

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: February 22, 2011

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 February 7, 2011.

1. **ROLL-CALL:** **Present:** Armstrong, Andrews, Dolan, Fierro, Kibildis*, Telischak, Nasisi and Rizzo
Absent: Ciasullo, Fahrenfeld, Fitzgibbons, Honig and Sund
Professionals Present: David Maski and Roger Thomas, Esq.
Absent: Gene Buczynski
*Kibildis arrived at 7:05 P.M.

2. **APPROVAL OF MINUTES:**

A motion to approve the minutes from the January 25th meeting was made by John Fierro, second by Patricia Dolan with Armstrong, Andrews, Telischak, Nasisi and Rizzo also in favor.

3. **CORRESPONDENCE**

a. Chairman Armstrong read a letter of resignation from Ken Fahrenfeld. The Board regretfully accepted his resignation and the Chairman stated that he will be missed. John Kibildis added that Ken Fahrenfeld served with distinction and worked diligently on the Board. The Mayor will appoint someone to take his place.

Chairman Armstrong stated that we have received a Wind and Solar Energy Ordinance from Hardyston Township and the Board should entertain a wind and solar energy ordinance because he can see people putting up wind towers and solar panels. Attorney Thomas responded that there are certain modifications in the Municipal Land Use Law that occurred and made it clear that it has become a brand new priority. So for example, wind and solar have become beneficial uses and you need to take that into account in any actions you take. This would not only encourage but also to regulate. Both of those are important for any town.

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Councilman Andrews stated that the Mayor and Council are actively working on a Green Program where all the lighting is changed and the furnaces are changed over to natural gas. The Borough has a gas line coming into town; the main trunk is through here already so we can hook the furnaces up and it is all done through a grant.

Mr. Telischak remarked that he had read the entire ordinance from Hardyston and noticed that only one wind turbine was allowed per property and asked Attorney Thomas if he had written any which allow more than one. Attorney Thomas stated that he has not and he wrote the ordinances for two or three towns. There is not a great desire to end up having wind turbines because they generally need to have towers that are going to be significant. It is sort of like the debate with everyone wanting a cell phone but not a cellular tower. It becomes a desire to have them with regulations and that has been the policy established in the towns I represented.

Anthony Nasisi commented that the ordinance proposed the wind turbine having to be at a ten acre minimum and thought what they intended to mean was the tower. The turbine itself could be placed on a roof to catch the wind. Attorney Thomas concurred that there was an application where the turbine was a cylinder and it was only thirty feet tall which was attached to a facility which became a school. Members agreed to have Attorney Thomas bring back an ordinance for the Borough.

Chairman Armstrong questioned where Braen Aggregates is located. Members advised that the property is on Cork Hill Road which was previously owned by Limecrest. The property is in Franklin, Ogdensburg and Sparta.

4. OLD BUSINESS/NEW BUSINESS

- a. JBL-RAL, L.L.C.
Application LU 07-06
Block 35, Lot 15
Extension of Final Major Subdivision

John F. Sullivan, Esq. from the law office of A. Michael Rubin, the attorney for the applicant JBL-RAL, L.L.C. and this is an application for a one-year extension to the resolution approving the Major Subdivision that was granted by a resolution on March 10, 2009 giving a two-year period to satisfy the conditions which comes up due on March 10th, 2011. The applicant is asking for an extension to March 10th, 2012 and the basis for the extension is of course, the economic time we are living and the Permit Extension Act of 2008, and all those reasons of the economics where we have no demand of people obtaining mortgages, the uncertainty of the economy. For those reasons, the applicant would request that the time frame be extended for a one-year period. I do have with me here today, Joann Tracy, who is the Project Manager of the applicant and can answer any questions the Board has concerning this request.

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The applicant is current with their escrow funds. John Kibildis recused himself because his residence is adjacent to the property.

4. OPEN TO THE PUBLIC

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

5. CLOSE TO THE PUBLIC

A motion to close to the public was made by John Fierro, second by Vito Telischak with all in favor.

6. RESOLUTION

Attorney Thomas advised that pursuant to the Municipal Land Use Law Section 52 they are seeking the extension from Subsection C which is the economic distress section if you want to call it that and there has been a Permit Extension Act with regard to the economic conditions in the State of New Jersey as well as the entire country and it would appear to me that there is a valid basis for the grant on the one year request. I would recommend, however, that all of the conditions from the prior resolution would remain in full force and effect. It is also my understanding that there have been no changes in the zoning ordinances from the period of March 2009 until the present time, therefore, there is nothing that really would be of major concern in terms of the detriment regarding the modification to the ordinance. I recommend it be approved with regard to the implementation of all the prior conditions.

A motion to approve the resolution for the one-year extension for the applicant JBL-RAL, LLC was made by Patricia Dolan, second by Bill Andrews with Armstrong, Fierro, Telischak, Nasisi and Rizzo also in favor and Kibildis recused.

7. CHAIRMAN'S AGENDA

a. Redevelopment Plan

To bring the public up-to-date, we had a Redevelopment Area, had a public meeting on it and the Concept Plan was submitted by Dykstra. The Concept Plan is now in review by the Subcommittee and our Planner David Maski and the Council is waiting for our opinion. John Kibildis reported that three members of the Subcommittee met. Discussion revolved around some of the concepts that had been thrown out regarding the Edison house and the parking lot, etc. Chairman Fitzgibbons thought that maybe we are looking at this thing too narrowly regarding the two pieces of property the Borough owns. Maybe we should be including the properties on Kennedy behind the consignment shop all the way to North

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Clark, etc. Rather than rush into something, a long-range plan can be developed for Main Street. Perhaps the Road Dept. can maintain the empty lot and have the Sheriff's Program to dress up that building a little bit until we decide what is going to be done.

