

**Borough of Hamburg**  
**Land Use Board Meeting Minutes of September 12, 2016**

The Borough of Hamburg Land Use Board meeting was call to order at 7:01 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 Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeanette Tempe, George Alakpa (7:15 pm) and Robert Adams. Also present was Jeanne Ann McManus, Esq., Weiner Lesniak LLP. Absent: Board members John Haig and Sam Villagomez and Board Planner Ken Nelson, PP and Board Engineer John Ruschke, PE.

**MINUTES:**

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

Watts made a motion to approve the minutes of July 11, 2016 as edited to include his name as present at the July 11, 2016 meeting. Seconded by Tempe. Aye: Hall, Harby, Krasnomowitz, Tempe, Villagomez, Watts and Chairman Adams. Nay: None. Abstain: None.

At 7:03 pm, Chairman Adams makes a motion is made to suspend the agenda in order to open the meeting to the public. Second by Harby with all others in favor. There are no objections from the board members.

Diana Goovaerts, 16 Woodland Avenue, Hamburg discusses her attendance at the Mayor and Council meeting to inquire as to whether the Borough would consider amending, revising or replacing Ordinance 6-2.1 to allow for the keeping of chickens in the Borough. She discusses the current ordinance which requires larger properties and does not allow for smaller quantities of chickens on smaller parcels. Ms. Goovaerts discusses the email she sent to the Borough forwarding ordinances from other towns and information regarding backyard farming.

Mayor Marino asks if this is need based and if Ms. Goovaerts is speaking on behalf of others or if this is something she is requesting for her own property.

Ms. Goovaerts is a vegetarian. She discusses her interest in producing her own eggs through owning her own chickens. Mr. Watts questions whether she currently owns chickens. Ms. Goovaerts does not currently own chickens. Her intention is to keep the chickens in a coop, fenced in.

Ms. Goovaerts suggests changing the ordinance to prohibit the ownership of roosters. She suggests adding a licensing fee to build the coops. Allowing backyard chickens would encourage interest in local 4H clubs allowing their membership to build.

Tempe questions how the chicken feces would be handled and disposed of.

Mayor Marino discusses the process the Board initially used in determining the criteria for the keeping of animals in the current ordinance.

Ms. Goovaerts references the Hopewell ordinance which establishes chicken manure disposal procedures. She adds that one town is trying out backyard farming for two years in order to determine if they will make a permanent change to their ordinance.

Mayor Marino discusses the density of the Borough and the size of the residential yards noting the only possible area that would be suitable would be on Gingerbread Castle Road. He is not convinced the ordinance should be changed without proof of a need or benefit.

Ms. Goovaerts notes that chickens are beneficial in that they keep insects and ticks away.

Mr. Krasnomowitz expresses his concerns that the area is too congested and that the chickens would attract additional wildlife to the area which already has a prominent black bear presence. While he is not opposed to the idea, he does not think it could be policed properly.

Ms. Goovaerts indicates that the chickens do not require space. Jersey City has chicken keeping.

Harby indicates that he was involved in 4H and his experience proved that chickens do not stay in their coop area and their feed attracts rats and other varmints. He suggests exploring the possibility of a cooperative within the county.

Ms. Goovaerts questions the process should she decide to proceed with a variance for chicken keeping on her property.

Mayor Marino indicates she will need to apply for a zoning permit then make an application to the Land Use Board.

Ms. McManus explains that variances are not typically favored in the law and require proofs to support the request.

Chairman Adams discusses the costs and the need for professionals for the application.

Mayor Marino questions where she intends to house them. Ms. Goovaerts intends to keep them in a coop in a concentrated area of her backyard.

Board discussion continues about the noise the chickens would make in a congested residential area. Watts discusses the potential expense to pursue this variance.

At 7:22 pm, Mayor Marino makes a motion to close the meeting to the public, second by Tempe with all others in favor. Ms. Goovaerts and Ms. McManus leave the meeting.

