

BOROUGH OF HAMPTON  
PLANNING /ZONING BOARD OF ADJUSTMENT

PLANNING/ ZONING BOARD OF ADJUSTMENT MEETING                      May 6, 2019

Chairman, Jeff Minchin, called the meeting of the Hampton Planning/Zoning Board of Adjustment meeting to order at 8:00 p.m. at the Borough Hall, One Wells Avenue, Hampton, N.J. 08827. This meeting has been advertised in compliance with the Open Public Meetings Act in the Hunterdon County Democrat. A copy of this notice has been posted and is on file in the Office of the Municipal Clerk.

1. Flag Salute:

Roll Call: Present:	Pam Bailey	Andrew Hurley
	Jeff Minchin	Charles Matarazzo, Jr.
	Bob Nathanson	Chad Nathanson (8:20)
	Doug Rega	
Not Present:	James Cregar	Randy Newman

Planning Board Attorney, Steven P. Gruenberg, Esq. swore in existing member of the Hampton Borough Planning Board, Doug Rega.

Doug Rega stepped down at 8:05 pm from the Planning Board Meeting.

Motion was made by Andrew Hurley and seconded by Bob Nathanson to accept the Communications. Roll Call Vote: All Ayes, Except for both Doug Rega and Chad Nathanson who were not present for voting. Motion Carried.

Motion was made by Bob Nathanson and seconded by Andrew Hurley to accept the Planning Board Minutes dated February 4, 2019. Roll Call Vote: All Ayes, Except for both Doug Rega and Chad Nathanson who were not present for voting. Motion Carried.

Motion was made by Andrew Hurley and seconded by Bob Nathanson to deem Hampton RE Properties, LLC (Hampton Junction) Complete for Interpretation and Request for Site Plan Exemption. Roll Call Vote: All Ayes, Except for both Doug Rega and Chad Nathanson who were not present for voting. Motion Carried.

Chad Nathanson entered the Planning Board Meeting at approximately 8:20 p.m.

At this time, Erik Peterson, Esq., the attorney for the applicant, Hampton RE Properties, LLC (Hampton Junction) begin to present his case for the Interpretation Hearing on behalf of the applicant. Ralph Curcio was sworn in as witness by Hampton Borough Attorney, Steven P. Gruenberg, Esq. Mr. Curcio stated he purchased the property (Deli/House) in 1991 whereby the house is located in front of property along side parking lot and Deli located in back of property. This property was in existence for approximately 10 years prior to Mr. Curcio purchasing this property.

Mr. Curcio advised the Planning Board that this property is still currently being used as a Residence/Deli. Deli consist of 1<sup>st</sup> floor open kitchen to left and tables/chairs for dining to the right. There are 8 parking spaces for the Deli, and it is located approximately 80 feet off road. Mr. Curcio explained to the Planning Board that the currently installed “non-structural aluminum/vinyl porch enclosure” is approximately 20 feet by 12 feet and consist of a 3-foot overhang and is secured to the base and bolted to the concrete along with screws and roof is secured by Vinyl Twine. No structural work was required in order to install this enclosure. This enclosure is not a permanent structure and does not contain heat, air conditioning or electrical outlets. It was installed in order to keep the winter/wet rainy weather out of the Deli. There is no expansion of use inside or outside of the Deli is being requested and that he is not asking the Planning Board to certify this structure as a pre-existing, non-conforming use. Mr. Curcio is simply requesting an Interpretation from the Planning Board per Code 157-5C (1) (b) as to whether the enclosure is a permitted incidental alteration to the Deli only and if so if they are exempt from Site Plan Approval per Code 157-69.2.

The Planning Board Engineer, Joseph Modzelewski, P.E., P.P., C.M.E. had concerns with the unused doors of this “non-structural aluminum/vinyl porch enclosure” being locked when not in use and that one door on one side is always kept locked at all times for safety reasons.

At this time a member of the Public, Louis Gargano who currently resides at 41 Thomas Road, Glen Gardner, NJ spoke on behalf of the Deli stating that he is a frequent patron of the Deli and that he believes that this structure is a functional part of deli that keeps the cold and hot weather out of the Deli which makes it better for both the Deli and its Customers.

Motion was made by Bob Nathanson and seconded by Andrew Hurley to close the Public portion of the Planning Board Meeting pertaining to the applicant, Hampton RE Properties, LLC ( Hampton Deli). Roll Call Vote: All Ayes, Motion Carried.

Motion was made by Andrew Hurley and seconded by Bob Nathanson to approve this “non-structural aluminum/vinyl porch enclosure” subject to the following requests:

1. Keep in good working order.
2. One door always locked for safety reasons
3. Maintained as represented in Photographs.

Roll Call Vote: All Ayes, Motion Carried.

Motion was made by Andrew Hurley and seconded by Pam Bailey to deem exempt from Site Plan Approval based upon the costs of said improvements and installation of the “non-structural aluminum/vinyl porch enclosure” being less than \$5,000.00. Roll Call Vote: All Ayes. Motion Carried.

At this time, it was determined that the Planning Board Attorney, Steven P. Gruenberg, Esq. will prepare a Resolution on behalf of Hampton RE Properties, LLC prior to our next Planning Board Meeting scheduled for Monday, June 3, 2019.

At approximately 8:50 p.m., Planning Board Member, Doug Rega returned to the Planning Board to finish out the meeting.

Motion was made by Bob Nathanson and seconded by Andrew Hurley to approve the following bills and claims:

Bills from Law Office of Scholl, Whittlesey & Gruenberg, LLC, General, Account #9110-00M and Statement #70666 for services in connection with attendance at meeting and discussion of general matters in the amount of \$150.00 dated April 3, 2019 and received on April 12, 2019.

Bills from Law Office of Scholl, Whittlesey & Gruenberg, LLC, Hicks Paving, Account #9110-12M and Statement #70667 showing outstanding balance in the amount of \$1,575.00 dated April 3, 2019 and received on April 3, 2019. Bills previously been approved and given to Chief Financial Officer for payment.

Bills from Law Office of Scholl, Whittlesey & Gruenberg, LLC, Hampton RE Properties, LLC, Account #9110-15M and Statement #70668 in the amount of \$30.00 dated April 3, 2019 and received on April 12, 2019.

Bills from Finelli Consulting Engineering, Hicks Paving, Account #HAHP00042 and Invoice #30910 in the amount of \$1,093.75 dated May 2, 2019 and received on May 6, 2019.

Bills from Finelli Consulting Engineering, Hampton RE Properties, Account #HAHP00047 and Invoice #30909 in the amount of \$250.00 dated May 2, 2019 and received on May 6, 2019.

Roll Call Vote: All Ayes, Motion Carried.

Motion made by Andrew Hurley and Seconded by Doug Rega to adjourn the Planning Board meeting at 8:55 p.m. Voice Vote: All Ayes, Motion Carried.

Respectfully Submitted

Sherry Minchin  
Planning Board Secretary