

**BOROUGH OF OGDENSBURG  
LAND USE BOARD MINUTES**

**MEETING DATE:**                   **March 11, 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 8, 2008. 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, Fahrenfeld, Fierro, Mayor Sekelsky, Sund, Telischak and Wood.  
**Absent:** Altenburg and McDonald.  
**Professionals:** Attorney Leo and Buczynski.  
**Absent:** Suljic.

**APPROVAL OF MINUTES**

A motion is made by Telischak, second by Andrews to carry the approval of the minutes of the December 11, 2007 Regular meeting of the Land Use Board in order to include the amendments as discussed by Wood with all eligible in favor and abstention by Armstrong.

A motion is made by Andrews, second by Wood to approve the minutes of the January 8, 2008 Reorganization Meeting of the Land Use Board as amended to include Fahrenfeld and Dabrowski as present and to revise section "C" under the Old Business/New Business with all eligible in favor.

**CORRESPONDENCE**

1.       Dated 2/29/08 from CMX re: J & G Developer's Agreement – Revised Letter and Inspection Escrow.
2.       Dated 2/8/08 from County of Sussex re: MNB Realty Company LLC.
3.       Dated 1/23/08 from CMX Engineering re: J & G Developers Bond Reduction.
4.       Dated 1/17/08 from County of Sussex re: Preliminary Major Subdivision MNB Realty Co., LLC.
5.       Dated 1/15/08 from W. Brick to G. Buczynski, CMX Engineering re: Professional Engineering Services Contract FY 2008.
6.       Dated 1/11/2008 from County of Sussex re: Preliminary Major Subdivision MNB Realty Co., LLC.
7.       2008 Smart Growth Planning Grants for Municipalities.
8.       Dated 12/27/07 New Jersey Association of Planning and Zoning Administrators re: 2008 Membership applications.
9.       Dated 1/31/08 from CMX Engineering re: J & G Developer's Agreement Phase II.
10.      NJPO Update Training Course for Board members – January 2008 New Jersey Planner (sent to Board members on January 17, 2008)

There are no comments on the correspondence.

1.       **OLD BUSINESS/NEW BUSINESS**
  - A.       **Reorganization – Oath of Office**  
*Patricia Dolan - Class II Member*

Attorney Leo administers the Oath of Office to Ms. Dolan for her reappointment as a Class II Member of the Land Use Board.

**B. Estate of McGovern, William**

**LU 07-007**

**Block 28, Lots 4.01 and 4.04**

*Memorialize resolution granting Minor Subdivision Approval.*

Attorney Leo discusses the prepared resolution, which has been prepared based on the approval at the Board hearing on January 8, 2008, and can be amended or re-written to include the additional testimony on the amended application including a lot line adjustment. The Board hears the new testimony prior to memorializing the resolution as prepared.

Armstrong recuses himself from the application since he was not attendance at the January meeting. Telischak recuses himself because he was notified for the application as an adjoining property owner. Mayor Sekelsky recuses himself.

**C. Estate of McGovern, William**

**LU 07-007 Amended**

**Block 28, Lots 4.01 and 4.04**

*Amended Minor Subdivision*

- *Dated 2/21/08 from County of Sussex.*
- *Dated 1/25/08 from CMX Engineering.*

Attorney McGovern states that the plans were revised by Allen Campbell. The septic improvements have been shown on the survey. Mr. Campbell continues the testimony on the amendment to the plans. 150' of property has been removed from Lot 4.01 and added to Lot 4.04A strip of property 150' in length has been cut out of Lot 4.01 and added into Lot 4.04, which eliminates the encroachment. The lot line adjustment creates two lots: lot size for Lot 4.04 is increased to 8.5 acres and Lot 4.01 is diminished to 40.2 acres. The septic improvements have been shown on Lot 4.04.

Discussion begins on the comments from Mr. Buczynski in the correspondence dated January 25, 2008. With regard to comment #2, Mr. Campbell discusses the proposed easements for bridges and states that the application is awaiting County review and approval.

At 7:18 PM, a motion is made to open to the public by Wood, second by Fierro with all others in favor.

Elliot Honig of 95 Brooks Flat Road questions the status of the utility easement for a potential sewer connection and walking paths discussed at the previous hearing.

Attorney McGovern states that the New Jersey Natural Land Trust is aware of the Borough's interest in having a trail on the property, although that should not be a condition of approval.

Mr. Campbell states that he discussed sewer connection with Charlie Ryan, Sparta Township Engineer. According to Mr. Campbell, Mr. Ryan stated that Sparta has no plans to extend the sewer system at this time. The sewer is not feasible at this point.

