recommended the Board deem the application complete prior to the public hearing. Mr. Sterbenz reminded the Board there were three deficiencies in the application at the July meeting, all of which have been addressed.

The motion to deem the application complete was made by Lambo, seconded by Moore.

**In Favor:** Sherman; Walling; Wolfrum; Tierney; Becker; Camporini; Stead; Lambo; Moore **Oppose:** None
**Abstain:** None

Mr. Selvaggi stated the application is for a use variance, with bulk variances. The subject property contains two buildings: the front building is commercial on the first floor, and apartments on the second floor; the back building has been used as apartments for the last fifty years. Mr. DeTombeur currently wants to legally obtain a use variance to allow the back building to remain as apartments.

Mr. Selvaggi asked for Keith DeTombeur, Owner to be sworn in. Mr. Zakin swore in Mr. DeTombeur.

Mr. Selvaggi asked for John Hansen, Vice President of Engineering & Land Planning Associates, High Bridge, New Jersey, to be sworn in, and qualified as an expert Engineer and Planner. Mr. Zakin swore in Mr. Hansen, and Mr. Hansen was qualified as an expert witness in the fields of engineering and planning.

Mr. DeTombeur testified to the following:

- Mr. DeTombeur has owned the property since 1985.
- The back structure has had three apartments continuously prior to his ownership.
- The front structure has had a real estate office, and a printer on the first floor, as well as apartments on the second floor.
- The rear building contains three apartments, each with two bedrooms, a kitchen, living room and bathroom.
- The main building apartments consist of a one-bedroom apartment, and a two-bedroom apartment on the second floor and retail/office space on the first floor.
- There has not been a parking problem as there is an adequate number of parking spaces on the property.

Mr. Selvaggi referred to the common boundary with Trinity Church. Mr. DeTombeur clarified the common boundary is a walkway, not the parking areas, as the walkway abuts the parking for Trinity Church. Mr. DeTombeur added he did not object to screening between the parking areas. Mr. Selvaggi referred to Lot 12.01, which is also owned by Mr. DeTombeur, but is a stand-alone lot, and asked if there is a cross easement to allow parking, and Mr. DeTombeur answered yes.

Mr. Camporini asked if the Board had any questions for Mr. DeTombeur.

Ms. Walling asked if the property is registered with the State as a three-family property. Mr. DeTombeur answered yes, both 217 and 221 Main Street are registered.

Mr. Lambo asked if the cross easement with the restaurant would continue if either of the properties were sold. Mr. DeTombeur answered yes.

Mr. Tierney asked if an easement was in place. Mr. DeTombeur answered yes.

Mr. Camporini asked if Mr. DeTombeur would be willing to add vegetation along Trinity Church's property and the fence and parking lot. Mr. DeTombeur answered behind the back building is the only place to add vegetation. Mr. Selvaggi stated Mr. Thorp, a Church member, asked for fencing to be replaced, however he is not sure if that is the same as Mr. Bloch referred to in his report, and if so, Mr. DeTombeur has no issue in replacing the fencing. Mr. Sterbenz added he did not believe there was a specific recommendation of landscaping in Mr. Bloch's report.

Mr. Camporini asked if there were further questions of Mr. DeTombeur from the Board. There were none.

Mr. Selvaggi then asked Mr. Hansen to list the existing conditions. Mr. Hansen stated the following:

- The subject property is an L-shaped lot, which is unique as the thin leg is behind Lot(s) 12.01 and 11.
- Two buildings are located on the property. The front building is office, retail, and apartments; the rear building is apartments (3).
- The buildings are approximately the same size, with the rear building being located close to the property line.
- There is a landscaped area which is located close to Route 46/Main Street.
- The lot is 93.91% impervious coverage.
- There is solid waste, recycling facilities and public utilities.
- Parking is on site as per the Land Development Ordinance.
- Lighting is on site as per the Land Development Ordinance.
- There are no environmental constraints such as wetlands, flood plains or transition areas

Mr. Hansen stated the application for use variances is as follows:

- For the back building to remain as three apartments, as the TCC District allows apartments on the second and third floors of a mixed-use building, with permitted nonresidential uses on the first/ground floor.
- To allow for a second principal building on the lot.
- For apartment size, as the TCC District allows for one-bedroom apartments to be no less than 750 square feet, and two-bedroom apartments to be no less than 900 square feet. The mixed-use building has an existing one-bedroom apartment that is 500 square feet, and the standalone apartment building contains three existing two-bedroom apartments, each with 667 square feet

Mr. Hansen testified the following criteria has been met as per the following special reasons:

- The property is suitable because of the unique shape.
- Parking is available for both buildings, and the size of the parking area allows residents and patrons to maneuver safely.
- Property allows for recycling and waste to be available for both residents and retail tenants.
- The Buildings have been used as apartments for approximately 40 – 50 years, with no interruptions.
- There have been no Zoning infractions on record for either building

Mr. Hansen testified the following positive criteria has been met:

- General welfare has been advanced as the residential use allows the first floor for tenants with mobility issues.
- Adequate open air and space is provided.
- Residential and commercial substandard size of spaces utilized

Mr. Hansen stated with regard to the negative criteria, the Master Plan and Zoning Plan have been upheld and there is no substantial detriment to the public good.

Mr. Selvaggi asked if Mr. Hansen reviewed the 2018 Master Plan Report, specifically page 16, which refers to the North Jersey Program and the goal to increase access opportunities in mixed use neighborhoods. Mr. Hansen answered yes, and the subject property is close to restaurants and retail establishments and provides pedestrians access to the TCC area.

Mr. Hansen was asked to review Mr. Bloch's report dated July 22, 2020 specifically relating to the C Variances requested. Mr. Hansen stated the setbacks are a hardship, however, the positive criteria has been met due to the unique shape of the property; front yard setback keeps the streetscape intact, and the Gross Floor Area is a D Variance.

Mr. Hansen testified there is an ADA parking stall on the property, which is what is required. The stall on site is an eight-foot stall, with an eight-foot area next to it, which could be striped.

Mr. Zakin asked how many spaces are currently on the property? Mr. Hansen answered 23 parking spaces. Mr. Zakin asked if there is one ADA stall, that would be brought to code? Mr. Hansen answered that is correct.

Mr. Selvaggi stated he had nothing further.

Chairman Camporini opened the meeting to the Board for questions.

Mr. Lambo stated with regard to the D Variance, which is for the apartment size, the building was built prior to the existing ordinance, correct? Mr. Hansen answered that may be, and they are not arguing that as the apartment's layout is functional.

Ms. Walling asked if the subject property would remain as part of the TCC Zone. Mr. Selvaggi answered yes.

Mr. Tierney asked if the parking exceed what is required by the Ordinance. Mr. Hansen answered there are 23 parking spaces, the residential requirements are 9.8, and 10 are existing. The commercial requires 8.9, and there are 13 existing. The property has four more spaces than are required by Ordinance.

Mr. Moore asked what brought Mr. DeTombeur to bring in this application now. Mr. Selvaggi answered there is no secret the Town has been very vigilant with the requirement of Section 68 Certifications, and correcting any Zoning issues, and that is partly the reason, as well as Mr. DeTombeur looking to facilitate future options.

Chairman Camporini asked if there were any further questions from the Board, there being non, the meeting was opened to the public at 8:27 p.m. for questions. There being none, the meeting was closed to the public.

