

**Borough of Hamburg**  
**Land Use Board Meeting Minutes of December 12, 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 John Haig, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeanette Tempe, Sam Villagomez (arrived at 7:07 p.m.) and Robert Adams. Absent: Board members Daniel Hall and George Alakpa. Louis Karp, Esq. attended the meeting on behalf of Glenn Kienz, Esq. and John Ruschke, PE was in attendance. Ken Nelson was not present at the meeting.

**MINUTES:**

Approval of the November 14, 2016 Land Use Board Minutes:

Haig made a motion to approve the minutes of November 14, 2016 as amended to include Board member Tom Watts as in attendance. Seconded by Tempe. Aye: Haig, Harby, Krasnomowitz, Tempe, Watts and Chairman Adams. Nay: None. Abstain: Mayor Marino.

**BILLS/VOUCHERS:**

Watts made a motion to approve payment of the following bills/vouchers. Seconded by Haig. Aye: Haig, Harby, Krasnomowitz, Mayor Marino, Tempe, Watts and Chairman Adams.

- a. Weiner Lesniak - \$170.00 - Hamburg Farms (E)
- b. Weiner Lesniak - \$34.00 – Smith (E)
- c. Weiner Lesniak - \$34.00 – Land Use General
- d. Mott MacDonald - \$180.00 – Smith (E)

**CORRESPONDENCE:**

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

- a. Rutgers University Center for Government Services Spring 2017 Schedule
- b. \* Correspondence dated December 7, 2016 from Judith Fairweather, Esq. on behalf of Diamond Communications requesting an adjournment and extension of time.

**NEW BUSINESS – APPLICATION #LU 16-03**

*James and Kathleen Smith*

*Application for Minor Subdivision Approval, Lot Line Relocation  
59 and 61 Oak Street (Block 24, Lots 10 and 11)*

At 7:07 p.m. discussion begins on this application. William Haggerty, Esq. of Dolan and Dolan and Applicant James W. Smith are in attendance to discuss the lot line revision. The applicant appeared before the Hardyston Township Planning Board.

Discussion continues on the map and the borders of the Borough of Hamburg ("Hamburg") and Township of Hardyston ("Hardyston"). No variances are being sought. The applicant is seeking to define the boundary lines, straighten the property lines and to add land to his property.

Mr. Smith of 1 Crystal Springs Road, Hardyston, NJ is sworn in by Mr. Karp and testifies that he is seeking the lot line revision to add to his property for his personal use. He has had conversations with the current property owner, Bob Smith who is of no relation to Mr. Smith with regard to his interest in acquiring the property. The property was surveyed and some issues became apparent that needed resolution. Property taxes are currently being paid to Hardyston and water is paid to Hamburg. The property taxes on Lot 11 are being paid by Bob Smith to Hamburg.

Mr. Haggerty presents **Exhibit A1** which is the resolution approved by the Hardyston Township Planning Board on April 28, 2016 and memorialized on May 26, 2016.

Mr. Ruschke discusses the boundary discrepancies. The property dimensions shown on the map of Hamburg more accurately depict the property. Mr. Haggerty discusses Mr. Caffrey's thorough research and analysis to determine the lot lines and found that Mr. Caffrey's map is consistent with the 1920 legislative act establishing municipal boundaries.

Discussion continues on the taxes for the property. Mr. Karp questions whether or not there is an agreement between Hamburg and Hardyston with respect to this property and municipal services. Mr. Karp suggests that a condition of approval should be to locate the municipal agreement and to amend it have Hamburg retain taxes for Lot 10.

Discussion continues on taxes, water, sewer and septic.

Mr. Haggerty provides a copy of **Exhibit A2** to the Board which is a Google aerial map of 1 Crystal Springs Road, Hardyston.

A motion is made at 7:31 p.m. by Chairman Adams to open the meeting to the public, second by Harby with all others in favor.

There are no members of the public present.

A motion is made at 7:31 p.m. by Watts, to close the meeting to the public, second by Tempe with all others in favor.

Discussion continues on properties in the area with similar discrepancies with respect to the municipal boundary.

A motion is made by Mayor Marino, second by Chairman Adams to approve the minor subdivision subject to the Applicant's compliance with the terms of the Hardyston Township Planning Board resolution memorialized on May 26, 2016; the original municipal agreement should be located and amended to have Hamburg retain taxes for Lot 10; a separate Deed description be prepared for each tract which should not include any reference to municipal boundary lines; reference should be made to the taxing district for each tract; and the property cannot be subdivided in the future.

**UNFINISHED BUSINESS – APPLICATION #LU 16-02/LU 01-15**

*Hamburg Farms, LLC*

*Block 29, Lots 4 and 5, 94 Vernon Avenue, Hamburg*

*Minor Subdivision*

Board Secretary confirms the Board professionals have approved the plans and Deeds as submitted. No Board action required.

**RESOLUTIONS: RESOLUTION FOR DISCUSSION**

A Resolution in Support of Senate Bill S-2254 and Assembly Bill A-3821 which Affirms the Language and Legislative Intent of the Fair Housing Act

Mayor Marino and Chairman Adams suggest based on their discussion with Board Planner, the discussion on the resolution should be carried to the January Board meeting.

There are no professional reports.

As previously stated, no members of the public were present.

A motion is made at 7:44 pm by Chairman Adams to adjourn the meeting. Second by Watts with all others in favor.

Respectfully submitted,



Wendy Brick  
Secretary to the Land Use Board