

Borough of Hamburg
Land Use Board Meeting Minutes of November 9, 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 Guy Harby, Richard Krasnomowitz, Mayor Marino, Jeanette Tempe, Thomas Watts, and Robert Adams. Also present was Ken Nelson. Absent were John Haig and Daniel Hall.

Approval of the September 14, 2015 Land Use Board Minutes:

Mayor Marino made a motion to approve the minutes of September 14, 2015. Seconded by **Mr. Krasnomowitz**. Aye: Harby, Krasnomowitz, Mayor Marino, Tempe, Watts and Adams. Nay: None. Abstained: None.

Bills/Vouchers:

Mayor Marino motioned to approve payment of the following bills/vouchers.

- Hatch Mott MacDonald - \$106.00 Land Use Board General
- Hatch Mott MacDonald - \$250.00 Grey Elephant (Additional escrow to be provided)
- New Jersey Herald - \$36.30 Estate of Piechowski (Additional escrow requested)
- New Jersey Herald - \$14.70 Land Use Board General
- New Jersey Planning Officials - \$325.00 Land Use Board General
- Weiner Lesniak - \$374.00 Land Use Board General
- Weiners Lesniak - \$391.00 Land Use Board General
- Weiner Lesniak - \$1,792.22 COAH
- Weiner Lesniak - \$1,991.00 COAH
- Weiner Lesniak - \$442.00 Estate of Piechowski (E) (Additional escrow requested)
- Weiner Lesniak - \$51.00 Estate of Piechowski (E) (Additional escrow requested)
- Weiner Lesniak - \$68.00 Kaytes Realty LLC (E) (Additional escrow will be requested)
- Nelson Consulting Group - \$540.50 Kaytes Realty LLC (E) (Additional escrow will be requested)
- Nelson Consulting Group - \$678.50 COAH

Seconded by **Ms. Tempe**. Aye: Harby, Krasnomowitz, Mayor Marino, Tempe, Watts and Adams. Nay: None. Abstained: None.

The Chairman asked the members if they had questions or comments regarding the following correspondence.

No comments on the correspondence.

- The New Jersey Planner July/August 2015
- Sussex County Planning Board Meeting Minutes July 6, 2015
- Sussex County Farmland Planning Incentive Grant – September 15, 2015
- Weston Solutions regarding Grey Elephant on site cleanup – September 24, 2015
- Correspondence from Weiner Lesniak to Hon. Stephen C. Hansbury, J.S.C. re: Complaint for Declaratory Judgment dated October 1, 2015
- Notice dated October 2, 2015 from Hardyston Township re: Amendment to Master Plan
- 2015 Official Ballot for New Jersey Planning Officials – **Note: Deadline for submission is November 11, 2015.**
- Correspondence from Grey Elephant LLC re: NJDEP Site Remediation Program dated October 8, 2015
- Superior Court fax dated October 13, 2015 scheduling In the Matter of the Borough of Hamburg
- Correspondence from Weiner Lesniak dated October 20, 2015 Notice of Motion on Short Notice Seeking an Extension of Hamburg's Municipal Report Filing Deadline.
- An Ordinance of the Township of Hardyston Amending and Supplementing Chapter 185, Zoning.
- Correspondence from Carl Nelson, Esq. forwarding subdivision deeds for review for LU 03-14 Brown/Ramage application.

Additional Correspondence provided at the meeting:

- Correspondence from Borough of Franklin dated November 5, 2015 re: Franklin Borough Master Plan Re-examination Report
- Correspondence from Carl Nelson, Esq. dated November 6, 2015 regarding Brown/Ramage, LU 03-14, Subdivision Deeds for review.

Unfinished Business - None

Old/New Business

LU-03-15 Kaytes Reality, LLC, Block 17, Lot 20 - Amend Final Site Plan

- October 26, 2015 Correspondence from Stephen Mainardi, Esq. withdrawing the application.
- September 25, 2015 correspondence from Stephen Mainardi, Esq. requesting that the matter be adjourned to November 9, 2015.
- September 9, 2015 correspondence received from Stephen Mainardi, Esq. requesting that the matter be adjourned to the October 12, 2015 meeting of the Land Use Board. Further request to adjourn to November 9, 2015 meeting.