At 7:21 PM, a motion is made to close to the public by Fierro, second by Dabrowski with all others in favor.

Attorney Leo reviews the application including the amendments for the lot line adjustment, the acreage sizes for the proposed lots and the inclusion of the comments of the Board Engineer and public.

Attorney McGovern states that time is of the essence for the Board's decision with regard to the application and request changes to be memorialized.

A motion is made by Fierro, second by Andrews to approve the application for minor subdivision approval as amended to include the lot line adjustment with all others in favor.

Board members Telischak and Armstrong and Mayor Sekelsky return to the dais.

**D. AA-1 Self Storage, LLC/Logan Homes  
Application #LU07-004  
Block 30 Lot 3.02**

*Application for Preliminary Minor Subdivision Approval*

- *Dated 1/30/08 from CMX.*
- *Dated 1/24/08 from MNB Engineering – revised plans.*
- *Dated 1/8/08 from R. Predmore, 15 Predmore Road.*
- *Dated 1/3/08 from County of Sussex re: Preliminary Major Subdivision.*
- *Dated 1/3/08 from County of Sussex re: Minor Subdivision.*

Wood recuses himself and steps down from the dais.

Attorney Azar continues the hearing on the application for minor subdivision approval. Mr. McClellan begins discussion on the revised plans dated January 24, 2008, which includes the relocation of the lot line in order to comply with the ordinance relating to buffers.

Mr. McClellan addresses the comments of the Board Engineer in the correspondence dated January 30, 2008. The discussion includes the request for a design waiver for item #2 and the wetlands buffer for item #3. The applicant is not proposing development for this application. Details will be provided on the lot development plan.

Mr. McClellan addresses the comments of the Board Planner in the correspondence and concurs that no variances are required and development is proposed on Lot 3.022.

Attorney Azar states that the applicant would like to sell the 4.5-acre lot to a developer and reserve the right to subdivide.

Discussion continues on contour lines and on the necessity to revise the plans to include the lines.

Discussion continues on the variances required for front yard and the reconfiguring of the lot. Waivers are being requested for placing the utilities above ground crossing over to Plant Street.

Discussion continues on the existing Self Storage facility and the prior application. The frontage is 27'. The furnace room was removed in the front of the building.

Discussion continues on the applicant's compliance with the requirements of the previous resolution from 2002 specifically regarding buffers. Kevin Kervatt, Zoning Officer states that no trees were removed.

A motion is made to open to the public by Fierro, second by Mayor Sekelsky with all others in favor.

Elliott Honig of 95 Brooks Flat Road discusses the recreation vehicles being stored on the property. A barrier was required in the resolution. Compliance with the buffer requirement is questioned.

Mr. Buczynski will review the prior resolution for compliance.

Discussion continues on the location of the recreation vehicles. The placement of the vehicles could present a possible violation of the Borough's buffer ordinance. Discussion continues on the removal of the RV's, which the applicant states would require time considering the owners would need to be contacted.

Board discussion continues on the plantings and the buffers. Mayor Sekelsky and the Board request that the Zoning Officer look into the buffer issue for possible violations.

A motion is made to close to the public at 8:03 PM by Sekelsky, second by Fierro with all others in favor.

A motion is made by Telischak, second by Fierro to approve the minor subdivision with variance for 27' front setback and design waivers for above ground utilities and contour lines; subject to deed review, 100' buffer on the southwest corner of Block 30 Lot 1.01 and parallel to Plant Street; existing vegetation should be maintained and no structures should be placed on property within 100' buffer with all others in favor.

**E. AA-1 Self Storage, LLC/Logan Homes  
Application #LU07-005  
Block 30 Lot 3.02**

*Application for Preliminary Major Subdivision Approval*

*- Revised plans dated 1/12/07 showing optional plan with public right-of-way.*

Mr. McClellan begins discussion on the plan dated January 12, 2008 entitled "Optional Plan with Right of Way." The plans have been revised based on the comments of the Board from the previous hearing and are in conformance with RSIS standards.

Discussion continues on curbing.

Mr. McClellan discusses Sheet 3 of 4 entitled "Grading Plan/Utility Plan."

Discussion begins on the revised layout and the placement of hydrants.

Discussion continues on concerns regarding safety including concerns about site distance.

Discussion on the water main, which has been increased from 4" to 8"; and test pits and soil logs for septic.

Mr. McClellan to submit soil management plan.

Discussion begins on the existing crossing previously depicted on the plans. Mr. McClellan states that the plans misrepresented the crossing. The applicant proposes a crossing presenting minimal environmental impact.

