

Borough of Hamburg
Land Use Board Meeting Minutes of January 13, 2020
Reorganization and Regular Meeting

Call to Order: In accordance with the open Public Meeting Act, with regard to notices, the regularly scheduled meeting of the Land Use Board is hereby called to order at 7:00 p.m.

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

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.

Attorney Tombalakian leads the Oaths of Allegiance for the following members:

- a. John Haig, Class II Member
- b. Sam Villagomez, Class IV Member
- c. Thomas Watts – Class IV Member

Roll call: George Alakpa, John Haig, Guy Harby, Richard Krasnomowitz, Jeannette Tempe, Thomas Watts, Sam Villagomez, and Davey Roberts. Also present was Ken Nelson, Board Planner, Samantha Anello, Board Engineer and Steven R. Tombalakian, Esq., Board Attorney
Absent: Daniel Hall and Mayor Marino.

Reorganization:

Motion for **Chairman:** Thomas Watts

Motion by Haig, second by Harby nominating Krasnomowitz as Chairman.

Motion by Krasnomowitz, second by Tempe nominating Watts as Chairman with all others in favor. Watts abstained.

Motion for **Vice Chairman:** Dan Hall

Motion by Krasnomowitz, second by Watts with all others in favor. Hall was not in attendance.

Motion for **Secretary** appointment: Wendy Brick.

Motion by Haig, second Harby with all others in favor.

Motion by **Attorney:** Glenn Kienz, Esq. of Weiner Law Group

Motion by Haig, second by Villagomez with all others in favor.

Motion for **Planner** appointment: Ken Nelson of Nelson Consulting Group

Motion by Haig, second by Tempe with all others in favor.

Motion for **Engineer** appointment: John Ruschke of Mott MacDonald

Motion by Haig, second by Villagomez with all others in favor.

Motion for Approval of **Meeting Dates and Time:** All Meetings begin at 7:00 pm. Brief discussion on the alternate meeting dates proposed when a holiday or office closing falls on a Monday.

Monday 1/13/20
Monday 2/10/20
Monday 3/9/20
Monday 4/13/20
Monday 5/11/20
Monday 6/8/20

Monday 7/13/20
Monday 8/10/20
Monday 9/14/20
Wednesday 10/14/20
Wednesday 11/11/20
Monday 12/14/20
Monday 1/11/21 – re-organization

Motion by Tempe, second by Harby to accept the proposed meeting dates with all others in favor.

Motion for the Land Use Board **Official Newspaper**: New Jersey Herald and the Sunday New Jersey Herald

Motion by Tempe, second by Haig with all others in favor.

Motion by Haig, second by Tempe for the appointment of Board Attorney and the Resolutions and Agreements ratifying same with all others in favor.

Motion for approval of **2019 Annual Report**.

Motion by Alakpa, second by Tempe with all others in favor.

Motion for Approval of **December 9, 2019 Regular and Executive Session Meeting Minutes**.

Motion was made by Tempe, second by Villagomez with all others in favor.

Motion for approval of **Bills/Vouchers**:

- a. Weiner Law Group - \$782.00 – North Jersey Advertising - Escrow #189
- b. Nelson Consulting Group - \$487.50 – North Jersey Advertising – Escrow #189
- c. Nelson Consulting Group - \$362.50 – Vallila - Escrow #188
- d. Weiner Law Group - \$638.00 – Land Use Board General
- e. Mott MacDonald - \$61.00 – Vallila – Escrow #188
- f. Mott MacDonald - \$191.00 – Falcon Ridge HOA – Escrow #191
- g. Nelson Consulting Group - \$450.00 – Land Use Board General

Motion by Tempe, second by Watts to approve the bills/vouchers as presented for payment with all others in favor.

There are no comments from the Board on the correspondence.

The order of the agenda is altered.

Old/New Business:

- B. 55 Gingerbread Castle Rd., LLC
55 Gingerbread Castle Road (Block 11 Lot 31)
Application No. LU 19-02**

A motion is made by Tempe, second by Harby to carry the application as requested by the applicant to the February 10, 2020 meeting with no further notice required.

C. James Vallila
130 Route 23 (Block 12, Lot 6)
Application No. LU 19-03

A motion is made by Tempe, second by Harby to carry the application as requested by the applicant to the February 10, 2020 meeting with no further notice required.

A. Falcon Ridge Condominium Association
Falcon Ridge Way South (Block 24 Lots 1 and 12)
Application No. LU 19-04
Amended Preliminary and Final Site Plan Approval for Refuse Center

At 7:10 p.m. Ken Sauter, Esq. appeared on behalf of the applicant. Heather Wolstenholme, Property Manager and owner of North Jersey Property Management is sworn in and testifies to her 20 years of experience as a property manager and the 2.5 years she has managed the Falcon Ridge community. She indicates that the community has had an issue with illegal dumping. The proposed refuse center will help to eliminate the problems associated with the dumping including the cleanup. There are currently six dumpster locations throughout the property.

Color photographs depicting the current dumpster locations are entered into the record:

Exhibit A1: color photograph showing the current recycling area with excess trash and recycling on the ground.

Exhibit A2: color photograph depicting garbage outside of the dumpster.

Exhibit A3: color photograph of an overflowing dumpster.

Trash pickup is currently two times per week.

The proposed refuse center would be fenced in. Keys would permit access by the residents. Lighting and cameras will be installed.

Haig questions whether the area would be similar to the one in Heritage Lakes which he is familiar with. Wolstenholme confirms it will be similar.

