

**Borough of Hamburg  
Land Use Board Meeting Minutes of December 10, 2018**

The Borough of Hamburg Land Use Board meeting was called to order at 7:00 p.m by Chairman Adams in accordance with the Open Public Meeting Act, with regard to notices then delayed by an issue with the recording device.

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 in attendance were Chairman Adams, George Alakpa, John Haig, Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeannette Tempe and Sam Villagomez. Absent: Thomas Watts. Board professionals in attendance: Glenn Kienz, Esq., John Ruschke, PP, PE. and Ken Nelson, Board Planner.

**MINUTES:**

Haig made a motion to approve the minutes of November 12, 2018. Seconded by Harby. Aye: Hall, Krasnomowitz, Villagomez and Chairman Adams. Nay: None.

**BILLS/VOUCHERS:**

- a. Weiner Law Group - \$202.00 – Land Use Board General
- b. Mott MacDonald - \$118.00 – Comet Management escrow #187

Mayor Marino made a motion to approve payment of the following bills/vouchers. Seconded by Haig. Aye: Hall, Harby, Krasnomowitz, Tempe, Villagomez, Alakpa and Chairman Adams. Nay: None.

**CORRESPONDENCE:**

Chairman Adams asked the members if they had questions or comments regarding the following correspondence items.

- a. The New Jersey Planner September/October 2018
- b. Township of Blairstown Ordinance No. 2018-28 re: housing of animals.

A motion is made by Chairman Adams, second by Tempt to approve the correspondence with all others in favor.

At 7:04 p.m. the Board Secretary leaves the meeting room due to a conflict with the applicant.

## **NEW BUSINESS:**

- A. Comet Management, LLC**  
**Application LU 18-01**  
**13 & 15 Ames Boulevard and 12 Main Street**  
**Block 7, Lots 3, 4 & 17**  
*Application for Minor Subdivision to consolidate lots, "C" variance*  
*And Preliminary and Final Site Plan*  
*Draft minutes of the November 12, 2018 meeting of the Historic Preservation Commission*

### As recorded:

Ursula Leo, Esq. of Laddey Clark & Ryan appears on behalf of the applicant, Comet Management. The applicant was originally seeking lot consolidation as part of the preliminary and final site plan approval for the three lots but has decided to move forward with the application without the consolidating the lots. Access easement agreements will be prepared for the shared use of the driveways and parking areas.

Discussion begins to determine completeness of the application. Mr. Ruschke questions whether the legal notice is adequate considering the approvals sought have been modified. Mr. Kienz indicates that the Historic Preservation Commission's ("HPC") position on Lot 14 caused the applicant to make changes. Mayor Marino discusses the hearing before the HPC which he attended. The HPC recommended that Wayne McCabe be contacted prior to excavation so that he could monitor the excavation. If artifacts were found, the HPC would make a recommendation not to permit paving on the site.

Ms. Leo discusses her concerns related to the supervised excavation including the potential for all lots to be subject to an uncertain archeological dig. She proposes to make the use of Lot 14 as a garage in conjunction with Lots 3 and 4 a condition of approval.

Craig Thompson is sworn in a member of Comet Management. He testifies to the renovations made to Lot 3. The building contains professional offices for his property management and security companies. The building on Lot 4 contains offices for the accounting staff and a conference room.

Nelson questions whether board would grant "D" variance.

Ms. Leo discusses her appearance before the Board of Public Works which approved Lot 3 with five offices and Lot 4 with nine offices and the new building to be used for accounting staff and conference room.

Mr. Thompson has been on site for 18 months and would like to continue cleaning up the site. He currently has 7-8 cars on site daily.

Krasnomowitz questions the current building which has already been renovated. Mr. Thompson indicates that the accounting staff needs their own space in order to concentrate on their work.

The proposed garage is discussed which will allow for two parking spots and storage for snow blower, mowers and other equipment needed for his business.

Carolyn Feigin, PE, PP testifies to her credentials as a civil engineer and professional planner. She discusses the site and the variances sought including:

1. Pre-existing condition for Lot 3 where a front yard setback of 10 ft. is required and 7.2 ft. is existing and will remain;
2. Pre-existing condition on Lot 4 where a front yard setback of 10 ft. is required and 9.7 ft. is existing and will remain
3. From Ordinance Section 215-70.G, where the total impervious cover of any site shall not exceed 70% of the total site area unless adequate subsurface recharge is provided, and 76.2% is existing and 84.4% is proposed. The overall site is compliant, but when the lots are separated, this lot has a higher impervious coverage; and
4. Accessory Structure – From Ordinance Section 215-94, where no accessory building/structure may be built or located upon any lot which there is no principal building or structure, and an accessory structure is proposed on Lot 14. This is a new variance resulting from the applicant's decision not to pursue consolidation.

Ms. Feigin discusses the site and circulation. The entrance to the property will be off Orchard Street to discourage left turns onto Route 94. A black wrought iron fence will be installed along Orchard Street. She discusses the research on the historic restrictions. She spoke with NJDOT which determined the report was prepared for the Route 94/Route 23 intersection project only and not to be an issue going forward.

Krasnomowitz questions why the pavement is preferred over gravel since both will require a similar disturbance to Lot 14.

Ms. Leo read a condition for the record as to Lot 14.

Ms. Feigin discusses signage and the applications filed with and approved by the County's Soil Conservation Board and Planning Board.

Mr. Ruschke discusses discharge on to Route 94. He wants to make the applicant does not create nuisance drainage issues.

Mr. Nelson has no objection to the proposed landscape plan. Mayor Marino discusses the trees that were removed from the driveway indicating they were in the right of way. Mr. Thompson indicates that he did discuss the trees with the Zoning Officer prior to removal. No objections were raised.

A motion is made by Mayor Marino, second by Chairman Adams to grant all variances and approve Preliminary with all in favor including Hall, Harby, Krasnomowitz, Tempe, Villagomez and Alakpa. Haig abstained from voting since he has a working relationship with the applicant. Attorney Kienz indicates that he had no prior knowledge of that working relationship.

Board Secretary returns to the meeting.

Mr. Nelson discusses his recent meeting with representatives from the New Jersey Highlands Council ("Highlands Council"). He intends to prepare a report for the January meeting to provide the Board with an understanding of the process should the Board wish to apply for grants from the Highlands Council.

There is no public in attendance.

**ADJOURN:**

A motion is made to close to the public at 8:12 p.m. by Haig, second by Harby with all others in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy Brick".

Wendy Brick  
Secretary to the Land Use Board