

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

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

APPROVAL OF MINUTES – June 10, 2008

A motion is made by Fierro, second by Telischak to approve the minutes of the June 10, 2008 with Armstrong, Altenburg, Dolan, Fahrenfeld and McDonald in favor.

CORRESPONDENCE

1. Dated 6/16/08 from Fred Suljic – request for payment for completion of Master Plan Reexamination Report - \$3,500.00.
2. Dated 6/12/08 from Beardslee Engineering to State of NJ DEP re: requesting confirmation that historic properties are not located on applicant's property.
3. Dated 6/11/08 from W. Brick to K. Kervatt, Zoning Officer re: Omnipoint.

Discussion begins on whether there has been any feedback from the Zoning Officer with regard to Omnipoint. Armstrong will follow up with Kervatt about the review of the Omnipoint resolution.

1. OLD BUSINESS/NEW BUSINESS

A. Eric A. Wood

Application #LU08-003

186 Plant Street

Block 30 Lot 1.01

Application for Minor Site Plan Approval with variance in order to construct a professional home office in the R-40 Zone

Attorney Garofalo notes for the record that Mr. Wood is a Board member who is being represented by Laurie Emmons, Esq. Eric Wood is sworn in for the record. Discussion on the proposed use variance in order to construct a garage, which will contain a professional office. Subject property is located in the R40 zone on a corner lot. The proposed use is a permitted use.

Exhibit A1 is submitted for the record, which is a photograph of the front of the existing residence.

Exhibit A2 is submitted for the record, which is a photograph of the 21.2 feet wide driveway. The existing garage will be demolished.

Exhibit A3 is submitted for the record, which is a photograph of the existing walkway.

Exhibit A4 is submitted for the record, which is a photograph of the existing doorway, which will connect into the garage.

Exhibits A7 and A8 are submitted for the records, which are photographs of the rear of the yard and garage.

Exhibit A10 is a site plan submitted by Werner Engineering. The highlighted areas are the proposed areas. There will be a turnaround for the parking area. The proposed parking area exceeds the requirements of the ordinance. There will be 4 surface parking spaces and 2 parking spaces in the garage. The garage will be 1,288 square feet and will include a conference room on the first floor, which will comply to make the building handicapped accessible.

The use will be low impact since office visits will be by appointment only.

A variance is required for the location since the property is not located on Route 517.

A variance is required for the office on the second floor.

A variance is required for the size of the proposed sign, which will be 3 ft. X 2 ft., which exceeds the required 72 sq. ft.

The new structure meets the bulk requirements. The proposed office use will be a positive tax ratable.

Discussion on parking on the street. Wood states that one parking space on the street may be required. There will be one employee for the office.

No reports were submitted by the Engineer and Planner.

Attorney Garofalo discusses the requested D3 variance. The proposed use is permitted by ordinance. Use variances remain with the land. The office cannot be rented to a third party.

At 7:16 PM, a motion is made by Telischak, second by Fierro to open the hearing on the application to the public for comment with all others in favor.

There are no members of the public present for comment.

At 7:17 PM, a motion is made by Fierro, second by Telischak to close to the public with all others in favor.

A motion is made by Fierro, second by Telischak to approve the application for bulk variances and D3 variance approval with all others in favor including Armstrong, Dolan, Fahrenfeld and McDonald.

**B. A. J. Peia
Block 35 Lot 22**

- Dated 6/13/08 from W. Brick to Mr. Peia re: request to appear at Board hearing.
- Dated 6/9/08 from J. Ursin, Esq. to Mr. Peia re: Land Use Board review of use of property as junkyard.
- Resolution of Borough and Council dated 7/8/91 granting a junkyard license.

Matter removed from agenda. No formal application received to date. Matters related to the junkyard licensing ordinances should be addressed by the Clerk or the Attorney for the Governing Body.

C. AA-1 Self Storage, LLC/Logan Homes
Application #LU07-005
Block 30 Lot 3.02
Application for Preliminary Major Subdivision Approval

Matter to be carried to August hearing date. Revised plans submitted on 6/27/08.

D. Morse-Cork Hill Road
Application #LU08-001
Block 35, Lot 19.01
Application for Bulk Variance and Minor Site Plan approval
 - Dated 6/17/08 from LCR re: Driveway Maintenance Agreement.

Matter removed from agenda pending results of discussions between the parties on the Driveway Maintenance Agreement.

E. New Cingular Wireless PCS, LLC
Application #LU08-002
Block 30, Lot 11.08
230 Passaic Avenue
"C" and "D" Variance Approval and Site Plan Approval in order to place twelve (12) antennas on and existing tower
 - Dated 6/26/06 Transcript for Hearing date 6/10/08.

Altenburg recuses himself from the hearing and 7:31 PM.

Christopher Quinn, Esq. appears on behalf of the applicant. Attorney Quinn clarifies that the applicant requests to place 9 antennas on the existing tower not 12. The existing antennas installed by T-Mobile are 90 feet in height; the applicant proposes to construct antennas 85 feet in height. The applicant, Cingular Wireless d/b/a AT & T, has completely the requested research of 11 Borough properties, which meet the ordinance requirements for installation of telecommunications antennas.

Discussion on whether the antennas are being proposed on historical property.

Discussion on the lease agreement with the property owner.

