

**BOROUGH OF OGDENSBURG
LAND USE BOARD MINUTES**

MEETING DATE: **May 22, 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:** Altenburg, Andrews, Armstrong, Dolan, Fierro, Mayor Sekelsky *, Sund, Telischak and Wood
Absent: Alfonson, Dabrowski and McDonald
Professionals: Attorney Garofalo, Buczynski and Suljic
Absent: None.
* Arrived at 7:06 PM

APPROVAL OF MINUTES – April 10, 2007

A motion is made by Fierro, second by Dolan to approve the minutes of the April 10, 2007 Regular Meeting with all eligible in favor including Armstrong, Andrews, Fierro and Telischak.

CORRESPONDENCE

1. Dated 5/15/07 from W. Brick to Y. Logan, AA-1 Self Storage – 2nd request for release of bonds and inspection escrow.
2. Dated 5/8/07 from Y. Logan to Mayor and Council – request for release of bonds and inspection escrow.
3. Dated 5/8/07 from E. Snyder re: June 8, 2007 Summit at Rutgers.
4. Dated 5/1/07 from Township of Hardyston Public Notice
5. Dated 4/26/07 from Keyspan to NJDEP re: JCP&L. (booklet on file)
6. Dated 4/24/07 from W. Brick to D. Nicholson, Esq. requesting additional escrow for Washer.
7. Dated 4/23/07 from Highlands Coalition May 16th Seminar.
8. Dated 4/12/07 from County of Sussex re: lot line relocation, Sparta Township.
9. Dated 4/11/07 Morris Land Conservancy newsletter. (on file)

No comments on the correspondence.

OLD BUSINESS/NEW BUSINESS

- A. **Michael and Laura Meyer**
 Application #LU06-007
 43 Main Street
 Block 11 Lot 13
 Application for Major Site Plan Approval

Attorney Garofalo reviews the notice. Newspaper notice was provided within 10 days of the hearing date. Revised site plan was submitted on date of hearing. Board cannot act on the application in absence of proper legal notice. The application was deemed “complete” on May 8, 2007. Applicant is to re-notice for June hearing date.

B. William and Nancy Sands
Application #LU07-001
Block 12 Lot 10
North Clark Street

Application for "C" Variance Approval to permit the construction of a single-family dwelling.

- Correspondence dated 5/2/07 from Schoor DePalma.

Michael Patrick Carroll, Esq. appears for Carl Nelson, Esq. Allen Campbell of Robert Campbell & Associates is sworn in and attests to his credentials as a N.J. Licensed Professional Engineer.

Discussion begins on subject property, which is a pre-existing lot, which meets all requirements of the ordinance with the exception of lot width. Discussion on the exhibit presented, which consists of the plans submitted to the Board. Sheet 1 is a subdivision map, which is dated between 1940-1971. Sheet 2 is the proposed single family dwelling.

Mr. Campbell references the report prepared by Schoor DePalma dated 3/28/07. Discussion begins on the two drywells. The drainage will be to the east.

Mr. Campbell states that the original plan submitted was for the construction of a ranch style home, which will not be built, He provides the Board with exhibits, which are two sheets of architectural drawings, one depicting the elevation and the second depicting the floor plan. The home will be built by Coyote Builders. The height will be 28 feet to the peak. The entrance has been offset in the front. There will be no garage. The proposed residence will be consistent with the neighborhood scheme.

Attorney Garofalo states that the focus of the application is variance relief, not home style.

Discussion begins on the access to the septic system. Mr. Campbell states that there is sufficient access to the septic in the rear yard.

At 7:35 PM, a motion is made to open to the public by Fierro, second by Sund with all others in favor.

Mr. Walt Walenczynk of Branchville appears on behalf of the neighbor adjacent to subject property. He expresses his concerns about drainage considering the ponding of water on the property and the height of the building as a possible obstruction.

Mr. Buczynski states that the approval would be subject to the approval of a drainage plan.

Mr. Campbell states that soil logs were prepared for the septic design and it was determined to have high permeability.

Ms. Carol Ando, 13 North Clark Street, questions the style of the home.

Mr. Campbell states that the original architectural plans submitted were changed to reduce the footprint and include a door facing the street.

At 7:45 PM, a motion is made to close to the public by Fierro, second by Dolan with all others in favor.

A motion is made by Fierro, second by Telischak to approve the “C” variance for lot width where 60’ is existing and 100’ is required, contingent upon the adjustments made by the Board Engineer and Board Planner for submission and approval of revised drainage plans and soil logs for septic design with all others in favor including Armstrong, Altenburg, Andrews, Dolan, Mayor Sekelsky, Sund and Wood.

**C. J & G Developers, LLC
Block 4 Lot 1**

Completeness review for application for lot line adjustment and amended site plan.

James Walsterholme of J & G Developers, LLC addresses the Board with regard to his amended site plan application and lot line adjustment.

Mr. Buczynski provides the Board with his comments on the application. The application should be submitted as Amended Preliminary Major Subdivision rather than a lot line adjustment. The application is deemed complete. Prior to the next hearing date, consent notice should be acquired from the two property owners for the lot line adjustment prior to public hearing and notice should be provided to property owners within 200 feet for the application for Final and Preliminary Amended Final Site Plan Approval. A plat should be submitted with the application.

