

## **BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES**

**MEETING DATE:** August 12, 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, Andrews, Dolan, Fahrenfeld, Fierro, McDonald, Sund and Wood.  
**Absent:** Altenburg, Dabrowski, and Telischak\*.  
**Professionals:** Garofalo, Buczynski and Suljic.  
**Absent:** None.

### **APPROVAL OF MINUTES – July 8, 2008**

A motion is made by Fierro, second by Telischak to approve the minutes of the July 8, 2008 with Armstrong, Andrews, Dolan, Fahrenfeld and McDonald in favor.

### **APPROVAL OF MINUTES – Master Plan Subcommittee meeting on January 23, 2007**

A motion is made by Wood, second by Fierro with all eligible in favor including Armstrong, Andrews, McDonald, Mayor Sekelsky and Sund.

### **CORRESPONDENCE**

1. Dated 7/15/08 from County of Sussex re: JBL-RAL Preliminary Site Plan Approval.
2. Dated 7/16/08 from AA-1 Self Storage re: Escrow Account
3. New Jersey Planner July/August 2008.

No comments on the correspondence.

#### **1. OLD BUSINESS/NEW BUSINESS**

##### **A. Eric A. Wood**

**Application #LU08-003**

**186 Plant Street**

**Block 30 Lot 1.01**

*Memorialize Resolution granting Conditional Use Variance Relief and Site Plan Approval in order to construct a professional home office in the R-40 Zone.*

A motion is made by Fierro, second by McDonald to memorialize the resolution granting Conditional Use Variance Relief and Site Plan Approval with all eligible in favor including Armstrong, Dolan and Fahrenfeld.

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

**Application #LU07-005**

**Block 30 Lot 3.02**

*Application for Preliminary Major Subdivision Approval*

Carried to September hearing date.

\* At 7:08 PM Telischak arrives.

**C. Morse-Cork Hill Road**

**Application #LU08-001**

**Block 35, Lot 19.01**

*Application for Bulk Variance and Minor Site Plan approval*

- Dated 7/24/08 from N. DeMattheis, Esq. to E. Azar, Esq. re: Driveway Maintenance Agreement.

Nicholas DeMattheis, Esq. appears on behalf of the applicant seeking relief from the condition of the resolution pertaining to the driveway maintenance agreement between the two adjoining property owners, specifically Mr. Citarella and Mr. DiBernadino. He discusses the attempts made to secure an agreement with the adjoining property owner and their attorney, Edward Azar. Mr. DeMattheis provides a copy of all correspondence sent in an attempt to secure the agreement.

Board discussion continues on whether the adjoining property owner and their attorney were aware of the applicant's appearance at the hearing.

Discussion continues on the Developers Agreement and the existing access agreement.

Kevin Kervatt, Zoning Officer attests to Mr. Morse as a "good builder" and a "good neighbor".

A motion is made by Fierro, second by Wood to memorialize the resolution granting Bulk Variance and Minor Site Plan Approvals excising condition #6 with Armstrong, Andrews, Dolan, Fahrenfeld, McDonald and Sund in favor and Mayor Sekelsky and Telischak opposed.

The order of the agenda is suspended.

Mayor Sekelsky discusses several topics with the Board including the Borough ordinance with regard to COAH; the recent soil erosion issues resulting from the construction of the J & G Developer's subdivision; the plan to reduce speed limits in the Borough; and the Borough's contract to purchase property on Edison Avenue.

Discussion continues on the Borough's need to comply with COAH's Round Two and Round Three requirements. Mr. Suljic to appear at the September meeting of the Governing Body to discuss the Redevelopment Plan, Plan Endorsement and COAH.

Discussion on the resignation of the Board Secretary. Mr. Suljic offers his assistance until a replacement is hired.

**D. 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.

Miss Dolan expresses her gratitude to Mr. Rivni and Attorney Quinn for coming to her assistance after the last hearing.

Attorney Quinn discusses the analysis of the antennas at a height reduction of five feet.

Discussion begins on the tax assessment of the property and whether the antennas were included in the assessment. The Board Secretary discussed the matter with the Tax Assessor, who confirmed that the antennas have not been included in the assessment to date. No certificate was received from the Construction Department indicating an installation of antennas. The existing antennas will be included when the property revaluation is completed.

Discussion continues on the owner of the Sterling Mine property and the head frame. The head frame is owned by Sterling Hill Mining Museum Inc.

Discussion continues on the structural analysis of the head frame. Attorney Quinn confirms that a study was done. The installation design was changed. He states that the applicant will submit structural analysis for the Board Engineer's review.

Discussion continues on the proposed height of the antennas, the possible interference with the existing carriers, the historic significance of the property and the prior application with regard to the testimony involving the abandoned equipment.

Attorney Quinn suggests "any and all regulatory approvals" including the NJDEP Historic Preservation Office be included as a condition of the approval.

Mr. Raza Rizvi continues testimony on the analysis done at the Board's request for 114 Main Street and 115 Main Street, which is the second most valuable site for transmission with the first being the Sterling Mine Property. Installing antennas on a Borough property would require a bid to four other carriers. The minimum pole height would be 120 feet.

Attorney Quinn submits *Exhibit A13* entitled "Existing Coverage with Proposed Site at 120 feet and 220 feet."

Attorney Quinn discusses the necessity for the Borough to bidding process

Discussion continues on the prior resolution. Attorney Garofalo discusses the prior litigation with Omnipoint, which attempted to define the structure on which the existing antennas are attached.

Board discussion continues on the hiring of an expert to review the analysis presented by the applicant.

Attorney Quinn submits *Exhibit A14* for the record, which is the prior resolution memorialized on April 11, 2006.

Discussion continues on zoning violations. Attorney Quinn suggests the Zoning Officer enforce the violations separately from this application.

A motion is made to carry the application to the September 8, 2008 regular meeting with no further notice required.

Borough ordinance permits the hiring of an expert in order to review site location and provide alternative analysis. Mr. Buczynski will provide the Board with contact information for an expert whose professional services will be used to review the analysis of the applicant. Exhibits will remain in the Municipal Building for review by the Board's expert.

Board Secretary to locate previous resolution for the Omnipoint application. Review escrow account balance.

**2. CHAIRMAN'S AGENDA**

**3. APPROVAL OF BILLS/VOUCHERS**

- Dated 6/30/08 from CMX for Eric Wood - \$31.25.
- Dated 6/30/08 from CMX for Morse-Corkhill - \$156.25.
- Dated 6/30/08 from CMX for Cingular Wireless - \$218.75.
- Dated 6/30/08 from CMX for JBL-RAL - \$187.50.

**\*\* 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 Wood to approve the bills/vouchers for payment with all others in favor.

**4. PUBLIC PORTION**

At 9:25PM a motion is made to open to the public by Fierro, second by Wood with all others in favor.

No members of the public are present.

At 9:25 PM a motion is made to close to the public by Fierro, second by Wood with all others in favor.

**5. ADJOURN**

A motion is made at 9:25 PM by Fierro, second by Wood to adjourn 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