Mr. Sterbenz stated as far as the plans submitted, there would need to be the following changes made to the plan as per the Board and the Applicant's testimony:

- Replacing fencing indicated on the plan.
- ADA parking stall modifications to be added.
- Minor corrections such as the rear setback.
- Typical conditions such as taxes, fees, etc., to be noted in the resolution

Ms. Walling asked if this would set precedent for other buildings. Mr. Selvaggi answered every case is unique as there are different fact patterns, and it is easy to distinguish applications from each other.

Mr. Zakin stated the application is for variance relief as follows: Use variance for multiple buildings on one lot; use variance for Apartments on first floor, and apartments being undersized; bulk variance for the unique shape of the property. Mr. Zakin stated the following conditions must be met: fencing to be added/replaced; ADA compliant parking stall to be striped; criteria to be met as specified on the plan; standard items to be contained in the resolution such as taxes paid, fees paid, etc.

The meeting was opened to the public for testimony by Chairman Camporini.

Darrin Matusewicz, 93 East Stiger Street, Hackettstown, was sworn in by Mr. Zakin.

Mr. Matusewicz stated the Board is setting precedent because he has seen at many of the Town Meetings other people coming back saying "You did allow this", and this can be an issue for the Board in the future.

There being no further comment, the meeting was closed to the public.

Motion to approve the application, subject to the conditions set forth by Mr. Zakin, made by Lambo, with the second being Wolfrum.

In Favor: Sherman; Moore; Tierney; Becker; Camporini; Stead; Lambo; Wolfrum
Opposed: Walling
Abstained: None

**Living Trust of Todd Simonse and M. Kelly Lemon, App #20-07, Block 73, Lot 6 -Section 68 Certification – to be heard at the August 25, 2020 Meeting**

**Victoria Mews/Jade, Block 21, Lot 18.01 – Amendment to Resolution of Approval Site Plan/Subdivision**
Motion to carry the notice to the August meeting made Becker, seconded by Lambo.

In Favor: Walling; Wolfrum; Sherman; Moore; Camporini; Stead; Becker; Lambo; Tierney

**ADJOURNMENT**
There being no further business, the July 28, 2020 Town of Hackettstown Land Use Board Meeting was adjourned by a motion from Moore, seconded by Walling at 8:44 p.m. All members present in favor of adjournment.

Respectfully submitted,

Shannon Drylie<br>Land Use Board Clerk

Motion to approve: Stead
Second: Lambo

In Favor: Sherman; Moore; Tierney; Stout; Walling; Becker; Wolfrum; Camporini; Stead; Lambo
Opposed: None
Abstained: None

**TOWN OF HACKETTSTOWN**
**REGULARLY SCHEDULED MEETING**
**August 25, 2020**
**Held Via Zoom Meetings**

**MINUTES**

**CALL TO ORDER**
The August 25, 2020 Town of Hackettstown Land Use Board Meeting, held via Zoom Meetings, was called to order by Chairman Camporini at 7:00 p.m.

**ANNOUNCEMENT OF PROPER NOTICE**

**FLAG SALUTE**

**ATTENDANCE**
**Present:** Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Camporini; Stead **Absent:** Bristow
**Also Present:** Mennen; Sterbenz

The Chairman advised the Board, Professionals and Public that the Livestock Auction Market was not being heard at this meeting. However, if submissions are made in a timely manner, the application would be on the Agenda for the September 22, 2020 Meeting. The Chairman directed the public to watch the Town website for further information, or to contact the Board Clerk.

**MINUTES July 28, 2020 Land Use Board Meeting**
The motion to approve the July 28, 2020 Land Use Board Meeting Minutes made by Stead, seconded by Lambo.
**In favor:** Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Camporini; Stead **Oppose:** None
**Abstain:** None

**RESOLUTIONS DeTombeur, App #20-06, Block 71, Lot 12 – Use Variance**
The motion to approve the resolution granting the variance relief was made by Wolfrum, seconded by Moore.
**In favor:** Sherman; Tierney; Lambo; Walling; Becker; Camporini; Stout; Stead; Moore; Wolfrum **Oppose:** None
**Abstain:** None

**PUBLIC HEARING Living Trust of Todd Simonse and M. Kelly Lemon, App #20-07, Block 73, Lot 6 -Section 68 Certification**

Kelly Lemon and Todd Simonse, Applicants, were sworn in by Mr. Mennen.

Ms. Lemon stated the property was purchased in September 1991, and at the time the property was listed as a two-family structure. Richard Harrison, Zoning Official/Construction Official for the Town submitted a letter stating the structure was registered as a two-family at that time. Ms. Lemon added the following has been submitted with the application:

- Letter from Mr. Harrison, Zoning Official/Construction Official from 1991 stating the property is registered as a two-family structure;
- Tax Assessor documentation stating the property is a two-family structure;
- Certification from the Landlord Registration Department regarding the two-family structure

Mr. Lambo asked if there was any information submitted that dates back to the 1970s. Mr. Stead stated the Board requires the applicant to establish the use of the residences since the ordinance change in 1965. Mr. Mennen advised that there are various ways of demonstrating the use of the residence, such as the applicant providing correspondence from the Zoning Official at the time, who opined that the residence was grandfathered as a two family home.

Chairman Camporini opened the meeting to the public at 7:21 p.m.

Scott Guidera, 122 Valentine Street, Hackettstown, asked if the future tenants were going to be subsidized. Ms. Lemon answered no.

There being no further comment, the meeting was closed to the public.

The motion to grant the Section 68 Application, certifying the pre-existing non-conforming two-family residence made by Tierney, seconded by Stead.

**In Favor:** Sherman; Moore; Stout; Lambo; Walling; Becker; Wolfrum; Camporini; Tierney; Stead
**Oppose:** None
**Abstain:** None

**Victoria Mews/Jade, Block 21, Lot 18.01 – Amendment to Resolution of Approval Site Plan/Subdivision**
Chairman Camporini and Mr. Tierney stepped down for this application. Vice Chairman Stead presided over the meeting.

Michael Selvaggi, Attorney, Lavery, Selvaggi, Abromitis & Cohen, present for application.

Mr. Mennen stated the application is to amend the preliminary and final major site plan approvals granted in 2016, and memorialized in the February 28, 2017 resolution, specifically Condition kk which requires all outside approvals be received and other conditions of approval be satisfied prior to commencement of construction. Mr. Selvaggi stated the application is for earthwork only, and no formal construction shall commence until all approvals are secured and conditions are satisfied.

Mr. Sterbenz stated there are a number of conditions not addressed:
- Site plan must be revised to show ingress/egress.
- Drainage
- Outside Agency approvals.

- Developers Agreement

Mr. Selvaggi asked for Jeff Weinflash, to be sworn in by Mr. Mennen. Mr. Weinflash was sworn in and stated he has worked for the entity that owns the property for the past seven years. Mr. Weinflash testified to the following:

- The applicant is seeking relief at this time to get started on the site work, specifically the earthwork. The point of the application is to start the dirt moving operation before the site improvements.
- An LSRP is overseeing the environmental site remediation.
- The time frame for the earthwork is unknown, as it will depend on the weather

Mr. Selvaggi asked for Pete Chandler, Professional Engineer, Suburban Consultants, to be sworn in and accepted as an expert witness. Mr. Mennen swore in Mr. Chandler, and the Board accepted him as an expert in the field of engineering.

