

**BOROUGH OF OGDENSBURG
LAND USE BOARD MINUTES**

MEETING DATE: **July 14, 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, Dolan, Fahrenfeld, Sund, Telischak, Wood, Fitzgibbons, Kibildis and McGuire.
Absent: Blahut and Fierro
Professionals: Buczynski, Stein,* Suljic
*Richard Stein, Esq. from Laddey, Clark & Ryan

A. **APPROVAL OF MINUTES:** A motion to approve the minutes from the June 9th, 2009 meeting was made by Ken Fahrenfeld, second by Vito Telischak with Armstrong, Andrews, Dolan, Sund, Wood, Kibildis, Fitzgibbons and McGuire in favor.

B. **CORRESPONDENCE:**
No comments.

C. **OLD BUSINESS/NEW BUSINESS**
100 Plant Street, LLC
Block 30 Lot 11.01
LU09-001
Preliminary Major Subdivision

Debra Nicholson, Esq. representing 100 Plant Street, LLC. summarized the results since last month's meeting when two residents offered to swap and/or provide some land with the developer to facilitate the project. Unfortunately nothing can be done with Mr. Shuflat's property and that situation has been eliminated. There are still some possibilities with Mr. Hauck's property; however, the Zinc Mine site has a few partners and the applicant is facing time constraints. Discussions will continue and if anything develops, an amended approval would be requested. The applicant wants to obtain the protection of the Preliminary approval before the "nitrite dilution" model is adopted.

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Conditions of the approval are as follows:

1. Name of the road furnished by the Historical Society is "Zincite."
2. Landscape easement for street trees;
3. Five to six street lamps for safety;
4. Post and rail fence with mesh, four (4') in height;
5. Hydrant on the common driveway will connect to the Wausau location.

Access to the two lots is a driveway in back of Wausau Street as originally planned. The final width of the street is twenty six feet. A waiver of sidewalks on one side of the street to be granted. Any approval is contingent upon revised plans being submitted. The applicant can build on the preliminary approval if they bond for the improvements. Detention basin would be the responsibility of the homeowner of that particular lot. Lazar can be given an easement for the driveway or the property with a lot line adjustment.

A motion to recommend that the Borough acquire the lot from 100 Plant Street, LLC was made by Eric Wood, second by Vito Telischak with Armstrong, Dolan, Sund and Fitzgibbons also in favor and Andrews, Fahrenfeld and Kibildis voting in the negative.

Developer agreed to install LED street lights. Design of lamp post to be decorative old-fashioned style.

A motion was made to retain the island in the second cul-de-sac by Bill Andrews, second by Vito Telischak with Dolan, Kibildis and Fitzgibbons also in favor and Armstrong, Fahrenfeld, Sund and Wood voting no.

Shade trees recommended were October Glory and Silver Maple. Street lights will be positioned across from the detention basins.

A motion to approve the Preliminary Major Subdivision with the conditions was made by Eric Wood, second by Patricia Dolan with Armstrong, Andrews, Fahrenfeld, Sund, Telischak, Kibildis and Fitzgibbons also in favor.

D. APPROVAL OF MINUTES

The meeting minutes of June 9th, 2009 will be amended to indicate the cost of \$2,000 to \$6,000 is for the wetland delineation instead of a survey. A motion to approve the amended minutes was made by Eric Wood, second by Bill Andrews with all in favor.

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E. BILLS AND VOUCHERS

Dated 5/31/09 from CMX re: 100 Plant Street, LLC	\$562.50
Dated 3/31/09 from CMX re:New Cingular Wireless	\$250.00
Dated 6/30/09 from Laddey, Clark & Ryan re: General	\$1125.00
Dated 6/30/09 from Laddey, Clark & Ryan re: COAH	\$ 30.00
Dated 6/30/09 from Laddey, Clark & Ryan re: 100 Plant Street	\$124.80

A motion to approve the Bills and Vouchers was made by Bill Andrews, second by Patricia Dolan with Armstrong, Fahrenfeld, Sund, Telischak, Wood, Kibildis, Fitzgibbons and McGuire in favor.

F. OPEN TO THE PUBLIC

A motion to the open the meeting to the public was made by Vito Telischak, second by John Kibildis with all in favor. There being no public comment, a motion to close the meeting to the public was made by Vito Telischak, second by Bill Andrews with all in favor.