Mayor Marino made a motion to prepare a resolution to memorialize the Board's acceptance of the Applicant's withdrawal of their application for Amended Final Site Plan

Approval since the property has been sold and the purchaser is not interested in pursuing the application. Seconded by **Mr. Krasnomowitz**. Aye: Harby, Krasnomowitz, Mayor Marino, Tempe, Watts and Adams. Nay: None. Abstained: None.

Professionals Report – Housing Plan

Board Planner Ken Nelson briefly discussed the correspondence from Franklin Borough regarding the Master Plan Re-examination Report included on the Board's agenda. Franklin Borough is reconsidering their requirement for a 5-acre minimum in their HC Zone.

Mr. Nelson provides the Board with a document entitled Format for the Addendum to the Hamburg Housing Plan. Discussion begins on the Housing Plan as it relates to the requirements under the Council on Affordable Housing Fair Share Housing obligations and the Borough's current litigation related to those obligations.

Mr. Nelson's recommendation is to use our current Housing Plan since it has never been formally filed with the Council on Affordable Housing and attach an Addendum. Since he is currently involved in research for the municipalities he represents, his costs will be shared among the municipalities thereby reducing Hamburg's costs.

Discussion continues on the Borough's Housing Plan including the Plan contents and its relevance. Mr. Nelson discusses the demographics of Sussex County and the reduction in the county's population. Mr. Nelson discusses the Borough's current restraints including limited vacant lots and their suitability for development due to constraints including wetlands, steep slopes and infrastructure constraints.

Discussion continues on the Borough's affordable housing requirements including whether our existing housing units would be considered substandard. Obligation will be determined by several factors including present need, prior obligation dating back to 1987 requirement and future growth to 2025 which takes into account projections for regional growth and redevelopment of existing areas. Mr. Nelson estimates our present need would be approximately fourteen (14) units. Determination would need to be made as to whether existing units are considered substandard which would prompt discussion for potential redevelopment areas.

Board discussion begins. Mayor Marino mentions Mr. Mulvihill's concept plan proposing one to two bedroom units on Gingerbread Castle Road. No formal application was filed.

Discussion continues on the King Cole Road area including discussion as to whether that area would meet the requirements for existing units. He questioned how the Borough would enforce improvements since the Borough does not have ownership of the properties and whether the Borough could receive credit for units in that area.

Mr. Nelson discusses grants that could be made available. Council on Affordable Housing requires deed restrictions to keep apartments at the affordable level. Discussion on the role

of the affordable housing advocates in the Fair Share Housing Center. Requirements imposed should be realistic for each town.

Mayor Marino discusses our limited availability of EDU allocation which should keep our requirements to a minimum.

Mr. Krasnomowitz questions the process for this litigation specifically why the jurisdiction is the county court. Mr. Nelson mentions that one Judge is handling these cases. Each town/borough in the county will have different obligations. Mr. Nelson discusses the possibility that the Judge could appoint a Master Planner to review all plans and make recommendations. Mr. Krasnomowitz questions whether the Borough has any protection should a future developer not want to include affordable housing units.

Mr. Watts asks what our options would be if the Borough did not agree with the imposed obligations.

Mr. Nelson suggested one remedy would be to consider a zone change by ordinance. We may not be able to accommodate obligation based on limited EDU.

The meeting was opened to the public at 7:22 pm by Mr. Harby, seconded by Mr. Watts with all others in favor and closed to the public at 7:22 pm by Mr. Watts, seconded by Ms. Tempe with all others in favor.

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

Chairman's Agenda:

No items on the Chairman's Agenda.

A motion was made to adjourn by **Mayor Marino** at 7:23 PM. Seconded by **Ms. Tempe**. All were in favor.

Respectfully submitted by:



Wendy Brick
Secretary to the Land Use Board