

**BOROUGH OF OGDENSBURG  
LAND USE BOARD MINUTES**

**MEETING DATE:**           **June 9, 2009**

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

**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.

**PLEDGE OF ALLEGIANCE**

**ROLL-CALL:**                   **Present:** Andrews, Armstrong, Blahut, Dolan, Fahrenfeld, Sund, Telischak, Wood, Fitzgibbons\*, Kibildis and McGuire.  
**Absent:** Fierro  
**Professionals:** Buczynski, Leo and Suljic  
\*Arrived at 8:58 P.M.

A. **APPROVAL OF MINUTES:** A motion to approve the minutes from the May 12th, 2009 meeting was made by Vito Telischak, second by John Kibildis with Armstrong, Fahrenfeld, Blahut, Wood and McGuire in favor and Andrews, Dolan and Sund abstaining.

**B. CORRESPONDENCE:**

1. Regarding the correspondence from Joseph M. Hoffmann, Board members discussed the documentation forwarded stating that the Borough owns the railroad trestle on Passaic Avenue. It was suggested that the governing body should research this.
2. The Board received three ordinances from Hardyston Township. Towns send zoning changes to the adjoining municipalities.

**C. OLD BUSINESS/NEW BUSINESS**

**100 Plant Street, LLC**  
**Block 30 Lot 11.01**  
**LU09-001**  
*Preliminary Major Subdivision*

Debra Nicholson represents 100 Plant Street, LLC. and previously met for a Concept Review. Since then, significant revisions have been made to the plans. The Board will request a subdivision name from the Historical Commission and will contact JBL-RAL to obtain the remaining street name.

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Anthony Gallerano Harbor Consultants was introduced and provided his credentials and qualifications as both a Planner and licensed Professional Engineer. He received a Bachelor of Science in Engineering from the New Jersey Institute of Technology. Michael DiCosmo, a partner of 100 Plant Street, LLC was also introduced and both were sworn in.

Mr. Gallerano's presentation included Exhibit A-1 which is a colored rendering of the overall layout of the subdivision. Exhibit A-2 is an overall survey with the boundary line highlighted. Sheet 6 are the plans submitted with the application. Sheet 10 has not been modified. Exhibit A-3 shows the adjustments to the lot lines to eliminate the variances.

Exhibit A-2 is a survey of the existing Plant Street 35 acre lot of an irregular shape with frontage on Plant Street and on Passaic Avenue. Application is for fifteen (15) lots with fourteen (14) of the lots for single-family homes and one additional lot for Open Space. Twelve (12) lots front on a proposed road which traverses the property and ends on a cul-de-sac. Two driveways from Passaic Avenue are for two lots in the R-40/CCR Zone. The bulk requirements of this zone are:

40,000 sq. ft. per dwelling unit  
175 ft. width  
100 ft. frontage

With minimum yard requirements of:

Front - 75 ft.  
Rear - 75 ft.  
Side - 35 ft. minimum (each side)

In regard to the Planner's Report, Exhibit A-3 shows the adjusted lots 104 and 108. As proposed they did not have the 100 ft. frontage. Adjustments were made to the lot lines. All lots will be conforming with no variances required. This project is served by public water, has individual septic systems, underground utilities, street lighting on the proposed road and shade trees on the entire length. Storm water run-off will be discharged according to DEP regulations. Two separate detention systems providing three (3) sand filters features an underground 24" line discharging and will limit the amount of clearance and disturbance.

The proposed common driveway off of Passaic Avenue will be made out of a porous material which is good for light duty areas such as driveways. The material used is an asphalt mix with a certain type of aggregate which allows for water to filter through. A maintenance manual will be given to the homeowners. The driveway will need to be cleaned by a power vac. Technology has been getting better over the years.