Attorney Leo advises the applicant that the Board requests an extension of time for the decision. The applicant concurs and is carried to the next meeting and no further notice is required by the applicant.

W. Brick to send copy of Mr. Predmore's correspondence to Attorney Azar.

**F. JBL-RAL Associates, LLC**  
**Application #LU07-006**  
**Block 35 Lot 15**  
*Application for Major Subdivision*

Michael Rubin, Esq. begins discussion on the application for Preliminary Major Subdivision Approval including the outstanding completeness items from the comments of the Board Engineer.

Discussion begins on the shared septic and the concerns of members of the public.

*Exhibit A1* is submitted for the record, which is a plan dated March 11, 2008 from William Beardslee. Mr. Beardslee discusses the proposed roadway. Discussion continues on the homeowners association and the septic system.

*Exhibit A2* is submitted for the record, which is a plan entitled "Preliminary Plot" Sheet 2 of 5. The plan submitted is colorized as follows: building (white), existing septic (amber), wetlands/detention (light blue), roadway (grey) and outside of building envelope (light green). The plans provided to the Board members were not colorized.

*Exhibit A3* is submitted for the record, which is a plan dated January 25, 2008 entitled "Arch Street Connection Sketch". Mr. Beardslee discusses the sketch, which was drawn up after the discussion at the December hearing. The connection is 450' from end of Arch Street to the proposed road. The septic is on separate lot as shown on Exhibit A2. Mr. Beardslee discusses the meeting with the public at the firehouse.

Mr. Buczynski recommends that the elimination of Lot 1 in order to provide a larger lot for the detention basin. The land could be given to the homeowners on Arch Street.

Discussion begins on the use of the lot for almost 30 years for community septic system, which Attorney Rubin states was "consensual". The possibility of moving the detention basing into septic area for access will be looked into by the applicant.

Attorney Rubin states that the property owners on Forest Drive encroached on the subject property with sheds, driveways and fences. Mr. Beardslee suggests extending the lot lines to the municipal boundaries. Should a property owner not be interested in the lot line adjustment, the Zoning Officer could enforce violations.

Discussion begins on whether or not there is a legal homeowners association existing for the property. There are eleven homes using the septic. The applicant is willing to donate the land once the name of the association is on the deed.

Attorney Leo suggests completeness review of the comments of the Board Engineer in his correspondence dated October 30, 2007. The applicant requests a design waiver for sidewalks.

Mr. Beardslee discusses the plan including the 20' roadway and lighting.

Discussion continues on the Board's preference for sidewalks.

A motion is made to open to the public at 9:10 PM.

Kathy Rabe of 16 Arch Street discusses the homeowners association, which was established in 1987. Fees are paid by the residents. The association is registered with the State.

Wood continues discussion and questions whether the deed states that the homeowners were required to maintain septic system. He suggests the residents seek the advice of a professional to review the existing deed and represent the homeowners. The applicant is willing to deed the property to the homeowners.

John Kibildis of 10 Arch Street states that the septic system has been maintained. If the septic system were to fail, the new system is 150' from the detention basin. Mr. Kibildis discusses the meeting at the fire house and the access shown on the original plans. He questions whether there will be a buffer between the developments.

Pamela Vandenburg of 14 Arch Street discusses the secondary access, particularly her concerns considering the roadway is narrow and the safety of the children. She suggests moving the detention basin and septic area.

Discussion on the regulations regarding septic systems and the permits required.

Discussion on the emergency access and the possible installation of gates to prevent other vehicular traffic. The access would be a gravel or grass path.

Discussion on the buffer between the developments. Buffers are not required by ordinance between residential zones.

Fahrenfeld references the buffer zone required for the MNB Realty application. Mr. Beardslee states that the MNB application was unique in that buffers were suggested in response to the physical conditions and the possibility of erosion.

Frank Paolercio of 8 Whispering Woods Lane and Elizabeth Ferraiulio of 5 Whispering Woods Lane in Sparta would prefer the access to not be from their road.

Ms. Dolan states that Arch Street is a narrow road and vehicles are frequently parked on both sides of the road. She would consider the emergency access to be dangerous from Arch Street.

Mr. Paolercio questions the septic system. Mr. Beardslee states that the septic systems would be individual systems for each residence.

A motion is made to close to the public at 8:26 PM by Telischak, second by Dabrowski with all others in favor.

Mr. Beardslee requests the Board's permission to meet with Mr. Buczynski to review the homeowners' association documents.