Mr. Chandler referred to Exhibit A-1, *Overall Landscaping Plan*, Sheet 17 of 43 and stated the following:

- Material is being removed from the infiltration basin and moved towards Main Street.
- There will be no material brought in to the site.
- A sediment basin is to be constructed, and landscaping planted around the basin.
- The soils will be mounded in a gradual rise along the existing Bergen Street.
- All disturbed areas will be stabilized

Mr. Selvaggi referred to Mr. Sterbenz Technical Report 2, dated August 21, 2020 and stated the following:

- Item #1 - Applicant is only seeking approval of Tasks 1 thru 5 of the Construction Sequencing Schedule on Sheet 3 of 11 of the plans, which include Installation of soil sediment control measures; clearing the site; stripping stockpiled soil; relocation on site of material from the rear north side, to the south side; installation of pipe in the sediment control basin, which is currently under soil, to be raised and extended • Item #2 – No objection.
- Item #3 – No objection.
- Item #4 a thru 4d – no objection
- Item #5a - The applicant has been unable to confer with their landscape professional. They are requesting to be able to do that, and then work with the Board Engineer.
- Item #5b – The approved plans show a land strip between the landscaping and the homes. This strip is comprised of a drainage swale which is a portion of the stormwater management design, which has not been addressed. In the interim, the applicant is requesting to move the landscaping to the north to get the most efficient buffering between the site and the homes.
- Item #6 – No objection.
- Item #7 – No objection.
- Item #8 – An application had been submitted to Warren County Soil Conservation, and the preliminary comments from WCSC are being addressed now. The plan will be resubmitted within the next few weeks.
- Item #9 – No objection

- Item #10 - The applicant is requesting two one-year extensions. The approval protections expired on February 28, 2019; therefore the two one-year extensions will bring the date for the approval protection to February 28, 2021, leaving one more one-year extension.
- Item #11 a thru k – The applicant has no objections

Vice Chairman Stead asked if there were any questions from the Board.

Mr. Lambo asked about the DOT Approval. Mr. Weinflash indicated that the latest information from the Traffic Engineer is there will likely not be a need for an approval, as they would be able to use the existing CVS permit, due to the changes in the proposed retail uses.

Mr. Sherman asked who maintains the soils. Mr. Chandler responded the Warren County Soil Conservation District will inspect and will report. Mr. Sterbenz added the site is private property, therefore the owner will have to maintain the property.

Mr. Lambo asked why approval is being sought now for the amendment when the plan of what is being built may be changed. Mr. Weinflash answered the amendment is for the earthwork, which would need to be done either way. The owners have no interest in spending thousands of dollars on earthwork and then stopping.

Vice Chairman Stead asked if there were any further questions from the Board Members. There being none, Vice Chairman Stead opened the meeting to the public.

Chris Morpeth, 148 East Prospect Street, Hackettstown asked if the residents would be contacted with regard to the hours of operation. Mr. Selvaggi answered those details would be in the Developers Agreement. Mr. Morpeth asked about dust control from the site. Mr. Chandler answered the soil erosion plan would be overseen by Soil Conservation. Mr. Sterbenz added the LSRP would be involved as well and would address this issue during the site work.

Mr. Morpeth asked about construction vehicles entering and exiting the site. Mr. Sterbenz stated the applicant agreed that construction traffic shall only enter the site by the Stiger Street entrance, via Route 46. Mr. Morpeth asked about the temporary fencing, and the maintenance of the fencing. Mr. Sterbenz stated this will be addressed at a preconstruction meeting, and the public will be invited.

Michelle Morpeth, 148 East Prospect Street, Hackettstown, asked about the fifty to sixty-year-old trees on the site, and if they will be removed. Mr. Chandler responded a detailed layout has been provided, and the vegetation will be stripped from the site, and the soil removed from the area, and covered to protect the soil from erosion as it is being relocated on the site. Ms. Morpeth asked about the replacement landscaping. Mr. Chandler referred to the landscaping plan that was submitted, and that the trees being planted will mature over time. Ms. Morpeth asked about the detention basin and if it would bring in mosquitoes. Mr. Chandler answered no, as the detention basin will completely drain. Ms. Morpeth asked about the timing of the project. Mr. Chandler answered the intention is to get the approval, and begin construction before the winter sets in. Ms. Morpeth asked what happens if it does not get finished by the winter. Mr. Chandler responded the site has been designed with a soil erosion plan.

Tammy Buschgans, 132 East Prospect Street, Hackettstown asked how close to the property lines will the trees be placed. Mr. Chandler responded the proposed vegetation will be within ten feet of the property line to maximize the buffering effect. Ms. Buschgans asked if there would be a fence, or if the landscaping will it be put up against her fence. Mr. Chandler responded there is a proposed fence. Ms. Buschgans asked to be notified when the work is to be completed.

Darrin Matusewicz, owner, 93 Stiger Street, asked how the Board is allowing the developer to use Stiger Street as an access? Mr. Matusewicz stated he would hope the Board would require the applicants to use Bergen Street. Mr. Chandler stated the applicant has proposed getting the machinery on the site and keeping it on the site. The heavy machinery will enter and exit the site one time only. Mr. Matusewicz stated when the CVS was built, the same thing was requested, and the residents were at risk for a year, to a year in a half, for flooding. Mr. Selvaggi answered none of the outside agency approvals will change the detention basin. Mr. Selvaggi stated it will not exacerbate the issues on the site. Mr. Chandler stated the basin proposed is to filter the stormwater before it is discharged, and it is not going to perc into the ground. Mr. Chandler stated the basin will drain to the main conduit.

Mr. Lambo asked if the logs and trees will be removed from the site, or will they be chipped. Mr. Chandler did not have the answer to how they will be removed.

Mr. Selvaggi asked Mr. Weinflash if he had a preference to the ingress and egress. Mr. Weinflash answered it makes more sense to access through an intersection with traffic lights, however, they have no issue to what the Board requires.

Vice Chairman Stead closed the meeting to the public.

Mr. Sterbenz referred to the his August 21, 2020 letter that the Applicant had agreed to address. Mr. Sterbenz suggested he speak with the Police Department regarding the ingress and egress.

Mr. Mennen indicated the Board would need to make a motion to approve the application requesting to modify the condition of approval for the purpose that would only make that modification to the existing resolution, subject to the following, which was agreed upon by the applicant:

- Recommendations in Mr. Sterbenz's letter dated August 21, 2020.
- The addition of the name changes on Sheet 3 of 11, and other sheets, corrected to indicate Phases 2A, 2B, 2C and 2D of the plan;
- The addition of the ingress and egress of construction vehicles after consultation with the police.
- Landscaping and buffering

Motion to approve made by Moore, seconded by Walling.

**In Favor: Sherman; Becker; Wolfrum; Stead; Moore; Walling Opposed: Lambo Abstain: None**

The meeting was turned by over to Chairman Camporini.

**PUBLIC COMMENT**

Mr. Camporini asked if anyone had any comments. Mr. Lambo stated he disagreed with the Board's decision based on the testimony provided and hopes that three years from now they will not be looking at a partially cleared site.

Mr. Moore asked if Czigmeister had all their approvals, as it seems all parking has been replaced by tables in the parking lot. Mr. Moore added he is not sure if the changes are due to the pandemic. Mr. Sterbenz stated all items in the Resolution have been addressed, and anything done over there would have been done through the Zoning Official. Mr. Sherman added all restaurants were to apply to Mr. Diehl as per Executive Order, and the Warren County Health Department, specially relating to outdoor dining.

