

BOROUGH OF OGDENSBURG
LAND USE BOARD MINUTES

MEETING DATE: January 8, 2008

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, Dabrowski, Fahrenfeld, Fierro, McDonald, Mayor Sekelsky, Sund, Telischak and Wood
Absent: Armstrong, Dolan and Alfonso
Professionals: Attorney Leo and Buczynski
Absent: Suljic

APPROVAL OF MINUTES – December 11, 2007

A motion is made to carry the approval of the minutes of the December 11, 2007 Regular Meeting and amend to strike Board member Andrews from the vote on the J & G Developers application by Altenburg, second by Mayor Sekelsky with all eligible in favor including Andrews, Fierro, Sund, Telischak, Wood, Dabrowski and McDonald.

RE-ORGANIZATION

A. Oaths of Allegiance and signatures of such by following members:

Attorney Leo administers the Oaths for the following members:

Gene Altenburg – Class III Member

Stan Dabrowski – Class IV Alternate Member #1

Ken Fahrenfeld – Class IV Alternate Member #3

B. Offices:

Attorney:

A motion is made by Mayor Sekelsky, second by Fierro to appoint Ursula Leo, Esq. of Laddey, Clark & Ryan, LLP as Board Attorney with all others in favor.

Chairman:

A motion is made by Andrews, second by Fierro to appoint Armstrong as Chairman with all others in favor.

Vice Chairman:

A motion is made by Fierro, second by Mayor Sekelsky to appoint Andrews as Vice Chairman with all others in favor.

Engineer:

A motion is made by Fierro, second by Mayor Sekelsky to appoint Gene Buczynski of CMX, Inc. as Board Engineer with all others in favor.

Planner:

A motion is made by Fierro, second by Telischak to appoint Fred Suljic as Board Planner with all others in favor.

Secretary:

A motion is made by Telischak, second by Wood to appoint Wendy Brick as Board Secretary with all others in favor.

Completeness Review Committee:

A motion is made by Telischak, second by Fierro with all others in favor to appoint Armstrong, Sund and Fierro to the Completeness Review Committee.

Master Plan Subcommittee:

A motion is made by Mayor Sekelsky, second by Fierro with all others in favor to appoint Armstrong, Andrews, Mayor Sekelsky and Wood to the Master Plan Subcommittee.

Advertising:

A motion is made by Telischak, second by Fierro to utilize the New Jersey Herald and the New Jersey Herald Sunday edition as the official newspaper of the Board with all others in favor.

Meeting Dates:

A motion is made by Mayor Sekelsky, second by Fierro to approve the meeting dates for 2008 with all others in favor as follows:

01/08/08	07/08/08
02/12/08	08/12/08
03/11/08	09/09/08
04/08/08	10/15/08 (Wednesday)
05/13/08	11/06/08 (Thursday)
06/10/08	12/09/08
	Reorganization 01/13/09

(Meetings at 7:00 p.m.)

APPROVAL OF BILLS/VOUCHERS

1. Dated 11/30/07 from Schoor DePalma for professional services rendered on behalf of JBL-RAL - \$437.50 – JBL-RAL Escrow Account.

2. Dated 11/30/07 from Schoor DePalma for professional services rendered on behalf of AA-1 Self Storage/Logan Homes Major Subdivision - \$62.50 – AA-1 Self Storage Major Escrow Account.
3. Dated 11/30/07 from Schoor DePalma for professional services rendered on behalf of AA-1 Self Storage/Logan Homes Minor Subdivision - \$62.50 – AA-1 Self Storage Minor Escrow Account.
4. Dated 11/30/07 from Schoor DePalma for professional services rendered on behalf of J & G Developers - \$62.50 – J & G Developers Escrow Account.

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

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

CORRESPONDENCE

1. Dated 12/19/07 from Laddey, Clark & Ryan re: COAH Update.
2. Dated 12/17/07 from W. Brick to K. Kervatt re: AA-1 Self Storage.
3. Dated 12/12/07 from Laddey, Clark & Ryan re: COAH Update (sent via email and regular mail 12/19/07).

No comments on the correspondence.

OLD BUSINESS/NEW BUSINESS

**A. AA-1 Self Storage/Logan Homes
Applications #LU07-004 and #LU07-005
Block 30 Lot 3.02**

Attorney Leo discusses the correspondence sent to her office by Attorney Azar requesting that both the application for minor subdivision and the application for major subdivision be carried to the February meeting with no further notice being required. The Board grants the request of the applicant to carry both applications for AA-1 Self Storage to the February meeting with no further notice required.

Wood recuses himself from the application and steps down from the dais because he owns property within 200' of subject property.

Discussion begins on the request sent to Kevin Kervatt, Zoning Officer to look into the possible violations discussed by members of the public at the December 11, 2007 regular meeting. To date, no update has been provided by Mr. Kervatt. The matter will be discussed at the February 12, 2008 meeting. The Board requests the presence of the Zoning Officer at the hearing.

