

**BOROUGH OF HAMBURG  
LAND USE BOARD MEETING MINUTES  
FEBRUARY 12, 2024**

The Borough of Hamburg Land Use Board meeting was called to order at 7:02 p.m. by Chairman Daniel 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, Chairman Dan Hall, Mayor Richard Krasnomowitz, William Oehler, Glenn David Roberts, Vice Chair Jeannette Tempe and Sam Villagomez. Glenn Kienz, Esq., John Ruschke, PE and Allison Kopsco, P.P.

**MINUTES:** Tempe made a motion to approve the minutes of Minutes of January 10, 2024, second by Brown with all eligible others in favor, including Endres, Hall, Mayor Krasnomowitz, Oehler, Roberts and Villagomez.

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

- A. Mott MacDonald - \$978.50 – The Woods at Hamburg (escrow #198)
- B. Weiner Law Group - \$374.00 – The Woods at Hamburg (escrow #198)
- C. New Jersey Planning Officials - \$95.00 – Land Use Board General (mandatory training for George Endres)

**CORRESPONDENCE:** No Board comment on the correspondence.

- A. The New Jersey Planner – November/December 2023
- B. 1/16/2024 State of New Jersey Planning Commission – Official Notice of Intention to Approve a Preliminary State Development and Redevelopment Plan
- C. 1/21/2024 Correspondence to Brady requesting escrow - Daofre Capital Group LLC
- D. 1/29/2024 Notice of Public Hearings for Highlands Counsel Reginal Master Plan Amendments
- E. 1/30/2024 Sussex County Open Space Committee Minutes 9/28/2023
- F. 4/3/2023 Sussex County Planning Board Minutes
- G. 5/1/2023 Sussex County Planning Board Minutes
- H. 12/4/2023 Sussex County Planning Board Minutes

**RESOLUTION:**

**A. Authorizing the Release of Escrow**

Motion made by Tempe, second by Villagomez with all others in favor including Brown, Endres, Hall, Mayor Krasnomowitz, Oehler and Roberts, to memorialize the resolution releasing the funds held in escrow account number 197 for WD Business Associates, LLC for Application No. LU 22-03.

Mayor Krasnomowitz and Council Liaison George Endres leave the meeting at 7:05 p.m.

**OLD BUSINESS/NEW BUSINESS:**

**A. Cynthia Monico**

**Application No. LU 23-01**

**240 Route 23 (Block 14 Lot 1)**

*Application for "D" (Use) and "C" (Bulk) variances*

Matthew Lynch, Esq. of Dolan & Dolan appears with the applicant, Cynthia Monico who is reaffirmed from the prior hearing.

Mr. Kienz informs applicant's counsel that there are six eligible Board members and five of six will be needed for approval. The applicant is not required to have a site plan but should have a plot plan.

Applicant testifies that the footprint of the building has been reduced in the back. The front is in line with the other buildings. The building was recently struck by a car in the front. Her contractor is also in attendance.

Villagomez questions the parking and number of vehicles on the property with the proposed use. Applicant states that there will be parking for two vehicles in the garage and two in the driveway.

Tempe asks about the pavement and the backyard/play area for any children that may reside in the residence. Applicant states that the pavement in the front of the property will be removed and replaced with grass. There will be grass in the backyard as well.

Brown questions the proposed storage area and the proposed two-family residence rather than a single-family residence. Applicant replies that the storage area will be available to the residents who pay extra rent for the storage. The demand for rentals in the area influenced the proposed two-family residence.

Applicant indicates that the proposed residence will create a five-foot distance from the neighboring property. Discussion on the electric wires to the pole. The neighboring resident may need to move the wires.

Tempe begins discussion on the sidewalk and the Borough's interest in adding sidewalks. Mr. Ruschke indicates that in this instance, the sidewalk would need to be closer to the home due to the location of the catch basin. The sidewalk would not be critical on this property. Ms. Kopsco suggests buffering.

At 7:22 p.m., Board Planner and Board Engineer are sworn in for the year.

Ms. Kopsco questions the impervious coverage. Applicant states that the impervious coverage was reduced with the removal of the driveway in the front of the property and by replacing it with grass. Mr. Kienz requires applicant to provide impervious coverage numbers and amend the zoning table. A sidewalk leading to the front of the house from the parking area should be included. Mr. Ruschke adds that the proposed building is in line with the surrounding properties.

At 7:28 p.m., a motion is made by Tempe, second by Villagomez to open to the public with all in favor.

No public in attendance interested in commenting on this application.

At 7:28 p.m., a motion is made by Tempe, second by Oehler to close to the public with all in favor.

A motion is made by Roberts, second by Villagomez to approve the application for D (use) and C (bulk) variances with Chairman Hall, Oehler, Roberts, Tempe and Villagomez in favor and Brown opposed. There will be no parking in the front of the structure. The driveway will be paved. Parking is subject to Board Engineer's approval. Updated zoning analysis chart with impervious coverage calculations must be submitted.

**B. 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*

At 7:32 p.m., Antimo DelVecchio, Esq. appears on behalf of the applicant.

