

**BOROUGH OF HAMBURG
LAND USE BOARD
MEETING MINUTES
NOVEMBER 13, 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, Vice Chair Jeannette Tempe and Sam Villagomez. Glenn Kienz, Esq. and John Ruschke, P.P. were in attendance.

MINUTES: Tempe made a motion to approve the minutes of Minutes of October 9, 2023, second by Brown with all others in favor, including Endres, Feliciano, Hall, Krasnomowitz, Oehler, Roberts and Villagomez.

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

- A. A. New Jersey Planning Officials Annual Dues – \$370.00 - Land Use Board General
- B. Weiner Law Group - \$605.43 – Land Use Board General
- C. Weiner Law Group - \$124.50 – SMS Escrow #198
- D. Weiner Law Group - \$107.50 – Monico Escrow #203
- E. Local IQ - \$28.56 – Land Use Board General

CORRESPONDENCE: No Board comment on the correspondence.

- A. 10/31/2023 Correspondence from County of Sussex Division of Planning re: Daoftre Capital Group, LLC
- B. 10/25/2023 Correspondence from County of Sussex Division of Planning re: Daoftre Capital Group, LLC
- C. Hardyston Township Ordinance 2023-13: ... Ordinance amending Chapter 185, standards for accessory uses in residential zones based on the comprehensive review of the Township's Land Use chapters.
- D. Vernon Township Ordinance No. 23-21: ...Ordinance adding Chapter 13, "Cannabis Establishment Licensing and Regulation"... establishing annual cannabis licenses...
- E. Vernon Township Ordinance No. 23-22:... Ordinance revising and supplementing Chapter 330 ... to clarify locations for legal cannabis uses within the Township of Vernon.

OLD BUSINESS/NEW BUSINESS:

A. Cynthia Monico

Application No. Lu 23-01

240 Route 23 (Block 14 Lot 1)

Motion made by Tempe, second by Villagomez with all others in favor including Brown, Endres, Feliciano, Hall, Mayor Krasnomowitz, Oehler and Roberts to carry the application to the December 11, 2023 with no further notice required.

B. Harry Howell

Application No. LU 22-05

76, 82 and 84 Gingerbread Castle Road (Block 7 Lots 30, 31 & 32)

Motion made by Tempe, second by Villagomez with all others in favor including Brown, Endres, Feliciano, Hall, Mayor Krasnomowitz, Oehler and Roberts reaffirm the December 12, 2022 minor subdivision approval.

At 7:05 p.m., Mayor Krasnomowitz and George Endres step down from the dais and leave the meeting.

C. The Woods at Hamburg

Application No. LU 23-02

98 Route 23 (Block 36 Lot 2)

Application for Preliminary and Final Site Plan Approval and "C" (bulk) and "D" (Use) Variance approvals

Andy Delvecchio, Esq. discusses the 4.8-acre property located both Hardyston Township and Hamburg. The zoning of the property in Hamburg is Highway Commercial along Route 23 and RR. The proposed detention basin is located on the Hardyston Township property. The application is for variances including Use for a multifamily in the residential zone, building size in excess of 80 ft., slope disturbance, impervious coverage and two monument signs for the entry of the property where one is permitted.

Joe Bruno, architect of Pascack Road, Park Ridge, New Jersey is sworn in. He has been an architect since 1988 and his license is active. Mr. Bruno discusses the four buildings proposed. The first floors of each will be handicapped accessible. Each unit will have two bedrooms and two bathrooms and laundry. The square footage of the units in the buildings will be 1,075 sq. ft. 1,130 sq. ft. and 1,240 sq. ft. exclusive of the garage. Garages for each unit will accommodate one vehicle and contain a storage area.

Exhibit A1 is an undated rendering of the front elevation of the eight-unit building. Each entrance will permit access to four units.

Exhibit A2 is an undated rendering of the eight-unit building depicting the ground floor garages and driveways. Decorative dormer on the top of the buildings will not be occupied.

Exhibit A3 is the overall colorized site plan showing all buildings and the detention basin. The buildings facing the detention basin contains six units. The building closest to the road contains eight units. The building on the north side of the property contains twelve units. The building on

the south side of the property contains fourteen units. The front of all buildings face the courtyard in the middle.

Board discussion on the handicapped accessibility/adaptability for the first-floor units, the number of units and number of vehicles accommodated by the driveways (Bruno response: one car in driveway and one in the garage), access to the units (Bruno response: no access from the garage) and the garage door finishes (Bruno response: white PVC enamel).

