

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: May 13, 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:** Altenburg, Andrews, Armstrong, Dolan, Fahrenfeld, Fierro, Mayor Sekelsky, Sund, Telischak and Wood.
Absent: Dabrowski, McDonald
Professionals: Leo, Buczynski and Suljic.
Absent: None.

APPROVAL OF MINUTES – April 8, 2008

A motion is made by Wood, second by Fierro to approve the minutes of the April 8, 2008 as amended to remove Board member Altenburg as present in the roll call and to amend the roll call vote on the approval of the minutes of the December 11, 2007 Regular Meeting of the Land Use Board to remove Fahrenfeld with Armstrong, Andrews, Dolan, Fahrenfeld, Fierro, Mayor Sekelsky, Sund, Telischak and Wood in favor and with abstention by Altenburg.

CORRESPONDENCE

1. Dated 4/25/08 from County of Sussex re: MNB Realty Company LLC Preliminary Major Subdivision.
2. Dated 4/16/08 from CMX re: Deeds for Estate of McGovern.
3. Dated 4/15/08 from W. Brick to Y. Logan re: Escrow Accounts.
4. Dated 4/15/08 from W. Brick to E. Azar, Esq. re: AA-1 Resolution.
5. Dated 4/14/08 from F. McGovern, Esq. re: Minor Subdivision Deeds.
6. Dated 4/8/08 Resolution Return of Escrow Deposit for AA-1 Self Storage.
7. Dated 4/3/08 from W. Brick to M. Meyer, Block 11 Lot 13.
8. Rutgers Center for Government Services: "Current Issues in Planning and Zoning"

There are no comments on the correspondence.

1. OLD BUSINESS/NEW BUSINESS

A. JBL-RAL Associates, LLC Application #LU07-006 Block 35 Lot 15

Application for Major Subdivision

- Dated 5/1/08 from CMX re: revised plans.
- Amended Preliminary Plat revision dated 4/28/08.
- Environmental Review revised 4/28/08.
- Drainage Calculation dated 4/25/08
- Dated 4/21/08 from W. Beardslee re: wetlands and endangered species.

Michael Rubin, Esq. and George P. James, P.E. P.P. appear on behalf of the applicant. Mr. James is sworn in for the record and attests to his credentials, including 40 years of experience as a licensed engineer.

Mr. James discusses the engineering comments in the correspondence dated May 1, 2008 from CMX as follows:

Plans have been revised as per item numbers 1, 2, 3, 4, 5, 8. Plans will be revised to address item numbers 6, 7 and 10. The applicant requests that items 9 and 12 be made conditions of approval.

Mr. James discusses the planner's comments in the correspondence dated May 12, 2008 as follows:

Plans have been revised as per items 1, 2 and 6. Plans will be revised to address items 3, 4 and 7. Details will be provided for item number 4.

Attorney Rubin updates the Board on the application including that Lot A will be deeded to the association. Discussion continues on the encroachments discussed at the April hearing. Applicant will provide a separate lot to the homeowners association to extend the property line, which will create a non-conforming lot.

Debra Nicholson, Esq. appears on behalf of the homeowners association and discusses the strip of land (Lot "B"). Discussion continues on Lot B and its conveyance to the homeowners association, boundary line agreement and the recording of individual deeds for the homeowners acquiring the additional land.

Discussion continues on the conveyance of Lot B, which should be considered a minor subdivision in order to protect title.

Discussion on the bridge across the mines. Attorney Rubin will research for final.

Discussion continues on the access from Arch Street, which Mr. Buczynski clarifies is a water line easement on the plan.

Mr. Buczynski requests revised plans prior to the resolution being memorialized.

Discussion continues on the offsite conditions relevant to the construction traffic. Attorney Rubin references a recent ruling of the New Jersey Supreme Court, Toll Bros. v. Board of Chosen Freeholders. The Board cannot enforce offsite conditions. The Board will have a Blasting Agreement, Developers Agreement and maintenance bond in place for the development.

