

## Borough of Hamburg Land Use Board Meeting Minutes of August 10, 2015

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

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

**The Chairman** 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 present were John Haig, Daniel Hall, Guy Harby, Mayor Marino, Thomas Watts, and Robert Adams. Also present was Glenn C. Kienz, Esq. Absent were Wendy Brick, Richard Krasnomowitz, and Jeanette Tempe.

Approval of June 08, 2015 Land Use Board Minutes:

**Mr. Haig** made a motion to approve the minutes of June 08, 2015. Seconded by **Mr. Harby**. Aye: Haig, Hall, Harby, Mayor Marino, Watts, Adams. Nay: None. Abstained: None

Bills/Vouchers:

**Mr. Harby** motioned to approve payment of the following bills/vouchers.

Weiner Lesniak, LLP, for General \$1258.00; for Grey Elephant \$510.00; for General \$678.00, Piechowski \$119.00, General \$34.00.

Hatch Mott MacDonald – for Kaytes Realty \$159.00.

Seconded by **Mr. Watts**. Aye: Hall, Haig, Harby, Marino, Watts, and Adams. Nay: None. Abstained: None.

Correspondence:

- a. County of Sussex Clerks Office dated 6/10/2015 RE: Question on official ballot for general election.
- b. Hatch Mott MacDonald – RE: LU03-15 Kaytes Realty, LLC; Block 17, Lot 20. Report.
- c. Jeff Stabile – RE: Solar Panels
- d. Division of Planning Sussex County – RE: KP Kit and Jay LLC
- e. Division of Planning Sussex County – RE: Kaytes Realty, LLC
- f. The New Jersey Planner May/June 2015
- g. Stephen Mainardi Esq. dated 8/4/15 RE: Kaytes Realty, LLC adjournment to September.
- h. Glenn Kienz, Esq. to Clerk, Doreen Schott dated 7/28/15 RE: COAH
- i. Jeffrey Stabile, Code Officer – dated 8/5/15 – RE: 215 Route 23
- j. Glenn Kienz, Esq. email 9/6/15 RE: COAH
- k. Ken Nelson Report for Piechowski email 8/10/15

**The Chairman** asked the members if they had questions or comments regarding the following correspondences. The members had none.

COAH discussion:

Attorney Kienz discussed that the court proceedings are Wednesday. Judge Hansbury scheduled a whole day of hearings. The necessary paperwork has been filed to protect Hamburg and their interests. He mentioned that Ken Nelson did a good job. There are only two locations in Hamburg, they are Bank Street and Ginger Bread Castle area. EDU's would be needed however the Borough of Hamburg does not have them.

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It is approximately a five month process to get plans ready. Robert W. Burchell, Ph.D. will work up the numbers for the third round. Mr. Nelson will need to do adjustments such as EDU's, land and etc. Attorney Kienz will keep in touch with the Land Use Board Chairman, Borough Attorney and Mayor. Hamburg will be in compliance.

**New Business:**

LU-03-15 Kaytes Reality, LLC. Block 17, Lot 20 Amend Final Site Plan. The applicants' attorney Stephen Mainardi provided a letter to the Land Use Board Secretary requesting that his clients' application be carried to the September 14, 2015 meeting.

Untidy properties – There was a brief discussion on untidy properties. Mayor Marino discussed that an ordinance has been put in place to take care of vacant / foreclosed properties. Ms. Nemeth will notify the Zoning/Code Enforcement Officer regarding the properties.

Sussex County State Fair - Mayor Marino mentioned the outstanding job Marguerite Nemeth did on the display for Hamburg at the Sussex County State Fair.

Resignation of Mr. Watts from Historic Preservation - There was a discussion regarding the resignation of Mr. Watts from the Historical Preservation Commission. Two Land Use Board members are needed to serve on the commission. Mr. Haig was interested, he will serve with Mr. Harby on the Historic Preservation Commission.

**LU 04-15 Estate of Piechowski, Block 13, Lot 11 – pre-existing non-conforming use certificate.**

Attorney Kienz discussed his history with the Borough of Hamburg and the history of the local ordinances and codes.

The applicant was represented by Attorney Linda Peoples, of Horlacher and Peoples. Also present were the applicant Anthony Piechowski and the former tenant of the structure, Thomas C. Cook. Both witnesses were sworn in for testimony by Attorney Kienz.

Attorney Peoples explained that Mr. Piechowski is the executor of his father's estate. The property will be put up for sale in the near future. A certificate for pre-existing non-conforming use may be required to clear the title. The application does not seek to expand the square footage or footprint of any existing structure. There are two principal structures both are used as residential rental properties.

The property owner Anthony Piechowski purchased the property in June Of 2006. Mr. Cook stated that he resided in the structure from 1967 to March 21, 2015. He explained that the structure he lived in started out as a garage. The conversion of the garage into a residence started in late 1967. Central Air was in place in the 1970's. A bedroom, bathroom and kitchen was built in the structure. A wood burning stove was used for heating. A water and sewer line was installed by the property owner in 1983-1989. The improvements he made throughout the years. He did not believe that anyone lived there prior to him.

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The owner of the property, Anthony Piechowski had Mr. Cook help him do the conversion and repairs then took it off Mr. Cooks rent. The property owner was billed for two EDU's. The electric meter was added so there was a meter on each structure on the property.

As mentioned in Ken Nelsons report the split driveway was discussed. Mr. Cook stated that there were never any problems with parking. The driveway maintenance responsibilities were shared.

The board discussed that a condition of the resolution should include inspection by the construction official to ensure that both structures are in compliance with all applicable codes and regulations.

Attorney Kienz will have the history of ordinance on the resolution and will provide the applicants attorney with a copy of the resolution prior to the next meeting.

The Chairman stated that there were no members of the public present for comment.

**Mr. Haig** motioned to grant approval of the pre-existing non-conforming use certificate for the application LU04-15 with conditions contained in Mr. Nelsons report dated August 6, 2015. Appropriate Boards and Construction Official to investigate EDU's and that the structures and property meet all the requirements and codes of the Borough. Seconded by **Mr. Watts**. Aye: Hall, Haig, Harby, Marino, Watts, and Adams. Nay: None. Abstained: None.

Resolutions: There were no resolutions.

**The Chairman** explained that there were no members of the public present for comments.

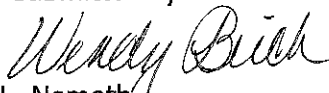
Professionals Report: None

Chairman's Agenda:

Discussion on request of the Secretary regarding a phone call from Attorney Steven McGee. He asked if the Land Use Board would waive payment of taxes in full. The applicant has unpaid taxes. The Boards position is that they will not waive taxes, and taxes need to be paid in full before an applicant is heard by the Land Use Board.

A motion by **Mr. Haig** was made to adjourn at 8:25 PM. Seconded by **Mr. Watts**. All were in favor.

Respectfully submitted by:



Marguerite L. Nemeth  
Secretary to the Land Use Board