

**BOROUGH OF OGDENSBURG
LAND USE BOARD MINUTES**

MEETING DATE: September 11, 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, Dabrowski, Dolan, Fierro, McDonald, Sund, Telischak and Wood.

Absent: Alfonso, Altenburg, Andrews, Mayor Sekelsky.

Professionals: Attorney Garofalo, Buczynski and Suljic.

Absent: None.

APPROVAL OF MINUTES – August 14, 2007

A motion is made by Telischak, second by Fierro to approve the minutes of the August 14, 2007 Regular Meeting with all eligible in favor including Armstrong, Dolan, McDonald and Wood.

CORRESPONDENCE

1. Dated 8/24/07 from W. Andrews to Mayor and Council re: Increase in Application Fees and Escrow Deposits.
2. Dated 8/21/07 from State of New Jersey DEP to JCP & L re: Highland Act and Water Quality Management Plan.
3. Dated 8/21/07 from Laddey, Clark & Ryan re: Planning and Zoning Membership Requirements.
4. Dated 8/20/07 from W. Brick to C.W. Nelson, Esq. re: Sands Escrow Account.
5. Dated 8/16/07 from W. Brick to B. Distelburger re: Block 28 Lots 4.01 and 4.04.
6. Dated 8/15/07 from W. Brick to Mr. and Mrs. Meyer re: resolution.
7. Dated 8/9/07 from A. Campbell to G. Buczynski re: Dobbins, Block 28, Lot 4.01.
8. Dated 8/9/07 from W. Brick to Finance Department re: Deposit for Estate of McGovern Escrow Account.
9. Dated 8/8/07 from County of Sussex re: Invitations to 2007 Sussex County Planning Awards Dinner on October 4, 2007.
10. Dated 8/5/07 from McGovern & Roseman, P.A. to Land Use Board re: Estate of McGovern, Minor Subdivision, Block 28, Lot 4.01.
11. ANJEC 2007 Annual Environmental Congress.

Armstrong mentions the NJPO Board Training session in Hardyston. Dabrowski to attend.

OLD BUSINESS/NEW BUSINESS

- A. J & G Developers, LLC
Application #LU07-003
Block 4 Lot 1**

- *Application for Amended Site Plan Approval, Amended Preliminary and Final Subdivision Approval*

John Crammond, Esq. appears on behalf of the applicants, James Walsterholme and Glenn Malinowski who are in attendance. Discussion begins on the request for a lot line adjustment and amended site plan approval.

Discussion continues on the feasibility of a homeowner's association for the maintenance of the stormwater basin.

Telischak recuses himself since he was noticed on this application.

Discussion begins on the Board engineer's comments as stated in the Schoor DePalma correspondence dated September 7, 2007 and the applicant agrees to comply as follows.

1. The applicant will sign plans.
4. right-of-way
5. temporary easement
6. condition of approval. Need to apply for final restoration bond – 10% cash bond and 90% surety bond.

Attorney Crammond states that the applicant will be Lot 2 (Lecuyer) conforming because it is presently undersized. The driveway encroaches on the developers property.

Attorney Garofalo states that Attorney Crammond will need to submit new agreements and deed descriptions – lien construction mortgage.

A motion is made at 7:18 Pm to open to the public by Fierro, second by Dolan with all others in favor.

Mark Lecuyer, 211 Main Street questions the permanence of the corner marker on his lot.

Discussion begins on the marker, which will remain on the property.

Wasco Hadowanetz, 15 Richards Street questions whether the plan allows for access on to Richard Street.

Attorney Crammond states that there will be no access to Richard Street.

Emily Stockbauer, 23 Richard Street questions the removal of trees, has concerns about mudslides and disagrees with the further removal of trees.

Mr. Walstenholme states that the trees were removed in order to construct a drainage swale. Trees will be placed on the outer perimeter as shown on the landscape plan. Trees will be removed for Phase II, however, 250 trees will be replaced on the property.

Discussion begins on the buffer zone. There are no buffer requirements in a residential zone. Suljic requests that the trees to be planted be 12' -15' in height.

Ann Horchuk, 22 Richard Street, begins discussion on the stone wall including the maintenance of the wall and the timing for the clearance of trees.

Mr. Walstenholme states that the trees will be removed prior to construction of every two houses. The homeowners will maintain the wall.

At 7:34 PM, a motion is made to close to the public by Fierro, second by MacDonald with all others in favor.

A motion is made by Fierro, second by MacDonald to approve the application for lot line amended preliminary and final subdivision approval subject to the approval of the Board engineer's with regard to the compliance with the conditions as stated in the correspondence dated September 7, 2007; subject to any and all County approvals; approval applies to Phase I only; Board attorney must be copied on all agreements with Dabrowski, Dolan, Sund and Wood in favor.

B. MNB Realty, LLC
Application #LU07-002
Block 11 Lot 21

Application for Major Subdivision Approval

- Dated 8/30/07 from Beardslee Engineering re: MNB Realty.
- Dated 8/22/07 from Schoor DePalma to Mayor Sekelsky re: MNB Realty.
- Dated 8/20/07 from Laddey, Clark & Ryan to P. Druin re: MNB Realty Co., LLC.
- Dated 8/16/07 from Rubin & Connelly re: MNB Realty.

Michael Rubin, Esq. appears on behalf of the applicant.

Discussion begins on the revised plans dated August 29, 2007, which includes the wetlands delineation and states that the homeowners must abide to the delineation with regard to building.

Mr. Beardslee reads the engineering comments from the Schoor DePalma dated September 7, 2007 into the record addressing each of them. The applicant will add buffer for lots 7 and 8 and address conservation easement at time of final site plan approval. Easements were discussed for lots 1, 2, 4, 5 and 8. Mr. Beardslee is agreeable to items 2d, 3 and 4 of the engineering comments.

Discussion begins on the water loop, which Borough ordinance gives preference. Loop system would be a benefit to other residents. Mr. Beardslee discussed the matter with Tom Hyde of the Borough's water department and the result was that the loop system was of no direct benefit to the development. The loop system would almost double cost of project.

Mr. Buczynski discusses the water loop system, which is between lots 4 and 5. He discussed the matter with Tom Hyde who said that the discussion he had with Mr. Beardslee only concerned the flows, not the loops.

Adjoining property owners, Michael Nardini, 5 Ridge Court, and Beth O'Leary are open to discussion with regard to easement for the water lines.

Attorney Rubin will need a cost estimate.

Attorney Garofalo states that the applicant will need a concrete conclusion to the negotiation.

Discussion continues on the cost of the loop system including whether the Borough would be agreeable to sharing the costs of the improvement.

Discussion begins on item 5 with regard to the maintenance of the basin and reference is made to Attorney Rubin's August 16, 2007, specifically RSIS standards.

CHAIRMAN'S AGENDA

APPROVAL OF BILLS/VOUCHERS

Additional Bills/Vouchers Submitted at the meeting:

1. Dated 8/22/07 from Laddey, Clark & Ryan for professional services rendered on behalf of MNB Realty - \$46.80 – MNB Realty, LLC Escrow Account.
2. Dated 8/22/07 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$600.00 – Land Use Board General Account.
3. Dated 7/31/07 from Schoor DePalma for professional services rendered on behalf of J & G Developers - \$541.50 – J & G Developers, LLC Escrow Account.
4. Dated 7/31/07 from Schoor DePalma for professional services rendered on behalf of MNB Realty - \$937.50 – MNB Realty, 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 Mayor Sekelsky with all others in favor.

ADJOURN

At 9:30 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: _____