

**BOROUGH OF OGDENSBURG  
LAND USE BOARD MINUTES**

**MEETING DATE:**                   **June 26, 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:** Andrews, Armstrong, Dabrowski \*, Dolan, Fierro, McDonald \*\*, Mayor Sekelsky \*\*\*, Sund, Telischak \*\*\*\* and Wood

**Absent:** Altenburg and Alfonso

**Professionals:** Attorney Garofalo, Buczynski and Suljic

**Absent:** None.

\*     *Arrived at 7:38 PM*

\*\*    *Arrived at 7:11 PM*

\*\*\*  *Arrived at 7:06 PM*

\*\*\*\*  *Arrived at 7:05 PM*

**APPROVAL OF MINUTES – May 22, 2007**

A motion is made by Andrews, second by Fierro to approve the minutes of the May 22, 2007 Regular Meeting with all eligible in favor including Armstrong, Dolan, Mayor Sekelsky and Wood.

**CORRESPONDENCE**

1.     Dated 6/8/07 from County of Sussex re: J & G Developers, LLC Preliminary Major Subdivision.
2.     Dated 6/7/07 from the Township of Hardyston – an ordinance amending Chapter 185 “Zoning” to add Commercial Recreation Village Center Planned Development... provisions of the code to fulfill Affordable Housing requirements of COAH and to promote “Smart Growth” and “Smart Planning” consistent with the Master Plan, the Strategic Growth Plan and the State Plan (ordinance on file 40+ pages and maps)
3.     Dated 6/7/07 from County of Sussex re: Takacs Minor Subdivision.
4.     Dated 6/7/07 from State of New Jersey re: Comments on the Highlands Draft Regional Master Plan.
5.     Dated 6/5/07 from County of Sussex re: Takacs Minor Subdivision.
6.     Dated 5/31/07 from W. Brick to J. Crammond, Esq. re: J & G Developers, LLC.
7.     Dated 5/29/07 from W. Brick to Board members re: resignation.
8.     Dated 5/25/07 from County of Sussex re: Nominations Requested for 2007 Sussex County Planning Awards.

No comments on the correspondence.

**OLD BUSINESS/NEW BUSINESS**

- A.     **William and Nancy Sands**  
          **Application #LU07-001**  
          **Block 12 Lot 10**

**North Clark Street**

*Memorialize resolution granting "C" Variance Approval to permit the construction of a Single family dwelling.*

- 6/14/07 Drainage Report and Map of Existing Conditions.
- 5/31/07 Fax from R. Campbell re: drainage.

A motion is made by Fierro, second by Dolan to memorialize the resolution granting "c" variance approval to permit the construction of a single family dwelling with all other in favor including Armstrong, Andrews, Mayor Sekelsky, Telischak and Wood.

**B. Michael and Laura Meyer**

**Application #LU06-007**

**43 Main Street**

**Block 11 Lot 13**

*Application for Major Site Plan Approval*

- Dated 5/31/07 from County of Sussex re: Preliminary Site Plan approval.
- Dated 5/31/07 from W. Brick to M. Meyer re: meeting date change.

John McMonagle of Global Engineering testifies to his credentials and is sworn in for the record. The applicant, Laura Meyer, is sworn in for the record and testifies to her 28 years in the florist industry.

Mr. McMonagle provides as description of the existing property, which is a two-story residence located in the business commercial district. The property contains a one car garage and paving on the right side of the property. The left side of the property is unpaved and presently contains landscaping. The property is a conforming lot requiring no variances for bulk yard requirements.

Mrs. Meyer describes the nature of her proposed business including the sale of merchandise including floral gift items, vases, container, gourmet baskets and prepackaged chocolates and fruit from buyers.

Mrs. Meyer states that her stepson is presently occupying the second floor of the dwelling. It contains a three-bedroom apartment with one bathroom. Mrs. Meyer plans to occupy the apartment with her husband and convert it to a one-bedroom apartment. The renovation will include adding a kitchen.

Mr. Buczynski states that the parking requires a variance as well as the size of the apartment.

