

Borough of Hamburg

Land Use Board Meeting Minutes of August 12, 2013

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 invited all those present to participate in the flag salute.

The Chairman read the Statement of Certification. This meeting is in compliance with the Open Public Meetings Act, Public Law 1975, Chapter 231, Sections 4 and 13, as advertised by Annual Notice"

Present were Wendy Brick, John Haig, Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeanette Tempe, Tom Watts, and Robert Adams. Also present were: Glenn Kienz, Esq.

Approval of May 13, 2013 Land Use Board Minutes:

Mr. Watts made a motion to approve the minutes of May 13, 2013. Seconded by **Ms. Tempe**.

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

Bills/Vouchers:

Mr. Haig motioned to approve payment of the following bills/vouchers:

The Nelson Consulting Group for TCAT Properties - \$540.50, Martin Lee, LLC \$184.00.

Hatch Mott MacDonald for TCAT Properties - \$624.00, TCAT Properties - \$36.73, TCAT Properties - \$60.00, Martin Lee, LLC – \$36.73, Patel \$21.47, TCAT Properties \$96.00.

Weiner Lesniak, LLC, for Martin Lee, LLC. - \$1088.00, TCAT Properties \$68.00, Hamburg Village - \$34.00, Ankit Patel \$408.00, Ankit Patel \$392.20, General \$34.00.

Seconded by: **Mr. Harby**

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

Correspondence:

- a. Hatch Mott MacDonald - dated 5/13/13 RE: Hamburg Village Condo Assoc.
- b. County of Sussex Dept of Engineering – dated 5/10/13 RE: Martin Lee, LLC.
- c. County of Sussex Conservation and Farmland Preservation – dated 5/16/13 RE: 2013 Open Space Application
- d. Doreen Schott- dated 7/3/13 RE: Brandywine Senior Living
- e. The New Jersey Planner May/June

The Chairman asked the Members if they had questions or comments regarding the following Correspondences. The Members had none. The Chairman asked if the Council has discussed item D. Mayor Marino mentioned that they have not.

Resolutions: There were no resolutions.

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Old / New Business:

Ankit Patel - 216 Route 23 South a/k/a Blk 14, Lt 13 -Certification for Non Conforming Use

The applicant was represented by Attorney Cynthia Collins. She discussed that the property continues to be utilized as a single family residence. She discussed the chain of title and that the property is grand fathered residential, since the zoning was changed in 1979 to highway commercial. The applicant will need written certification of non conforming use if they try to refinance the mortgage.

Mr. Adams asked if the property will change use. Attorney Collins stated that they are doing nothing for the time being. She checked with the Assessor and there were no property records beyond 1998.

Attorney Kienz discussed that the highway commercial zone can contain residential. He also discussed that the applicant could change the use of the property at any time but there is no downside. Attorney Collins explained that there is currently a tenant in the home. She explained that the mortgage company wanted the certificate. The banks concern is that the Borough could issue a violation that this is a residential use property in a commercial zone. The certificate will run with the property until there is a change.

Mr. Kirit Patel was sworn in for testimony. He stated that the home is a 2-3 bedroom with a living room, dining room and two baths, with no garage.

There were no other questions or comments from the Board. The Board agreed to authorize Attorney Kienz to draft a certificate of pre-existing non-conforming use for the applicant.

There were no members of the public present for comments.

Mr. Krasnomowitz made a motion to approve the Certification of Pre-Existing Non-Conforming Use. Motion was seconded by **Mr. Watts**. Aye: Brick, Harby, Hall, Krasnomowitz, Mayor Marino, Tempe, Watts, and Adams. Nay: None. Abstained: Haig.

Professional Report: Attorney Kienz suggested that the board review fees.

Chairman's Agenda: There was a brief discussion on the Seven Eleven's progress.

A motion by **Mayor Marino** was made to adjourn at 8:06 PM. Seconded by **Mr. Harby**. All were in favor.

Respectfully submitted by:

Marguerite L. Nemeth
Secretary to the Land Use Board