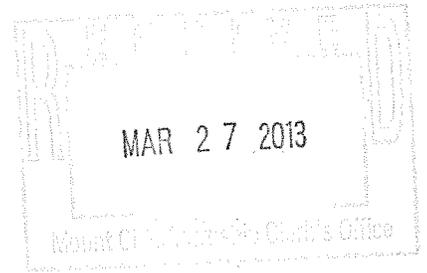


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Plan

PLANNING BOARD
TOWN OF HACKETTSTOWN
WARREN COUNTY, NEW JERSEY
RESOLUTION NO.:



WHEREAS, in accordance with NJSA 40:55D-28 et seq., the Planning Board of the Town of Hackettstown previously adopted a Master Plan; and

WHEREAS, subsequent to the adoption of its Master Plan, the Planning Board has adopted Master Plan Re-examination reports; and

WHEREAS, the Planning Board of the Town of Hackettstown last adopted a Master Plan re-examination report in January 2008; and

WHEREAS, part 1 of the 2008 re-examination report deals with the property commonly referred to as the "Bergen Tool property"; and

WHEREAS, since the adoption of the 2008 re-examination report, there have been changes in the assumptions, policies, and objectives of the Master Plan; and

WHEREAS, more specifically, changing economic conditions and new factual information since the 2008 re-examination report have necessitated greater flexibility in the redevelopment of the Bergen Tool site; and

WHEREAS, in an effort to address the aforementioned changes in assumptions, policies, and objectives, the Town Planner's office, upon direction from the Planning Board, prepared a draft Supplemental Modification to the Master Plan Reexamination Report (the "Modification"); and

WHEREAS, the Board considered the Modification and held a public hearing thereon on January 22, 2013 at the Hackettstown Municipal Building, 215 Stiger

Street, Hackettstown, New Jersey, 07840; and

WHEREAS, the aforesaid public hearing, which was held at an open public meeting, was noticed, advertised and held in accordance with the Open Public Meetings Act and the New Jersey Municipal Land Use Law; and

WHEREAS, all interested parties were afforded the opportunity to be heard concerning the Modification; and

WHEREAS, the New Jersey Highlands Council, in correspondence dated January 15, 2013, found that the Modification is "consistent with the Highlands Council Regional Master Plan and Plan Conformance agreement."; and

WHEREAS, Paul M. Sterbenz, P.E., P.P., of Maser Consulting, P.A. (the Town's planning and engineering firm) presented sworn testimony concerning the Modification plan, including the process followed, the review undertaken, and the suggestions and conclusions drawn there under; and

WHEREAS, the Board received reports and live testimony concerning the condition of the old Bergen Tool headquarters building from Maser Consulting, P.A., Frank Mileto (a licensed architect), and Stephen Tilly (a licensed architect); and

WHEREAS, representatives of the current owner of the Bergen Tool property testified that it is not economically feasible to rehabilitate the old Bergen Tool headquarters building to be a part of any redevelopment of the site; and

WHEREAS, the Board hereby adopts the Supplemental Modification to the Master Plan Reexamination Report dated December 2012 prepared by Maser Consulting, P.A. for the reasons set forth therein; and

WHEREAS, the Board adopts the findings of fact and conclusions set forth in said Supplemental Modification to the Master Plan Reexamination Report; and

WHEREAS, as a complement to (and in addition to) the findings of fact and conclusions set forth in the Modification, the Board makes the following findings of fact and conclusions based upon the evidence submitted to the Board at the public hearing, together with the documentary evidence submitted in conjunction with the Modification.

1. The Bergen Tool site is located on Main Street near the intersection with Stiger Street and is in the Town's PMU zoning district.
2. The Bergen Tool site remains fallow - and despite what was envisioned during the 2008 master plan re-examination process, has not been redeveloped. The site has failed to live up to its promise to serve as an "opportunity to bring new life to Main Street."
3. The reuse proposals for the Bergen Tool site contained in Section 1D of the 2008 master plan re-examination report are unobtainable and unrealistic given the change in economic conditions and the recognition of certain facts including: the lack of development, structural deficiencies, environmental contamination, and the difficulty in attracting an anchor tenant.
4. The previously adopted requirement that three (3) acres of land in the northern section of the Bergen Tool site be preserved for recreational uses should be retained.
5. Pharmacies with drive-through facilities should be permitted.
6. The current owner, and for that matter any potential developer, needs greater design and layout flexibility to foster redevelopment of the Bergen Tool site.
7. The Bergen Tool headquarters building (also known as the American Machinery Corporate office building) is in a badly deteriorated structural condition.

8. The use of the aforementioned headquarters building is not feasible, economically, practically, or environmentally as a part of the redevelopment of the Bergen Tool site.

Comments Received at the Public Hearing

9. Public comment during the public hearing was received from members of the public as well from principals and consultants of a local interest group - Preserve Historic Hackettstown.
10. Preserve Historic Hackettstown offered the testimony of Stephen Tilly, an architect who was sworn and qualified as an expert in the fields of architecture, historic preservation, and preservation planning.
11. Mr. Tilly's testimony focused on the Bergen Tool headquarters building. He opined that the adaptive re-use of the headquarters building was "eminently feasible".
12. Mr. Tilly acknowledged that he had last been in the headquarters building in 2004.
13. As to Mr. Tilly's claim that the headquarters building is not in a state of structural failure, the Board finds and concludes that such an opinion was inconsistent with the other professional opinions received by the Board. In comparing the opinions offered by the various professionals, the Board gives greater weight to the opinions offered by Maser Consulting and Frank Mileto as they are based upon more current analysis and a greater depth of knowledge concerning the Bergen Tool site.

14. Mr. Ray Rice, a principal of the development company which owns the Bergen Tool site gave sworn testimony that the headquarters building is laden with asbestos and PCB's - necessitating a large environmental cleanup. Those environmental issues, in addition to the structural issues, render it impossible to rehabilitate the headquarters building in an economically viable fashion. Members of the public with firsthand knowledge of the headquarters building supported Mr. Rice's claims concerning environmental issues. The Board finds and concludes that environmental issues exacerbate the structural issues plaguing the headquarters building, and make it economically unfeasible to incorporate the existing headquarters building in any redevelopment of the site.
15. Mr. Rice highlighted the developer's success in attracting a would-be pharmacy to the site, contrasting that success with the inability to attract other types of retailers to the site.
16. Various members of the public gave statements concerning the positives and negatives of permitting a pharmacy on the site. The Board finds and concludes that while permitting a pharmacy on the site would present competition for the existing pharmacy in town, it could provide the impetus to reignite the stalled redevelopment of the Bergen Tool site.
17. The Board finds the Supplemental Modification to the Master Plan Reexamination Report should be adopted.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Town of Hackettstown on this 22nd day of January 2013, that the report titled "Supplemental Modification to the Master Plan Reexamination Report, Town of

Hackettstown, Warren County, New Jersey, December, 2012", prepared by Maser Consulting, P.A. and signed by John A. Madden, PP, AICP is hereby adopted.

BE IT FURTHER RESOLVED that a copy of the within resolution and Supplemental Modification be forwarded to the Warren County Planning Board, the Clerk of each adjoining municipality and the governing body of the Town of Hackettstown.

Roll Call Vote

Those in Favor: *Stead, Corfatti, Brown, Bristow, King, DiMaio.*

Those Opposed: *None.*

I hereby certify that the above is a true copy of a Resolution adopted by the Planning Board of the Town of Hackettstown at its regular meeting of February 26, 2013.

x *Patricia Zotti*
Patricia Zotti, Clerk
Hackettstown Planning Board