Mr. Suljic states that the variance for the apartment is for the proposed 625 sq. ft. second floor apartment where 1,250 sq. ft. is required. There is no maximum lot coverage in business commercial zone. He suggests eliminating the drive through to create parking spaces. He does not believe business would command the drive through service.

Discussion continues on the drive through feature of the business. Mrs. Meyer states that the building is not ADA accessible. The drive through would make the business accessible and is a unique concept.

Mr. Buczynski states that the building will need to meet code. The Construction Official will not approve permits without ADA compliance for accessibility.

Mr. McMonagle discusses the parking spaces including the 4 spaces for the business and 2 spaces for the apartment. The total includes the parking space in the garage.

Telischak suggests the installation of a handicapped ramp on the right side of the building leading to the parking space in the rear of the building.

Mr. McMonagle suggests adding the ramp to the site plan a condition of the approval. He discusses the lengthy application process for this applicant including County approvals prior to Board hearing the application. He discusses the site plan including the parking spaces, which are 9' by 19' 6", the installation of 5 drywells meeting RSIS standards and the installation of the drywell in the front of the property.

Attorney Garofalo suggests the applicant discuss the positive criteria of the drive through.

Mrs. Meyer states that in her 28 years of experience in the florist industry, approximately 95% of the business consisting of pre-paid phone and internet orders. Two parking spaces would be sufficient for business purposes since she will be the only employee on site and her husband will be handling the delivery service. The business will operate six days per week from 9:00 AM to 6:00 PM.

Mr. McMonagle states that the florist will occupy 702 sq. ft., which requires 4 parking spaces. He questions the possibility of shared parking lots with a neighboring business.

Discussion continues on the variance approval for this business only.

Telischak suggests that the garage be removed to allow for additional parking.

Mrs. Meyer states that the garage could be used for storage and potentially for the storage of the delivery vehicle.

Mr. Buczynski states that the impervious coverage is increased due to the drive through.

Mr. McMonagle does not want to have a parking space in close proximity to the septic system.

Fierro questions the storage of a propane tank on the premises. Mrs. Meyer states that there will not be a propane tank on the property.

Fierro mentions his concern about the surface water in the rear of the property behind the garage.

Mr. Buczynski states that the applicant has addresses the issue on the revised plan.

Board discussion continues on putting a condition on the parking variance stating that there be a minimum of four parking spaces created contingent upon the approval of the Board Engineer.

Discussion continues on the size of the apartment. Telischak states that the ordinance should be corrected for Main Street. The first floor should be for businesses and the second floor for residential with 650 sq. ft. required.

A motion is made to open to the public at 8:11 PM by Armstrong, second by Mayor Sekelsky with all others in favor.

James Walsterholme suggests that the applicants remove the use of the apartment from the application and demolish the garage to resolve the parking issue and eliminate the need for variances.

Mr. Meyer arrives and states that he and his wife have plans to occupy the apartment. The small size of the apartment is not an issue for them.

A motion is made at 8:14 PM to close the meeting to the public by Telischak, second by Mayor Sekelsky with all others in favor.

Andrews suggests decreasing the floor area of the business to allow for additional floor area for the apartment.

Mr. McMonagle states that the suggestion could be counterproductive when presenting plans to the Construction Official and Fire Official.

Mr. Buczynski states that a condition of the approval be subject to the approval of Sussex County Soil Conservation. Mr. McMonagle states that the County approval was received.

A motion is made by Armstrong, second by Andrews to allow two principal uses in the Business Commercial zone consisting of a business on the first floor and a residential apartment on the second floor with all others in favor including Dolan, Fierro, Mayor Sekelsky, Telischak, Wood and Dabrowski.

A motion is made by Fierro, second by Telischak to approve the variance for the number of parking spaces with a minimum of four where six spaces are required upon approval of the Board Engineer with all others in favor including Armstrong, Andrews, Dolan, Mayor Sekelsky, Wood, Dabrowski and McDonald.