The proposed location of the refuse center is to the rear of the property toward the clubhouse. Access to the area is discussed including whether the timeframe for access could be limited. Wolstenholme indicates that this has been the subject of discussion at the community meetings for the past 1.5 years. The current dumpsters and pads will be removed. Trash removal will initially be once per week.

Nelson questions the proposed signage at the refuse center. Wolstenholme indicates signed will be added which will set the hours for access.

Sauter indicates the current governing documents address illegal dumping from residents of the development and the police would be informed of dumping from non-residents.

Harby questions the number of units that the refuse center dumpster would need to service. Wolstenholme states there are 172 units and that while she does not know the exact dimensions of the dumpster, it will be sufficient for the number of residents. The location will be blocked by the clubhouse.

Krasnomowitz questions whether the location will interfere with any possible build out of the development.

No additional buildings are anticipated at this time.

David Chesky, Engineer of Falcon Engineering is sworn in and testifies to his 20 years with Falcon Engineering and his engineering and architectural experience. He is the Executive Vice President and currently runs the Civil Department for the firm. He addressed the Board Engineer's report and has provided curb detail, retaining wall detail, and chain link fencing with a double gate.

Discussion continues on potential odors and drainage from the dumpster. Mr. Chesky indicates that such issues would be minimized to one area. The potential installation of a filter to contain the fluids or in the alternative installing a pan under the compactor was discussed.

Discussion continues on the chain link fencing which will be eight (8) feet in height and contain privacy slats.

Board Engineer clarifies the electric service needed for the compactor. Ms. Wolstenholme indicates the existing transformer will be utilized. The lighting will be adequate and include a motion sensor plus the existing street lights. The dimensions of the proposed dumpster could be provided by Blue Diamond. The access to the compactor is discussed. Ms. Wolstenholme indicates that the area is currently accessible by trucks.

Haig questions the operation of the compactor. Ms. Wolstenholme indicates it will be automatic.

A motion is made at 7:37 p.m. by Krasnomowitz, second by Haig to open the meeting to the public with all in favor.

Robert Krysiak, 353 Falcon Ridge Way South, views the installation of the compactor as beneficial since the containment could potentially minimize and discourage the interest of bears.

Joan Faye, 31 Village Drive questions the location, the noise this will create and whether the drainage will impact Hamburg Village which is located down the hill from Falcon Ridge. She lives by the railroad tracks. She is concerned about the banging of the lid on the dumpster. Ms. Wolstenholme indicates that the location of the proposed dumpster is contained within the Falcon Ridge community. Hours of operation and access could be posted. Garbage will be picked up one time per week.

Mr. Chesky indicates that sound testing can be performed. He is not familiar with where Ms. Faye lives and whether there are existing buffers between the compactor and her residence.

Haig compares the noise generated by the compactor to an electric motor and references the existing compactor in Heritage Lakes.

Ms. Faye expresses concerns about odors similar to those emitted near SCMUA.

Mr. Sauter indicates that the association will adjust the pickup schedule based on the demand. The proposed compactor is a much smaller scale than the SCMUA operation.

Eric Baulch, 36 Village Drive questions whether this compactor area will be bear proof and expresses concerns about odor having experienced the odors resulting from garbage being left around at Goya, his former workplace.

Mr. Sauter indicates that those who would be affected would be the residents of the Falcon Ridge community.

Tempe indicates that the dumpster will be picked up once or twice per week which is not much different than any other resident in Hamburg who stores their garbage until pickup. The association has said it would adjust the pickup schedule from once to twice per week, if necessary.

Haig discusses their current situation with the dumping of trash and views this as a positive way to contain the issue.

Mr. Krysiak is familiar with the compactor installed in Crystal Springs and felt their association did a good job at concealing the compactor area.

Mr. Nelson clarifies that the applicant is not requesting any variances for the proposed compactor.

A resident from 4 Village Drive requests that the public have access to viewing the proposed plan. The interested members of the public view the plan.

Mr. Tombalakian explains the noticing requirements to the public in attendance. The applicant is seeking Preliminary and Site Plan approval. He discusses the noise decibels which are subject to the state's performance standards. The applicant included the language regarding variances in the notice in the event there was a determination that a variance was needed.

Mr. Sauter has represented eight (80) associations. Curbside pickup is not permitted within these communities.

Krasnomowitz views this as a solution to a problem. He is in favor of the proposed compactor.

Mr. Tombalakian explains that Ms. Wolstenholme's responsibility as a property manager involves handling all complaints within the community. If there is an issue with the compactor, the residents will inform her and she will need to resolve it.

A motion is made at 7:58 p.m. by Haig, second by Tempe to close the meeting to the public with all others in favor.

Discussion continues about the size of the compactor. Ms. Wolstenholme indicates a larger container could be utilized if it is needed since the proposed space allows for a larger capacity.

A motion is made by Krasnomowitz, second by Haig to approve the application for Amended Preliminary and Final Site Plan approval in order to install a refuse center subject to any proposed filtration system meeting the approval of the Board Engineer and adjusting the pickup schedule based on demand to avoid unnecessary odors with Haig, Harby, Krasnomowitz, Tempe, Villagomez and Watts in favor and none opposed.

Mr. Nelson discusses the upcoming subcommittee meetings to review the Borough's ordinances. The subcommittee consisting of Krasnomowitz, Watts and Haig will meet on February 3, 2020.

Public Portion: No public in attendance.

Adjourn: Chairman Watts makes a motion to adjourn at 8:06 pm, seconded by Tempe with all others in favor.

Respectfully submitted by:



Wendy Brick
Secretary to the Land Use Board