Michelle Morpath indicated during the CVS construction, a lot of the resident's concerns were not addressed, and hope the Board and Town will address any issues they may have.

Darren Matusewicz stated he agreed with Mr. Lambo and feels the Board was a disservice to the residents tonight.

**ADJOURNMENT**

Motion to adjourn made by Stead, seconded by Moore. All members present in favor of adjournment.

*These minutes were approved as written by a motion from Lambo, seconded by Stout, at the September 22, 2020 Town of Hackettstown Land Use Board Meeting.*

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

**Motion to Approve:** Lambo **Second:** Stout

**In Favor:** Sherman; Walling; Becker; Wolfrum; Camporini; Stead; Stout; Lambo
**Opposed:** None **Abstain:** None

**TOWN OF HACKETTSTOWN**
**REGULARLY SCHEDULED MEETING**
**September 22, 2020**

## AGENDA

Adequate notice of the time, place and manner of this remote public Land Use Board Meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by: (1) posting said notice on the municipal building bulletin board and front window of the municipal building; (2) emailing said notice to the press and all others who have requested it; (3) posting on the official Town website; and (4) transmission to residents via nixle notification.

**CALL TO ORDER**
The September 22, 2020 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:01 p.m.

**ANNOUNCEMENT OF PROPER NOTICE**
The Clerk read the announcement of proper notice.

**FLAG SALUTE**

**ATTENDANCE**
**Present:** Sherman; Stout; Walling; Becker; Wolfrum; Camporini; Stead; Lambo
**Absent:** Tierney; Moore; Bristow
**Also Present:** Sterbenz; Mennen

**Chairman Camporini made a statement for the record indicating the Hackettstown Livestock Auction would not be heard at this meeting.**

**MINUTES August 25, 2020 Land Use Board Meeting**
Motion to approve the August 25, 2020 Land Use Board Meeting Minutes made by Lambo, with the second being Stout.
**In Favor:** Sherman; Walling; Becker; Wolfrum; Stead; Camporini; Lambo; Stout
**Opposed:** None **Abstain:** None

**RESOLUTIONS Living Trust of Todd Simonse and M. Kelly Lemon, App #20-07, Block 73, Lot 6 - Section 68 Certification**
Motion to approve the Section 68 Certification Resolution made by Walling, with the second being Becker.
**In favor:** Stout; Lambo, Wolfrum, Stead, Camporini, Sherman; Walling; Becker
**Opposed:** None **Abstain:** None

**Victoria Mews/Jade, Block 21, Lot 18.01 – Amendment to Resolution of Approval Site Plan/Subdivision**
Mr. Sterbenz stated there will be a pre-construction meeting on October 15, 2020 and stated the applicant has not addressed some of the items in the Resolution. The Board requested the following language be required in the Resolution, "the Applicant shall attend a preconstruction meeting as required by Condition "kk" of the February 28, 2017 memorializing resolution. As a part of that preconstruction meeting, the

Applicant shall prepare and provide an interim rendering to depict what the site will look like at the conclusion of Phase 2A."

Motion to approve the Amendment to the Resolution of Approval for the Site Plan/Subdivision, with the added language made by Sherman, the second being Walling. **In Favor:** Stout; Becker; Wolfrum; Stead; Walling; Sherman
**Opposed:** None
**Abstain:** Lambo; Camporini

**PUBLIC HEARING – Section 68 Certification**
Saltzman, App. #20-11, Block 95, Lot 2 – Section 68 Certification Daniel McCarthy III, Attorney, present for application.

Mr. McCarthy asked for Barrie Saltzman, owner of Block 92 Lot 2, to be sworn in by Mr. Mennen.

Mr. McCarthy asked Ms. Saltzman if there are buildings on the property. Ms. Saltzman answered there are two dwellings on the property. The main house is three floors with a basement, and a two-car garage with a small studio apartment, approximately 400 square feet. Ms. Saltzman testified she lives in the main house.

Ms. Saltzman testified there are two separate water bills, two separate sewar bills and two separate electric bills. Ms. Saltzman stated submitted with the application were water line drawings from HMUA dated 5/31/68, as well as 6/19/68. Ms. Saltzman stated these drawings predate the ordinance change. Ms. Saltzman also stated submitted with the application were property tax cards from 1982 to present that recognize the apartment over the garage.

Mr. Stout stated his grandparents were the original owners of the property in 1919, and the apartment over the garage was his parents first apartment when they married in 1950.

There being no further testimony, Chairman Camporini opened the meeting to the public. There being no comment, the meeting was closed to the public.

The motion to approve the Section 68 Certification of a pre-existing non-conforming two-family dwelling was made by Lambo, seconded by Sherman.

**In Favor:** Stout; Walling; Becker; Wolfrum; Stead; Camporini; Lambo; Sherman
**Oppose:** None **Abstain:** None

Mr. Mennen addressed the Board and stated Mr. Selvaggi, Attorney for the Hackettstown Livestock Auction, has asked the notice to be carried to the next meeting. Mr. Mennen stated ordinarily, when the Board gets a request to carry notice, the Board will consider it, however Mr. Selvaggi provided notice, and the notice was deficient, and they have now agreed to re-notice. Mr. Sterbenz added the Board deemed the application incomplete at the July meeting, and there has not been information submitted from the applicant that the Board required. Mr. Sterbenz stated at this time the application remains incomplete.

**COMPLETENESS**
PK Petroleum, App #20-10, Block 125, Lot 25.01 – Preliminary & Final Major Site Plan/Bulk Variance

Mr. Sterbenz stated the property is an existing service station on Route 57. The applicant is seeking to remodel the station and have a convenience store occupy space which is part of an existing maintenance garage. Mr. Sterbenz added service stations in the HC (Highway Commercial) District are conditionally allowed, however there are various conditions in Section 601C of the Land Development Ordinance that are not being met. The application needs the following:

- D3 Variance.
- D1 Variance as convenience stores are not allowed.
- Preliminary and Final Site Plan Checklist
- Various other items are not provided or are not lacking detail.

Mr. Sterbenz recommended the application be deemed incomplete.

The motion to deem the application incomplete was made by Stout, with the second being Stead.

**In Favor:** Lambo; Walling; Wolfrum; Sherman; Camporini; Stout; Stead; Becker
**Oppose:** None **Abstain:** None

**PUBLIC COMMENT**
There were no comments from the public.

Mr. Lambo asked why McDonalds did not have to come before the Board for their renovation. Mr. Sterbenz answered an application was made to the Zoning Official for a site plan waiver and McDonald's proved they were eligible for the waiver. Mr. Sterbenz added the Town Council did develop a site plan waiver ordinance which is working well, and the intent is to help applicants from having to spend money and time on an application.

**ADJOURNMENT**
The motion to adjourn the September 22, 2020 Town of Hackettstown Land Use Board Meeting was made by Lambo, seconded by Sherman at 7:40 p.m.

Respectfully submitted,
Shannon Drylie
Land Use Board Clerk

Motion to Approve: Becker
Second: Lambo
In Favor: Sherman; Stout; Walling; Wolfrum; Camporini; Stead; Lambo; Becker
Oppose: None
Abstain: Moore; Tierney

**TOWN OF HACKETTSTOWN**
**REGULARLY SCHEDULED MEETING**
**October 27, 2020**
**7:00 P.M. VIA ZOOM MEETINGS**

# MINUTES

Adequate notice of the time, place and manner of this remote public Land Use Board Meeting, being conducted via teleconference, including the means by which the public may observe and participate, has been provided in accordance with the Open Public Meetings Act by: (1) posting said notice on the municipal building bulletin board and front window of the municipal building; (2) emailing said notice to the press and all others who have requested it; (3) posting on the official Town website; or (4) transmission to residents via nixle notification.

