

Borough of Hamburg Land Use Board Meeting Minutes of June 13, 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.

Glenn Kienz, Esq. administered the Oath of Allegiance to George Alakpa, Class IV Alternate Member. Mr. Alakpa joins the Board members for the meeting.

Those present were John Haig (arrived at 7:05 pm), Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeanette Tempe, Sam Villagomez George Alakpa and Robert Adams. Also present was Glenn Kienz, Esq. and John Ruschke, PE. Absent: Ken Nelson, PP.

MINUTES:

Approval of the May 9, 2016 Land Use Board Minutes:

Mayor Marino made a motion to approve the minutes of May 9, 2016. Seconded by Ms. Tempe. Aye: Hall, Harby, Krasnomowitz, Mayor Marino, Tempe, Villagomez and Chairman Adams. Nay: None. Abstain: Watts.

BILLS/VOUCHERS:

Ms. Tempe questioned whether three additional bills had been added to the agenda for review and approval. Board Secretary confirms that three additional bills were added to the agenda. The revised agenda reflects the additional bills.

Mayor Marino motioned to approve payment of the following bills/vouchers. Seconded by Mr. Harby. Aye: Haig, Hall, Harby, Krasnomowitz, Mayor Marino, Tempe, Villagomez and Chairman Adams.

- a. Nelson Consulting Group - \$425.50 – Land Use General
- b. Nelson Consulting Group - \$529.00 – Diamond Communication (pending receipt of escrow deposit) (E)
- c. Hatch Mott MacDonald - \$557.80 – Land Use General
- d. Weiner Lesniak LLP - \$68.00 – Land Use General
- e. Weiner Lesniak LLP - \$1,591.12 – COAH
- f. Weiner Lesniak LLP - \$68.00 - Hamburg Farms (E)
- g. Weiner Lesniak LLP - \$612.00 – Land Use General
- h. Weiner Lesniak LLP - \$2,795.50 - COAH

The Board welcomes Mr. Alakpa, Class IV Alternate Board member.

CORRESPONDENCE:

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

- a. June 7, 2016 Correspondence from Advance Housing, Inc. requesting return of escrow.
- b. June 6, 2016 Correspondence from Warren County Soil Conservation District regarding grant money.
- c. May 25, 2016 Correspondence from Borough of Franklin to Sussex County Planning Board re: Ordinance 11-2016
- d. May 23, 2016 Correspondence from Mr. Nelson re: Lot Line Relocation Brown/Ramage application
- e. May 17, 2016 Correspondence from State of NJ re: Highlands Council matching grant program
- f. The New Jersey Planner March/April 2016

Attorney Kienz suggests hearing the applicant prior to discussing the first item on the agenda.

Mayor Marino makes a motion to suspend the agenda to move the discussion on COAH, second by Ms. Tempe with all others in favor.

Haig arrives at 7:05 pm.

New Business – Extension of Time for Application #LU 02-16/LU 01-15

Hamburg Farms, LLC

Application for an Extension of Time for Minor Subdivision Approval (received 4/18/16)

94 Vernon Avenue (Block 29, Lots 4 and 5)

William Askin, Esq. of Askin & Hooker in Sparta and Kevin Robine, PE from Dykstra Walker appear on behalf of the applicant. Ms. Pierson is in attendance as a representative of Hamburg Farms, LLC. There is no change to the site plan. The cause of the delay is merely obtaining NJDOT approval. Numerous emails have been exchanged with the NJDOT. NJDOT moved office and application was lost in the process. Mr. Askin requests 180 days in order to obtain NJDOT approval. Mr. Robine is sworn in and testifies as to his credentials. He concurs that the remaining issue is the NJDOT approval which he expects within 60-90 days. Attorney Kienz will prepare a resolution which will in effect provide more than 180 days to the applicant.

There are no questions from the Board members and no public present.

Mayor Marino made a motion to approve the extension for an additional 180 days in order to allow time for the applicant to receive NJDOT approval Seconded by Chairman Adams. Aye: Hall, Haig, Harby, Krasnomowitz, Mayor Marino, Tempe, Villagomez, Watts and Chairman Adams. Nay: None.

Mr. Watts questions whether the new Board members can vote on this application. Attorney Kienz clarifies that the extension is in effect a new application so all members may vote.

Diamond Communications, LLC and Cellco Partnership d/b/a Verizon Wireless – Application #LU 06-001

At 7:15 pm, Chairman Adams makes a motion to suspend the agenda in order to open the meeting to the public to move the discussion on Diamond Communications, second by Haig with all others in favor.

