

Borough of Hamburg
Land Use Board Meeting Minutes of March 12, 2012

The Borough of Hamburg Land Use Board Meeting was called to order at 7:30 pm by **the Chairman** in accordance with the open Public Meeting Act, with regard to notices.

The Chairman read the Statement of Certification. Adequate notice of the meeting has been provided to the public and press January 29, 2012 by delivering to the press and posting at the Municipal Building a copy pursuant to the provisions of the "Open Public Meeting Act"

The Chairman introduced Marguerite Nemeth, the new secretary to the Land Use Board. Attorney Gonzalez swore in Mr. Ronald Garrett as Land Use Board Alternate #1.

The Secretary called the Roll:

Present: John Haig, Daniel Hall, Guy Harby, Rich Krasnomowitz, Tom Watts, Wendy Brick, Jeanette Tempe, Mayor Marino, Robert Adams and Ron Garrett. Also present were: Ken Nelson, Planner; Bryant Gonzalez, Esquire, and John Ruschke, Engineer.

Approval of February 13, 2012 Land Use Board Minutes:

Mr. Watts made a motion to approve the minutes of February 13, 2012. Seconded by **Mr. Harby**. Aye: Harby, Krasnomowitz, Marino, Watts, Tempe and Brick. Nay: None. Abstained: Hall, Haig, and Adams.

Bills/Vouchers:

Mr. Watts motioned to approve payment of the following bills/vouchers. Weiner Lesniak- for General \$120.20, Weiner Lesniak – for General \$70.60, Weiner Lesniak – for Kirit Patel \$136.00. Seconded by **Mr. Harby**. Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Tempe, Brick and Adams. Nay: None. Abstained: None.

Correspondence:

The Chairman asked the Members if they had questions or comments regarding the following Correspondences. The Members had none.

- a. A & M Sky High LLC. Sunoco Station – dated 2/7/12 – RE: Release of Performance Bond and Escrow.
- b. Doreen Schott, Clerk - dated 3/6/12 RE: Land Use Board appointment of Ron Garrett and rescind Chris Fitzpatrick.
- c. Township of Hardyston – dated 3/5/12 RE: LOI extension for 116 Wheatsworth Road, Hardyston.
- d. Lucas and Gaus – dated 2/22/12 – RE: Lorterdan Hamburg Development Final DEP Permit.

Resolutions: There were no resolutions.

Old Business: Verizon Wireless

Attorney Gonzalez briefly discussed the history of Verizon Telecommunications, generator and pad. He mentioned that the project was completed except for the generator and pad. He said that the applicant is currently proposing to add the generator to their existing telecommunications site at 75 Summit Road. He explained to the Board that the Attorney and Engineer for Verizon Wireless were not available for the meeting tonight. Mr. Ruschke explained that the applicant is proposing a different generator than what was approved originally. As advised by the Attorney and Board, Mr. Ruschke will be sending the applicant a letter regarding the modifications and the generator enclosure related to the sound that the generator will produce.

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New Business: Application LU 12-01, Block 25, Lot 19, Hamburg Village Condominium Association, Inc.

Attorney John Hague represented the applicant. He explained that he reviewed the Borough Engineers and Planners reports that the Boards' Secretary sent him. He briefly discussed the reports. He added that the drywell that was installed did not come before the municipal officials. He said that the Engineer explained to the applicant that they would have to go before the Land Use Board for a site plan waiver. The applicant's attorney presented the applicants engineer Jeffrey Careaga. Mr. Careaga was then sworn in. Attorney Gonzalez asked the applicants engineer for credentials'. He asked the Board if they accept Mr. Careagas' credentials. They did.

It was explained to the board that the surface water and roof leaders were allowed to discharge to the back of the hill. There was no original recharge area or retention system. The water is not draining and ponding of water is a problem. Mr. Careaga disagreed with Mr. Ruschkes' letter because the area does have a recharge and retention area. There is no increase in flow.