**CALL TO ORDER**
The October 27, 2020 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:01 p.m.

**ANNOUNCEMENT OF PROPER NOTICE FLAG SALUTE**

**ATTENDANCE Board Members Present**
Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Camporini; Stead
**Board Members Absent**
Bristow
**Also Present**
Mennen; Sterbenz

**MINUTES**
September 22, 2020 Land Use Board Meeting
Motion to approve the Minutes of the September 22, 2020 Land Use Board Meeting made by Becker, seconded by Lambo.
**In Favor:** Sherman; Stout; Walling; Wolfrum; Camporini; Stead; Lambo; Becker
**Oppose:** None
**Abstain:** Moore; Tierney

Mr. Sterbenz addressed the Board and the public explaining the administrative process for Land Use Board applications.

**RESOLUTIONS**
Saltzman, App. #20-11, Block 95, Lot 2 – Section 68 Certification
Motion to approve the Section 68 Certification Resolution of Approval made by Stead, seconded by Stout.
**In Favor:** Walling; Becker; Wolfrum; Camporini; Sherman; Stead; Stout
**Oppose:** None
**Abstain:** Moore; Tierney; Lambo

**COMPLETENESS**

**PK Petroleum, App #20-10, Block 125, Lot 25.01 – Preliminary & Final Major Site Plan/Bulk Variance**

Mr. Sterbenz stated the information regarding this application was submitted late the previous week, and it was reviewed. Mr. Sterbenz stated the application involves the redevelopment of an existing gas station at 17 Route 57, which would include the addition of a convenience store, while removing the maintenance garage space, and adding a canopy over gasoline dispensing facilities. Mr. Sterbenz added there are jurisdictional issues and a D3 variance must be applied for due to non-compliance with section 601C of the LDO, as well as d1 variance for the proposed convenience store. Mr. Sterbenz recommended the application be deemed incomplete due to the lack of information on the plans and in the application on the variances and the lack of submission of a title report.

The motion to grant certain submission waivers but still deem the application incomplete was made by Stout, with the second being Moore:

Preliminary Site Plan waivers:

a. Location of natural features within one hundred (100) feet of the site boundary.
b. Submission of a drainage plan.
c. The location of existing structures within two hundred (200) feet of the site boundary.
d. Plans, cross-sections, and details for Route 57.
e. The submission of an environmental impact statement

Final Major Site Plan waivers:

a. Submission of letters from utility companies indicating that service shall be provided to the development

Variance waivers:

a. The depiction of physical features within one hundred (100) feet of the site boundary.
b. The depiction of sight triangle easements

**In Favor:** Walling; Sherman; Tierney; Becker; Wolfrum; Camporini; Stead; Stout, Moore **Oppose:** None
**Abstain:** Lambo

**All-North Hackettstown Allentown SMSA Ltd Partnership d/b/a Verizon Wireless, App #20-12, Block 45, Lot 2.01 – Minor Site Plan/Variance**

Mr. Sterbenz stated the application is for a site plan and use variance for the installation of a one hundred fifty (150) foot tall monopole with twelve (12) communication antennas to be attached at a height of one hundred fifty (150) feet along with equipment cabinets to be placed on a thirty (30) foot by fifty (50) foot concrete pad.

Mr. Sterbenz added that on May 23, 2000 a storage yard was approved by the Planning Board on the property, and in August 2002 the approval was later modified. The storage yard is not a permitted use in the HF District.

Mr. Sterbenz stated wireless telecommunications are conditionally permitted in the HF District, subject to compliance with the requirements in Section 601K4 and 5 of the LDO. There is a use variance being applied for as several of the conditional use requirements are not being complied with.

Mr. Sterbenz stated regarding the site plan application that the following must be provided:

1. A preliminary major site plan and final major site plan checklists must be submitted with any requested submission waivers, along with application and escrow fees associated with these applications.
2. Certification from the Town Tax Collector indicating tax payments are current through the third quarter.
3. An application filed with the Warren County Planning Board must be furnished.
4. An Environmental Impact Statement must be provided

Mr. Sterbenz added the completeness review of the site plan application will be evaluated once the appropriate checklists are submitted to the Board.

Mr. Sterbenz stated regarding the variance application, buffer and landscaped areas are not indicated on the plan; and a certification from the Town Tax Collector indicating tax payments are current through the third quarter must be furnished. Mr. Sterbenz stated waivers were requested from the variance submission for:

1. Names and addresses of partners or stockholders as required by ordinance.
2. Submission of certification from the Town Tax Collector.
3. Submission of a Municipal Highlands Exemption Determination Application (no longer necessary per Mr. Sterbenz as the Highlands Council issued an exemption)

Mr. Sterbenz recommended the Board reject the waiver request for certification from the Tax Collector.

The applicant indicated the following requirements are not applicable:

1. Location of existing and proposed utility easement.
2. Proposed buffer and landscaped areas.
3. Delineation of flood plains.
4. Depiction of right of ways.
5. Depiction of sight triangle easements.
6. Submission of deed descriptions.
7. Submission of a Major Development Stormwater Summary Sheet.

Mr. Sterbenz did not agree that the checklist item Buffer and Landscaped areas is not applicable, and that is why it is listed as a deficiency.

Mr. Sterbenz stated that based upon the deficiencies outlined that the application be deemed incomplete.

Motion to deem the application incomplete based on Mr. Sterbenz report dated October 20, 2020 made by Moore, with the second being Stead.

**In Favor:** Sherman; Tierney; Walling; Becker; Wolfrum; Stout; Camporini; Stead; Moore **Oppose:** None
**Abstain:** Lambo

Mr. Sterbenz advised the Board that he has reviewed many monopole applications over the years, including ones with Verizon equipment. However, since his last Verizon review, Maser Consulting is now doing telecommunications engineering for Verizon. The work is not being conducted out of Mr. Sterbenz's office; however, he is bringing it to the Board's attention as they may want to get other professionals to sit in on the public hearing for this application.

Mr. Mennen stated this would be up to the Board to think about.

**Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan** Mr. Sterbenz stated the application was discussed at the July 27, 2020 meeting extensively, and there were eight items that were deficient:

1. Flood Plain information and wetlands information - addressed.
2. Property owners within 200 feet - deficient.
3. Impervious coverage footprint - addressed.
4. Soil erosion and sediments control plan - deficient
5. Warren County Planning Department Application – deficient.
6. HMUA application for sewer and water connection - deficient
7. Elevation of floor plan – addressed.
8. Operational statement – addressed

Mr. Selvaggi answered all items can be turned around within a week, except for the copy of the HMUA application as that will be problematic, and the applicant is asking for a waiver for completeness. Mr. Sterbenz stated he does not have a problem with this item being waived for completeness purposes, however, it will be a condition of approval. Mr. Sterbenz advised the Board of a moratorium due to the recent paving of Stiger Street.

The motion to deem the application incomplete based on the deficiencies listed and granting a waiver for the submission of the HMUA application, was made by Sherman, with the second being Wolfrum.

