

**BOROUGH OF HAMBURG
LAND USE BOARD
MEETING MINUTES
SEPTEMBER 12, 2022**

The Borough of Hamburg Land Use Board meeting was called to order at 7:00 p.m. by Vice Chair Dan Hall in accordance with the Open Public Meeting Act, Public Law 1975, Chapter 231, Sections 4 and 13. with regard to notices.

Vice Chair Hall invited all those present to participate in a moment of silence for former Chairman Thomas Watts.

Vice Chair Hall invited all those present to participate in the flag salute.

Those in attendance were Vice Chairman Dan Hall, Richard Krasnomowitz, Pattie Brown, William Oehler, Glenn David Roberts, Jeannette Tempe and Sam Villagomez. Absent: Mayor Marino. Glenn Kienz, Esq. was in attendance.

Pattie Brown is sworn in as Class IV member by Board Attorney.

A motion was made by Krasnomowitz, second by Villagomez to appoint Dan Hall as Chairman with all others in favor.

A motion was made by Oehler, second by Villagomez to appoint Jeannette Tempe as Vice Chairman with all others in favor.

MINUTES: Tempe made a motion to approve the minutes of Minutes of July 11, 2022, second by Roberts with all others in favor, including Hall, Krasnomowitz, Oehler and Villagomez. Brown abstained.

BILLS/VOUCHERS: Tempe made a motion to approve the bills/vouchers for payment, seconded by Brown with all others in favor including Hall, Krasnomowitz, Oehler, Roberts and Villagomez.

- A. Weiner Law Group - \$147.00 – Daofre Capital LLC escrow #195
- B. Weiner Law Group - \$68.00 – Land Use Board General
- C. Weiner Law Group - \$45.00 – VanEeuwen escrow
- D. Weiner Law Group - \$119.00 – Land Use Board General
- E. Weiner Law Group - \$153.00 – Daofre Capital LLC escrow #195
- F. Mott MacDonald - \$724.50 – Daofre Capital LLC escrow account #195
- G. Mott MacDonald - \$151.75 – VanEuewen escrow
- H. Mott MacDonald - \$489.00 – Daofre Capital LLC escrow #195
- I. Mott MacDonald - \$261.00 – Bluffs at Ballyowen escrow #162
- J. The Nelson Consulting Group ----\$377.00 – DeBoer escrow #197

- K. The Nelson Consulting Group - \$247.00 - VanEuewen escrow
- L. The Nelson Consulting Group - \$494.00 – Daoftre Capital LLC escrow #195
- M. The Nelson Consulting Group -\$195.00 – Paris escrow #193
- N. The Nelson Consulting Group - \$286.00 – SMS/Diaz escrow
- O. The Nelson Consulting Group - \$247.00 – Land Use Board General
- P. LOCALiQ - \$16.08 – Land Use Board General

CORRESPONDENCE:

There were no comments on the correspondence.

- A. 7/19/2022 Correspondence from Board Secretary to David B. Burton, Esq. re: Daoftre Capital Group, LLC
- B. 7/11/2022 correspondence from Herold Law re: Special Insurance Counsel – “Place to Worship Initiative” and Suits Against Municipalities on the Rise
- C. 7/5/2022 Correspondence from David B. Brady, Esq. re: Daoftre Capital Group, LLC
- D. 6/9/202 Correspondence from David b. Brady, Esq. re: Daoftre Capital Group, LLC
- E. The New Jersey Planner

OLD BUSINESS/NEW BUSINESS:

- A. James Vallila, Application No. LU 19-03**
130 Route 23 (Block 12 Lot 6)
Request for Extension of Time

At 7:05 p.m., James Valilla is sworn in and indicates that the pandemic and subsequent high prices for construction kept his project from moving forward. He cannot set a timeframe for this project to commence.

Krasnomowitz steps down from the dais.

Board Attorney indicates that the variance runs with the land and the existing approval will expire on April 13, 2023. There is still time remaining on the site plan approval. Brown indicates that Mr. Valilla will have six months to get the building permits or the approval will expire.

A motion is made to open to the public at 7:09 pm by Hall, second by Oehler with all others in favor. There is no public comment on this application.

A motion is made at 7:09 p.m. to close to the public by Villagomez, second by Roberts with all in favor.

A motion is made by Roberts, second by Villagomez to grant a one-year extension through April 13, 2024 with Brown, Hall, Oehler, and Tempe in favor.

**B. Robert and Gail VanEeuwen, Application No. LU 22-02
44 Vernon Avenue (Block 29, Lot 22)**

Appeal of Decision of Zoning Officer and "c" Variance approval

Russell Teschon, Esq. and Kenneth Dykstra, PE, PP. testify to their credentials. Robert Van Eeuwen, property owner, is sworn in.

Mr. Teschon indicates that the property is a corner lot in the RO Zone which requires a 20' setback and the RR Zone requiring a setback of 30'. The shed has been placed on the portion of the lot adjacent to Lawrence Street in the RR zone. This application is the result of the Zoning Officer's denial of the Zoning Permit application and referral to the Board.

The following exhibits are entered into the record:

Exhibit A1: five (5) photo depicting flooding on the property

Exhibit A2: Boundary Survey Plan dated May 10, 2022

Exhibit A3: four (4) photos of the shed

Exhibit A4: residence on Lot 23

Exhibit A5: residence directly across the street from the current location of the shed

Exhibit A6: Construction Permits

Mr. VanEeuwen testifies as to his reasoning for the shed was placed where it is currently located on the property. He indicates that his property floods in all other areas. The Borough has been involved with attempting to mitigate the drainage issue. The shed will be used primarily to store holiday decorations due to lack of storage in the residence.

Mr. Dyskstra discusses the boundary survey plan revised on May 22, 2022. He points to the areas where the water ponding occurs and the lack of drainage outlet. The shed is built on a platform and measures 24 feet by 24 feet and is 12 feet high.

A motion is made to open to the public at 7:30 p.m. by Oehler, second by Villagomez with all others in favor. No public comment.

Board discussion involves the setbacks, the size of the shed, the use of the shed and the doors for the shed which are not wide enough to accommodate the storage of a car.

Board Secretary provides the report of the Board Engineer dated July 1, 2022 which was previously emailed on July 5, 2022.

A motion is made to close to the public at 7:33 p.m. by Tempe, second by Villagomez with all others in favor.

A motion is made by Krasnomowitz, second by Brown to approve the variance and requiring a final inspection of the shed with Hall, Roberts, Tempe and Villagomez in favor.

PUBLIC:

A motion is made at 7:40 p.m. by Hall with all others in favor to open to the public.

No members of the public wishing to comment.

A motion is made at 7:40 p.m. to close the meeting to the public.

ADJOURN:

A motion is made at 7:40 p.m. by Krasnomowitz, second by Brown to adjourn with all others in favor.

Respectfully submitted,



Wendy Brick
Secretary to the Land Use Board