

**BOROUGH OF HAMBURG
LAND USE BOARD MEETING MINUTES OF SEPTEMBER 9, 2019**

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

Mr. Watts invited all those present to participate in the flag salute.

Mr. Watts 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.

Attorney Kienz administers the Oaths of Allegiance to Class IV Board Member George Alakpa and Class IV Alt. 1 Board Member Glenn David Roberts.

Those in attendance were George Alakpa, John Haig, Dan Hall, Guy Harby, Jeannette Tempe, Glenn David Roberts, Sam Villagomez and Thomas Watts. Absent: Rich Krasnomowitz and Mayor Marino. Board professionals in attendance: Glenn Kienz, Esq., Ken Nelson, P.P. and John Ruschke, PE.

MINUTES:

Haig made a motion to approve the minutes of July 8, 2019, second by Harby with all others in favor.

BILLS/VOUCHERS:

- a. Weiner Law Group - \$400.00 – General
- b. Weiner Law Group - \$323.00 – 55 Gingerbread Castle Rd. escrow #190
- c. Weiner Law Group - \$147.00 – Falcon Ridge Homeowners Assn. escrow #191
- d. Mott MacDonald - \$413.75 – Falcon Ridge Homeowners Assn. escrow #191
- e. Mott MacDonald - \$211.50 – 55 Gingerbread Castle Rd. escrow #190
- f. Mott MacDonald - \$282.00 – North Jersey Advertising escrow #189
- g. Mott MacDonald - \$244.00 – General
- h. Mott MacDonald - \$61.00 – Vallila escrow #188
- i. Mott MacDonald - \$61.00 – North Jersey Advertising escrow #189
- j. Nelson Consulting Group - \$325.00 – Hamburg Outdoor escrow #189
- k. Nelson Consulting Group - \$662.50 – Vallila escrow #188
- l. Weiner Law Group - \$102.00 – Vallila escrow #188
- m. Weiner Law Group - \$51.00 – North Jersey Advertising escrow #189
- n. Weiner Law Group - \$400.00 - General

Tempe made a motion to approve payment of the bills/vouchers. Second by Villagomez with all others in favor. Aye: Hall, Krasnomowitz, Mayor Marino, Tempe, Watts and Alakpa. Nay: None.

CORRESPONDENCE:

- a. The New Jersey Planner – May/June 2019
- b. 8/6/19 – Correspondence from Borough Clerk re: appointment of Glen David Roberts as Class IV Alternate 1.
- c. 8/5/19 – Correspondence from U. Leo, Esq. re: Comet Management.

There were no comments from the Board on the correspondence.

RESOLUTIONS: A motion was made by Alakpa, second by Tempe to approve the Resolution Authorizing the Disbursement of the funds held in escrow for A & M Skyhigh, LLC with all in favor including Haig, Hall, Harby, Villagomez and Watts.

NEW/UNFINISHED BUSINESS:

- A. North Jersey Advertising**
151 Route 23 (Block 22 Lot 28.01)
Application No. LU 19-01
Application for Site Plan and Use Variance

Bernd Hefele, Esq. (“Hefele”) appears on behalf of the applicant and provides a summary of the application and the discussion at the prior meeting’s informal work session. He presents the new design based on the input of the board members.

He enters Exhibit A2 which is the August 6, 2019 Notice of Approval from the New Jersey Department of Transportation for the billboard. This approval was required due to the change of the location from the first permit approval.

Hefele discusses the productive meeting with the Board professionals and updates the Board on the modifications that are being proposed including stone pillars similar in design to those located at the Wheatsworth Mills replacing the proposed monopole and the reduction of the size of the proposed sign from 10 feet x 20 feet to 9 feet x 18 feet. The height of the sign will be reduced as a result of the new design to 16 feet from the ground with the pillars extending an additional 1.5 feet.

Mr. McDonough, planner for the applicant discusses the decorative pillars, reduction of the size of the sign to 8 x 18 and the beneficial use of the sign for community announcements.

Watts requests clarification as to the underground utilities. Hefele indicates the utility lines to the billboard will be underground. The phone lines will remain above ground.

Nelson qualifies McDonough as a landscape architect. Nelson wants to make sure the proposed pillars and the landscaping of the front third of the property will be fine-tuned with the Board professionals. McDonough proposes low wild flowers or shrubs.

