

**BOROUGH OF OGDENSBURG
LAND USE BOARD MINUTES**

MEETING DATE: April 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 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, McDonald, Mayor Sekelsky, Sund, Telischak and Wood.
Absent: Altenburg
Professionals: Attorney Garofalo, Buczynski and Suljic.
Absent: None.

APPROVAL OF MINUTES – December 11, 2007

A motion is made by Telischak, second by Wood to approve the minutes of the December 11, 2007 Regular Meeting of the Land Use Board as amended with Dabrowski, Dolan, Fierro and Sund in favor; with abstention by Andrews; abstention from approving the portion of the meeting minutes related to the McGovern application by Armstrong, Mayor Sekelsky and Telischak; and abstention from approving the portion of the meeting minutes related to the AA-1 Self Storage applications by Wood.

APPROVAL OF MINUTES – January 8, 2008

A motion is made by Telischak, second by Sund to approve the minutes of the January 8, 2008 Reorganization Meeting of the Land Use Board as amended with Dabrowski, Dolan, Fahrenfeld and Sund in favor; abstention from approving the portion of the meeting minutes related to the McGovern application by Mayor Sekelsky and Telischak; and abstention from approving the portion of the meeting minutes related to the AA-1 Self Storage applications by Wood.

APPROVAL OF MINUTES – March 11, 2008

A motion is made by Andrews, second by Fierro to approve the minutes of the March 11, 2008 Regular Meeting of the Land Use Board with Dabrowski, Dolan, Fahrenfeld and Sund in favor; abstention from approving the portion of the meeting minutes related to the McGovern application by Armstrong, Mayor Sekelsky and Telischak; and abstention from approving the portion of the meeting minutes related to the AA-1 Self Storage applications by Wood.

CORRESPONDENCE

1. Dated 3/28/08 from W. Brick to F. McGovern Esq. re: resolution.
2. Dated 3/26/08 from W. Brick to J. Walstenholme and G. Malinowski re: J & G Developers Escrow Account.
3. Dated 3/26/08 from W. Brick to Y. Logan re: Escrow Accounts for AA-1 Self Storage.
4. Dated 3/26/08 from Laddey, Clark & Ryan – Proposed COAH Legislations.
5. Dated 3/17/08 from Beardslee Engineering to B. Fisher, County of Sussex Division of Planning re: MNB Realty, LLC.
6. Dated 3/13/08 from Laddey, Clark & Ryan re: J & G Developers, LLC.
7. Dated 3/13/08 from W. Brick to L. Padula re: Bills/Vouchers for Payment.
8. Dated 3/13/08 from W. Brick to M. Caton re: Professional Services Agreement 2008.
9. Dated 3/3/08 from CMX to B. Beardslee re: MNB Realty, LLC – culvert.

10. New Jersey Planning Official 2008 Municipal Land Use Law.
11. Legislative Update Winter 2008.
12. Dated 3/31/08 from County of Sussex re: MNB Realty Co, LLC Preliminary Major Subdivision application.
13. Dated 3/26/08 from Sussex County Board of Chosen Freeholders re: Pending Ordinance.
14. Dated 4/2/08 from Laddey, Clark & Ryan re: Final Highlands Regional Master Plan.

There are no comments on the correspondence.

1. OLD BUSINESS/NEW BUSINESS

A. Estate of McGovern, William

LU 07-007

Block 28, Lots 4.01 and 4.04

Resolution granting Minor Subdivision Approval with Variance as decided and memorialized at the March 11, 2008 meeting.

A copy of the resolution was provided to the Board members.

B. AA-1 Self Storage, LLC/Logan Homes

Application #LU07-004

Block 30 Lot 3.02

Memorialize resolution for Preliminary Minor Subdivision Approval

A motion is made by Mayor Sekelsky, second by Armstrong to memorialize the resolution granting Minor Subdivision Approval with all eligible in favor including Andrews, Dabrowski, Dolan, Fierro, Sund and Telischak.

C. JBL-RAL Associates, LLC

Application #LU07-006

Block 35 Lot 15

Application for Major Subdivision

- Dated 3/28/08 from Beardslee Engineering re: amended preliminary plat.
- Dated 3/13/08 from W. Brick re: homeowners association

Michael Rubin, Esq. and William Beardslee, P.E. appear on behalf of the applicant.

Attorney Rubin begins discussion on the homeowners association and their status, which is in good standing.

Discussion begins on the engineering comments provided by Mr. Buczynski.

Mr. Beardslee discusses Lot #1 (formerly Lot #19). The proposed residential dwelling has been eliminated. The basin will be shown on the revised plan (#4). The developer's homeowners association to maintain basin (#11). Discussion begins on fencing around the basin, which will have an 8' high slope. A 6' fence will be installed by the applicant around the detention basin. Landscaping is discussed for the area surrounding the basin (#14). Mr. Suljic suggests shade trees along roadway.

Mr. Beardslee to supply copies of soil logs as requested by Mr. Buczynski.

Discussion on the roadway and the Board's preference for sidewalks on both sides and a 24' roadway (#5).

The applicant proposes a 24' roadway with sidewalk on one side of the roadway only. Belgian block curbs will be installed.

A pre-blasting survey is discussed (#8). Attorney Garofalo to provide a Boilerplate Blasting Agreement for review by the Board.

A water loop will be installed by the applicant and the plans will be revised to show the loop.

Manhole #5 will be regraded (#12).

Discussion on the Environmental Review Report (#16). Mayor Sekelsky questions whether the historical resources in the area of development will be effected including the tunnel along the Wallkill River and the Sterling Mine shafts. Mr. Beardslee to contact New Jersey Department of Environmental Protection Historic Preservation Office.