In response to Mr. Ruschke's questions, Mr. Bruno indicates:

- there will be sprinkler systems
- deliveries will be to individual residences
- there will not be amenities for residents
- the utilities will be at the garage level
- there will be individual water meters for each unit
- the HVAC system will be located on the second floor and accessed by a pulldown ladder
- second floor will be used for storage only not occupancy
- firewalls will be located between the units and under the roof
- there were no drastic changes to the architectural plans from the plans submitted

At 7:35 p.m., Mark Gimigliano, PE is sworn in. He has been licensed since 2008 and has testified before municipal boards.

Mr. Gimigliano discusses the property and the development proposed. Application has been made but the LOI has not been received. The property contains steep slopes.

Exhibit A4 is the colorized site plan dated November 13, 2023. The plan shows the four buildings containing forty units with two bedrooms in each unit. Two monuments are proposed that are five feet wide and six feet tall. The development will contain a loop road, sidewalks, parking spaces for guests and ADA parking (two in front and one in the back) and access. Ramps could be added between Buildings 1 and 4 and 2 and 3 to centralized courtyard. The courtyard will contain a gazebo, benches and children's play area. The proposed dumpster shown behind the home on Fairview Avenue could be eliminated and a larger dumpster could be located on the north side of the development. The utilities will be gas, water, sewer and electrical. The proposed water line is four inches but could be extended after water pressure testing. Lighting will be above the garage area and downward facing on eighteen-foot poles.

Board discussion as to why the applicant is proposing four buildings. Mr. Gimigliano indicates that the slope was taken into account for the configuration.

Two stories will be visible from the courtyard and three stories from the exterior on the south side due to the slope. The south side will contain a tiered retaining wall which will allow for landscaping and buffers for Fairview Avenue neighborhood. The applicant proposes to plant seven-foot arborvitae but could plant eight-to-ten-foot arborvitae. The neighboring property to the north side is a commercial property. The detention basin is located in Hardyston Township and will be bioretention with vegetation with a 72-hour hold. Revised calculations will be submitted for stormwater management review.

Discussion on the installation of sidewalks along Route 23. The developer would prefer not to be required to install sidewalks on Route 23.

Mr. Gimigliano continues with the unique zoning of the property which is located in the HC Zone bordering Route 23 and the RR Zone toward the middle. No variances are needed to the height of the structures. Variances are requested for two monument signs where one is permitted and the slope disturbance. The applicant appeared before the Hardyston board for the detention basin. The basin may be shifted to the northwest portion of the property away from the neighboring property on Fairview Avenue.

In response to the Board's questions and comments, Mr. Gimigliano indicates:

- guardrails will be installed along the roadway
- NJDOT will need to issue permit for site distance for entrance
- berm and arborvitae will be installed to shield headlights on Route 23 from development
- a turn lane from Route 23 is not proposed
- the Fire Marshall reviewed and approved the plan submitted
- the hydrant locations will be reviewed based on Mr. Oehler's suggestions
- two large dumpsters will be located on the property
- a water pressure test will be conducted to determine whether the proposed four-inch main is sufficient
- the COAH requirement based on the number of units proposed is 15% which is six units
- the traffic will be addressed by traffic expert

Mr. Ruschke suggests the Hardy Cross analysis be performed for the water main pressure and the steps be eliminated to the building to allow for ADA access. An amended plan should be submitted.

Mr. Kienz suggests that a materials list be provided for facades. The rear of the buildings containing the garages should be enhanced to match the facades.

At 8:33 p.m., Matt Seckler, P.E., P.P., PTOE of Stonefield Engineering and Design, LLC, Rutherford, NJ is sworn in. He testifies to:

- the roadway
- speed limit in the area of the development
- average of 35-40 trips per hour
- twenty guest spaces
- NJDOT permit required for sidewalks
- fifteen spaces for electric vehicles
- compares development to Winding Brook
- four centralized mailboxes
- residential development will generate less intensity than current HC zoning

Board discussion suggests dual EV charger for handicapped spaces and Title 39 jurisdiction.

Kate Keller, PP of Phillips Preiss, Hoboken, NJ is sworn in and testifies to her credentials. She references the 2018 Master Plan Reexamination Report and the need for a D(1) use variance for multifamily residential and bulk variances. There are three zones on this property in two municipalities (Highway Commercial and RR in Hamburg and residential in Hardyston) which is not typical. The prior proposals for this property were for commercial and then for affordable housing units. The use proposes to utilize the grading with less impact. The buildings are built into the grading. Affordable housing will be provided with the number of units based on the number of units proposed. The "c" variances for 54% impervious in RR zone. RR zone would not require stormwater management. With current plan, stormwater management will be

enhanced and managed by this development. The slope disturbance is minimal since the buildings work with the natural slope. Two signs are requested at the entrance of the development. A commercial use would have a greater impact on traffic than the proposed residential development. This developer is balancing the use and proposing high quality screening and buffers for the site to minimize visual impact. The 2018 Master Plan Reexamination Report objectives acknowledges that there are opportunities for high density development along the corridors of Route 94 and Route 23.