Discussion continues on the size of the sign and Ruschke reviews the benefits the applicant has indicated for the proposed billboard including messaging for emergency services, public announcements and municipal messaging.

Crescione indicates there are approximately 3,500 messages within 24 hours at 8 seconds each.

Ruschke questions whether the sign operation will be reduced at night. Hefele states that the lighting will be reduced at night but the sign will continue to operate adding that the residences located near the billboard are non-conforming within the Highway Commercial zone.

Board discussion continues regarding the total height of the billboard structure, the trees and landscaping the shape of the sign which the applicant indicates will remain a "v" although they cannot testify to the exact angle of the "v" since it will be constructed to promote its visibility.

A motion is made at 7:26 p.m. to open to the public by Tempe, second by Villagomez with all others in favor. No public comment. A motion is made at 7:26 p.m. to close to the public by Haig second by Tempe with all others in favor.

A motion is made by Villagomez, second by Hall to approve the applicant's application for construction of a billboard on the subject property. Ayes from Villagomez and Watts. Nays by Haig, Hall, Harby and Tempe. Tempe adds that while the applicant proposed a good design, the location was not right.

B. James Vallila
130 Route 23 (Block 12, Lot 6)
Application No. LU 19-03
Application for "C" and "D" Variances

A motion is made to carry the Vallila application to the October 16th meeting with no further notice required as requested by the applicant. All board members were in favor.

C. 55 Gingerbread Castle Rd., LLC
55 Gingerbread Castle Road (Block 11 Lot 31)
Application No. LU 19-02
Amended Application for "D" Use Variance for the pre-existing non-conforming use and Preliminary and Final Site Plan approval
- 8/19/19 Mott MacDonald report

At 7:36 p.m., Joseph O'Neill, Esq. appears on behalf of applicant, 55 Gingerbread Castle Road LLC and introduces Mark Charnet, property owner; Kenneth Dykstra, Engineer and Surveyor; David Karlebach, PP, Planner; and Keith Holling, Architect. All testify to their qualifications and current licenses.

O'Neill proposes that the application be bifurcated.

Holling begins testimony and enters Exhibit A1 which is a colorized version of the plan submitted to the Board dated July 31, 2019 entitled "Existing Plans and Elevations". The property is 34,863 square feet. The structures was built around 1860. It is a four family residence.

O'Neill indicates there are bedrooms on the third floor with a ceiling height of 4 1/2 feet.

Page A2 - Holling indicates the applicant proposes to raise the roof on the third floor to permit an 8 foot ceiling height and add an additional egress for the third floor. The garage will be rebuilt to make a studio apartment and storage units for the residents. The utilities will be brought up to code and will be located in the basement with no access by the tenants.

At 7:49 p.m., Dykstra discusses A2, Sheet 3 of 3 dated July 31, 2019 which is a colorized version of the plan provided to the Board. A parking lot will be added with 12 parking spots as required by RSIS standards for the six (6) residential units. The applicant intends to connect to the municipal water and sewer system at the Bluffs pump station. The existing septic system will be closed up which will provide an environmental benefit due to its location near the Walkkill River. The proposed raising of the height of the building by 4 feet conforms to the Borough's ordinance.

At 7:54 p.m. Karlebach discusses A3 which is a photograph of the site. The site is buffered and wooded. The south side is buffered to Bluffs Court. A "C" variance is required for the setback of the storage area. The positive benefit of this application is that it will provide new, safe livable housing. The residential units will be affordable and allow for immediate occupancy. There will be no substantial change to the exterior. The storage and parking will be located to the rear of the property. Karlebach references the Borough's Master Plan Reexamination Report which recommends R-1 residential use since the Industrial zone is no longer appropriate. The 1979 Master Plan proposed a residential use for this zone.

O'Neill indicates that the previous application was for the pre-existing non-conforming use of the property as a four family residence. The applicant is seeking a use variance.

Nelson requires clarification as to whether the applicant is seeking a D1 or D2 variance. Kienz indicates that the use could possibly predate ordinance. O'Neill says the applicant is seeking a D1 variance.

Tempe questions the septic system which Karlebach states has been unused for years. The plan is to abandon the current system.

Ruschke discusses the current approved allocation. The applicant has four (4) approved EDUs. Dykstra indicates the applicant plans to request a total of six (6).

Tempe questions the distance to the river. Dykstra states that it is 110 feet to the river.

