

BOROUGH OF HAMBURG
LAND USE BOARD MEETING MINUTES OF DECEMBER 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.

Those in attendance were John Haig, Guy Harby (7:05 p.m.), Richard Krasnomowitz, Jeannette Tempe, Glenn David Roberts, Sam Villagomez and Thomas Watts. Absent: George Alakpa, Dan Hall and Mayor Marino. Board professionals in attendance: Glenn Kienz, Esq.

MINUTES:

Haig made a motion to approve the minutes of November 13, 2019, second by Tempe with all others in favor including Haig, Roberts, Tempe, Villagomez and Watts.

BILLS/VOUCHERS:

- a. Rutgers Center for Government Services - \$327.00 – Land Use Board General – training for Glen Roberts
- b. Weiner Law Group - \$2,601.00 – 55 Gingerbread Castle Road, LLC escrow #190
- c. Weiner Law Group - \$15.00 – Falcon Ridge HOA escrow #191
- d. Weiner Law Group - \$638.00 – Land Use Board General
- e. Nelson Consulting Group - \$475.00 – Land Use Board General
- f. Nelson Consulting Group - \$650.00 – 55 Gingerbread Castle Road, LLC, escrow #190
- g. Nelson Consulting Group - \$537.50 – Vallila, escrow #188

Villagomez made a motion to approve payment of the bills/vouchers. Second by Haig with all others in favor including Haig, Krasnomowitz, Tempe, Villagomez and Watts.

CORRESPONDENCE:

- a. New Jersey Planner – September/ October 2019
- b. 12/3/19 Correspondence from Burns McDonnell re: Public Notice of Freshwater Wetlands General Permit 4 (Hazardous Site Investigation and Cleanup) – 30 Route 94

There were no comments from the Board on the correspondence.

NEW/UNFINISHED BUSINESS:

- A. **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

- *December 9, 2019 Correspondence from applicant requesting adjournment to January 2020*

A motion was made by Tempe, second by Villagomez to carry the application to the January 13, 2019 meeting with all in favor including Haig, Roberts, Tempe, Villagomez and Watts.

B. James Vallila

130 Route 23 (Block 12, Lot 6)

Application No. LU 19-03

Application for "C" and "D" Variances

- *December 9, 2019 Email from applicant requesting adjournment to January 2020*

A motion was made by Haig, second by Villagomez to carry the application to the January 13, 2019 meeting with all in favor including Haig, Roberts, Tempe, Villagomez and Watts.

PROFESSIONALS REPORTS: Nelson indicates that he has been authorized to move forward by the Borough Council to conduct a review of the ordinances with a subcommittee. Subcommittee members will need to attend approximately four to six meetings over the first quarter of the year. A report will be prepared around April 2020 and recommendations will be forwarded to the Borough Council. Attorney Kienz states that the subcommittee can consist of four members of the Board. Haig, Watts and Krasnomowitz express an interest. Additional volunteers will be sought at the reorganization meeting. Nelson suggests that Board members may want to prepare a list of items for discussion by the subcommittee.

Brief discussion on communications that could be discoverable for public records requests.

Attorney Kienz informs the Board that North Jersey Advertising & Hamburg Outdoor, LLC ("North Jersey Advertising") has filed a Complaint in Lieu of Prerogative Writ which appeals the Board's September 9, 2019 denial of the application for use variance and site plan approval for the installation of a billboard for the property located at 151 Route 23 (Block 22 Lot 28.01).

There is one member of the public who is in attendance for the Gingerbread Castle Road application. Attorney Kienz informs him that the application has been carried to the January meeting.

EXECUTIVE SESSION:

A motion is made by Haig, second by Tempe with all others in favor to enter Executive Session at 7:17 p.m. in order to discuss pending litigation, specifically North Jersey Advertising & Hamburg Outdoor, LLC v. Borough of Hamburg Land Use Board, Docket No. SSX-L-000572-19 which is entitled to attorney-client privilege under the Open Public Meetings Act. Minutes will be kept but will not be made public.

A motion is made to exit the Executive Session and resume the regular meeting at 7:35 p.m. with all Board members in favor.

CHAIRMAN'S AGENDA: Chairman Watts wishes the Board well after a tough year which included the passing of former Board Chairman Adams.

There are no members of the public in attendance.

ADJOURN:

A motion is made at 7:37 p.m. by Tempe, second by Villagomez to adjourn with all others in favor.

Respectfully submitted,

A handwritten signature in blue ink that reads "Wendy Brick". The signature is written in a cursive style with a horizontal line above the "i" in "Brick".

Wendy Brick
Secretary to the Land Use Board