Mr. Kienz points out that this is the third hearing and an approval will require five of the six Board members eligible to vote.

Mr. DelVecchio briefly discusses the site visit with the engineers and the neighboring property owners. The basin has been moved further back on the property and will be screened. The traffic consultant and the planner completed their testimony at the prior hearing.

Mark Gramigliano, PE presents the following exhibits:  
Exhibit A6 consisting of 24 sheets. The last revision date is January 24, 2024.  
Exhibit A7 is a colored rendering – Site Layout dated February 12, 2024.

Mr. Gramigliano discusses the site visit with the neighboring property owners. The plans have been revised based on the comments from the neighbors.

Building 4 is 200 feet long x 140 feet wide. The number of units in Building 14 has been reduced to 10 units. The number of units in the project has been reduced from 40 to 36 units. Sidewalk and curbing have been added. ADA parking will be located in front and an accessible route to the courtyard is shown. The lower units will be ADA accessible. One dumpster has been eliminated. A stop sign has been added. Four fire hydrants are now located on the inside, closer to the buildings, based on the comments from the Fire Department. Additional buffering is shown near Route 23 and near the basin. The basin is now located 80 feet from the residents. The basin is in full compliance with the State's Stormwater Management requirements.

The meeting with the residents was held on December 8, 2023. The residents of 15, 17 and 25 Fairview Avenue were in attendance. The discussion included the ponding in the yard of 15 Fairview Avenue. Water from the site would be directed off the property through Fairview Avenue with the Borough maintaining once complete if the Borough agrees. The applicant

would need an easement through the property at 15 Fairview Avenue. The resident was offered the option but declined the easement.

Additional drains and filtration system on site and main basin should capture most of the runoff from the site.

The Line of Site plan dated January 24, 2024 containing three sheets is discussed. The plan shows Building 4 from 15 Fairview Avenue, Hamburg and 41 Fairview Avenue, Hardyston. Closely planted arborvitae and Norway Spruce will shield the garages. Within five to ten years, the entire building will be screened. Sheet 2 of 3 shows the existing vegetation. The applicant proposes two rows of evergreen to shield the site during the winter. Sheet 3 of 3 shows the proposed arborvitae to shield the site from Route 23.

Mr. Gramigliano addresses the reports of the Board Engineer and Planner. Three ED parking spaces are required with one being ADA accessible.

Chairman Hall questions the height of Building 4 which is the building behind the residents of Fairview Avenue. Hall calculates the height of the building will be higher than what is included on the plan. He calculates 36 feet 5 inches from ground to roof. Mr. Gramagliano responds that the average grade from ground to top of building is 32 feet 9 inches. The ordinance calculates height from the average grade.

Tempe questions whether the applicant considered removing the garages in particular for Building 4. The proposed three stories could present a burden to the fire department.

Mr. Gramigliano stated that the Fire Official had no issues. The hydrants have been moved closer to the buildings as recommended by the fire department and the buildings will have sprinkler systems.

Tempe discusses her son's disability and the limited accessibility with the proposed location of the ADA spaces in the front of the development. Oehler adds to the discussion regarding the ADA accessibility. Mr. DeVecchio responds that some ADA spaces can be relocated to the rear near the basin. Mr. Gramigliano adds that additional walkways can be added as a condition of approval.

Chairman Hall questions whether the proposed arborvitae planting for the retaining wall would have enough space for the root ball. Mr. Gramigliano confirms that the space will be sufficient.

Villagomez questions the proposed lighting in the back area and its potential impact to the yards of the adjoining property owners on Fairview Avenue. Mr. Gramigliano explains that the lighting will be directed downward so as to not illuminate the yards of the neighboring property owners.

Tempe asks whether the proposed number of units can be reduced. Mr. DeVecchio responds that the number of units has been reduced as much as is feasible. Mr. Gramigliano adds that the number of units and their configuration follows the grading of the property to reduce the removal of rocks on the property.

At 8:08 p.m. Joseph Bruno, AIA begins discussion on Exhibit A8 which is a sample color rendering of the interior elevations of the buildings from the courtyard and Exhibit A9 which is a

sample color rendering of the exterior elevations from the perimeter. Stonework will be added between the garage doors.

Brown questions the access to the units. Bruno confirms there will be no access to the units from the garages. The utilities will be located in the garages and the central air units will be located outside.

Oehler requests confirmation of the location for the sprinklers and heating units. Bruno explains that the heating units for the second floor will be located above and the heating units for the first floor will be located in the garage. Both floors will have sprinkler systems.

Brown continues discussion on ADA accessibility. Mr. Kienz questions the code for ADA compliant units on the first floor. Bruno cannot confirm the code for ADA but proposes to make all first-floor units ADA compliant. Mr. Ruschke adds that the applicant is exceeding their ADA requirements. Mr. DelVecchio indicates that his client has knowledge of the requirements and that 20% accessible/ balance adaptable units would be required by code. Brown questions the accessibility to the units. Mr. Gramigliano added that ramps could be added for accessibility in addition to the one ramp proposed.