**In Favor:** Moore; Stout; Walling; Becker; Wolfrum; Camporini; Stead; Sherman.
**Oppose:** None
**Abstain:** Lambo; Tierney

Mr. Selvaggi asked the Board to carry the notice provided to the next meeting scheduled for November 24, 2020. Mr. Sherman made the motion to carry the notice to the November 24, 2020 Meeting, seconded by Stout.

**In Favor:** Sherman; Moore; Stout; Walling; Becker; Wolfrum; Camporini; Stead
**Oppose:** None
**Abstain:** Lambo; Tierney

**PUBLIC COMMENT**
The meeting was opened to the public for comment at 8:19 p.m.

Jennifer Daly, Resident, had a complaint regarding accessing the meeting tonight.

Leisha Stout, Resident, had no problem getting on the meeting, and stated they received notice of the application and does not have a problem with the application as they do not have facilities to bring their animals to for processing. Chairman Camporini stated this is not the time to make statements, and there will be time afforded at the Public Hearing for questions of the applicants and their professionals, or to make statements.

Greg Lynch, President, Valley View Woods Association asked if plans would be available on the website for agenda items. Mr. Mennen answered yes. Mr. Lynch stated he is hoping the capacity of the project; containment of liquid waste; animal processing protocols; transport of the animals from the auction site; and whether or not outside animals will be received at the site, will all be addressed at the public hearing. Mr. Mennen stated the applicant representatives have already signed off from this meeting, however, they will be able to testify at the public hearing regarding the questions raised.

Diego Pinillos, Resident, asked if the application will only be on the agenda for completeness next month. Mr. Camporini answered it may be deemed complete at the November meeting, and then move on to the public hearing. Mr. Camporini added the Board has rules that there is no new testimony presented after 10:00 p.m. Mr. Mennen added the applicant's attorney expects and hopes to be heard next month. Mr. Pinillos asked if the documentation will be available prior to the meeting. Mr. Mennen responded all documents will be made available by the Board Secretary.

Remo Caputo, neighboring property owner, stated an EIS should be provided as the Trout Brook is fifteen to twenty feet off the proposed building. Chairman Camporini said the Board can at any time ask for additional documentation or make it a condition of approval.

Jennifer Daly, Resident, asked how the public will be afforded the opportunity to participate in the public hearing, and how will the Board make sure everyone is heard. Mr. Mennen answered the Board wants everyone to be able to express their sentiments and ask their questions. Mr. Mennen added the Chairman continuously asks if there are any further questions from the public during the meeting, and prior to the meeting in November there will be discussion regarding procedures and guidelines to move things along such as time limits, repetitive comments and questions, etc. Mr. Sterbenz added he has been involved in Planning and Zoning Board Zoom Meetings, and several of them have had a lot of public interest. Mr. Sterbenz stated the Board Secretary can go down the list of participants and ask each one if there are any questions, or the participants can raise their hand.

The Board Clerk stated there was a group chat question asking if there was a chance the public hearing would be held in person. Mr. Mennen answered the municipal building is closed to the public, therefore there cannot be an in person public hearing at this time.

Jennifer Daly asked why a slot is being left open on the Agenda. Mr. Mennen answered it is procedural to pencil in applications for time slots so the applicant's professionals can plan accordingly. Mr. Mennen added the applicant has several items that need to be dealt with prior to the meeting, and only if all matters are addressed will the applicant be formally on the Agenda.

Mr. Lambo recommended the public be reminded when questions are to be asked, and when comments are to be made.

Chairman Camporini asked if there were any other public comments on what was covered by the Board tonight. There being none, the meeting was closed to the public at 8:52 p.m.

Chairman Camporini asked if any Board Members had any further business.

Mr. Lambo stated the Council disapproved the Phase II Redevelopment Plan for Jade at the Council meeting as there was a question regarding the resolution which may come back to the Board for clarification.

Mr. Sherman asked if he could contact the Business Administrator regarding the advertisement for professional services to the Town, as he requested to do last year as well. The Board Members had no objection.

**CORRESPONDENCE**
The New Jersey Planner – January/February 2020; March/April 2020; May/June 2020; July/August 2020
Warren County Planning Department re: Moudro Conditional Approval, Block 45, Lots 1.01 & 2

**ADJOURNMENT**
There being no further business, the October 22, 2020 Land Use Board Meeting was adjourned by a motion from Mr. Moore, seconded by Mr. Stout. All members present in favor of adjournment at 8:59 p.m.

Respectfully submitted,
Shannon Drylie
Land Use Board Clerk

**Motion to approve:** Lambo **Second:** Becker

**In Favor:** Sherman; Moore; Tierney; Stout; Walling; Wolfrum; Camporini; Stead; Becker; Lambo
**Opposed:** None
**Abstained:** None

**TOWN OF HACKETTSTOWN LAND USE BOARD**
**MINUTES**
**NOVEMBER 24, 2020**

**CALL TO ORDER**
The November 24, 2020 Town of Hackettstown Land Use Board Meeting was called to order by Chairman Camporini at 7:02 p.m.

**ANNOUNCEMENT OF PROPER NOTICE**

**FLAG SALUTE**

**ATTENDANCE Board Members Present**
Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Stead; Camporini
**Board Members Absent**
Bristow
**Also Present**
Mennen; Sterbenz; Bloch

Mr. Mennen advised the Board that effective this meeting, Mr. Becker, who was just voted in as a Town Council Member and will now be serving on the Board as a Class I Member. Mr. Lambo, who was appointed to the Town Council, will be serving the Board as a Class III Member.

**MINUTES - October 27, 2020 Land Use Board Meeting**
The motion to approve the October 27, 2020 Land Use Board Meeting Minutes was made by Lambo, seconded by Becker.
**In Favor:** Sherman; Moore; Tierney; Stout; Lambo; Walling; Becker; Wolfrum; Stead; Camporini
**Abstain:** None
**Oppose:** None

**RESOLUTIONS**
There were no resolutions.

**DISCUSSION**
Frank Czigler, Czigmeister Brewery
Was not in attendance for the meeting as they will be submitting a formal application.

**COMPLETENESS**
**PK Petroleum, App #20-10, Block 129, Lot 25.01 – Preliminary & Final Major Site Plan/Bulk Variance.**
Mr. Sterbenz advised the Board the outstanding items for completeness purposes have been submitted, and he recommends the application be deemed complete.

The motion to deem the application complete made by Moore, seconded by Stead.

**In Favor:** Sherman; Tierney; Stout; Walling; Wolfrum; Camporini; Stead; Moore
**Oppose:** None
**Abstain:** Lambo; Becker

**Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan** Mr. Sterbenz advised the Board the outstanding items for completeness purposes have been submitted and recommends the application be deemed complete.

The motion to deem the application complete made by Sherman, seconded by Wolfrum.

**In Favor:** Moore; Stout; Walling; Stead; Camporini; Wolfrum; Sherman
**Oppose:** None
**Abstain:** Tierney; Lambo; Becker

**109 Grand Avenue LLC, App #20-14, Block 75, Lot 18 & 19 – Minor Site Plan, Bulk Variance**
Mr. Sterbenz stated the application submitted is a minor site plan with bulk variances for the renovation of the third floor of the building to include a bridal suite with four bedrooms and two bathrooms, as well as space for employees of the restaurant including eight bedrooms and two bathrooms. Mr. Sterbenz stated the application is due to a stipulation in the resolution of approval from 2001, which included a condition that stated, "the third floor of the facility shall not be used without further approval by this Board."

