

MEETING DATE: February 13, 2007

CALL TO ORDER: The notice requirement of P.L. 1975, Chapter 231, Sections 4 and 13 have been satisfied with a schedule of all meetings together with the time, location and agenda of same being sent to the New Jersey Herald and the New Jersey Sunday Herald and posted on the bulletin board at the Borough Hall on January 9, 2007. The regularly scheduled meeting of the **OGDENSBURG LAND USE BOARD** was called to order at 7:00 PM.

ROLL-CALL:

Present: Armstrong, Altenburg, Andrews, Dabrowski, Dolan, Fierro, McDonald, Mayor Sekelsky, Sund, Telischak and Wood

Absent: Alfonson

Professionals: Buczynski, Suljic and Ursula Leo, Esq. for Michael Garofalo, Esq.

Absent: None

APPROVAL OF MINUTES – January 9, 2007

A motion is made by Fierro, second by Altenburg to approve the minutes of the regular meeting of the Land Use Board held on January 9, 2007 with Armstrong, Andrews, Dolan, Mayor Sekelsky, Sund, Telischak and Wood in favor.

CORRESPONDENCE

1. Dated 2/1/07 from D. Nicholson, Esq. to NJDEP re: Back Thru the Future Computer Recycling Inc. – Application for Class D License.
2. Dated 1/11/07 from County of Sussex re: Application for Preliminary Site Plan – Florist on Main – Meyer application.
3. Dated 1/9/07 from County of Sussex re: Planner’s Report on Application for Florist on Main – Meyer Application.
4. From Goldshore, Cash & Kalac, P.C. re: An analysis of the Draft Highlands Regional Master Plan.
5. New Jersey Association of Planning and Zoning Administrators – 2007 NJAPZA Applications.
6. Beyond the Basics: A Comprehensive Training Program for Board Members Spring 2007.
7. Dated 12/28/06 from County of Sussex re: Plan Implementation Committee (PIC) Meeting.
8. December 2006 Morris Sussex Habitat for Humanity.
9. ANJEC Planning to Protect Habitat Hands-on Computer Training.
10. ANJEC 2007 Smart Growth Planning Grants for Municipalities.

No comments on the correspondence.

BILLS/VOUCHERS

1. Dated 1/22/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board for meeting attendance and preparation - \$660.00 – Land Use Board Current Account.
2. Dated 1/22/07 from Laddey, Clark & Ryan for professional services rendered on behalf of Robert and Colleen Washer - \$546.00 – Washer Escrow Account.

3. Dated 12/31/06 from Schoor DePalma for professional services rendered on behalf of J & G Developers LLC - \$1,070.25 – J & G Developers Engineering Escrow Account.
4. Dated 12/31/06 from Schoor DePalma for professional services rendered on behalf of AA-1 Self Storage/Logan Homes - \$31.25 – AA-1 Self Storage/Logan Homes Escrow Account.
5. Dated 12/31/06 from Schoor DePalma for professional services rendered on behalf of Michael and Laura Meyer - \$31.25 – Meyer Escrow Account.

**** Original Bills/Vouchers available for review. All Bills/Vouchers subject to approval by CFO prior to payment ****

A motion is made by Armstrong to approve the bills vouchers with all others in favor.

1. OLD BUSINESS/NEW BUSINESS

**A. Concept Plan (Subdivision) - AA-1 Self Storage/Logan Homes
Block 5 Lot 29
Brooks Flat Road**

Edward P. Azar, Esq. appears on behalf of the applicant.

Ms. Leo explains that this is an informal review of the application as presented. All comments are non-binding.

Ed Azar, Esq. appears on behalf of the applicant Yoshimi Logan. The applicant is proposing a three-lot subdivision. The engineer's comments from the Completeness Review Committee suggest that the application should be considered a major versus a minor subdivision. Mr. Azar would like to keep the application a minor subdivision.

Patrick McClellan, P.E. discusses the proposed subdivision. The property is located in the R40 Zone. There are three lots proposed with lot sizes as follows: 2.09 acres, 2.35 acres and 2.92 acres. The proposed subdivision requires no variances. He references Sheet 2 of 4 and directs the Board to the wetlands along Brooks Flat Road. Initially the applicant was considering three driveway crossings. In order to eliminate the disturbance of the wetlands areas, the plan was modified to utilize the existing crossing to service three driveways.