Armstrong summarizes the concerns of the public including septic system, specifically whether the lot is large enough to should it fail and need to be rebuilt; the preference for no emergency access from Arch Street or from Whispering Woods Lane; and despite the ordinance not requiring same, the preference for a buffer between the two residential developments.

A motion is made by Dabrowski, second by Fierro with all others in favor to deem the application for JBL-RAL "complete". The plans are to be revised to show sidewalks and to address the comments of the Board and the Board Engineer.

## **2. CHAIRMAN'S AGENDA**

Mayor Sekelsky discusses the possibility of the Borough installing a pre-fabricated gazebo. Mr. Kervatt states that the Borough will need to supply plans sealed by a licensed architect and a building permit would need to be obtained.

Chairman Armstrong discusses Master Plan Reexamination Report. A subcommittee workshop meeting will be scheduled to review the draft sections from the Board Planner, which will be sent to the committee members prior to the next Board meeting.

A draft copy of the Reexamination Report will be sent to the Board members and Subcommittee members one week prior to the next hearing date by the Board Planner for review. Should the report not be submitted in a timely manner, Armstrong would like to consider the services of other professionals to complete the report. Armstrong would prefer to have only those on the committee in attendance at the workshop meeting.

The Board suggests picking up meeting packages at the municipal building in order to reduce the costs for mailing packages.

## **3. PUBLIC PORTION**

A motion is made to open to the public at 9: 26 PM by Wood, second by Dabrowski with all others in favor.

Brief discussion on the Master Plan Reexamination Report.

A motion is made to close to the public at 9:35 PM by Telischak, second by Dabrowski with all others in favor.

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

*Additional Vouchers submitted at the Board meeting including one voucher for Fred Suljic and one vouche for Laddey, Clark & Ryan.*

1. Dated 2/12/08 from Laddey, Clark & Ryan for professional services rendered on behalf of AA-1 Self Storage Minor Application - \$39.00 – AA-1 Minor Escrow Account.
2. Dated 2/12/08 from Laddey, Clark & Ryan for professional services rendered on behalf of J & G Developers, LLC.
3. Dated 1/31/08 from CMX for professional services rendered on behalf of AA-1 Major Application - \$62.50 – AA-1 Major Escrow Account.
4. Dated 1/31/08 from CMX for professional services rendered on behalf of AA-1 Self Storage Minor Application - \$156.25 – AA-1 Minor Escrow Account.
5. Dated 1/29/08 from New Jersey Planning Officials for 2008 Board Membership - \$295.00 – Land Use Board Current Account.
6. Dated 1/15/08 from New Jersey Planning Official for Mandatory Training (Fahrenfeld) - \$96.00 – Land Use Board Current Account.
7. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$997.50 – Land Use Board Current Account.
8. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$105.00 – Land Use Board Current Account.
9. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of AA-1 Self Storage Logan Homes - \$39.00 – AA-1 Logan Homes Minor Escrow Account.
10. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of J & G Developers - \$132.60 – J & G Developers Escrow Account.
11. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of J & G Developers - \$265.20 – J & G Developers Escrow Account.
12. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of AA-1 Self Storage Logan Homes - \$78.00 – AA-1 Storage Logan Homes Concept Plan Escrow Account.
13. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of JBL-RAL - \$124.80 – JBL-RAL Escrow Account.
14. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of Estate of McGovern - \$93.60 – Estate of McGovern (Dobbins) Escrow Account.
15. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of MNB Realty Co. - \$585.00 – MNB Realty Escrow Account.
16. Dated 1/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of 100 Plant Street - \$117.00 – 100 Plant Street Escrow Account.
17. Dated 12/31/07 from Schoor DePalma for professional services rendered on behalf of AA-1 Logan Homes - \$312.50 – AA-1 Logan Homes Minor Escrow Account
18. Dated 12/31/07 from Schoor DePalma for professional services rendered on behalf of AA-1 Logan Homes - \$656.25 – AA-1 Logan Homes Major Escrow Account.
19. Dated 12/31/07 from Schoor DePalma for professional services rendered on behalf of JBL-RAL - \$250.00 – JBL-RAL Escrow Account.
20. Dated 12/31/07 from Schoor DePalma for professional services rendered on behalf of Estate of McGovern - \$187.50 – Estate of McGovern (Dobbins) 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 Wood, second by Dabrowski with all others in favor.

**5. ADJOURN**

A motion is made to adjourn at 9:45 PM with all in favor.

Respectfully Submitted by:

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Wendy Brick  
Land Use Board Administrative Assistant

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Date of Approval