Tempe questions whether the units would be owner occupied or rentals. DelVecchio responds that the units will be rentals.

Villagomez questions the traffic since the development will have one entrance and exit. Mr. Gramigliano indicates that the road will be widened slightly to allow turning into the development.

The diameter of the looped water supply line is questioned by Hall. Mr. Gramigliano proposes to extend the eight-inch water line from Fairview Avenue to the development. Oehler adds that the four-inch main would not be sufficient if there was a fire. Tempe indicates that Route 23 was recently paved in that area. Mr. Gramigliano will address the proposal in the NJDOT application. Mr. Ruschke addresses the preexisting drainage issue for the resident of 15 Fairview Avenue and agrees with the applicant's proposed solution for the drainage issue through the resident granting an easement. The resident has declined the proposal. Delvecchio adds that the developer expects to build out the development in three years. The resident would have that time to consider granting the easement.

Continued discussion on stormwater management. Mr. Ruschke indicates that the rate is addressed in the report but not volume. He suggests lowering the basin bottom to address volume for more severe storms. Mr. Gramigliano agrees to add depth to the basin.

The Board Planner has no additional comments other than what was addressed in her report.

At 8:26 p.m., a motion is made by Tempe, second by Brown to open to the public with all other Board members in favor.

Keith Niedergall of 15 Fairview Avenue discusses the engineered piping system including a six-inch pipe and french drainage, installed three years ago to address the drainage issues on his property. He questions whether the adjoining property owner, a commercial business, was approached about an easement. He expresses his concerns about the easement including the maintenance and reduction to his property value. DelVecchio indicates that the easement would

be dedicated to the Borough. Mr. Ruschke clarifies that the Mayor and Council would need to decide whether they would accept maintenance of the drainage easement. Mr. Gramigliano proposes the area to be disrupted while the line is installed would involve eight feet and include ten feet from the driveway to the fence. The estimated time frame for the work would be a couple of days. Mr. Ruschke anticipates the site work to take one week or more. The developer would post a performance bond. Brown does not view an easement as a detriment to the property value. She has one on her property. Hall questions whether there is a need to change the existing pipe on the property. Mr. Ruschke adds the pipe he has is fine but the proposal would be an enhancement for larger storms.

John Jervis of 33 Fairview Avenue discusses existing drainage issues that started when prior project cleared the property including trees. The hurricane around that time period added to the drainage issues and additional trees fell. Kienz adds that the plan provided deals with drainage. Jervis responds that drainage will continue to be an issue. He adds that the number of variances requested has increased from the original plan submitted. DeVecchio responds that there have been no changes to the number of variances requested.

Paul Marino of 23 Holly Drive states that this development is needed for ratables. The developer went over and above. Extending the sewer system is typically a condition of approval. He has concerns about the access to the buildings if there was a fire and suggests that emergency access be added between the buildings to the courtyard. Kienz questions whether the access would be possible between Buildings 1 and 4. Mr. Gramigliano explains that the area between Buildings 1 and 4 is steep and adds that the buildings will have a sprinkler system. Oehler adds that there was discussion about the access by the fire department. Kienz suggests that the design issues be worked out between the engineers as a condition of approval.

Ray Jacunski of Glenside Avenue questions where the water would be routed from Fairview Avenue. He mentions that there is an existing drainage easement that is overgrown and not maintained.

Mr. Gramigliano discusses Exhibit A10 is a colorized aerial map dated February 12, 2024.

Melba Sweetman of 37 Fairview Avenue questions who will be responsible for maintaining the basin. Mr. Gramigliano responds that the property owner will be responsible for its maintenance. Sweetman questions whether solar panels are proposed. Mr. Gramigliano responds that none are proposed. Sweetman questions whether the first floor ADA accessible units will have access to their units from the garage. Mr. Gramigliano responds that the units will not be accessed through the garage. Sweetman states that she thinks Building 4 should have two stories rather than three stories. Sweetman questions who would maintain the property and the trees. Mr. Gramigliano responds that the property owner would maintain.

A motion is made by Tempe, second by Oeler to close to the public with all Board members in favor.

Chairman Hall questions the length of time for construction of the development. DeVecchio responds that it should be completed within 18 to 24 months.

At 9:07 p.m., a motion is made by Villagomez, second by Roberts to grant Preliminary and Final Site Plan with "D" Use variance and "C" bulk variances with conditions with all Board members in favor. The applicant has three years to complete due to the variance.

Applicant addresses the Board. He indicates that he is a resident of Sussex County and invested in this area. He will address the needs of the residents.

**Ordinances Amendments:** Board Planner indicates that all issues from the 2018 Master Plan Reexamination Report have been addresses through the amendments. The Board needs to review and discuss at the March meeting.

**CHAIRMAN'S AGENDA:** No items for discussion.

**ADJOURN:**

At 9:15 p.m., a motion is made by Chairman Hall, second by Tempe to adjourn with all others in favor.

Respectfully submitted,

A handwritten signature in cursive script that reads "Wendy Brick".

Wendy Brick  
Secretary to the Land Use Board