At 8:40 PM, a motion is made to open to the public with all others in favor.

John Koscuiba, 36 Pettito Drive, questions the maintenance agreement for the drainage pit.

Discussion begins on the drainage pit. J & G Association will be established and the association will need to maintain the drainage pit. The Zoning Officer will enforce through fines.

Mr. Buczynski states that a lien could be placed against the association should the pit not be maintained.

A resident from 18 Richard Street questions the number of dwelling to be built and expresses his concerns with regard to drainage.

Don Ciccolella, 9 Willis Drive, expresses his dissatisfaction with the condition on his property and his lack of response from the Board Engineer. The apron of his driveway continues to be an issue as a result of the development adjacent to his property. He requests permission to have the Board review the pictures of his property.

Mr. Buczynski states that an inspection was made and the deck was not an issue.

Attorney Garofalo states that the meeting was opened to the public to discuss issues pertaining to the completeness of J & G Developers application. The items mentioned are to be enforced by the Zoning Officer. The Land Use Board has no jurisdiction over the concerns expressed.

Mr. Walsterholme states that he and Mr. Ciccolella have discussed the concerns on his property. Mr. Walsterholme has repaired driveway and will provide a topcoat when the development is completed. He will repair slate, which was broken. He seeded the property twice. He states that Mr. Ciccolella utilizes a right-of-way for parking, which is not legal.

Wood suggests submitting correspondence to Kevin Kervatt, Zoning Officer.

Mr. Koscuiba questions the timeline for completion of the project.

Mr. Walsterholme estimates the completion of Phase I by the end of the summer or early fall of 2007. Phase II should be completed by the end of the summer of 2008. There are a total of 7 lots.

D. HIGHLANDS DRAFT REGIONAL MASTER PLAN

Correspondence dated 5/10/07 from F. Suljic to Ms. Swan, Highlands Council.

Mr. Suljic discusses the 5/10/07 correspondence to the Highlands Council. He discusses the areas on the map depicted in green (no development) and brown (existing development and areas of intense development). The Mine area and Plant Street may become a part of the green area. He suggests the Mayor contact the property owners to see if any plans are being considered for expansion.

Mayor Sekelsky states that he would like the Master Plan Reexamination Report to move forward in order to decide on the areas to be considered for change on Highland map.

Mr. Suljic discusses the Housing Plan and COAH obligation. Telischak questions the number of units presently in the Borough. Mr. Suljic discusses the Borough's position as a RCA (receiving district). The existing units do not count toward COAH obligation because there are no deed restrictions.

At 8:48 PM, a motion is made to open to the public by Armstrong with all others in favor.

Ms. Urb states that the Highlands Council does not hurt homeowners, only developers. She states that the Board should be thinking forward on decisions made with regard to the Highlands. She further states that no member of the Board should be a contractor or a builder. The Borough does not need ratables to pay the bills.

Wood refers Ms. Urb to the website for the Highlands Council legislation in order to read some facts on the possible effects of the decision.

At 8:50 PM, a motion is made to close to the public by Fierro with all others in favor.

Executive Session - Personnel

- *Outstanding Bills/Vouchers for professional services rendered on behalf of Land Use applicants and the Board requiring payment.*

- Dated 5/8/07 from Chairman Armstrong to Mayor and Council re: Unpaid Invoices.

- Dated 4/19/07 from Chairman Armstrong to Mayor and Council re: Unpaid Invoices.

At 8:51 PM, a motion is made to go into Executive Session for matters related to Personnel. Minutes of Executive Session do not need to be made public.

At 9:16 PM, a motion is made to resume the regular session.

APPROVAL OF BILLS/VOUCHERS

Additional Bills/Vouchers Submitted at the meeting:

- Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of William and Nancy Sands - \$31.20 – Sands Escrow Account.
 - Dated 5/21/07 from Lady, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$1,372.50 – Land Use Board General Account.
 - Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$180.00 – COAH General Account.
 - Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of J & G Developers, LLC - \$62.50 – J & G Developers Escrow Account.
 - Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of AA-1 Self Storage - \$62.40 – AA-1 Self Storage/Logan Homes Escrow Account.
 - Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of Michael and Laura Meyer - \$62.40 – Meyer Escrow Account.
 - Dated 5/21/07 from Laddey, Clark & Ryan for professional services rendered on behalf of MNB Realty Co., LLC - \$390.00 – MNB Realty Escrow Account.
1. Dated 4/30/07 from Schoor DePalma for professional services rendered on behalf of the Land Use Board - \$125.00 – Land Use Board Current Account.
 2. Dated 3/31/07 from Schoor DePalma for professional services rendered on behalf of William and Nancy Sands - \$125.00 – Sands Escrow Account.
 3. Dated 3/31/07 from Schoor DePalma for professional services rendered on behalf of J & G Developers - \$62.50 – J & G Developers, LLC Escrow Account.

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

A motion is made to approve the bills/vouchers for payment by Fierro, second by Dolan with all others in favor.

ADJOURN

At 9:17 PM, a motion is made to adjourn by Armstrong with all others in favor.

Respectfully submitted by:

 Wendy Brick
 Land Use Board Administrative Assistant

Approved: _____