

Borough of Hamburg
Land Use Board Meeting Minutes of February 8, 2016

The Borough of Hamburg Land Use Board meeting was call to order at 7:00 pm by **Chairman Adams** in accordance with the Open Public Meeting Act, with regard to notices.

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

Chairman Adams 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 Mayor Marino, Jeanette Tempe, Thomas Watts, and Robert Adams. Also present was Ken Nelson, Board Planner. Absent were John Haig and Guy Harby.

MINUTES:

Approval of the January 11, 2016 Land Use Board Minutes:

Ms. Tempe made a motion to approve the minutes of January 11, 2016. Seconded by **Mr. Watts**. Aye: Mayor Marino and Chairman Adams. Nay: None. Abstained: None.

BILLS/VOUCHERS:

Mayor Marino motioned to approve payment of the following bills/vouchers. Mr. Watts questioned where the funds are coming from for the mounting COAH billing resulting from the litigation. Mayor Marino explained that it was included in the municipal budget.

- a. Weiner Lesniak, LLC - General \$51.00.
- b. Weiner Lesniak, LLC – COAH \$2,767.50
- c. Weiner Lesniak, LLC – KP Kit and Jay, LLC \$170.00
- d. Hatch Mott MacDonald - Grey Elephant \$62.50
- e. New Jersey Herald – General \$41.10
- f. New Jersey Herald – General \$\$69.90

Seconded by **Ms. Tempe**. Aye: Mayor Marino, Tempe, Watts, and Adams. Nay: None. Abstained: None.

CORRESPONDENCE:

- a. Undated correspondence from Joseph Kaytes received on 2/2/16 with additional escrow funds
- b. Correspondence dated 1/22/16 from County of Sussex to Kaytes re: Minor Site Plan
- c. Correspondence from Hatch Mott MacDonald dated 1/20/16 re: Review of Metes and Bounds for Brown/Ramage subdivision
- d. Correspondence from Weiner Lesniak to Hon. Stephan C. Hansbury, JSC dated 1/15/16 re: In the Matter of the Application of the Borough of Hamburg for Determination of Mount Laurel Compliance

- e. Correspondence from New Jersey Conservation Foundation to Clerk dated 1/14/16 re: Conference 3/18/16
- f. Legal Notice dated 1/13/16 – Professional Services Resolutions
- g. Legal Notice dated 1/13/16 – Publication of Meeting Dates 2016
- h. Correspondence dated 1/13/16 to Kienz forwarding Professional Services Agreement 2016
- i. Correspondence from Township of Hardyston dated January 11, 2016 re: hearing to consider Amendment to the Land Use Board Element of the Township of Hardyston Master Plan.

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

UNFINISHED BUSINESS – COAH Litigation

In the Matter of the Borough of Hamburg Complaint for Declaratory Judgment Demonstrating Municipal Compliance with Constitutional Mount Laurel Obligation

(Docket No. SSX-L-000440-15)

- Status update from Ken Nelson

Mr. Nelson began discussion on the Housing Plan as it relates to the pending COAH litigation including how adopting the Plan would provide some measure of protection for the Borough through the year 2025. Mr. Nelson discusses the process which sets forth strict deadlines for submission of documents to be reviewed by Hon. Stephan C. Hansbury, P.J., Ch. A draft Housing Plan needs to be filed by April 4, 2016. Mr. Nelson will have a draft prepared for the Board’s review for the March 14, 2016 meeting. The Board is not under any obligation to adopt the plan or see the process through. We do not need to be certified. It does, however, need to show good faith compliance with the Court’s deadlines for submission.

Judge Hansbury may require additional information or modification. Judge Hansbury has not appointed a planner and there are no interveners at this point. It is possible that Judge Hansbury will certify the Plan.

Mr. Nelson discusses the two sets of numbers setting forth housing unit obligations for present need, prior need, and future need (over 10 years) as determined by EConsult and Fair Share Housing Center:

	<u>EConsult Services</u>	<u>Fair Share Housing Center</u>
Present	12	5
Prior	14	14
Future	47	139

The EConsult submitted two reports. The second report increased the need but did not provide a clear explanation as to how that was determined.

Mr. Nelson met with Mr. Ruschke to discuss a strategy since the Borough may have some sewer and water capacity in reserve.

Discussion continued on prior applications in the Borough including the Bank Street development in the Planned Development Zone which proposed to provide affordable housing units. Development of that property could allow for 25-30 units with a modification to the density of the present zoning to allow for more units per acre.

Discussion continued on rezoning and redevelopment of existing properties in other areas in the Borough. Other possible strategies to meet the need include the Borough's purchase of existing units at a reduced price then selling to buyers who meet the need. The properties would require a 30-year deed restriction.

Mayor Marino indicated the Borough is not interested in purchasing properties for resale. The Borough's housing is affordable. The Borough has existing affordable housing and group homes. He is not interested in adding another group home to meet the need. He discussed Advance Housing's petitioning the State for tax abatements for several of their properties. In addition, the Borough has homes in foreclosure. New construction is not realistic.

Board discussion continued on the prior application and concept plans that proposed affordable housing units including the Bank Street development in 2006/2007 for single family and apartment units and Grey Elephant, LLC and Historic Hamburg, LLC in 2014 for eighty (80) or ninety (90) 1 to 2 bedroom apartment units.

Mr. Watts discusses the vacant land on Route 517. Board discussion continued and included the environmental report which determined that the property contained significant wetlands and could not be developed due to the presence of bog turtles.

Ms. Tempe discusses the number of vacant homes in the Borough and questions whether Judge Hansbury has a realistic picture of how the current economic conditions have affected the Borough.

Discussion on requesting from Judge Hansbury and adjust based on the Borough's lack of vacant land suitable for development.

Mr. Nelson suggests a committee be formed to address these issues.

Mr. Nelson will provide a report to Judge Hansbury showing the Borough can meet some of the determined needs obligation. Twenty-five percent (25%) of the obligation needs to be met through rentals.

Mr. Nelson informed the Board that anything included in the Plan needs to be completed.

Mayor Marino said we need to determine whether we have available water and sewer capacity. The Board professionals will discuss at the March meeting.

RESOLUTIONS: None.

PROFESSIONAL REPORTS: None.

CHAIRMAN'S AGENDA:

Mr. Watts mentioned the issues facing the Hamburg Historic Preservation Commission including the lack of quorum. **Mayor Marino** informed Mr. Watts that two appointments had been made at the Mayor and Council meeting that should enable the Commission to have a quorum for the reorganization meeting.

A motion was made to adjourn by **Mayor Marino** at 7:52 PM. Seconded by **Chairman Adams**. All were in favor.

Respectfully submitted by:



Wendy Brick
Secretary to the Land Use Board