

Borough of Hamburg

Land Use Board Meeting Minutes of March 09, 2015

The Borough of Hamburg Land Use Board meeting was call to order at 7:00 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.

Those present were Wendy Brick, John Haig, Daniel Hall, Richard Krasnomowitz, Mayor Marino, Jeanette Tempe, Thomas Watts, and Robert Adams. Also present were Glenn C. Kienz, Esq, and John Ruschke, PE, Ken Nelson, Planner.

Approval of January 12, 2015 Land Use Board Minutes:

Ms. Tempe made a motion to approve the minutes of January 12, 2015. Seconded by **Mr. Hall**. Aye: Brick, Haig, Hall, Mayor Marino, Tempe, Watts, Adams. Nay: None. Abstained: Krasnomowitz. Absent: Harby.

Guy Harby arrived at 7:15 pm.

Mayor Paul Marino presented Attorney Glenn Kienz a plaque for his 35 years of service to the Borough.

Bills/Vouchers:

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

Weiner Lesniak, LLC for Grey Elephant, LLC \$578.00; for General 12/08/14 \$340.00; for General 01/12/15 \$340.00; KP Kit and Jay LLC \$153.00; Hamburg Farms, LLC \$170.00.

Hatch Mott MacDonald for Grey Elephant \$192.00; for general services \$195.00; Hamburg Farms \$225.00;

J and Kit Patel Lube Center 724.50.

Ken Nelson for Patel Lube Station \$655.50; Hamburg Farms \$494.50.

Seconded by **Ms. Tempe**. Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Tempe, Brick, and Adams. Nay: None. Abstained: None.

Correspondence:

Sussex County Division of Planning dated 1/13/15 RE: Highlands Master Plan Review

Cynthia M. Collins, Esq. dated 1/29/15 RE: Kirit Patel Lube Center

Jeffrey Stabile Zoning Report for 2014

Jeanne McManus of Weiner Lesniak, LLP dated 2/3/15 to John Fetterly, Esq. RE: Hamburg Farms.

Water Quality Management and the Highlands

Vernon Township –RE: Ordinance Amendment dated 2/4/2015

PS&S dated 1/30/2015 RE: Wetlands, Coastal and Flood Hazard Area Permit application

Sussex County Economic Development dated 2/19/15 RE: Liaison

Bernd Hefele Esq. dated 2/20/15 RE: Grey Elephant Lot Line Adjustment

Doreen Schott RE: 2014 COAH Trust Fund Monitoring

Attorney Carl Nelson dated 3/9/15 RE: Adjournment of the Brown Application to the April Meeting.

Attorney Kienz discussed that LU 03-14 application Ramage / Brown - Block 21, Lots 39, 39.01 & 30.02 will be carried to April 13, 2015.

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

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Resolutions:

LU 01-15 Hamburg Farms, LLC – Block 29, Lots 4 & 5 -

Ms. Tempe motioned to approve the resolution for application LU 01-15 - Hamburg Farms, LLC – Block 29, Lots 4 & 5. Seconded by **Mr. Watts**. Aye: Hall, Haig, Harby, Marino, Watts, Tempe, Brick, and Adams. Nay: None. Abstained: Krasnomowitz.

Old / New Business:

LU02-15 KP Kit and Jay LLC- Block 14, Lots 9, 10, 11, 12 & 13 – PSP, FSP and C variances

The Land Use Attorney asked that the applicant treat this as informal, to give a summary under 10.1 of the Land Use Law as the applicants attorney was running late.

The applicant was represented by Thomas Knutelsky, Engineer of Harold Pellow and Associates. Oath was given by Glenn Kienz, Esq. It was explained by the engineer that the plans are unchanged. The existing structure will be demolished. The use is permitted in the zone and is a compatible use. The lube station will be a drive up, the lube will be done in one of two bays and then the vehicle is pulled out to a circular drive with two lanes. There will be pavement on the majority of the site with drainage for stormwater management and underground management. Lighting on site will be front and back. Landscaping will be in tiers, trash enclosures (applicant's attorney arrives at 7:35 pm.) Parking was discussed, five (5) stalls will be provided, and merging 14 parking stalls with adjacent gas station will bring total parking stalls to 19. The size of the stalls could be reduced to bring the total to 20 stalls. The setbacks will be as required by ordinance. The retaining walls and grading were discussed. The applicant Ankit Patel was sworn in discussed the signage for the lube station. He mentioned that the sign would be the same sign design as the gas station. Approximately a 20 square foot sign.

Mr. Patel, the applicant spoke about the similarities his pervious (2002-2014 in another municipality) lube station has with the proposed lube station. He said that the station will only do oil changes to vehicles. The station will check other fluids if asked by the customer. There will be no tire sales or transmission replacements. Used oil will be stored in a 500 gallon waste oil tank and an oil recovery company will pick up the oil and filters. He will have an oil filter crusher on site. Antifreeze will also be stored and will be removed by a recovery company.

The applicant discussed he is asking the DOT for a left turn lane from northbound. The Board expressed their concern of the foot traffic along that portion of Route 23 and how narrow the shoulder is for those that use it. The applicant would consider adding a sidewalk on the southbound side where his property is.

The traffic pulling in and leaving the site was discussed. The Board is concerned about the sight distance for those pulling out. They discussed how vehicles make illegal turns from the gas station. The applicants engineer discussed that the NJDOT will have a review and revisions, they will modify the plan accordingly.

The hours of the business was discussed, they would be open from 7am to 7pm. Headlights from the cars will be buffered by the fencing and landscaping. The light behind the building will be a twelve (12) foot downturned light for security, the illumination will not venture off the property. The EDU's were discussed and there will only be one bathroom onsite.

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The Land Use Boards Engineers report was discussed. The applicants engineer said they will comply with the report. The Land Use Board engineer discussed two items. Stormwater is critical, he will scrutinize and they must comply. The modification of Route 23, must make safer and sensitive to driveways.

The Land Use Board planner discussed that the applicant agreed to the landscaping plan. The applicants engineer discussed that the sidewalks will only be on the applicants property.

The fire suppression system was discussed and the applicant will do what is required by law.

The Chairman asked for a motion to open the meeting for public comment at 8:05pm. Motion was made by **Mr. Harby** to open the meeting to the public. Seconded by **Ms. Tempe**. All were in favor.

Sheila Franco was sworn in. She questioned the notification. It was discussed by the applicant's attorney that notification should have been disclosed at the closing to the purchaser of the property. The applicant's attorney was advised to obtain a new listing and notice those that have changed from the prior listing.

Mr. Watts motioned to close the public comment session at 8:19pm. Seconded by **Mr. Harby**. All were in favor.

The applicant was asked about how many vehicles the lube station would service. He replied approximately 15-25 vehicles a day.

The Engineer for the applicant mentioned they should be hearing back from the NJDOT within a month or so. The applicant will need county and DOT approval. The application will be carried to April 13, 2015.

Mr. Haig motioned to authorize the Land Use Board attorney to draw a resolution for the official vote and memorialized at the April 13, 2015 hearing.

Seconded by **Mr. Krasnomowitz**. Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Tempe, Brick, and Adams. Nay: None. Abstained: None.

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

Professionals Report: None

Chairman's Agenda: None

A motion by **Mayor Marino** was made to adjourn at 9:25 PM. Seconded by **Mr. Harby**. All were in favor.

Respectfully submitted by:

Marguerite L. Nemeth
Secretary to the Land Use Board