

**BOROUGH OF HAMBURG
LAND USE BOARD
MEETING MINUTES
AUGUST 14, 2023**

The Borough of Hamburg Land Use Board meeting was called to order at 7:00 p.m. by Chairman Dan Hall in accordance with the Open Public Meeting Act, with regard to notices.

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

Chairman Hall 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 Pattie Brown, George Endres, Christopher Feliciano, Chairman Dan Hall, Mayor Richard Krasnomowitz, William Oehler, Glenn David Roberts AND Vice Chair Jeannette Tempe. Sam Villagomez was absent. Glenn Kienz, Esq. and John Ruschke, P.E. were in attendance.

MINUTES: Tempe made a motion to approve the minutes of Minutes of July 10 2023, second by Brown with all others in favor, including Endres, Feliciano, Hall, Krasnomowitz, Roberts and Tempe.

BILLS/VOUCHERS: Brown made a motion to approve the bills/vouchers for payment, second by Roberts with all others in favor including Endres, Feliciano, Hall, Krasnomowitz, Oehler and Roberts. Tempe abstained as to the May 8, 2023 meeting minutes.

- A. Weiner Law Group - \$68.00 – Howell (Escrow #200)
- B. Weiner Law Group - \$34.00 – Monico (Escrow #203)
- C. Weiner Law Group - \$45.00 – The Woods at Hamburg/SMS (Escrow #198)
- D. Weiner Law Group - \$136.0 Land Use Board General
- E. Weiner Law Group - \$124.00 – Daoftre Capital (Escrow # 195)
- F. Weiner Law Group - \$34.00 – Howell (Escrow #200)
- G. Weiner Law Group - \$34.00 – Monico (Escrow #203)
- H. Weiner Law Group - \$34.00 – The Woods at Hamburg/SMS (Escrow #198)
- I. Mott MacDonald - \$506.75 – Monico (Escrow #203)
- J. Mott MacDonald - \$81.00– Howell (Escrow #200)
- K. Mott MacDonald - \$391.38 – The Bluffs at Ballyowen (Escrow #162)

CORRESPONDENCE:

- A. 8/7/2023 Correspondence from Mott MacDonald re: DeBoer Auto final Certificate of Occupancy
- B. 7/29/2023 Correspondence from Borough of Franklin re: Ordinance 07-2023

- Amending Chapter 161, B-2 Zone
- C. 7/20/2023 Correspondence from Borough of Franklin re: Ordinance 07-2023 Amending Chapter 161
- D. 7/17/2023 Correspondence from Township of Montague re: Delaware Water Gap National Recreation Area
- E. 7/13/2023 Transmittal from Dykstra Associated, PC re: Final As-Built for DeBoer Auto Repair
- F. The New Jersey Planner (May/June 2023)

OLD BUSINESS/NEW BUSINESS:

A. Daofre Capital Group, LLC

Application No. LU 22-01

49 Gingerbread Castle Road (Block 11 Lot 33)

- Application for Preliminary and Final Site Plan with variances
- 7/5/2022 Correspondence from Brady & Correale LLP
- Photos
- Preliminary and Final Site Plan (revised 6/22/2023)
- Site Safety Plan
- Renovations – Floor Plans & Egress
- Boundary and Topographic Plan 1/8/2022
- 7/13/2022 Mott MacDonald report
- 7/19/2022 Correspondence to Brady & Correale LLP
- 6/22/2023 Correspondence from Brady & Correale LLP
- 6/28/2023 Correspondence from Brady & Correale LLP
- 7/16/2023 memo from BPW to Council
- 7/24/2023 Resolution of Historic Preservation Commission
- Legal Notice

At 7:02 p.m., David Brady, Esq. (“Brady”) discusses the property history and prior approvals for this application including the Hamburg Historic Preservation Commission (“HHPC”) and the Board of Public Works (“BPW”). The HHPC requested that the applicant take photos of the interior of the building. The BPW required that the pipes be checked and if they are galvanized, they will need to be replaced.

Attorney Kienz (“Kienz”) indicates that the pre-existing non-confirming use will need to be addressed during the application hearing. Brady amends the application to include the variance for the pre-existing use.

At 7:08 p.m., Joseph Park is sworn in. He indicates that the property owner, Daofre Capital Group is comprised of his mother as a 50% partner and him as the other 50% partner. He and his family currently operate a wholesale manufacturing business selling accessories. The business is presently operating in Wayne. The function of this property will be overflow storage in the warehouse. No other items will be stored on premises. The goods will be shuttled between Wayne and Hamburg by van or a 26-foot box truck, one to three days per week (Monday through Friday) for one to three hours at a time. The business hours are 8:0 a.m. to 5:30 p.m. There is no immediate plan to utilize tractor trailer trucks but may be a possibility in the future if the business grows. The business will not

not have any employees on site unless the business expands and then it would be possible to have employees on site during the work week. Fork lifts may be possible with business expansion but at the present time, there will be no heavy equipment on the property.

Chairman Hall questions the rack system in the storage facility. Park currently uses ladders in his current facility.

Brown questions the fire suppression system. Park intends to have one installed.

Tempe questions the weight limit on the road. Park indicates that his current neighbor has a tractor trailer.

Mayor Krasnomowitz discusses the need for security measures. Park plans to install alarms and video surveillance when he has electric service. Mayor does not believe the use will increase noise in the area. Park indicates that there will not be anyone on site at night.

Endres asks about the number of employees. Park indicates that one to three employees would be at the site with a maximum of six if the business expands.

Mayor Krasnomowitz question how long the business has been operating. Park adds the business has been operating for thirty years. The business has been in Wayne for fifteen years and prior to that, it operated in Paterson.

