

Borough of Hamburg

Land Use Board Meeting Minutes of April 13, 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

- a. Hatch Mott MacDonald dated 3/9/15 RE: Grey Elephant LLC.
- b. Weiner Lesniak, LLP – Glenn Kienz, Esq. dated 3/16/15 RE: Grey Elephant.
- c. The New Jersey Planner Jan/Feb 2015
- d. Mayors Advisory dated 3/10/15 RE: COAH Ruling
- e. Asset Management Consultants – dated 3/24/15 RE: Nextel Funds
- f. Vernon Township dated 3/24/15 RE: Ordinance 15-01
- g. NJDEP dated 3/19/15 RE: Accurate Forming, Inc.

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

Old Business:

Application

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

The applicant's attorney, Cynthia Collins, Esq. gave a brief review of the hearing from March 09, 2015. The Land Use Board attorney asked if there were any new property owners on the certified listing and if they were noticed? Attorney Collins stated that there were three and they were all noticed. **Mr. Krasnomowitz** asked what happens if DOT does not accept the plans? Mr. Ruschke explained that the applicant would have to come back. Attorney Kienz mentioned that the applicant cannot do anything unless Mr. Ruschke signs off.

Mayor Marino motioned to approve the resolution in the matter of KP Kit and Jay, LLC, Application Number LU02-15 for Preliminary and Final Site Plan Approval. Seconded by **Mr. Adams**. Aye: Brick, Harby, Krasnomowitz, Mayor Marino, Tempe, Watts, Adams. Nay: None. Abstained: None

Ms. Tempe left at 7:10 pm.

Mr. Ruschke discussed Grey Elephant and that the Mayor and Council raised concerns. The applicant will need to establish a right of way.

COAH was briefly discussed. Ken Nelson, Mr. Adams and Attorney Kienz previously discussed COAH. The attorney discussed that there are several categories of where municipalities fall, certification, pending, those that have done nothing or should not do anything. He believes Hamburg is in the last category or do little. He is concerned and suggests that the town should file a preceding incase a developer files a judgement. There is not much vacant land left in Hamburg.

The Mayor discussed that the Land Use Attorney and Borough Attorney should work together on COAH.

Mayor Marino motioned to approve having the Land Use Board Attorney, Glenn Kienz and the Borough Attorney, Richard Clemack work together on COAH. Seconded by **Mr. Adams**. Aye: Brick, Harby, Krasnomowitz, Mayor Marino, Watts, Adams. Nay: None. Abstained: None

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LU 03-14 Ramage / Brown - Block 21, Lots 39, 39.01 & 30.02 – PSP & FSP

Kenneth Wentink, the applicants engineer gave a summary of the application. The applicant is asking the Board to modify lot lines to conform to the applicants property, 2 of the 3 homes are vacant. There is a fifty (50) foot right of way to the Borough Road. Mr. Brown bought the property with the water tank. The Borough Water department located and did the survey of the lines.

Mr. Ruschke discussed the easement of lot 41 is 50 feet which was likely to establish a municipal roadway. It is more than need for a driveway. He suggests to reduce it to a 20 foot from 50 foot. He would like to establish easement to follow existing driveway.

Mr. Wentink said the properties have no road frontage, it has been worked out so that the property has frontage.

Mr. Ruschke explained that the Borough might have to use the property in the future. Attorney Kienz discussed that the Residential Site Improvement Standards are 20 feet.

Mr. Ruschke said that the applicant should file map. Mr. Wentink disagreed. Attorney Kienz suggested filing by description and file a copy of the map. Mr. Ruschke wants it clear so that it is easier in the future. **Mayor Marino** explained that this was the problem with the application, there were no records. The new records need to cover all.

The professionals for the applicant and the Land Use Board professionals agreed that the description will be based on the map. The deed and the map will be filed with each other.

The Chairman asked for a motion to open the meeting for public comment. Motion was made by **Mr. Watts** to open the meeting to the public. Seconded by **Mr. Harby**. All were in favor. There were no comments from the public. **Mr. Watts** motioned to close the public comment session. Seconded by **Mr. Harby**. All were in favor.

Mayor Marino motioned to approve the application. Seconded by **Mr. Adams**. Aye: Harby, Krasnomowitz, Marino, Watts, and Adams. Nay: None. Abstained: Brick.

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 7:59 PM. Seconded by **Mr. Harby**. All were in favor.

Respectfully submitted by:

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Marguerite L. Nemeth
Secretary to the Land Use Board