Mr. McClellan refers to Sheet 3 of 4, and directs the Board to the potable wells and septic test holes on proposed Lot 5, on the upper left; Lot 5.01, on the rear of the conceptual dwelling; and Lot 5.02 to the rear of the conceptual dwelling.

Mr. McClellan states that a Stormwater Management Plan was submitted with the application.

Buczynski discusses why the application should be considered a major including the improvements, which would need to be included to extend the water system and to widen the road.

Discussion continues on whether the wells could service the properties.

Buczynski concurs that one driveway would create less disturbance than three openings. Suljic states that variances would be required for each curb cut.

Discussion continues on the creation of flag lots. There is no Borough ordinance on flag lots.

Mayor Sekelsky questions the location of the nearest fire hydrant. Fierro states that it is located at the lower end of Brooks Flat Road. Discussion continues on the turnaround for emergency vehicles. Mr. McClellan states that the common driveway is 18 feet wide from Brooks Flat Road to the proposed lots. Buczynski states that Residential Site Improvement Standards require a width of 20 feet. Mr. McClellan states that the driveway could be modified for the turnaround of emergency vehicles. Kervatt states that the road cannot presently accommodate safety vehicles.

Mr. McClellan could modify the plan to include three crossings instead of one to eliminate the need for variances. Telischak states that it would be more complicated to get the approval of the Department of Environmental Protection for three crossings.

Wood reads the definition of a minor subdivision as per the Borough ordinance, specifically a minor subdivision creates “no new street or street improvements”. He states that this application cannot be viewed as anything other than a major subdivision.

Telischak discusses the size of the water main, which is presently a 4” main. Armstrong references the ordinance section relating to wells. Buczynski states that the water should be brought up to the development.

Discussion continues on whether the development would be economically viable with one driveway and one single family home. Mr. Azar states that one home would not be economically viable considering the improvements, which would need to be made.

Discussion continues on contour lines and elevations. The only access to the property is in Ogdensburg.

Kervatt questions the location of the existing crossing. Mr. McClellan states that there are remnants of a path and a culvert would be required.

Mr. Azar states that the Buczynski and McClellan could discuss the minimum requirements for a major subdivision.

Discussion continues on Stormwater Management. Mr. McClellan states stormwater management will be delineated on the maps prepared for each lot.

Mayor Sekelsky mentions the drainage and runoff concerns on Predmore Road, which is off Brooks Flat Road.

Armstrong mentions the additional fees required for resubmission as a major subdivision.

B. Master Plan Reexamination Report and Highlands Regional Master Plan Update

Fred Suljic to update the Board on the progress of the preparation of the report and on the status of the Highlands Regional Master Plan.

Suljic states that he is working on the Goals and Objectives section of the Master Plan Re-examination Report. He will have the section completed for the Subcommittee Workshop meeting on February 22nd. Discusses the growth and the Preservation and Planning Areas. Suljic states that there are less grants available if the Borough opts in to the standards for the Preservation Area. In reference to the Highlands Regional Plan, Suljic states that the map is ready and he will have a rough draft for the workshop meeting.

Discussion continues on the Sussex County Cross-Acceptance Report/State Planning Strategic Growth Plan meeting to be held on February 22nd. Suljic will have thirty days to submit a response to the plan. The corrections to the map are due on March 2nd.

Board discussion continues on Suljic's attendance at the County meeting and the re-scheduling of the Master Plan Subcommittee Workshop Meeting. The Board directs W. Brick to publish notice of date change to Tuesday, February 27th at 7:00 PM.

A motion is made at 7:50 PM to open to the public by Telischak, second by Fierro with all others in favor.

Robert Peist, Councilman, comments on the concept plan for the subdivision presented by Mr. Azar for Logan Homes. He mentions the problems on Predmore with the pipe, which will need to be replaced and the culvert.

Buczynski states that the improvements would be required as a major subdivision application.

Andy Bickerton of Citizens for the Preservation of Ogdensburg discusses the revised correspondence, which was distributed to the Board prior to the meeting by W. Brick.

Ms. Leo addresses the correspondence submitted. She states that Item #1 will not be addressed, as the meeting is not the proper forum. The Board will only respond to Items 2 and 3. Only issues specifically related to the Land Use Board and the Highlands will be addressed.

Mr. Bickerton discusses Item #2 regarding the Highlands Plan and the Preservation Area. He would like to see the Preservation Area extended from the railroad tracks up the mountain. He states that the area is a critical recharge zone. The lands around Heaters Pond should be preserved.