Oehler questions how often trucks will be on site. Park indicates that the function of the space is for shipping not wholesale so the site will have limited visits.

At 7:18 p.m., Kenneth Dykstra, P.E., P.P. and land surveyor ("Dykstra") is sworn in. He discusses the property which has three levels and a total of 52,000 square feet. The first floor is 33,000 square feet.

Exhibit A1: colorized copy of Sheet 2 of 9 of Preliminary and Final Site Plan.

Dykstra discussed the site and the plan to re-pave the driveway, utilize the two loading docks and have parking in the rear of the building. The second driveway adjacent to the river may be used. The wheat tower that stands ninety feet high will be demolished. One tower will remain.

Kienz questions whether the plan clearly depicts the proposed use. Board Engineer John Ruschke ("Ruschke") questions whether there are areas that have not been addressed in the architectural plans. Dykstra indicates that all proposed uses have been addressed. Discussion on the office and parking space. Dykstra indicates that the applicant is proposing four parking spaces and one handicapped space. Additional spaces (six to twelve) could be added which will be added to the plan.

Ruschke discusses the cross easement on Lot 33. He questions whether there is ample space for turning around. Dykstra indicates the parking will be on the property and that

Ruschke questions whether the rear of the property will be maintained since it has not been. Dykstra said that parking is proposed in the rear and the ramps will need to be access so the property will be cleared and maintained.

Ruschke discusses the dam which is in need of repair and whether the applicant plans to maintain it in compliance with NJDEP regulations.

Discussion continues on the dam. Dan Barr, Chairman, Hamburg Historic Preservation Commission discusses the dam and its inclusion in the historic district. The applicant would be required to appear before the Historic Preservation Commission and have plans reviewed by Ruschke and the Land Use Board.

The applicant would be responsible for dam repairs and compliance with NJDEP, Historic Preservation and Land Use Board review.

Ruschke suggests that odor controls should be incorporated into the wastewater application. The remote water reader (hot box) should be added to the plan.

Chairman Hall questions the plumbing and sprinkler system. Ruschke indicates that the Construction Official will be responsible with making sure the systems meet rehab code requirements.

Dykstra reviews the variances including front yard setback, impervious coverage, building height, among others. The removal of the tower will improve the view. The storage use will be a low intensity industrial use. The roof has been repaired. The site is being improved.

Krasnomowitz question whether any aesthetic improvements will be made and whether exterior lighting is proposed for security. Dykstra indicates that the site does not allow for landscaping. The site will be cleaned up and security lighting will be included.

Oehler discusses the 1993 fire. The rear of the building was not maintained at the time which created an obstacle for firetrucks. Dykstra indicates that a fire lane will be added where possible around the building subject to the approval of Ruschke as a condition of approval.

Signage is not proposed. No freestanding signs are permitted. One sign is permitted on the building which would be approved by the zoning officer.

Brown asks how the tower will be removed. Dykstra discusses the remaining tower which is connected to the mill. Additional demolition details will be discussed by applicant and architect.

Feliciano questions the ramp in the rear, whether the stairs go down to the building and whether there will be a concrete path. Dykstra discusses the building area that the stairs descend to.

Oehler discusses fire hydrants and whether a draft line would be installed. Ruschke indicates that a draft line would not be feasible. The applicant is installing a sprinkler system which was not present at the time of the 1993 fire.

Discussion continues on the sprinkler system including Chairman Hall's providing information on system design and function to match water supply. Ruschke will discuss with fire official before signing off on the fire lane.

At 8:05 p.m., Christopher Wolverton, AIA ("Wolverton") of HQW Architects is sworn in. He discusses the roof replacement, window replacement with plexiglass, installation of loading docks and removal of tower. No addition is proposed to the current structures at this time.

Krasnomowitz questions the size of the office. Wolverton discusses the four cubicles, one office and three bathrooms proposed.

At 8:07 p.m., Park testifies to the demolition which will take approximately three to four weeks and involve the removal of one level at a time using high reaching cranes.

At 8:08 p.m., a motion is made to open to the public by Tempe, second by Brown with all others in favor.

Phil Graziano, 89 Bluffs Court, discusses his concerns about tractor trailers. He would like the Board to hold any approval until a traffic study is done.

Another resident of Bluffs Court expresses his concern about the demolition, truck traffic and requests a traffic study.

Kienz indicates that site plan would be required for any additional trucks other than those currently proposed. Ruschke indicates that the bridge is relatively new and that he is unsure of the weight requirements. The applicant has testified to a specific use and anything additional to what is being proposed would prompt an amended site plan review.

Dykstra to review if approval is required by the Sussex County Soil Conservation District and Sussex County Planning Board.

Barr assures public that stone mill is protected and that the property owners have agreed not to demolish the mill.

At 8:16 p.m., a motion is made by Tempe, second by Brown to close to the public with all others in favor.

A motion is made by Roberts, second by Tempe to grant Preliminary and Site Plan with variances with all in favor included Brown, Endres, Feliciano, Chairman Hall, Mayor Krasnomowitz and Oehler.

CHAIRMAN'S AGENDA:

- Board Planner

Mayor Krasnomowitz discusses Ken Nelson's decision to retire. A letter should be formally submitted. The Borough will need to seek a new planner. Kienz could provide specifications for RFP.

Tempe discusses DeBoer's Auto and indicates that parking is spilling onto the road. She did not recall permitting overnight parking in the new lot. Mayor Krasnomowitz will review the approvals granted and speak with the owner.

ADJOURN:

A motion is made by Brown, second by Tempe at 8:25 p.m. to adjourn with all in favor.

Respectfully submitted,



Wendy Brick
Secretary to the Land Use Board