

**Borough of Hamburg**  
**Land Use Board Meeting Minutes of September 10, 2018**

The Borough of Hamburg Land Use Board meeting was called to order at 7:00 p.m by Chairman Adams in accordance with the Open Public Meeting Act, with regard to notices then delayed by an issue with the recording device.

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

Chairman Adams 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 Chairman Adams, George Alakpa, John Haig, Daniel Hall, Guy Harby, Rich Krasnomowitz, Mayor Marino, Jeannette Tempe, Thomas Watts. Absent: Villagomez. Board professionals in attendance: Glenn Kienz, Esq. and Ken Nelson, Board Planner.

**MINUTES:**

Haig made a motion to approve the minutes of August 13, 2018. Seconded by Watts. Aye: Hall, Krasnomowitz, Watts and Chairman Adams. Nay: None.

**BILLS/VOUCHERS:**

- a. Weiner Law Group - \$187.00 – COAH
- b. Weiner Law Group - \$425.68 – Master Plan Reexamination Report
- c. Nelson Consulting - \$432.00 – Fox escrow #186
- d. Mott MacDonald - \$158.40 – Vallila escrow #188

Haig made a motion to approve payment of the following bills/vouchers. Seconded by Mayor Marino. Aye: Hall, Harby, Krasnomowitz, Tempe, Watts and Chairman Adams. Nay: None.

**CORRESPONDENCE:**

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

- a. 8/15/18 – Correspondence from Oriolo re: Halloween event at Gingerbread Castle.
- b. 9/10/18 – Correspondence from Fairweather re: withdrawing application submitted by Diamond Communications, LLC and Cellco Partnership d/b/a Verizon Wireless.

A motion is made at 7:03 p.m. by Hall, second by Mayor Marino to open the meeting to the public.

Joe Paris, owner of the Bethany Chapel discusses his interest in the property known as 55 Gingerbread Castle Road which is a multifamily dwelling located within the Industrial Zone. Attorney Kienz questions whether Mr. Paris has an attorney. He indicates that he does.

Attorney Kienz indicates the use of the property as a multifamily dwelling unit is not permitted by ordinance in the Industrial Zone. However, municipal land use law permits exceptions for pre-existing non-confirming uses if Mr. Paris can prove that the use as a multifamily predated the Borough's ordinance. Mr. Paris expresses his gratitude to the Board for their time and leaves the meeting.

At 7:10 p.m. Don Oriolo, Jr. ("Oriolo"), owner of the Gingerbread Castle discusses his correspondence to the Board expressing his interest in holding a five day Halloween themed event at the Castle to begin two days prior to the weekend before Halloween and commence on Halloween. While the property is held in an LLC, he would prefer to contain costs and appear pro se. He requests temporary relief for the short term event. He indicates that the prior property owner had Board approval for a Halloween event.

Board discussion regarding adjoining properties which are not in common ownership, tight timeframe prior to this proposed event, liability insurance, parking, access to Gingerbread Castle, number of people in attendance, vendors, police and safety concerns.

Oriolo indicates that there will be no access to the Castle. He will have short term insurance for the event and temporary safety fencing to contain those in attendance to only the Gingerbread Castle property. He will enter into a contract with Mr. Mulvihill who owns the property across the street which will be used for parking. He intends to have one vendor with a hot dog cart operated by a military veteran, workers dressed in costume, a maze, pumpkins and face painting. The hours for the event would be noon to 5:00 p.m. since it will be geared toward younger children but could be open until 10:30 p.m. for those who are older. He will have two parking attendants.

He shows the Board a copy of the form used by Hardyston for similar events. Attorney Kienz indicates that the Borough does not have an ordinance for a pop up event/use nor does it use Hardyston's form. He adds that the Board needs to protect the health, safety and welfare of the children who will attend an event. In order to seek the Board's approval, Oriolo will need to submit an application seeking Board approval for a temporary use pursuant to Borough Ordinance §215-108 as provided for by N.J.S.A. 40:55D-70(b). Application fees and escrow deposits will be required.

Mayor Marino requests that Oriolo find a way to contain the event to only the Gingerbread Castle road property and ensure that the property and surrounding areas are safe for those in attendance which would require inspections by the Borough departments including but not limited to zoning, building and fire prevention. He suggests Oriolo obtain the appropriate permits for use of the County road. Since the Borough's police officers will need to be present for this event, Oriolo should contact the Police Department. The parking issue will need to be resolved and appropriate insurance in place. Oriolo needs to go through the process once so he will not need to seek Board approval for each event.

Mr. Nelson suggests Oriolo write up a description of his intentions since the map provided is an issue. He requests that Oriolo submit a survey with a written description. Oriolo indicates he used a portion of the site plan from 1998. He was informed that the property was zoned Light Industrial but approved for multiuse. He considers having the Castle re-zoned.

At 7:43 p.m. Haig leaves the meeting.

A motion is made to close to the public at 7:50 p.m. by Tempe, second by Watts with all others in favor.

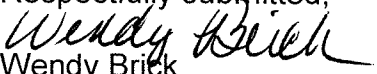
Mr. Oriolo leaves the meeting.

Mr. Nelson indicates that he will put together a proposal for the October meeting for the Master Plan ordinance amendments.

Mr. Krasnomowitz indicates that the zoning map needs to be consistent.

**ADJOURN:**

A motion was made at 7:55 p.m. by Chairman Adams to adjourn the meeting, second by Watts with all other Board members in favor.

Respectfully submitted,  
  
Wendy Brick  
Secretary to the Land Use Board