

**BOROUGH OF OGDENSBURG  
LAND USE BOARD MINUTES**

**MEETING DATE:**           **April 14, 2009**

**CALL TO ORDER:**        The meeting of the Ogdensburg Land Use Board was called to order at 7:00 PM.

**PLEDGE OF ALLEGIANCE**

**STATEMENT OF COMPLIANCE:**

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 5, 2009.

**ROLL-CALL:**               **Present:** Andrews, Armstrong, Blahut, Dolan, Fahrenfeld, Fierro, Telischak, Fitzgibbons, Kibildis and McGuire.  
                                  **Absent:** Sund and Wood  
                                  **Professionals:** Buczynski, Leo and Suljic

**A. ANNOUNCEMENT:** Attorney Ursula Leo announced that she is expecting in August and will not attend that month's meeting.

**B. PRESENTATION:** John Fierro presented Certificates of Completion to Michael Blahut, Patrick Fitzgibbons, John Kibildis and Robert McGuire for the Mandatory Training they attended on March 21, 2009 at Sussex County Community College.

**C. APPROVAL OF MINUTES:** A correction will be made to the March minutes to show that Fred Suljic was not absent. A motion to approve the minutes from the March 10<sup>th</sup>, 2009 meeting as amended was made by Vito Telischak, second by Patricia Dolan with all in favor.

**D. CORRESPONDENCE:** No comments.

**E. OLD BUSINESS/NEW BUSINESS**

**1. New Cingular Wireless PCS, LLC**

**Application #LU-08-002**

**Block 30, Lot 11.08**

**230 Passaic Ave.**

*“C” and “D” Variance Approval and Site Plan Approval in order to place nine (9) Antennae on an existing structure*

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A revised resolution was distributed to all members. Ursula Leo explained that there were a few minor changes made to the previous resolution. On page 6, the heights were changed to 85 feet for the centerline height and verbiage added in that applicant would lower its antennae to accommodate the relocation of T-Mobile's antennae. The phrase "pursuant to the requirements in the lease" was added to #8 on page 8, and #10 on page 8 indicates that an attorney need not appear and a letter will be sent within 120 days. A motion to memorialize the resolution approved at the March meeting was made by Vito Telischak, second by John Fierro with Armstrong, Andrews, Dolan and Fahrenfeld in favor.

**2. 100 Plant Street LLC**  
**Block 30, Lot 11.01**  
**100 Plant Street**  
*Concept Review Meeting*

The minutes from the Concept Review Meeting with this applicant were included in the members' meeting packets. This applicant is looking to develop a subdivision consisting of 13 lots including 12 residential lots. Members discussed the pros and cons of having an applicant appear before the entire Board for a concept review versus the applicant meeting with the professionals and a few Board members. In the future, the entire Board will be informed if an applicant requests a Concept Review and the Board will decide whether the applicant should appear before the full Board or just the Review Committee.

Question was asked if the applicants with subdivisions are coming in before Highlands and what happens to them if the town decides to opt in. If the lots or the subdivisions were approved before January 2004, they are safe. After that time, if the town opts in with the Highlands, they lose all of their rights. It appears that the Highland Council is concerned with the ramifications in relation to waterways and the wastewater management plan. Gene Buczynski stated that the DEP is taking a long time to approve water main extensions.

**F. CHAIRMAN'S AGENDA**

1. Historical Society – A follow-up letter will be sent since we have not had a response to date.
2. Chairman Armstrong informed the Board that Omnipoint has lowered their antennae from the structure at the Sterling Hill Mine. The antennae are no longer visible since they now blend in with the structure.
3. Land Development Ordinance – To date, the data up to and including Section 800 has been entered into the computer. When the entire book has been entered, the changes needed will be incorporated and all comments will be taken into consideration. The Master Plan Committee will meet with the attorney to make the necessary changes to the Ordinances which will be reviewed by the entire Land Use Board. The Board has recommended amendments going back to 1992. When all the changes are done, the Board will recommend the total package to the governing body for adoption. The

Ordinance will be placed on our website and possibly on e-code in the future. There is a cost involved

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for e-code with an outside agency. Fred Suljic asked if a steep slope ordinance exists. Discussion revealed that this ordinance was suggested but never adopted. The Board will check the Highlands Council guidelines.

4. Financial Disclosure Forms were given to all of the members to complete and return.
5. Michael Blahut advised the Board that money has been budgeted for the planning of the property in back of the Municipal Building in order to bring revenue to the Borough. Discussion with Gene Buczynski regarding the course of action to undertake. Obtaining a Letter of Interpretation from the DEP should be the first step in order to obtain a wetland delineation. The LOI is submitted to the DEP. Under Gene's supervision, the DPW can dig the test pits and soil logs and the environmental person who is familiar with the property can be scheduled to be there too. A sewer study was done approximately seven or eight years ago and was given to the Mayor. Also, a water study was done and the Borough Clerk has that information. Tom Hyde can furnish the well yields.
6. Fred Suljic will have a rough draft available for comments on the Highlands Initial Assessment no later than the 29<sup>th</sup> of the month. The report will be e-mailed to the Secretary and she will forward it to everyone. The next Council meeting is May 11<sup>th</sup> and our next meeting is on the 12<sup>th</sup>. Fred Suljic has not been authorized to complete Module 1 as yet. Module 1 only takes 5-7 days. Module 2 has a 15-day clock.

**G. BILLS AND VOUCHERS**

Dated 2/28/09 from CMX re: JBL-RAL, LLC	\$250.00
Dated 2/28/09 from CMX re: Land Use Board	\$125.00
Dated 3/21/09 from Laddey, Clark & Ryan re: JBL-RAL, LLC	\$ 31.20
Dated 3/20/09 from Laddey, Clark & Ryan re: General	\$930.00
Dated 3/21/09 from Laddey, Clark & Ryan re: Cingular	\$702.00

A motion to approve the Bills and Vouchers was made by Patrick Fitzgibbons, second by Vito Telischak with Andrews, Dolan, Fahrenfeld, Fierro, Blahut, Kibildis, McGuire and Armstrong in favor. An inquiry was made if the Finance Dept. provided the check and date information on payments made to our professionals and vendors. To date, information has been received only once. It was suggested that a Bill List be obtained from the Borough Clerk.

**H. OPEN TO PUBLIC**

A motion to open the meeting to the public was made by John Fierro, second by Bill Andrews with all in favor. There being no members from the public, a motion to close the meeting to the public was made by Ken Fahrenfeld, second by Patricia Dolan with all in favor.

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**I. ADJOURN**

A motion to adjourn the meeting was made by Vito Telischak, second by Patrick Fitzgibbons with all in favor.

Respectfully Submitted by:

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Blanche Stuckey  
Land Use Board Secretary

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Date of Approval