G. OLD BUSINESS/NEW BUSINESS

Edward and Suzanne Paiva
Block 30 Lot 2
182 Plant Street
LU09-002
Bulk "C" Variance

Mr. Edward Paiva is applying for a bulk variance for a front porch to wrap around the side of the house. Mr. Paiva was sworn in to testify. Mr. Paiva stated that the lot was purchased 23 years ago and is a little over a half acre in size. The house was built in 1986 and the Paiva's moved in the spring of 1987. The owners of Fox Film owned the lot adjacent to the property but would not sell the applicant 40 feet. A builder bought the lot next door which is a truly one-acre lot. The Paiva's cannot purchase land to the left or right of their property and are locked in. At the present time, the side yard encroaches by five (5) feet because it is 30 feet and the requirement is 35 feet. The porch will be six (6) feet leaving the left side at 24 feet and the right side will be 23 feet. The porch is six (6) feet with an overhand of eight (8) inches and a four (4) inch gutter. The frontage presently existing is 67 feet and will have a sixty (60) foot front yard setback with the porch.

A motion to approve the variance application was made by Bill Andrews, second by Patricia Dolan with Armstrong, Fahrenfeld, Sund, Telischak, Kibildis, Fitzgibbons and McGuire in favor. The applicant was also given permission to proceed under his own volition.

OPEN AND CLOSE TO THE PUBLIC

A motion to Open to the Public was made by Eric Wood, second by Ken Fahrenfeld with all in favor. There being no comments from the public, a motion to Close to the Public was made by Steven Sund, second by John Kibildis with all in favor.

New Cingular Wireless, LLC
Block 30 Lot 11.08
LU08-002
Revised Site Plan dated 6/22/09

The tower has been painted and the antennas lowered at the Sterling Mine. The revised plans show the new location for this carrier. Members asked Mr. Hauck if the fence has been repaired. Gene Buczynski stated that he met with their representative who marked what needs to be done. Chairman Armstrong remarked that the tower looks good and is an asset to the community. Mr. Hauck told the Board that the painting costs were being split between the mine and the two (2) tenants.

H. CHAIRMAN'S AGENDA

1. Land Development Ordinances - Suggested changes were discussed and carried to the next meeting. Some of that discussion included the following:

Swimming Pools – The Borough Council is proposing an ordinance to allow swimming pools in the side yard. Almost all residents have their pools in the rear yard. Vice-Chairman Andrews recalls two (2) residents coming before the Board for a variance to place a pool in the side yard. The Nies property is on a corner lot. The Board overruled the Zoning Officer's denial. Nies has two front lots. The Board approved that by saying that it wasn't a front lot. They are located on the corner of Wilson and Lincoln Avenues. The definition of the Portable Pool needs to be changed. Also the size of the pools and the fencing required should be added. Permits for the temporary (inflatable) pools will not be required in subsequent years after the initial permits are obtained. However, stakes should be placed for installation in future years. The Land Use Board needs to prepare the verbiage for this ordinance to be sent along with the other amendments. The Council accepts and approves the ordinances.

Accessory Apartments – These are meant to be for seniors related to the homeowner. Vice-Chairman Andrews inquired as to who will be policing this and how. Discussion included making the apartment a Conditional Use, a deed restriction, converting the mother/daughter back into a single-family residence when use is no longer needed, and placing the senior family member on the deed. Zoning Officer Kevin Kervatt recalled that Lafayette received an award for this type of housing, senior restricted accessory use, approximately twenty years ago. He will attempt to obtain the information on the Lafayette program. Fred Suljic noted that COAH strongly encourages these accessory apartments as an inexpensive way to add lower to moderate housing without having to build new housing. Richard Stein, Esq. stated that there is a provision in the Fair Housing Act that allows for age-restricted housing. So if it is done properly, it doesn't offend the Federal Anti-Discrimination Laws because federal law makes it illegal to discriminate on the basis of age in housing. Variances run with the land and not with individuals. The apartment

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would be a non-rental unit and would not be registered so no one could be evicted.

Storage of outside materials is permitted in the Light Industrial Use Zone.

2. Highlands Council Modules – Fred Suljic, P.P.

The non-developable and developable properties are by Block and Lot for the entire town. Block 25 Lot 1.03 and Block 4 Lot 1 need to be changed to developable. Modules 3 and 4 will be prepared with the COAH Plan to go with the Highlands and not going with Highlands. A subcommittee will meet at the end of August with the Chairman and Attorney to discuss the two visions. Subcommittee will be Vito Telischak, Ken Fahrenfeld and John Fierro and will meet on September 1st at 7:00 P.M.

3. Invoice Tracking – No comments.

4. Trial Balance on Escrow Accounts

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 Bill Andrews, second by Eric Wood with all in favor.

Respectfully Submitted by:

Blanche Stuckey
Land Use Board Secretary

Date of Approval