



A motion was made by Tempe, second by Villagomez to approve the resolution approving Amended Application for "D" Use Variance for the pre-existing non-conforming use and Preliminary and Final Site Plan approval with pages 6, 9 and 10 as corrected for minor revisions with all others in favor including Haig, Hall, Harby, Roberts and Watts.

**RESOLUTION:**     **Eugene Fox**  
                              **108 Route 23 South (Block 9 Lot 4)**

A motion was made by Tempe, second by Haig to approved the resolution approving the disbursement of the funds held in escrow with all others in favor including Hall, Harby, Roberts and Watts.

**NEW/UNFINISHED BUSINESS:**

**A.     James Vallila**  
          **130 Route 23 (Block 12, Lot 6)**  
          **Application No. LU 19-03**  
          *Application for "C" and "D" Variances*

At 7:04 p.m., James Vallila, 1 Esto Lane, Hamburg, New Jersey continues his testimony before the Board. He indicates that the current condition of the residence is not suitable for habitation. The dwelling has been vacant for some time. Rehabilitation of the existing dwelling would not be cost effective. The lot size is limited in size. He proposes two residential rental units to promote income to pay for the renovations required on the site. He discussed the parking which would permit for a maximum of six cars including two cars per tenant then two garage units. Any overflow parking could be accommodated on his existing adjoining property.

Board Planner Nelson discusses the informal meeting with the applicant and the discussion about merging the lots to reduce the number of variances. Mr. Vallila expressed his preference to keep the lots separate.

Board Engineer Anello discussed: the parking lot, ADA accessibility, tree removal, recommendation for plantings to provide a buffer along Route 23, the modest expansion of impervious coverage, the removal of two stone walls and required grading and the benefit of removing the retaining wall from the right of way.

Board Attorney Tombalakian indicates ADA compliance is required for a commercial use.

Hal questions the proposed spiral staircase to the attic storage. Mr. Vallila indicates the stairs will make the attic more accessible. The storage will be used by the tenant on the second floor only and would not be used for additional living space.

Haig questions the proposed utilities. Mr. Vallila indicates that the gas line is run and will need to be connected.

At 7:26 p.m. a motion is made by Haig, second by Tempe to open the meeting to the public.

No public comment on the application.

At 7:27 p.m., a motion is made by Haig, second by Tempe to close the meeting to the public.

A motion is made by Haig, second by Villagomez to approve the application for preliminary site plan and use variance with bulk variances for the proposed use as a two (2) family residence with conditions including that the development shall be implemented in accordance with the plans, the attic storage space will be used by the second floor tenant only, the proposed spiral staircase must be code compliant, subject to landscape approval by Board Planner, and subject to all other government approvals with all others in favor including Alakpa, Hall, Harby, Roberts, Tempe and Watts.

**EXECUTIVE SESSION:**

A motion is made by Tempe, second by Haig with all others in favor to enter Executive Session at 7:30 p.m. in order to discuss pending litigation, specifically North Jersey Advertising & Hamburg Outdoor, LLC v. Borough of Hamburg Land Use Board, Docket No. SSX-L-000572-19) which is entitled to attorney-client privilege under the Open Public Meetings Act. Minutes will be kept but will not be made public.

A motion is made by Haig, second by Tempe to exit the Executive Session and resume the regular meeting at 7:32 p.m. with all Board members in favor.

**PROFESSIONAL REPORT:**

Board Planner Nelson discusses the ongoing review of ordinances by the subcommittee. He expects to provide an update in May or June.

There are no members of the public in attendance.

**ADJOURN:**

A motion is made at 7:45 p.m. by Haig, second by Tempe to adjourn with all others in favor.

Respectfully submitted,

A handwritten signature in blue ink that reads "Wendy Brick". The signature is written in a cursive, flowing style.

Wendy Brick  
Secretary to the Land Use Board