Board discussion as to the proposed blasting on the property. Mr. Gimigliano responds that blasting is not proposed. The developer intends to remove the rocks.

At 9:10 p.m., a motion is made by Chairman Hall, second by Vice Chair Tempe to open the meeting to the public with all Board members in favor.

Paul Marino, 23 Holly Drive indicates his opposition to the proposed three-story buildings due to concerns on the ability of the Fire Department to handle emergency issues. Heritage Lakes is the only other development that has three stories which requires mutual aid for response. The developer should be pressed to reduce the number of units and height of building. He expresses concerns about the tree line backing to the residents on Fairview Avenue. The infrastructure should be extended and a Developers Agreement be put in place.

Jennifer Downing, 70 Glen Avenue, Stockholm/Hardyston resident, questions the timing of the traffic study when school was not in session. Proposed ADA spaces are not sufficient. She expresses concerns about lighting. She mentions the petition circulated opposing this development. Board Attorney indicates that the petition will be included in the file but not included on the record.

Board response by Tempe who indicates that the current school could handle the additional enrollment. The prior application was for commercial use by a pool company. The property is currently wooded but the use can change.

At 9:26 p.m., Karen Niedergall, 15 Fairview Avenue is sworn in. She testifies to the damage to her property from the tree removal by the current property owner when the pool company proposed to utilize the property. She had to install French drains on her property at her own expense. She expresses her concerns about drainage, water damage to her property and bears being attracted to the dumpsters.

Board engineer and applicant's engineer will set up meeting with residents on Fairview Avenue bordering this property to discuss current drainage issues.

Austin Niedergall, 15 Fairview Avenue questions snow removal. Mr. Ruschke indicates that a condition of approval could be that southside of property bordering Fairview Avenue could not be used for snow removal.

James Furey, 19 Glenside Avenue indicates that he has a degree from Rutgers in horticulture. He owned a landscaping company and worked on an organic farm. He questions stormwater management calculations and questions whether any tests were performed on coniferous plants and the acidification of the soil. Mr. Gimigliano indicates that no test was performed. He is of Cherokee heritage and familiar with the property. He has noticed chestnut growing on property and medicinal plants including blood root.

At 9:45 p.m., Barbara Lacatena, 12 North Woods Trail, Stockholm is sworn in. She questions why the developer is proposing to hide the development if it is so great.

Russell Schweizer, 25 Fairview Avenue testifies as to his concerns about water and drainage. He questions why the largest building is proposed for the area bordering the Fairview Avenue properties. His preference is for smaller buildings. Mr. Gimigliano responds that building worked best with the slope.

Wendy Schweizer, 25 Fairview Avenue expresses her concerns about water. She questions the location of the large building and why the building is proposed if it is not permitted. She expresses concerns about lighting and its effect on her property. Mr. Gimigliano responds that the lighting will be downward facing.

John Jervis, 33 Fairview Avenue expresses his concerns about lighting, lack of privacy, size of building, endangered species and location of dumpster. Mr. Gimigliano indicates that the lighting will be downward facing and that there are no known endangered species. The slopes were taken into account for the building placement.

Melba Sweetman, 37 Fairview Avenue indicates that half of her backyard is located in Hamburg and half in Hardyston. She questions why the Hardyston Fire Official reviewed the plans. The Board clarifies that the Borough shares services with Hardyston. She expresses her concerns about the land being cleared and its effect on the quarry blasting that she currently experiences. The clearing will also affect air quality and wind. The detention basin is located within 150 feet of her property. She had heard that this property was used by the American Indians for a ceremony and may contain human remains.

John Furey, 19 Glenside Avenue questions what type of protections will be put in place during the development. Mr. Gimigliano responds that temporary sediment basins and silt fencing will be used.

A motion is made at 10:00 p.m. by Chairman Hall, second by Vice Chair Temp to close to the public with all Board members in favor.

Mr. Ruschke suggests arranging a meeting with the residents of Fairview Avenue to address their concerns and assess their properties. A more thorough EIS should be submitted to address the concerns of the residents as to endangered species.

Mr. Delvecchio is opposed to an exploratory report since there are no wetlands and no habitation regulation.

Board discussion continues with regard to the number of units proposed, COAH obligation, location of largest building and necessity of garages.

Mr. Delvecchio responds that the economical viability of a development starts around 40 units. The COAH obligation is based on that number of units. An NJDOT permit will be required for the sewer extension.

Mr. Gimigliano adds that garages were put in place to minimize the amount of rock removal for parking.

The application will be carried to the December 11, 2023 meeting.

CHAIRMAN'S AGENDA: None.

ADJOURN:

A motion is made by Chairman Hall, second by Tempe at 10:15 p.m. to adjourn with all 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