

Borough of Hamburg

Land Use Board Meeting Minutes of October 08, 2012

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

The Chairman invited all those present to participate in the flag salute.

Statement of Compliance: Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975, adequate notice as defined in section 3D of Chapter 21 P.L. 1975, has been made to the New Jersey Herald and is also posted on the bulletin board at the Hamburg Borough Municipal Building.

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

Approval of June 11, 2012 Land Use Board Minutes:

Ms. Tempe made a motion to approve the minutes of June 11, 2012. Seconded by **Mayor Marino**. Aye: Haig, Hall, Harby, Brick, Tempe, and Adams. Nay: None. Abstained: Garrett, Mayor Marino, Krasnomowitz and Watts

Bills/Vouchers:

Mayor Marino motioned to approve payment of the following bills/vouchers. Seconded by **Mr. Harby**. **Mr. Krasnomowitz** amended the motion to add the payment of \$315.00 for New Jersey Planning Officials 2013 Dues. Seconded by **Mr. Adams**.

Hatch Mott MacDonald - \$256.00 for May meeting \$767.62 for Patel - \$192.00 for June meeting

Weiner Lesniak, LLP - \$340.00 for General \$459.00 for Headley \$51.00 for General \$68.00 for General

The Nelson Consulting Group – \$253.00 for Planning Services \$184.00 for Headley.

New Jersey Planning Officials - \$315.00 Dues for the year 2013

Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Tempe, Brick, Garrett and Adams. Nay: None.

Abstained: None.

Correspondence:

- a. Hardyston Township Re: Hardyston Planning Board Application.
- b. County of Sussex dated June 14, 2012 RE: Frankford Land Use Board Application.
- c. Careaga Engineering Inc. dated June 19, 2012 RE: Hamburg Village, Block 25, Lot 19.
- d. John Eskilson, Sussex County Administrator; dated 7/12/12 RE: Sussex County Sewer Service Map.
- e. SCEDP – Luncheon invitation for 9/27/12 – mailed previously to members.
- f. ANJEC – 39th Annual Environmental Congress.
- g. Sussex County Soil Conservation District dated 9/12/12 RE: Orchard Street Drainage Improvements.
- h. Azark and Associates dated 9/12/12 RE: Extension for SZJ, LLC aka Paradise Pools.
- i. NJ Planner for May/June & July/August 2012
- j. Crystal Springs Builders dated 09/21/12 RE: Hardyston Planning Board Application.

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

Resolutions: LU 12-02 - Block 29, Lot 3 - Headley, Christopher.

Mr. Haig made a motion to approve the Christopher Headley resolution. Seconded by **Mr. Harby**. Roll Vote: Aye: Haig, Hall, Harby, Brick, Tempe, and Adams. Nay: None. Abstained: Garrett, Mayor Marino, Krasnomowitz and Watts.

New Business

SJZ, LLC –LU08-001 SJZ, LLC – Has been withdrawn from tonight's agenda as per the Applicants Attorney. **Mayor Marino** made the motion to carry SJZ, LLC. Seconded by **Mr. Harby**. All were in favor.

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The Chairman amended the agenda. **The Chairman** asked the Land Use Board Secretary to speak in regards to the Hamburg Village's escrow account. The Secretary stated that she has made several attempts to collect escrow funds from Hamburg Village Condo Association so that the escrow funds would be brought up-to-date so that the outstanding invoices from the professionals could be paid. She mentioned that she has had contact with Jennifer Nester several times regarding the lack of escrow funds. The Hamburg Village Condo Association Board of Directors has directed Ms. Nestor to review all the bills from the Land Use Boards professionals. The Engineer stated that he sent copies of his bills the other day to Ms. Nester. The Boards discussed that the project has not started and the escrow must be brought up-to-date. Mr. Ruschke suggested that a Notice of Violation be issued through the Zoning Officer. **The Chairman** asked if that would be heavy enough. Mr. Ruschke said he will contact the Zoning Officer to discuss the procedure. It was discussed that if the engineer and the Zoning Officer anticipate a problem they are to contact the Land Use Board attorney regarding this matter.

LZ 10-004 Block 14, Lots 9, 10, 11, Kirit Patel

The Applicant is seeking final site plan approval. Attorney Kienz swore in Mr. Patel and introduced the applicant's attorney John McDermott.

Mr. Haig stepped down from the application hearing at 7:50 pm.