#### **BILLS/VOUCHERS:**

Board Secretary adds three additional vouchers to the bill list (h, l & m)

- a. Hatch Mott MacDonald - \$35.10 – Land Use General
- b. Hatch Mott MacDonald - \$205.50 – Land Use General
- c. Weiner Lesniak - \$578.00 – Land Use General
- d. Weiner Lesniak - \$340.00 – Land Use General
- e. Weiner Lesniak - \$4,223.53 – COAH
- f. Weiner Lesniak - \$85.00 – Hamburg Farms
- g. Rutgers University Center for Local Government Services - \$305.00 – Land Use General
- h. Hatch Mott MacDonald – \$35.10 - Land Use General June meeting
- l. Weiner Lesniak - \$51.00 – Land Use Board General
- m. Hatch Mott MacDonald - \$36.72 - Diamond Communications (E)

Watts questions the COAH billing and the length of time we have been discussing COAH. Board Secretary indicates that the process has been ongoing. The Board was updated at the June and July meetings.

Mayor Marino indicates that the Council had to approve additional funding for the COAH vouchers. The litigation process is complete and the Board will now move forward with discussing the Housing Plan.

Chairman Adams made a motion to approve payment of the following bills/vouchers as well as the additional invoices submitted at the meeting. Seconded by Watts. Aye: Hall, Harby, Krasnomowitz, Mayor Marino, Tempe, Alakpa and Chairman Adams.

**CORRESPONDENCE:**

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

- a. 8/26/16 Correspondence from Ms. Fairweather requesting an adjournment to the October 10, 2016 meeting date.
- b. 8/12/16 Correspondence from NJDEP to Grey Elephant LLC
- c. 8/3/16 Correspondence from Nelson to Clerk regarding Deed Vacating a Portion of Easement (Brown/Ramage application).
- d. 8/1/16 Resolution of Mayor and Council regarding spending limits
- e. 8/1/16 Email from Diana Goovaerts regarding chicken keeping request
- f. 7/28/16 Correspondence from Franklin Borough to Sussex County Planning Board regarding Franklin Borough Ordinance 14-2016 amending Chapter 161
- g. 7/28/16 Correspondence from Board Secretary to Ms. Fairweather regarding Diamond application
- h. 7/27/16 Correspondence from Mott MacDonald
- i. 7/27/16 memo to NJ Herald regarding August 8, 2016 meeting cancellation.
- j. 7/22/16 Correspondence from Ms. Fairweather requesting an adjournment to September 12, 2016.
- k. 7/20/16 Correspondence from Weiner Lesniak to Hamburg Board of Education regarding Capital Facilities Review for Hamburg School.
- l. 6/29/16 Franklin Borough Ordinance 14-2016 amending Chapter 161 of the Franklin Borough Code the Borough's Land Development Ordinance and Chapter 218 "Signs".

- m. The New Jersey Planner May/June 2016.
- n. The New Jersey Planner July/August 2016
- o. ANJEC Seminar September 30, 2016
- p. Rehabco, Inc., Community Development Housing Rehabilitation
- q. 4/21/16 Correspondence from JVC Construction requesting release of escrow funds.

Chairman Adams discusses the mandatory training for Board member. Board Secretary indicates that the Alakpa has committed to the upcoming training in October.

Discussion continues on returning escrow funds. A motion is made by Hall, second by Harby to release the escrow funds from the JVC account in the amount of \$140.00 which pertain to the 2002 zoning application. All others were in favor.

**CHAIRMAN'S AGENDA:**

Board discussion on the cell tower application, their request to carry the application and the current lease held with the Borough which expires in 2017. Mayor Marino discusses the cell company's need as indicated by their representative to fill the void created by the usage at Walkill Valley Regional High School. He suggests that placing the tower at the high school would benefit five towns. Board Secretary confirms that escrow account has been replenished.

Watts discusses the condition of the Gingerbread Castle and questions whether the Historical Commission is following up on the property maintenance with the owner.

A motion is made at 7:35 pm by Mayor Marino to adjourn the meeting. Second by Tempe with all others in favor.

Respectfully submitted,



Wendy Brick  
Secretary to the Land Use Board