Mr. Sterbenz advised the Board that an updated certification from the Tax Collector indicating tax payments are current through November 1, 2020, as well as a site plan or supporting reports sketches been not been submitted. Mr. Selvaggi advised the Board that regarding the site, nothing is proposed to be changed. Mr. Selvaggi added parking spaces for the employees will be set aside, and the site plan on file will be relevant to this application.

Mr. Sterbenz stated he agrees with the waivers requested by the applicant, however an updated tax certification has not been received. Mr. Sterbenz recommended the application be deem incomplete due to the lack of the updated tax certification.

The motion to deem the application incomplete made by Stead, seconded by Moore due to the lack of the updated tax certification, and granting waivers requested by the applicant for the submission of site plan and variance checklists.

**In Favor:** Sherman; Tierney; Stout; Walling; Wolfrum; Camporini; Stead; Moore
**Oppose:** None
**Abstain:** Lambo; Becker

**SECTION 68 CERTIFICATION**
**Garlick, App #20-13, Block 79, Lot 22 – Section 68 Certification** Robert Russell, Attorney, present for application.

Mr. Russell stated the Applicant submitted an application for the certification of a pre-existing nonconforming two-family structure which was constructed in the 1800s. Mr. Russell stated the documents submitted show two separate entrances for the side by side units, which existed prior to the Zoning change. Mr. Mennen asked Mr. Russell if he will be relying on the written submissions or will there be testimony given by witnesses. Mr. Russell stated they will be relying on the documents submitted with the application.

Mr. Stout stated for previous applications, the Board relied upon the Sanborn Maps submitted with applications, and this application contains a copy of a Sanborn Map showing the two-family structure. Mr. Stead agreed.

The motion to grant the certification of the pre-existing non-conforming two-family structure was made by Stead, with the second being Walling.

**In Favor:** Sherman; Moore; Tierney; Stout; Wolfrum; Camporini; Walling; Stead
**Oppose:** None
**Abstain:** Lambo; Becker

***Mr. Lambo and Mr. Becker left the meeting at this time.***

**PUBLIC HEARING**
**PK Petroleum, App #20-10, Block 129, Lot 25.01 – Preliminary & Final Major Site Plan/Use Variance** Michael Selvaggi, Attorney, of Lavery, Selvaggi, Abromitis & Cohen present for application.

Mr. Selvaggi stated the applicant is requesting relief relative to the remodeling of the existing gas station, as well as eliminating the maintenance/service bays and converting the space to a convenience store.

Mr. Selvaggi asked Paul Kas, Owner, be sworn in by Mr. Mennen.

Mr. Kas testified to the following:

- He has owned the property since March 2018.
- The request is to install a convenience store; install a new canopy over the fuel dispensers; install two additional fuel pumps; install a digital sign; new paving; new concrete blocks; new landscaping
- The proposed convenience store is in the area of the existing two-bay garage. Items to be sold will include coffee, pre-made sandwiches, candy, soda, etc.
- The food will not be made on site
- There will be no seating on site
- Auto repairs will no longer be performed
- Currently the business is open seven days. Hours of operation are 6:00 a.m. - 9:00 p.m. Monday thru Saturday; 6:00 a.m. – 8:00 p.m. Sunday. They would like to change the hours of operation to Monday thru Friday 5:00 a.m. – 9:00 p.m.; Weekends 6:00 a.m. – 9:00 p.m.
- There are currently four employees. There would be an increase in the number of employees from four to eight who would work in shifts. Two employees inside during the day and one outside during the day; One employee inside at night, and one employee outside at night.
- The building area including the convenience store will be approximately 2000 sq. ft.
- Product delivery will be approximately one time each week per vendor and will be delivered by box trucks and vans
- Petroleum deliveries are three times per week, or as needed. There is a system in place that notifies the petroleum company how much gas is remaining in the tank
- There is a proposed outdoor enclosed garbage area
- Propane tanks will be sold outside. Bollards will be placed around the tank area. No other outdoor storage is proposed.
- There will be no items for sale in the fuel dispensing area

- There are currently four (4) tanks in the ground for regular gas, diesel, and off-road diesel

Chairman Camporini asked the Board Members if there were any questions.

Mr. Sterbenz stated there is currently motor oil and ice for sale outside and asked if it was the applicant's intention to not have them stored outside. Mr. Kas answered the ice has been there for fifteen years, but they will put the ice inside if the Board would like it to be. Mr. Kas further answered the oil is there for patrons who may need it however the oil will be put inside as well.

Chairman Camporini opened the meeting to the public for questions on the testimony given, there being none the meeting was closed to the public.

Mr. Selvaggi introduced Tyler Vandervalk, P.E., Houser Engineering, and asked that Mr. Vandervalk be accepted as an expert in the field of Engineering. The Board accepted Mr. Vandervalk as an expert.

Mr. Vandervalk testified to the following:

- Current conditions: Property is in the Highway Commercial Zone, and consists of 40,822 sq. ft.
- The building is surrounded by pavement/gravel
- There is an attached canopy over the fueling depot
- Underground storage tanks
- Current lighting consists of four pole mounted fixtures in groups of two

Mr. Vandervalk stated the proposal before the Board is to enhance the existing site by:

- Converting the existing vehicle service area to a convenience store
- Replace the old canopy with new to provide coverage of the fuel dispensers
- Replace the existing fuel dispensers, and adding two dispensers – one being diesel
- Creating a 4 x 8 kiosk for employees dispensing gas
- Proposed pavement to the east of the site to be removed to provide an added landscaping buffer
- Lining of six 9x20 parking stalls
- Drive aisle for circulation

Mr. Selvaggi asked for Exhibit A-1 be entered, *Turning Analysis dated November 23, 2020* – 3-page document.

Mr. Selvaggi asked for Exhibit A-2 be entered into the record, *LED Sign Set-Up dated November 20, 2020.*

Mr. Vandervalk stated the conditional use relief needed is as follows:

- The site is not located within 500 feet of a fire house, school, or public building
- Convenience Store – relief needed – D1 Use Variance
- Trash will be outside – relief needed – D3 Conditional Use Variance
- Fuel dispensaries are located 20.1 feet away from the street, which is needed for proper circulation – relief needed – D (3) Conditional Use Variance
- There will be no junk motor vehicles on the property
- Twenty percent of landscaping will be in the front yard
- Signage – relief needed – D (3) Conditional Use Variance

Mr. Vandervalk testified the following Bulk Requirements are needed per Mr. Bloch's review:

- Canopies are not listed as a permitted accessory use or structure
- Distance of 20 feet between principal building and accessory structures. The proposed canopy is 8.3 feet to the principal building, and 7 feet from the trash enclosure to the principal building

Mr. Selvaggi added there is a decrease in impervious coverage, and the landscaping improvements proposed will be within thirty feet off the road. There is no landscaping there currently and the pavement will be cutback to provide for landscaping including spruce trees to provide barriers.

Mr. Vandervalk stated that along the front of the property there will an addition of grasses and flowering plants along the sidewalk, and the pavement will be pulled back to provide for the plantings. Mr. Vandervalk added on the west side of the building there will the addition of a small planting bed, as well as the disheveled, overgrown areas in the rear of the building will be cleaned up.

Chairman Camporini asked if there were any questions from the Board. There were none.