Haig expresses his concerns about the safety of children residing near the river and questions whether a fence is proposed.

Ruschke adds that a fence is not necessarily a requirement and that it is difficult to discuss site plan when the application is bifurcated.

Kienz indicates that as a matter of law, the applicant can renovate an existing dwelling. The number of children on site will be limited due to the number of bedrooms per unit. If Board approves use, site plan will still need to be appropriate and negative criteria would need to be settled.

Haig discusses the number of parking spaces which he does not feel is sufficient for the proposed use. He also questions whether the buffering will exist in the winter.

Dykstra indicates that there is a stormwater basin located next to the existing residence which adds additional buffering.

At 8:22 p.m., a motion is made by Haig, second by Villagomez with all others in favor to open to the public.

At 8:22 p.m. Donna Raquet of 35 Bluffs Court indicates that she was not able to see the site plan since it was not facing the public. She expresses her concerns about ingress and egress to the property. Dykstra shows the points of ingress and egress which are located on the subject property, not on the Bluffs property. There will be two driveways. Ms. Raquet requests clarification as to the storage. Dykstra states that the storage will only be for the use of the residents on the subject property. She questions whether the units would be low income. Dykstra says the studio would likely be low income.

Nelson discusses COAH and the Borough's decision to opt not to participate in plan conformance. The Borough would likely dedicate one unit on this premises as affordable housing.

At 8:26 p.m., Kim Alosio of 87 Bluffs Court indicates that her property adjoins the subject property. She expresses her concerns about the erosion of the river and the traffic flow on the road.

John DePinto, sales broker for Zipari Realty discusses the Bluffs development. 67 units are completed. He addresses the comment made by the applicant's planner regarding the May 2018 Master Plan Reexamination Report and the recommendation to designate a residential zone where there is currently an Industrial Zone. Karlebach indicates that the zoning remains Industrial because the recommendations have not yet been implemented by the Borough. DePinto questions why the applicant sought a D1 variance rather than re-zoning the property. He expresses his concerns about the density and its effect on potential buyers for the Bluffs development. He does not think bifurcating the application was fair.

O'Neill objects to the testimony of the sales broker contending that the proposed residential sales of the Bluffs properties are being affected by the subject property.

Philip Graziano of 39 Bluffs Court indicates he had concerns about the subject property prior to purchasing his home. He has concerns about the density.

Donna Raquet expresses her concerns about the traffic and the tenants' ability to navigate in and out safely considering the speed many drive on that road and the location of the bend in the road near the entrance to this property.

At 8:40 p.m., a motion is made by Tempe, second by Haig to close the meeting to the public with all others in favor.

Nelson is pleased that the master plans were reviewed for this application. He states this is a unique property. He addresses the applicant's planner's comments about the R1 zone which

would be a single family residential zone. He indicates the property is not on the list of historically designated properties but is within the district.

Holling indicates he will use same materials in the renovation so the property will look aesthetically similar. The main alteration to the exterior will be raising the roof to bring the 3rd floor to code. The studio apartment will be 28 x 14 for a total of 944 square feet.

Nelson questions the reason they are proposing to expand from four (4) to six (6) units. He questions the position of the parking lot. Since the application is bifurcated the site plan issues haven't been addressed.

Villagomez suggests removing the studio apartment.

Dykstra discusses the proposed paved parking lots which will not be adjoining and buffers, curbing, fencing and handicapped accessibility to the building.

Harby questions how handicapped tenants would access the upper floors. Holling indicates an elevator would not be required for buildings under 10,000 square feet.

O'Neil summarizes the application and points out that the applicant would prefer moderate income housing on the property.

A motion is made by Hall, second by Alakpa to approve the use variance for six (6) residential units on the subject property. Ayes: Alakpa and Watts. Nays: Haig, Hall, Harby, Tempe and Villagomez.

PROFESSIONALS REPORT:

Nelson discusses the August 20, 2019 Planning Services Proposal and the sub-committee meeting held to discuss it.

At 9:12 p.m. there are no members of the public in attendance.

A motion is made by Haig, second by Harby to recommend the planning services proposal to the governing body with all others in favor.

ADJOURN:

A motion is made at 9:12 p.m. by Watts, second by Tempe to adjourn with all others in favor.

Respectfully submitted,



Wendy Brick
Secretary to the Land Use Board