Discussion on whether the antennas are assessed. Attorney Garofalo states that since the proposed antennas are not connected, they legally cannot be assessed. Tax revenue cannot be the basis for a zoning decision. Discussion on the head frame, which is not an improvement to the property. Additional antennas can be added to the site.

Discussion on the Omnipoint application. Attorney Garofalo to contact Tax Assessor to review records for the subject property.

Raza Rizvi, General Manager for AT&T, is sworn in for the record and attests to his credentials as a Radio Frequency Engineer and his 12 years of experience managing networks.

Exhibit A3 is submitted for the record, which is a colorized in red, green and yellow, depicting the Drive Test Data showing areas of adequate coverage and dead zones. Mr. Rizvi conducted the drive test 3 months ago. Gaps in coverage are determined by a software program.

Exhibit A1 is discussed, which shows existing coverage and the areas of inadequate coverage.

Exhibit A2 is discussed, which is the overly of the coverage at the proposed site.

Several exhibits are submitted for the record, which include plots of alternate municipal properties as follows:

Exhibit A4, which is (1) the DPW garage on Brooks Flat Road with gaps in coverage and (2) Block 1 Edison Avenue with gaps in coverage at 50 feet.

Exhibit A5, which is (3) the Borough water tank at 146 Edison Avenue with gaps in coverage at 75' and (4) undeveloped property along Edison Avenue (Block 2 Lot 4) with gaps in coverage at 75'.

Exhibit A6, which is (5) 142 Edison Road, close to the water tank site with difference in the terrain creating gaps in the coverage at 75' and (6) the undeveloped property at 115 Main Street with gaps in coverage at 75'.

Board members Telischak and Fierro request that additional tests be performed at the property at elevated height.

Exhibit A7, which is (7) 100 Main Street (Block 25 Lot 3) Ogdensburg Public School with gaps in coverage at 75' and (8) Borough pump station at Meadow Road (Block 24 Lot 10.06) with gaps in coverage at 75'.

Exhibit A8, which is (9) off Edison Avenue (Block 2 Lot 3) with gaps in coverage at 75'.

Exhibit A9, which is (10) Ogden Hill (Block 3.01 Lot 18) with multiple gaps in coverage at 75' and (11) Passaic Avenue (Block 24 Lot 10.05) with large gaps in coverage at 75'.

Mr. Rizvi states that two properties are viable, the subject property, which is 765 feet above sea level and the school property, which is 668 feet above sea level. Tree height, location above sea level and terrain are considered when considering properties for installation.

The site will be monitored remotely on a daily basis. A technician will visit the site once per month.

Peter Tolischus is sworn in for the record and attests to his credentials as a New Jersey Licensed Planner. He submits *Exhibit A10* for the record, which is an aerial of the area

generated from GIS system. Alternate sites are shown in yellow; the proposed site is shown in orange.

Exhibit A11, entitled Proposed Telecommunications Facility, is submitted for the record. There is limited visual impact from the site.

Exhibit A12, which are photographs taken on April 15, 2008 of the antennas at a mounting height of 90' as follows:

- #1 Driveway to proposed site.
- #2 Passaic and Arch Street
- #3 Wausau Street
- #4 & 5 Whispering Woods Lane in Sparta
- #6 Butternut Way in Sparta
- #7 Bridge Street
- #8 Bridge Street, closer to bridge
- #9 Bridge Street and Sterling Parkway

Discussion on the variance for height. The use is permitted by ordinance. There is no detriment to the zone plan or ordinance since the antennas will be co-located on an existing structure. Installing the antennas at the proposed site is the least obtrusive.

Mr. Toms discusses the adequacy of the structure. Discussion on coverage area and the possibility and costs involved for constructing a compound and tower.

Discussion on the Borough sites including the water tank. Board requests the applicant perform additional studies of Borough sites at alternate heights, including 115 Main Street and the Borough water tank at 146 Edison Avenue.

Discussion on the report dated July 7, 2008 submitted by Mr. Suljic.

The application will be carried to the Board hearing on August 12, 2008 with no further notice required.

Discussion continues on whether the testimony can be reviewed to substantiate the results of the applicant's professionals. Hiring experts to review would be expensive.

2. **CHAIRMAN'S AGENDA**

- Master Plan Subcommittee Workshop meeting update.

No date has been determined for the first hearing of the Master Plan Re-examination Report.

3. **PUBLIC PORTION**

No members of the public are present.

4. **APPROVAL OF BILLS/VOUCHERS**

Additional Vouchers submitted at the Board meeting including:

- *Dated 7/8/08 from Laddey, Clark & Ryan for Land Use Board - \$870.00*
- *Dated 7/8/08 from Laddey, Clark & Ryan for Wood - \$46.80*
- *Dated 7/8/08 from Laddey, Clark & Ryan for Meyer - \$39.00*

- *Dated 7/8/08 from Laddey, Clark & Ryan for Morse-Corkhill - \$819.00*
- Dated 5/31/08 from CMX for JBL-RAL - \$406.25.
- Dated 5/31/08 from CMX for Morse-Corkhill - \$187.50.
- Dated 5/31/08 from CMX for Land Use Board - \$62.50.

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

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

5. ADJOURN

A motion is made at 9:27 PM by Fierro, second by McDonald to adjourn with all in favor.

Respectfully Submitted by:

Wendy Brick
Land Use Board Administrative Assistant

Date of Approval