Discussion begins on preconstruction photos and studies. Attorney Rubin states that the developer will be blasting and using as fill.

At 7:41 PM, a motion is made to open to the public by Mayor Sekelsky, second by Fierro with all in favor.

Attorney Nicholson states that she represents the residents of Arch Street only on the issues related to the community septic. She questions Mr. James about the swale. Attorney Nicholson will facilitate the issues involving Lot "B".

Mr. James references the contours on *Exhibit A2*, which is the community septic system for Arch Street property owners.

Mr. Buczynski requests the page 7 be revised to define and detail the swale.

Attorney Nicholson requests that Lot A and Lot B be included as part of the footnotes as conveyance.

Attorney Leo suggests that individual property owners be noticed for the blasting agreements.

Anthony Fereola, Whispering Woods Road, questions the status of the access.

Mr. Buczynski clarifies the water line easement, which will be extended through the Whispering Woods development. Easement will not be used for access.

A motion is made at 7:51 PM to close the portion of the hearing related to the JBL-RAL application to the public by Fierro, second by Dolan with all others in favor.

A motion is made by Dolan, second by Fierro to approve the Preliminary Major Subdivision Approval subject to the following conditions: applicant to determine the ownership and maintenance of the bridge; revised plans will be submitted to address the comments of the engineer in the correspondence dated May 1, 2008; Lots A and B to be deeded to the association at final approval; recording of deeds of easements for access, water main, emergency access and drainage; the State Historic Preservation Office to be contacted with regard to the abandoned railroad; Developer's Agreement; Blasting Agreement; acceleration and deceleration lanes will be added to the plans; new association will be created for the drainage basin prior to final approval; and variances for Lot A and Lot B, which are undersized with all in eligible in favor including Armstrong, Andrews, Mayor Sekelsky, Sund, Telischak and Wood.

B. Morse-Cork Hill Road
Application #LU08-001
Block 35, Lot 19.01

Application for Bulk Variance and Minor Site Plan approval

- Dated 4/24/08 from W. Brick to N. DeMattheis, Esq.
- Dated 4/22/08 engineering comments from CMX.
- Dated 4/15/08 from W. Brick to N. DeMattheis, Esq. re: hearing date.
- Dated 4/7/08 from N. DeMattheis, Esq. re: Access and Utility Easement Agreement.
- Dated 4/3/08 from W. Brick to N. DeMattheis re: Completeness Committee.
- Dated 3/6/08 from N. DeMattheis, Esq. re: Application for Preliminary and Final Major Site Plan Approval and Bulk Variance Approval.
- Dated 3/6/08 from W. Brick to L. Padula, CFO re: deposits for escrow and application fee.

Nicholas DeMattheis, Esq. of McGivney and Kluger and Michael Kolody, 915 Partridge Road, Stillwater, New Jersey, appear on behalf of the applicant, Bruce Morse, also in attendance. Mr. Kolody attests to his credentials as a licensed Planner, Surveyor and Engineer and his service on the Stillwater Planning Board. Mr.

Kolody is sworn in for the record.

Discussion on the variance needed for frontage. The variance approval is requested in order to construct a single family home on the property.

Applicant agrees with connecting to the water system.

Discussion on the common driveway, which is presently servicing two residences and being maintained by the property owners. Discussion continues on the repairs needed for the front portion of the driveway. Mr. Buczynski suggests a swale for the runoff. The width of the driveway and the turnaround for emergency vehicles in discussed.

The plan will be revised for a 24' driveway turnaround.

Discussion continues on the creation of the lots on the property and the access agreement.

A motion is made at 8:45 PM to open to the public by Mayor Sekelsky, second by Wood with all others in favor.

Dion Dirkash questions whether the electric utilities will be installed underground or overhead.

Altenburg leaves the dais at 8:45 PM.

Applicant to contact utility company to inquire about requirements for location of the utilities.

