

# Borough of Hamburg

## Land Use Board Meeting Minutes of April 09, 2012

The Borough of Hamburg Land Use Board Meeting was called to order at 7:30 pm by **the Chairman** in accordance with the open Public Meeting Act, with regard to notices.

**The Chairman** read the Statement of Certification. Adequate notice of the meeting has been provided to the public and press January 29, 2012 by delivering to the press and posting at the Municipal Building a copy pursuant to the provisions of the "Open Public Meeting Act"

Present were John Haig, Daniel Hall, Guy Harby, Rich Krasnomowitz, Tom Watts, Wendy Brick, Jeanette Tempe, Mayor Marino, Ron Garrett and Robert Adams. Also present were: Ken Nelson, Planner; Bryant Gonzales, Esquire, and John Ruschke, Engineer.

Approval of March 12, 2012 Land Use Board Minutes:

**Mr. Haig** made a motion to approve the minutes of March 12, 2012 with changes. Seconded by **Ms. Tempe**.

Aye: Haig, Hall, Harby, Krasnomowitz, Watts, Brick, Tempe, Mayor Marino, Adams and Garrett. Nay: None.

Abstained: None

Bills/Vouchers:

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

The Nelson Consulting Group for Patel - \$391.00; Hamburg Village - \$379.50; Verizon Wireless - \$172.50. Weiner Lesniak, LLP for Hamburg Village - \$187.00; Kirit Patel - \$34.00; General \$527.00.

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

Correspondence:

**The Chairman** asked the Members if they had questions or comments regarding the following Correspondences. The Members had none.

Attorney Hague for Hamburg Village - dated 04/02/12- RE: Continuation to May 14, 2012.

**Mr. Krasnomowitz** made a motion to approve the May 14, 2012 continuance as requested by Attorney Hague for Hamburg Village. Seconded by **Mr. Hall**. Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Tempe, Brick, Garrett and Adams. Nay: None. Abstained: None.

**Resolutions:** There were no resolutions.

Old Business:

**Application LZ 10-004 Block 14, Lots 9, 10, 11, Kirit Patel** - Representing the applicant were Corey Stoner, of Harold E. Pellow & Associates and Attorney Cynthia Collins. Attorney Gonzales was aware of their credentials and approved. Mr. Stoner explained that the applicant is seeking an amendment to the preliminary site plan approval and variance relief due to certain errors that were discovered during the construction. Building size increased from 40x60 to 58x42 feet. Everything else remains the same as originally planned. Mr. Stoner discussed the surveys and final as built. The final as built shows front setback at 39.27 and the rear setback at 39.75. At the Northeastern corner they are nine (9) inches inside the setback and at the Southeastern corner they are three (3) inches inside the setback. The building that was constructed was done so by an old survey. The construction ceased once the error was discovered. The applicant is seeking relief to have the building located in the front yard closer to Route 23 than permitted due to a construction error.

Mr. Stoner referenced the Planner's Report of March 30, 2012 and the Engineer's Report of April 5, 2012. He believes there are misunderstandings of adjustments made to the building foundation.

Mr. Stoner presented exhibit A-1 a Lighting Proposal Plan provided by LSI Industries. The applicants will be purchasing LED lights from LSI. Mr. Stoner explained that the LED lights have less illumination spill and are more focused.

**Mayor Marino** asked how high the lights sit up. Mr. Stoner replied fourteen (14) feet.

Mr. Stoner compared this gas stations lighting to the Sunoco's. Sunoco has lighting under the canopy which are exposed. He added that the applicant's original plan was too dark and needed additional lighting.

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**Mr. Krasnomowitz** asked if the lighting will spill on to Jennings Road and the north side of the property. Mr. Stoner replied that the lighting will be shielded as he pointed out on the proposed lighting plan showing the fences and trees. The illumination is focused on the parking lot. **Mr. Haig** asked about the Wallpack. Mr. Stoner provided information. It was discussed that there is no illumination from the sides and only from the bottom.

Mr. Kirit Patel was sworn in. He was asked how high the lights were from the ground. He stated eight (8) to ten (10) feet. They are needed for security purposes to illuminate the property. There was brief discussion on the various lights that will be used.

**Mr. Adams** asked Mr. Piccolo for his input. Mr. Piccolo suggested revising the site plan per the Borough Engineers report. The two lights in the rear might possibly conflict with the leader drain. He is confident that it can be worked out. Mr. Stoner explained that the underground drainage system rail will have to be moved or adjusted. **Mr. Watts** asked if it would be shifted to the property line. Mr. Piccolo stated that the location of the drain is not critical and can be moved anywhere.

**Mayor Marino** discussed site plan deviation and he questioned the set back near Jennings Road. Mr. Stoner explained that the changes occurred during construction and should have been forty (40) feet. **Mayor Marino** then asked if the plan will need to be submitted to NJDOT. Mr. Stoner confirmed that it will not.

**Mr. Krasnomowitz** asked if the meeting was re-noticed. The applicant's attorney, Attorney Cynthia Collins confirmed it was.

**The Chairman** asked for a motion to open the meeting for public comment. Motion was made by **Mr. Watts** to open the meeting to the public. Seconded by **Mr. Harby**. All were in favor. There were no comments from the public. **Mr. Watts** motioned to close the public comment session. Seconded by **Mr. Harby**. All were in favor.

**Mr. Garrett** questioned the fencing. Mr. Stoner discussed the fencing that will be six (6) feet high interlocking vinyl with no light getting through.

**Mayor Marino** motioned to grant C variance relief for the building being located within the front yard setback and to amend the preliminary site plan approval. Seconded by **Mr. Harby**. Aye: Hall, Haig, Harby, Krasnomowitz, Marino, Watts, Brick, Garrett and Adams. Nay: Tempe. Abstained: None.

**The Chairman** opened the meeting for public comment. Seconded by **Ms. Tempe**. All members were in favor. There were no comments from the public.

Planner Report: None

Chairman's Agenda: None

A Motion by **Mayor Marino** was made to adjourn at 7:59 PM. Seconded by **Mr. Harby**. All were in favor.

Respectfully submitted by:



Marguerite L. Nemeth  
Secretary to the Land Use Board



Robert Adams, Chairman