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Detention basins shown on Sheet 10 – separate lots are not being created for these basins. Lot 009 configured to be part of the lot and the second basin on lot 101 with the same configuration which is individually owned. This appears to be the most viable way to address this circumstance. Maintenance according to engineering requirements are recorded in the deed. This is a creative approach. When there are no amenities, owners are not interested in forming an association. The town does not want to maintain the basins. There will be three (3) facilities: two basins and one underground. The basins previously approved for other subdivisions were of a different design and were to be placed on separate common lots. The depth of the basins would be 4 to 5 feet and would be a fenced-in grassy area. Buyers of the basin properties will receive a discount because they have the burden of maintaining the basin.

Discussed the pros and cons of dedicating one lot to the town or splitting up the lot and adding it to two residential lots as conservation easements. Conservation easement means that the land must be preserved in its natural state. This lot has frontage on Plant Street and could be dedicated as Open Space for the Borough. It is a steep hill with trees on it and not buildable on approximately two acres. It would increase the ratable if attached to individual lots; however, there are benefits of the Borough owning the property. If anyone cuts a tree down and the Borough owns the property, it is a criminal offense. If the property is owned by a private individual, it would only be a civil action. Chairman Armstrong is of the opinion that the Borough should take ownership of the lot. If the town owns it, they can control it.

Approximately fifty (50) feet of an existing homeowner's driveway is encroaching on this lot. Applicant would grant an easement to the homeowner (Lozar). If the Borough accepts the lot, they could grant an easement or execute a lot line adjustment and deed the driveway to the homeowner.

Response to the CMX Engineering Report:

- B.1. Statement will be deleted.
  2. Access to the driveway.
  3. Dedicate to the Borough.
  4. Individual property owners
  5. Common driveway from Passaic Avenue – access agreement with the Sterling Mine.
  6. DEP for permit
  7. Replace the existing headwall
  8. Supply additional inlet
  9. Belgian block
  10. Shade trees – plant multiple species.
  11. Lighting plan – street intersections, key locations for safety, opposite the two (2) drainage basins. It was noted that the Sterling Mine property contains an astrological facility.
  12. Will change

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13. Will submit with Final.
14. Fence around and property owner will landscape. Fence will be a modified post and rail fence with chicken wire or mesh, four (4) feet high minimum.
15. Additional hydrant – okay.
16. 1500' long driveway 12 feet wide – need hydrant, will run a 6" to 8" line from the closest hydrant at the end of Wausau.
17. DEP – LOI - There are no wetlands. Contact the Historical Society for more information.
18. Pavement is for the common driveway.
19. Will comply.
20. Will comply.
21. Will comply.
22. Will comply.

Response to Dykstra Associates Report:

1. Frontage issue for Lots 104 and 108.
2. Two (2) lots from Passaic Ave. considered flag lots. We have sufficient frontage just an unusual shape has front on approved street with adequate frontage.
3. There is no inlet at the end of Wausau for drainage. Water spilling onto Wausau Street is coming from properties located in Sparta. Berm will be installed if necessary to alleviate any runoff from the Plant Street property. The 1500' driveway is a dirt road.
4. Typographical error – will be deleted.
5. Discussion on whether to retain or remove the islands. If kept, the islands can be built with a mountable curb for fire trucks.
6. Applicant is requesting a waiver which may be granted if it is in accordance with RSIS.
7. Applicant proposes to install sidewalks on the northerly side of the street and requests a waiver from installing sidewalks on both sides. This would minimize impervious coverage and conform to the “going green” initiative.
8. As previously discussed, applicant will plant more than one type of tree.

**OPEN TO THE PUBLIC**

A motion to open the meeting to the public was made by Eric Wood, second by Ken Fahrenfeld with all in favor.

Mr. Richard Hauck representing the Sterling Hill Mining Museum stated that no underground workings exist on the applicant's property. Mr. Hauck remarked that he and his wife own a vacant lot on Wausau Street known as Block 30 Lot 25 and would be interested in swapping that lot for the long driveway property with the applicant. The vacant lot has 57 feet of frontage but it did not perc. Someday the Mine would like to build a new technology museum.

Mr. Richard Culver of 12 Wausau Street addressed the Board and stated that he did not want any additional traffic. Wausau Street would still be a dead-end with just two additional homes.

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Board Member Patrick Fitzgibbons arrived at 8:58 P.M.