A motion is made by Wood, second by Telischak to approve the variance for the apartment on the second floor which is 625 sq. ft where 1,250 sq. ft. is required with all others in favor including Armstrong, Andrews, Dolan, Fierro, Mayor Sekelsky, Dabrowski and McDonald.

All approvals subject to the property being ADA compliant.

### **CHAIRMAN'S AGENDA**

- Correspondence from W. Brick to Finance Department re: Outstanding vouchers.
- Request for Release of Escrow Funds – AA-1 Self Storage, Block 30 Lot 3.02.

W. Brick discusses the release of the escrow funds for AA-1 Self Storage. Attorney Garofalo, Mr. Buczynski and Mr. Suljic state that there are no vouchers forthcoming.

### **APPROVAL OF BILLS/VOUCHERS**

*Additional Bills/Vouchers Submitted at the meeting:*

- *Dated 6/26/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$885.00 – Land Use Board Current Account.*

- Dated 6/26/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the MNB Realty Co., LLC - \$78.00 – MNB Realty Escrow Account.
- Dated 6/26/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the William and Nancy Sands - \$624.00 – Sands Escrow Account.
- Dated 6/26/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$60.00 – Land Use Board Current Account (COAH).
  1. Dated 5/31/07 from Schoor DePalma for professional services rendered on behalf of Michael and Laura Meyer - \$468.75 – Meyer Escrow Account.
  2. Dated 5/31/07 from Schoor DePalma for professional services rendered on behalf of William and Nancy Sands - \$156.25 – Sands Escrow Account.
  3. Dated 5/31/07 from Schoor DePalma for professional services rendered on behalf of MNB Realty Co, LLC - \$125.00 – MNB Realty 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 Wood with all others in favor.

A motion is made at 8:25 PM by Armstrong, second by Dabrowski to open the meeting to the public with all others in favor.

Phil Bishop states that he is not a resident of Ogdensburg. He questions several correspondence items including #1 with regard to J & G Developers, specifically questioning the location of the development. Mayor Sekelsky states it is in the vicinity of Route 517 and Richard Street.

Mr. Bishop asks for clarification on correspondence #4 with regard to the Highlands Plan. Board discussion continues on the Planning Area and the Protection Area. Mr. Bishop questions whether the Land Use Capability Map is available for the public. Mr. Suljic states that the Borough has several copies for distribution. Mr. Bishop questions whether there is a possibility of increased density. He questions how zoning is affected when planning overlaps preservation. Mr. Suljic discusses Plan Endorsement, which is two years away. He discusses a meeting he has planned with another resident on the subject.

Mayor Sekelsky and Armstrong discuss the Public Conservation land around Heater's Pond.

Fred Thornton of 25 Spring Street discusses the property, which is to be developed by MNB Realty. He questions the status of the Department of Environmental Protection follow up on the bridge. Mr. Buczynski has received no additional paperwork from the DEP. There was gravel pushed into the tributary. Mayor Sekelsky discusses the poured cement.

Armstrong discusses the July 24<sup>th</sup> hearing and the possibility of changing the meeting location. Attorney Garofalo states that the facility will need to include recording equipment.

Ms. Toni Erb of 26 Edison Avenue questions why opting in or out of the plan is under the jurisdiction of the Council. She discusses the plans to build houses by the lake.

Mayor Sekelsky questions whether there is an open public record showing development along the lake.

Wood states that there is no application before the Board for development. He questions whether Ms. Erb read the statute on the Highlands Act, which he sent to her by email. He states that the Board makes recommendations to the Council. Ms. Erb states that she did not read the material.

Mayor Sekelsky states that he wants the Master Plan Re-examination Report completed before a decision can be made to opt “in” or “out” of the Highlands Plan.

A motion is made at 8:50 PM to close to the public by Armstrong, second by Dabrowski with all others in favor.

**ADJOURN**

At 8:50 PM, a motion is made to adjourn by Armstrong, second by Fierro with all others in favor.

Respectfully submitted by:

\_\_\_\_\_  
Wendy Brick  
Land Use Board Administrative Assistant

Approved: \_\_\_\_\_