Discussion on the buffers and the endangered species. Mr. Beardslee to provide copy of report from Keller Fitzpatrick to Mr. Suljic.

Mr. Beardslee to provide easement (#20).

Discussion on turn lane. Mr. Beardslee will consider the possibility of a transition lane (#21).

The applicant agrees with item #22.

The report submitted by Mr. Suljic dated April 7, 2008 is discussed including a reduction in the number of proposed residences. Lot averaging is discussed and sketches are requested by Mr. Suljic. Attorney Garofalo comments that discussions on lot averaging and requesting sketches at this stage in the application hearings would delay the process for the applicant.

Discussion continues on the emergency access from Arch Street through Lot 2.

Mr. Beardslee to provided revised plan containing a soil erosion plan.

Donna Shaw, Esq. of Debra Nicholson's law firm in Sparta, New Jersey has been retained to represent the residents of Arch Street. Attorney Shaw submits *Exhibit A1* for the record, which is an informal list of requests from the homeowners association of Arch Street submitted to Mr. Beardslee.

Attorney Shaw reads the list of requests and concerns for the record including: to reconfigure; to redirect the drain; add burm around system; buffer behind the lot; liability with regard to blasting; encroachments removed through lot line adjustment; and the number of lots in subdivision.

James Glassen of Civil Engineering in Budd Lake, New Jersey has been retained by the homeowners association of Arch Street and is sworn in for the record. Both Attorney Garofalo and Mr. Buczynski have worked with Mr. Glassen in the past. Mr. Glassen discusses the plan presented by Mr. Beardslee, specifically Sheet 4 of 15. He recommends piping toward the detension basin.

At 8:12 PM, a motion is made to take a five-minute break.

At 8:20 PM, a motion is made to resume the meeting.

Attorney Rubin and Mr. Beardslee discuss Sheet 3 of the plan, specifically the lot calculation for Lot "A". No buffering is required between residential zones. There are no requirements in the ordinance for a Pre-Blasting Survey. Discussion begins on the blasting. Mr. Beardslee states that there will not be blasting within 150' of the basin.

Discussion begins on the septic system including the possible age of the system and the components including the chamber and the pits.

Discussion continues on the encroachments. Attorney Rubin discusses the structures placed on the lot line by the existing homeowners on Arch Street. Attorney Garofalo states that the encroachments are a private title issue between the applicant and the Arch Street residents.

Attorney Rubin comments that the applicant would be willing to provide an easement. The homeowners association would pay costs associated with piping. Mr. Beardslee will amend the plans to show the easement. Homeowners association would provide an easement to access to developer's homeowners association.

Discussion continues on the septic system, the emergency access and the water loop system. A 10' wide gravel path will be necessary for the water pipe.

Attorney Garofalo recommends that the homeowners association of Arch Street organize their thoughts to have them presented by Attorney Shaw.

At 9:14 PM, motion is made to open the meeting to only those members of the public not represented by Attorney Shaw with regard to the JBL-RAL application by Armstrong, second by Mayor Sekelsky with all others in favor.

Discussion regarding the access and possible installation of the septic system 90 years ago with Ms. Dolan; John Kibildis of 10 Arch Street; Pamela Vandenburg of Arch Street; and Amberta Sanfilippo, 4 Arch Street. Elliot Honig of 95 Brooks Flat Road comments that public hearings would be required should there be consideration given to the emergency access becoming a public roadway.

At 9:30 PM, a motion is made by Armstrong, second by Andrews to close the meeting to the public.

Mr. Buczynski to meet with Mr. Beardslee to discuss the water line.

Sund recommends placing JBL-RAL as the last item on the Board's agenda.

2. CHAIRMAN'S AGENDA

- Dated 4/2/08 from Linda Padula, CFO re: Department Budget
- Resolution to Release Escrow Funds for AA-1 Self Storage.

A motion is made by Telischak, second by Wood to release the balance of the escrow account for AA-1 Self Storage in the amount of \$11,562.53 with all others in favor.

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. Mr. Suljic states that a rough draft will be available for the review of the subcommittee on April 24, 2008.

4. APPROVAL OF BILLS/VOUCHERS

Additional Vouchers submitted at the Board meeting including:

- Dated 4/7/08 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$637.50 – Land Use Board General Account.
- Dated 4/7/08 from Laddey, Clark & Ryan for professional services rendered with regard to COAH - \$45.00.
- Dated 4/7/08 from Laddey, Clark & Ryan for professional services rendered on behalf of AA-1Logan Homes- \$546.00 – AA-1Logan Homes (Minor) Escrow Account.
- Dated 4/8/08 from Fred Suljic for professional services rendered on behalf of JBL-RAL Associates, LLC \$200.00 – JBL-RAL Escrow Account.
- Dated 4/7/08 from Laddey, Clark & Ryan for professional services rendered on behalf of the Estate of McGovern - \$353.20 – Estate of McGovern Escrow Account.

1. Dated 2/29/08 from CMX for professional services rendered on behalf of J & G Developers - \$125.00 – J & G Developers Engineering Escrow Account.
2. Dated 2/29/08 from CMX for professional services rendered on behalf of Estate of McGovern, William - \$31.25 – Estate of McGovern Escrow Account.
3. Dated 2/29/08 from CMX for professional services rendered on behalf of 100 Plant Street, LLC - \$242.00 – 100 Plant Street Escrow Account.

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

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

5. ADJOURN

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

Respectfully Submitted by:

Wendy Brick
Land Use Board Administrative Assistant

Date of Approval