Michael Shuflat from 150 Brooks Flat Road inquired if this subdivision is adjacent to his property of thirteen (13) acres known as Block 30, Lot 3.01. It was established that the subdivision is adjacent to his property and he proposed that the applicant can build a road through his property for access to Brooks Flat Road if needed. He was also concerned that the new residents would throw grass clippings on his property.

Patricia Peist of 7 Grant Terrace voiced her concerns regarding the maintenance of the detention basins if and when the homes are for sale and vacant. Attorney Nicholson stated that there is a procedure for this situation and if the Borough were to put a lien on the property, the bank would pay that out first.

Jean Castimore of 63 Main Street asked if the subdivision maps were in the Land Use Office and received a positive response. She also inquired as to the location of the entrance to this subdivision and the JBL-RAL subdivision off of Passaic Avenue and if they are all within 20 feet of each other. It was ascertained that the entrances could be directly across from one another.

A motion to close the meeting to the public was made by Steve Sund, second by Eric Wood with all in favor.

Attorney Leo indicated to the Board that the Hauck's property has a 57' frontage where 200' are required, and therefore, a variance for frontage would be required whereas now no variance is needed. Mr. Wood said that he would vote in favor since Mr. Hauck is a taxpayer in this town and would benefit from this.

Chairman Armstrong announced a ten-minute break at 9:10 P.M.

Attorney Nicholson said that there was a real potential to enter off of Wausau and requested thirty (30) days to meet with the property owner and permission to go on the Hauck's property right away to assess the topography, etc. The driveway findings will then be sent directly to the professionals. Will ask the Tax Assessor if further notice must be given because of the additional lot involved. As far as Mr. Shuflat, not as optimistic but will explore the possibilities. Plans will be submitted ten (10) days prior to the next meeting on July 14<sup>th</sup>.

**D. BILLS AND VOUCHERS**

Dated 3/31/09 from CMX re: 100 Plant Street, LLC	\$656.25
Dated 3/31/09 from CMX re: Land Use Board	\$375.00
Dated 4/20/09 from Laddey, Clark & Ryan re: 100 Plant St.	\$321.00

A motion to approve the Bills and Vouchers was made by Eric Wood, second by Ken Fahrenfeld with all in favor.

**E. CHAIRMAN'S AGENDA**

1. Land Development Ordinances

Board Members will review the ordinance changes and will discuss comments at the next meeting. Questions and concerns will be e-mailed to the Secretary who will compile them and forward them to all Board Members.

2. LOI Proposal from CMX Engineering – Michael Blahut

Gene Buczynski submitted a proposal for \$5,000 to delineate the wetland points. Next phase will be to survey the points and mark out the points. Don't know if it is going to be 8 or 50. Borough Council discussed this last night. It would cost between \$2,000 to \$6,000 for the wetland delineation. There is a survey for the small lots from Campbell. Possibility that an old survey exists. Discussed cost of work necessary. There may be some flexibility of the \$16,000 for the Redevelopment Study to apply for the LOI.

3. Attorney's Report

Carried to next month's meeting.

4. Module Update – Highlands Council

The final draft of the Initial Assessment Report will be sent to the Highlands Council on Thursday. Chairman Armstrong requested 25 copies for the Board and Council. Bob Tessier will send letter and proposal for Modules 2, 3, 4 and 5.

5. Invoice Tracking

Professionals are pleased with the expeditious payment of their invoices.

6. Trial Balance Report on Escrows

The Finance Dept. has refunded several escrow balances. Vito Telischak remarked that he received a check for his balance.

**OPEN TO PUBLIC**

A motion to open the meeting to the public was made by Vito Telischak, second by Bill Andrews with all in favor.

A motion to close the meeting to the public was made by Eric Wood, second by John Kibildis with all in favor.

**I. ADJOURN**

A motion to adjourn the meeting was made by Eric Wood, second by Ken Fahrenfeld with all in favor.

Respectfully Submitted by:

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Blanche Stuckey  
Land Use Board Secretary

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Date of Approval