Wood returns to his seat at the dais.

B. Estate of William J. McGovern

Application #LU07-007

Block 28, Lot 4.01

Application for Minor Subdivision and "C" Variance Approval

Telischak recuses himself from the application because he owns property within 200' of subject property.

Frank McGovern, Esq. appears on behalf of the applicants. Harold McGovern and Allen Campbell are sworn in for the record. Mr. Campbell attests to his credentials.

Mr. Campbell references the plans, which have a revision date of December 11, 2007 and discusses the request for sideyard variance approval for the left side of the property, which is an existing condition. The applicant seeks approval to create a 1.2 acre parcel for the existing post office. 9.56 acres will continue to be used for agriculture purposes for the rear portion of the property.

Mayor Sekelsky recuses himself from the application due to his familiarity with the McGovern family.

Discussion continues on the application, specifically the septic system. Wood suggests that the applicant reserve a utility easement for the Borough on the rear lot. Discussion begins on the location of the existing easement.

Attorney McGovern states that he would need to consult with executors prior to agreeing to the easement.

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

Vito Telischak's property is adjacent to the subject property. He questions the zoning and whether the post office will remain.

Harold McGovern states that the post office will remain on the property.

Mr. Campbell states that the applicant is not seeking to alter the zoning of the property. The post office is exempt from zoning requirements. The rear property is being negotiated for preservation and open space.

James Sekelsky questions whether the Land Trust would allow for public access to walkways along the Wallkill River.

Attorney McGovern states that the discussion has been limited to the purchase of the property.

Mr. Telischak discusses the septic system behind his property. Attorney McGovern and Mr. Campbell state that the septic system will be addressed through easements.

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

A motion is made by Dabrowski, second by Fierro to approve the variance for Lot A for 17.6 feet and 17.9 feet where 25 feet are required subject to the applicant providing a survey of the adjoining septic prior to the recording of deeds by engineer; and subject to the applicants consideration of easements for walkways in the negotiation of sale with all eligible in favor including Altenburg, Andrews, Sund, Wood, Fahrenfeld and McDonald.

Mayor Sekelsky and Telischak resume their seats for the remainder of the hearing.

C. Master Plan Re-examination Report/Highlands Regional Master Plan

Fred Suljic to update the Board on the status.

Mr. Suljic is not in attendance. Attorney Leo discusses the correspondence she prepared for the board at the request of the Board's Chairman.

Discussion begins on the preparation of the Master Plan Re-examination Report and the importance of the report to protect from Builders Remedy Suits.

Attorney Leo discusses the Council on Affordable Housing (COAH) revisions including the provision of one out of every five units in a new housing development being set aside for affordable housing units; the increase in the cost of RCAs from \$35,000 per unit to \$80,000 and the reduction in units provided for elderly from 50% to 25%.

Attorney Leo discusses the options to fulfill the COAH obligation including group homes and redevelopment.

COAH has scheduled a public hearing for March 22, 2008. The rulings are set to be adopted and take effect in June 2008.

Attorney Leo discusses that the Borough could prepare a Housing Plan and Fair Share Element Plan for substantive certification.

Attorney Leo will keep the Board informed of the COAH rulings.

Discussion begins on Transfer Development Rights (TDR). Frankford is the only municipality in the County who is proposing TDRs at this point. Under the proposal, the developer would pay fees.

The Board requests that Mr. Suljic provide the number of units for COAH at the next hearing.

Telischak discusses the location of COAH units, specifically whether they must be on site or separate neighborhoods. The units should be located on site to deter situations of “economic segregation.”

Attorney Leo states that units must be on site for new developments at this point. Developers must pay state fees before development can commence. The municipality holds fees.

Mayor Sekelsky discusses RCA money for rehabilitation. Attorney Leo discusses the 30 year deed restriction pursuant to COAH regulations.

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

Marcy Golden of the Lake Hawthorne Park Club residents requests a copy of the Master Plan. She states that she met with Mr. Suljic in the summer and he said that the plan would be completed several months ago.

Mayor Sekelsky explains that the Re-examination Report is being worked on. The Highlands Plan has slowed the process. Discussion begins on the preparation of the Master Plan Reexamination Report. The draft form will not be available for public inspection. There will be a formal hearing on the Master Plan Reexamination Report and notice will be published for the hearing date. The hearing will be open to the public for comments.

A motion is made at 8:25 PM to close to the public by Wood, second by Mayor Sekelsky with all others in favor.

CHAIRMAN’S AGENDA

There are no items on the Chairman’s Agenda.

ADJOURN

A motion is made at 8:25 PM to adjourn by Wood, second by Mayor Sekelsky with all others in favor.

Respectfully submitted by:

Wendy Brick
Land Use Board Administrative Assistant

Approved: _____