Mr. Bloch asked for the procedure for fuel spills to be addressed. Mr. Vandervalk answered the underground storage tanks have sensors and are automated. Mr. Vandervalk added the piping is double walled, and in some cased triple walled. Mr. Bloch stated some type of containment to capture fuel so it does not run into the river would be needed. Mr. Vandervalk answered at the filling pumps there are overflow buckets built into the tanks themselves.

Mr. Bloch stated the proposal is to move the propane to the right side of the building, and the sidewalk is not large enough. Mr. Bloch recommended this be pushed further back. Chairman Camporini asked if the Board Members had any questions.

Mr. Sherman stated it would be prudent to have spill controls in place, such as a boom. Mr. Kas answered he had no objection.

Chairman Camporini stated the Board has been recommending monument signs and would like to see this instead of the lollipop signs. Mr. Kas stated he will look into this.

Chairman. Camporini asked what the life expectancy of the tanks were. Mr. Kas answered double walled tanks forty years. Mr. Kas further answered his tanks do not have to be replaced for twelve years.

Chairman Camporini opened the meeting to the public.

John Crowe, Reese Avenue, asked why plantings indigenous to the area are not being used.

There being no further questions, Chairman Camporini closed the meeting to the public.

Mr. Selvaggi asked that Glen Gorlich, Architect be accepted as an expert in the field of architecture. The Board accepted Mr. Gorlich as an expert witness and was sworn in by Mr. Mennen.

Mr. Gorlich asked that Exhibit A-3 be entered into the record, which consisted of *Proposed Layout, First Floor*. Mr. Gorlich stated the proposal is converting the east side of the existing building to storage and staff room, and on the West side of the building a new store counter be installed, as well as new doors according to ADA specifications; the current non-compliant ADA restroom is to be removed.

Mr. Gorlich asked for Exhibit A-4 be entered into the record, which consists of the *colorized rendering of the South elevation.* Mr. Gorlich testified the exterior block is to be painted; the existing garage door opening is to be replaced with an aluminum frame storefront sliding door; an employee entrance is to be added.

Chairman Camporini asked if there any questions of Mr. Gorlich from the Board. There being none, the meeting was opened to the public. There were no questions, and the meeting was closed to the public.

Mr. Selvaggi introduced John Hansen, Professional Planner, and asked he be accepted as an expert witness. The Board accepted Mr. Hansen as an expert and Mr. Hansen was sworn in by Mr. Mennen.

Mr. Hansen stated he has been to the site many times, and listed the following conditions:

- The existing canopy is decorative, not functional
- The building in its current state lacks identity
- The site is walkable from an age restricted apartment complex
- The lack of signage is detrimental to the safe accessibility from a highway
- The site is void of vegetation and landscaping
- The one-acre property is larger than most gas station properties

Mr. Hansen stated the application is seeking a C Variances for setback relief.

- The fuel pumps are required to have a forty-foot minimum setback. There is 8.9 feet provided.
- The canopy is to be a minimum of 20 feet from the principal structure. There is 8.3 feet provided. The canopy promotes a safe environment for employees and patrons during inclement weather; the signs on the canopy increases safety for the site.

Mr. Hansen stated the application is seeking relief for signage as one sign is permitted, while four signs are proposed. Mr. Hansen stated the relief can be granted under C2 criteria as the building lacks identity, and the increase in signage promotes safety to the site.

Mr. Bloch asked if all the signs can be seen from the highway while travelling on the road. Mr. Hansen replied yes, with the traffic movements being unrestricted making it easy to turn in, he believes the east and west signs proposed on the canopy are critical to the safety of the site.

Mr. Bloch asked Chairman Camporini if the Board during past applications considered the logos on the fuel pumps as signs. Chairman Camporini deferred to Mr. Sterbenz. Mr. Sterbenz will look at previous approvals and advise the Board at the next meeting.

Mr. Sterbenz recommended at this time the plans be updated as there are a lot of issues that should be addressed in the plans.

Mr. Selvaggi stated depending upon the outcome of the signage issue, the applicant may have to address the variances applied for.

The Board agreed the application be carried to the December 15, 2020 Meeting, and the applicant is to supply updated plans which shall include the following:

- Lighting details

- Monument sign details
- Relocation of propane area
- On site spill mitigation
- Bollards

The public was advised the notice is carried to the December 15, 2020 Meeting, and there will be no further notice made.

**Livestock Co-Op Auction, App #20-08, Block 41, Lot 24 – Preliminary & Final Major Site Plan** The public was advised the notice carried to the December 15, 2020 Meeting, and there will be no further notice made.

**PUBLIC COMMENT**

**CORRESPONDENCE**

**ADJOURNMENT**
There being no further business, the motion to adjourn was made by Moore, seconded by Lambo. All members in favor of adjournment.

Respectfully submitted,

Shannon Drylie
Land Use Board Clerk

Motion to approve: Moore
Second: Stead
In Favor: Tierney; Walling; Sherman; Wolfrum; Stead; Moore; Camporini; Stead
Opposed: None
Abstained: Lambo

April 11, 2019

The Mayor and Common Council convened in open session in the Municipal Building at 215 Stiger Street, Hackettstown, New Jersey at 7:00 PM on April 11, 2019. The meeting opened with a salute to the Flag.

Mayor DiGiovanni announced that this meeting was being held in accordance with the Open Public Meetings Act by:

(1) posting a notice of said meeting on the bulletin board in the lobby of the municipal building;
(2) causing a notice of said meeting to be sent to the Daily Record;
(3) furnishing a notice of said meeting to anyone requesting it in accordance with the Open Public Meetings Act; and
(4) filing notice of said meeting with the Town Clerk.

Roll Call Vote: Present – Mayor DiGiovanni, Councilpersons, DiMaio, Engelau, Hinrichs, Kunz,

Absent – Sheldon and Tynan

Mayor DiGiovanni presented a proclamation in recognition of Warren County Community College Month.

Mayor DiGiovanni asked if anyone from the public would like to speak at this time.

Srinivas Valluri, 51 Musky Ridge Drive, and neighbors asked for the Town's assistance in restricting persons from trespassing on their properties to access Riverfront Park.

Cheryl Petrillo, asked the status of the goat that escaped from the Livestock Auction and access by protestors to sidewalks at the auction.

Tamala Lester, Director of the Barnyard Sanctuary, spoke of animals escaping from the Auction Market and that they should lose ownership of the the animal if they escape.

Vicki, a Hackettstown resident at 301 First Street, spoke of the need for animal safety at the Auction Market, that the Town ACO should be contacted immediately and truck traffic at the auction.

Sergio Rojas, owner of Metro Taxi, asked the status of this request to have the Town consider reducing it's taxi insurance requirements.

Representatives of the roofing contractor working on Hackettstown High School repairs appeared and requested extended work hours due to the urgency of the roof work needing to be done in a short period of time.

Motion was made (Hinrichs) and seconded (Kunz) to allow roof work to be done at the Hackettstown High School from 6:00 am to 9:00 pm Monday through Friday, and from 7:00 am to 9:00 pm Saturday and no work on Sunday from April 19, 2019 through April 28, 2019.

Roll Call Vote: Yes – DiMaio, Engelau, Hinrichs and Kunz

Motion was made (DiMaio) and seconded (Engelau) to approve the minutes of the regular meeting held on March 28, 2019 as submitted.

Roll Call Vote: Yes – DiMaio, Engleau, Hinrichs and Kunz