Mayor Marino and Krasnomowitz step down from the dais.

Paul Marino of 23 Holly Drive informs the Board members that the applicant arranged a meeting to visit alternate sites for the monopole. The meeting was attended by Mr. Krasnomowitz, Ms. Brick and Mayor Marino. At the recommendation of the Board at the May 9, 2016 meeting, the applicant's representative visited the sites the Board recommended for consideration at the May 9, 2016 meeting which included the Borough's recreation fields which are deed restricted, the Borough's water tanks on Bank Street and the pump station on Linwood Avenue. There is a possibility that the applicant will not seek a further renewal of their lease for the Borough's water tanks, which they are well within their rights to do, in favor of finding an alternate location for the monopole.

Discussion continues on the outstanding escrow. Mr. Ruschke states that the applicant should not be heard until all outstanding escrow fees have been satisfied and additional funds are deposited for the professional fees moving forward. The resolutions for Dr. Eisenstein and Mr. Snyder are discussed. Dr. Eisenstein possesses the technical skills and expertise required to review this application. Mr. Ruschke suggests retaining the professionals but not authorizing additional work going forward until the additional escrow deposit has been received. The application does not continue until the escrow deposit is received. Chairman Adams suggests having Attorney Valenti send correspondence to the applicant.

Chairman Adams makes a motion to approve the resolution authorizing the Land Use Board to retain Bruce A. Eisenstein, Ph.D., P.E. for the Diamond Communications application. Seconded by Ms. Tempe. Aye: Hall, Haig, Harby, Tempe, Villagomez, Watts and Chairman Adams. Nay: None.

Chairman Adams makes a motion to approve the resolution authorizing the Land Use Board to retain Eric Snyder, P.E. for the Diamond Communications application. Seconded by Mr. Harby. Aye: Hall, Haig, Harby, Tempe, Villagomez, Watts and Chairman Adams. Nay: None.

Mr. Harby makes a motion to close to the public at 7:25 pm in order to resume the agenda. Seconded by Ms. Tempe. Aye: Hall, Haig, Harby, Tempe, Villagomez, Watts and Chairman Adams. Nay: None.

Mayor Marino and Mr. Krasnomowitz return to the dais.

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)

Attorney Kienz provides an update on the COAH litigation. The settlement conference was held with the Fair Share Housing Council. Discussion on the EConsult and Kinsey numbers for housing units. The numbers generated by EConsult will likely be abandoned by the Court in favor of the Kinsey numbers which are in the range of 250-275 low income units.

Discussion continues on the limited number of properties that would be available and suitable for development within the Borough, the limited number of EDUs, the decreasing population

in Sussex County and the limited economic growth to support another surge in population warranting development.

The Board has three possible options: (1) complete the process which would be expensive, (2) withdraw the action and require any further development to have a COAH requirement and (3) complete the Housing Plan.

Mayor Marino indicates that significant taxpayer funds have been expended in Hamburg's attempt to comply with the State's requirements. He would move forward with the Housing Plan.

Mr. Krasnomowitz makes a motion to move forward with the Housing Plan. Seconded by Mr. Watts. Aye: Hall, Haig, Harby, Mayor Marino, Tempe, Villagomez, Watts, Alakpa and Chairman Adams. Nay: None.

CHAIRMAN'S AGENDA:

Mayor Marino mentions the Council's decision to raise the Board Secretary's salary.

Discussion on property maintenance within the Borough. Mr. Krasnomowitz discusses the ongoing issues and the summons issued for property maintenance on homes currently in foreclosure and bank owned properties.

Mr. Haig questions whether or not it is taken into consideration as to whether the property owners are experiencing medical issues or financial issues that prevent them from maintaining their properties.

Mr. Krasnomowitz discusses Borough liens for property maintenance

Mr. Harby mentions a property on Circle Drive which was recently foreclosed on. There is a pool uncovered in the backyard.

Brief discussion on the upcoming review of the Hamburg School renovations Section 31 Review.

Board Secretary brings to the Board's attention correspondence from Advance Housing requesting a return of escrow.

Chairman Adams makes a motion to release the funds held in escrow for Advance Housing. Seconded by Mr. Krasnomowitz with all others in favor.

A motion was made to adjourn by Chairman Adams at 7:56 PM. Seconded by Ms. Tempe with all others in favor.

Respectfully submitted by:



Wendy Brick
Secretary to the Land Use Board