Testifying on behalf of the Applicant was Cory Stoner, P.E. of Harold E. Pellow & Associates, a licensed professional engineer. Mr. Stoner testified that the site was essentially completed and would be ready to open in the near future. He discussed that some additional landscaping needed to be placed on site and additional groundwork done in order to insure the site was in complete compliance with soil erosion and sediment control and that there were other areas that needed to be completed. The majority of this work could be done sometime within the next ten (10) days and that the Applicant was seeking a TCO to open then. He discussed that he had not yet prepared a performance guarantee.

In a report dated 10/05/2012 from Ken Nelson, the Board Planner was reviewed. Mr. Nelson stated that the site work had been substantially completed; however, a number of items still needed to be completed including all of the landscaping. He added that the fencing as shown on the preliminary plan and installed on the site is not depicted in its entirety on the final site plan. It also appeared that some of the existing trees toward the rear of the property had been damaged.

Mr. Nelson and Mr. Ruschke discussed the landscaping that needs to be completed. They agreed that the landscaping would need to be bonded due to the fact that winter is not far away.

Board Engineer, John Ruschke, gave a verbal report. Mr. Ruschke discussed that there had been some minor deviations in the plans such as the height of some retaining walls that resulted in field modifications to the drainage plans and curbing. He also expressed his concern that the landscaping needed to be completed and repairs to the water service. He mentioned that additional signage would be needed for the driveway in order to insure that it would function appropriately. He then went on to discuss whether the site was safe and completed enough so that the Construction Official could issue a TCO (temporary certificate of occupancy). They Board and the Board Professionals agreed that there are a number of issues that need to be addressed before the Construction Official would issue the TCO and the Board did not feel that the site was ready for final site plan approval unless the recommendations and improvements were approved by the Boards Engineer.

The Chairman asked for a motion to open the meeting for public comment at 8:10pm.

Motion was made by **Mayor Marino** to open the meeting to the public. Seconded by **Mr. Harby**. All were in favor.

Wayne Dehnel, resident, came forward and testified that he was an adjoining property owner and requested that the fence which was installed be lowered. The Board mentioned that at the time of the initial hearing Mr.

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Dehnel's wife had appeared before the Board and requested that fencing be installed to provide a barricade between the applicant's property and theirs. He voiced his concern that the trees were evergreens and would grow to a substantial height which he disagrees with. Keith Sukennikoff, a member of the Hamburg Fire Department, testified that the Applicant has not addressed the soil erosion issues near the Fire Department's pavilion and he is requesting that the Applicant take care of this as soon as possible.

With no more comments by the public **Mayor Marino** motioned to close the public comment session at 8:17pm. Seconded by **Mr. Harby**. All were in favor.

The board discussed that the Applicant shall complete the Land Use Boards Engineers and Planners recommendations and improvements which include installation of additional signage at the entrance of the parcel; completing all grading on the site to insure the site is safe for use and the landscaping.

The Applicant shall meet with the Board Engineer and Mr. Dehnel, the adjoining property owner to determine if it is possible to alter the height of the fence so that his property has some additional views.

If determined by the Boards Engineer the Applicant shall post an appropriate performance guarantee and maintenance guarantee in an amount deemed satisfactory.

All other requirements or recommendations of the Board Engineer, Planner, Attorney, Borough Construction Official, NJDOT, the Sussex County Soil Conservation District and any other agency must be met.

Mayor Marino motioned to grant Final Site Plan Approval subject to conditions: Performance Bond, Neighbor Issues Addressed, Fence Reviewed, Towns Water Line Repaired, and All the Conditions are Approved by the Land Use Board Engineer. Seconded by **Mr. Watts**.

Roll Vote: Aye: Haig, Hall, Harby, Krasnomowitz, Mayor Marino, Watts, Brick, Garrett, and Adams. Nay: None. Abstained: Tempe.

Attorney McDermott requested a waiver from receipt of resolution. He stated that they will be proceeding at their own risk.

The Chairman opened the meeting for public comment. Seconded by **Ms. Tempe**. All members were in favor. There were no comments from the public.

Planner Report: None

Chairman's Agenda: **The Chairman** discussed having the professionals give an estimate of how much work and money would be involved with future applications. He added that the professionals shall look at the Boroughs escrow requirements to determine if the escrow fee should be increased.

A motion by **Ms. Tempe** was made to adjourn at 8:54 PM. Seconded by **Mayor Marino**. All were in favor.

Respectfully submitted

Marguerite L. Nemeth
Secretary to the Land Use Board