Wood states that if the criterion were adopted in one area, it would have to be adopted for the entire area. Suljic states that it is all or nothing. The Planning Area is the remainder of the Borough. The core preservation area is for the wells and the water supply. Telischak asks Suljic to give a brief synopsis of what the implications would be if Preservation were imposed in the Borough. Suljic states that for wooded lots, there could be one home per 88 acres; for open fields, one house per 25 acres; for vacant lots with vernal pools, which are defined as two months of continuous standing water, 1,000-foot buffer and one house per 72 acres.

Discussion continues on the standards and the Regional Board regulations. Wood states that the restriction imposed may not necessarily be what Mr. Bickerton would want. The restriction may be more intrusive than beneficial. The issue will be before the Board within a year. He suggests that Mr. Bickerton and the Citizens for the Preservation of Ogdensburg stay informed on the issues and return to the Board when it is imposed.

Ms. Toni Erb of 26 Edison Avenue addresses the Board. She questions the capacity of the school and the potential impact of development. Suljic states that the school is presently not at capacity. Ms. Erb suggests that the class size should be 15 students per class. Dolan states that she was the Superintendent for 40 years. When the school was built, the Board of Education members were told that the lower portion of the property could accommodate a high school.

Ms. Erb discusses the playground and questions whether it is addressed in the Master Plan. She states that the previous Master Plan did not look to the future.

Wood states that Mayor Sekelsky has plans for the Borough land.

Ms. Erb questions when the Borough plans to make improvements to Route 517. Wood states that the improvements would fall under the jurisdiction of the County, since Route 517 is a County road.

Armstrong discusses the revitalization of Main Street.

Mary Fitzgibbons of 51 Edison Avenue questions the water supply and the ramifications should the area become part of the Highlands Plan. Suljic discusses that the Preservation Area would prohibit development. Property would be potentially devalued without compensation to the property owners. He discusses the Town Center, including three or four commercial spaces and residential development, potential grants available and COAH housing.

Mr. Bickerton discusses the Core Preservation Area. Suljic states that development of the parcels would not be grandfathered.

Wood suggests that Board of Education members attend the Master Plan Subcommittee Workshop meetings in order to provide comments to the Land Use Board for consideration.

Armstrong explains the Master Plan Reexamination Report. The Board of Education is a part of the process. Traffic, the school system and emergency services are some of the areas considered during the application process and in the Reexamination Report. Suljic states that an application cannot be legally denied based on traffic.

Ms. Dolan states that she has been serving for 25 years on the Land Use Board as a Class II member. She is a delegate from the Board of Education. She states that the enrollment in the school is 333 children. The local newspapers publish the State's report card on an annual basis, which includes the number of children and the school's ranking.

Ms. Erb discusses the possibility of sewers being installed on Main Street. Suljic states that sewers would be economically impossible considering the Borough returned allocation to SCMUA, which could have been used for the revitalization of Main Street and the school. Fierro and Dolan concur that the cost would affect the residents. Discussion continues on the sewer system. Councilman Peist states that the Borough has approached SCMUA with regard to the interconnection. Telischak discusses the money, approximately \$100-200,000 spent on engineering services in the past few years for studies. Buczynski to locate file and consider cost per person. Suljic mentions community septic design as an option.

Scott Sager questions the buffer zone for Heaters Pond. Suljic states that the buffer zone is 100 feet.

Armstrong discusses the PC zone around the buffer zone. He mentions Madden, Fitzgibbons and Richards's donation of land in order to preserve lake. Dolan states that there was vision a couple of years ago when the property was donated.

Ms. Erb questions whether the Borough has impact fees for developers. The Borough presently has no impact fees.

Armstrong displays Zoning Map prepared by Schoor DePalma in 1999, pointing out the PC Zone and the lake. There is no construction permitted in the Zone. He states that the map is on file in the Municipal Building for review.

Ms. Fitzgibbons states that she has been in Ogdensburg for 45 years. She commends the Board for their work. She states that the public interest and the public welfare should go hand in hand.

At 8:21 PM, a motion is made by Armstrong, second by Fierro to close the meeting to the public with all others in favor.

2. CHAIRMAN'S AGENDA

No items for discussion on the Chairman's Agenda.

3. ADJOURN

A motion is made at 8:21 PM to adjourn by Armstrong, second by Fierro with all others in favor.

Respectfully Submitted by

Wendy Brick
Land Use Board Administrative Assistant

Approved