Altenburg returns to the dais at 8:49 PM.

Kevin Kervatt, Zoning Officer, discusses gutters and drywells for Lot 20.

Frank DiBernadino of Lot 19 discusses the maintenance of the driveway, which he states has been his responsibility.

A motion is made at 9:10 PM to close to the public by Andrews, second by Fierro with all others in favor.

The Board recommends that Attorney Leo prepare a favorable resolution for the next hearing date, which will be adopted only if the Applicant attempts to discuss the maintenance agreement between the property owners; the utility company is to be contact to determine the utility location; paperwork is to provided detailing a history of the subdivision including when the easement for the driveway was created.

The revised drawing should include house leaders, 24' turnaround and a drainage swale.

A motion is made at 9:15 PM by Mayor Sekelsky, second by Wood to break with all others in favor.

A motion is made at 9:20 PM by Sund, second by Andrews to resume the hearing with all others in favor.

C. Eric A. Wood
186 Plant Street
Block 30 Lot 1.03

Concept Plan for professional home office in the R-40 Zone

Mr. Wood provides the Board with photographs of his existing property for review and discusses his intent to expand the use of his property to include a professional office on the second floor of the existing garage. A conference room and bathroom will be installed on the first floor. The total number of employees will be two, including Mr. Wood and a paralegal. Variances will be required for use, sign and parking spaces and a waiver will be requested for topography.

2. CHAIRMAN'S AGENDA

- Master Plan Subcommittee Workshop meeting update.

The Master Plan Subcommittee will meet on May 20, 2008.

3. PUBLIC PORTION

4. APPROVAL OF BILLS/VOUCHERS

Additional Vouchers submitted at the Board meeting including:

- *Dated 5/13/08 from Fred Suljic for professional services rendered on behalf of JBL-RAL, LLC - \$250.00 – JBL-RAL Escrow Account.*
- *Dated 5/13/08 from Fred Suljic for professional services rendered on behalf of Morse-Corkhill Road - \$150.00 – Morse-Cork Hill Road Escrow Account.*
- *Dated 5/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of the Land Use Board - \$735.00 – Land Use Board General Account.*
- *Dated 5/9/08 from Laddey, Clark & Ryan for professional services rendered on behalf of Michael and Laura Meyer - \$31.20 – Meyer Escrow Account.*
- *Dated 3/31/08 from CMX for professional services rendered on behalf of J & G Developers, LLC - \$89.25 – J & G Developers Engineering Escrow Account.*
- *Dated 3/31/08 from CMX for professional services rendered on behalf of AA-1 Logan Homes - \$31.25 – AA-1 Logan Homes (Minor) Escrow Account.*
- *Dated 3/31/08 from CMX for professional services rendered on behalf of AA-1 Logan Homes - \$187.50 – AA-1 Logan Homes (Minor) Escrow Account.*
- *Dated 3/31/08 from CMX for professional services rendered on behalf of Cingular Wireless \$31.25 – New Cingular Wireless Escrow Account.*

- Dated 3/31/08 from CMX for professional services rendered on behalf of JBL-RAL - \$562.50 – JBL-RAL Escrow Account.
- Dated 3/31/08 from CMX for professional services rendered on behalf of Estate of McGovern - \$62.50 – Estate of McGovern Escrow Account.
- Dated 3/31/08 from CMX for professional services rendered on behalf of MNB Realty, LLC \$93.75 – MNB Escrow Account.
- Dated 3/31/08 from CMX for professional services rendered on behalf of Morse-Cork Hill Road - \$31.25 – Morse-Corkhill Road Site Plan Escrow Account.

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

A motion is made by Sund second by Andrews to approve the bills/vouchers for payment with all others in favor.

5. ADJOURN

A motion is made to adjourn at 9:59 PM with all in favor.

Respectfully Submitted by:

Wendy Brick
Land Use Board Administrative Assistant

Date of Approval