Mr. Hague asked Mr. Careaga if he would provide the Board with a report to that. He agreed he could.

Attorney Gonzalez asked if they the applicant had the original plans. He added that this is not an application for a site plan waiver since it had approved drainage. He added that this could be an amendment to the final site plan. The plan on file could be amended. He recommended to the board that this is not a site plan waiver based on ordinance and the Municipal Land Use Law D:51 Site Plan Waiver. The applicant's attorney stressed that they also place in their notice an amendment to the final site plan. The applicants engineer will review the plan set approved by the municipality, revised and submit to the Land Use Board an amendment to the final site plan. Mr. Ruschke expresses his concern regarding the Board of Education's existing issues. He mentioned that if the applicant does not change the pre-existing conditions and current problem on the Board of Education's property, they need to address the problematic drainage issue on the applicant's property he would make exception to the improvements. If providing a conduit they need to make sure that they are not changing the pre existing conditions. **The Chairman** asked the applicants professionals if it were something they could do. They agreed yes. **The Chairman** asked for comments from the board. There was a discussion of a property must keep storm water on its property. It was explained that there is a storm water plan in place.

Mr. Harby excused himself because wife is on the Board of Education and stepped down.

Mayor Marino stated that everyone needs to be satisfied and work together on the problem.

The Chairman asked for a motion to open the meeting for public comment. Motion was made by **Mr. Hall** and Seconded by **Ms. Tempe**.

Dominick DeMella the president of Hamburg Village Condo Association - came to see what they had to do to satisfy and they are looking for a path forward. They wish to cooperate with the Land Use Board and the Board of Education. Attorney Gonzalez discussed that they will need to amend the final site plan by placing a note or place an actual sheet to show the Land Use Board and Engineer that there will be no drainage impacts and this would help the board make an approval. The Notice and fess have been paid there are no new fees because this is not a new matter.

Sheila Franco represents the Board of Education – She stated that there is a water problem on the field and they want no more water.

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The Chairman discussed that this could possibly be resolved next month and Mr. Hague needed to find a map.

The Attorney recommended that the applicant is carried to the April 9, 2012 meeting with no further notice needed. The Applicant agreed.

Planners Report:

The Planner discussed COAH and that the DCA believes that it was not correct to be abolished. He briefly discussed the 2010 census information. He will provide the Board with the current census information at the next meeting. Lastly he discussed the Highlands. He mentioned that the director is in the hot seat and may be replaced.

He finished his report by adding that while the Borough has a lull they should possibly consider planning for the future.

Public Comment period:

Motion by **Mr. Harby**, second by **Ms. Tempe** to open the meeting to the public. All members present in favor. There was no comment from the public.

Motion by **Mr. Harby**, second by **Mayor Marino** to close the meeting to the public. All members present were in favor.

Chairman's Agenda:

The Mayor discussed the new gas station and the drainage off wall on the north side. They need to put up silt fencing and stabilize the area. The engineer will review the area. The Planner explained he approved the field change of black landscaping.

The Chairman discussed the Sunoco Station and the release of the bond. A letter from the engineer is in order for the lighting, if it meets the lighting plan. The Planner explained that the landscaping plan is done. There are now planters in front of fence.

The Board discussed the possible hours of operation that they might be open after 11:00pm and this is something the Zoning Official needs to look at.

The Board discussed that someone is possibly looking into purchasing the old photography place.

The Zoning Officer discussed resident on Spruce Hill Court and that they want to add steps to the existing deck. It was discussed that they would need to amend the site plan. **The Mayor** added that they would need approval from the Association, Construction Official, Zoning Official and Land Use Board.

A Motion by **Mr. Harby** was made to adjourn at 8:18 PM. Second by **Ms. Tempe**. All were in favor.

Respectfully submitted by:

Marguerite L. Nemeth
Secretary to the Land Use Board

Robert Adams, Chairman