Chairman Armstrong stated that the compelling reasons for redevelopment are seven (7) criteria but we expand it. Planner Maski responded that it must meet at least one. Now the two lots that were thrown into this redevelopment project. The redevelopment started with the property in back of the Borough Hall which sits vacant and the Council thought there would be a financial benefit by getting that land developed and get more ratables on the tax roll. The Council added these two lots which is owned by the Borough of Ogdensburg located downtown. One is a house which burnt down and was removed and the other one is a house that is vacant so what is the reason that could be included in the redevelopment. Planner Maski responded that the question is what needs to be done under the statutory redevelopment process. The Borough owns the property and could put in a parking lot tomorrow. The reasons for the statutory designation process is to use eminent domain or to transfer municipal owned property without the usual bidding process. If you are not going to do any of those, maybe only zoning needs to be changed and/or permitted use. A suggestion was made to speak to the property owners on Main Street to buy into the concept.

The Board has been discussing the revitalization of Main Street and now we are intertwining all of these together. Discussion continued with ideas for incorporating many of the area properties for downtown access and parking, etc. Chairman Armstrong would like to see a plan for Main Street with historical signage, sidewalks, etc. Government only grants funds for paperwork and this building and Main Street hasn't had any changes.

Our Zoning Ordinances state that a retail business occupies the first floor of the building with residences on the upper floors. Unfortunately with the economic conditions and the emergence of big chain stores, property owners will be have vacant storefronts. John Fierro pointed out that the Borough or the businesses do not have the funding for the Main Street Revitalization. Is our ordinance correct? Vito Telischak was denied a variance because it wasn't our vision for the town. As our Planner, you're looking at our CR Zone and you say it fits your Master Plan. Now for revitalizing Main Street, the Planner outlines 25 steps to include sidewalk systems, signage system and the parking problem. Parking will benefit the Borough and no parking will affect the Borough in a certain way. The Road Department can put in 2,000 hours to put in the sidewalks.

Patricia Dolan stated that once we have our concept plan, we need to share it with the people that are going to be put a part of it and see if they are willing to get on board. Chairman Armstrong added that if the Planner and the Board can prepare the plan before the summer, we give it to the Council outlining the steps on how to accomplish the revitalization. Get the property owners to get involved and encourage the Council to move ahead.

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Members voiced their concerns and frustrations regarding the Main Street Revitalization Plan because nothing seems to get done. We did not have that property on Main Street until 2010 and we did not have the opportunity to provide a parking lot. On the other hand, improvements were noted such as the Atlantic Manor, Bob Smith's apartment house and Danforth's showroom. There is no parking for the retail stores at the present time.

In the last 24 months, a Property Maintenance Code was initiated. Second thing was that we now own those two lots on Main Street. The third thing was the Atlantic Manor coming into town. The fourth thing would be to reclaim the sidewalks.

Businesses need appearance for marketability, customers and traffic. There is more traffic than ever but they need the ability to stop and park. Let's finish up what we are doing here so that we can give it to the Council. We have had the vision for years but not the direction necessary.

Planner Maski said he could understand the frustration. You need a very strong, clear vision which everyone will buy into – the residents, property and business owners. Then you need a strategic plan, an action agenda and you put a time frame on it. The first six months you do a code enforcement blitz under your property maintenance code. How much of the streets, sidewalks and curbs can you upgrade. You can have parking on both sides of the street. If you don't have sidewalks, you don't have a Main Street. The plan will outline what type of sidewalk and curb required and be ready for any stimulus funds. Ogdensburg has never received any funding. Planner Maski will develop a step by step plan.

Vito Telischak presented a beautiful carriage house for a business but the public didn't want it. Meeting with the public outlining opportunities in the Borough. The Board approved another project for Vito Telischak but rescinded the approval because of public complaints. After five years and \$113,000, the project finally went through. John Fierro will join the Subcommittee on the Redevelopment Plan.

Planner Maski distributed information regarding the Redevelopment Process and the Required Elements of a Redevelopment Plan. Dykstra's report was a Concept Plan and not a Redevelopment Plan. Planner Maski distributed examples of Redevelopment Plans. The Borough does not need a Redevelopment Plan to sell the property and tell the buyer what is permitted there. Zoning would need to be changed before putting the property for sale.

In a strong market, a commercial or professional building wouldn't pull businesses away from Main Street. When you drive into Sparta, all of the old homes have been changed into professional offices. Board discussed other parcels in the Main Street area good for parking downtown.

8. OPEN TO THE PUBLIC

A motion to the open the meeting to the public made by John Fierro, second by Bill Andrews with all in favor. Sally Mason suggested parking meters for the parking lot and also names on bricks to generate revenue. The sidewalks are hidden under the dirt and the roads are higher. Jean Castimore had asked what restrictions there are with the County. Permission is needed to install a driveway. Sally Mason suggested work getting done by community service people. The Sheriff's SLAP Program previously worked on the Main Street property and will be contacted for manpower again. Decision has not made regarding the Edison house.

9. CLOSE TO THE PUBLIC

A motion to close to the public was made by John Kibildis, second by Vito Telischak with all in favor.

Vito Telischak inquired what Planner Maski thought about the Main Street properties and he said he would take the house down to make a decent sized parking lot. A parking analysis should be done because there could be parking in other areas. The reason the school will not allow public parking is because of the liability and the restaurant which serves liquor. Perhaps the lot can be swapped for another. A look at all of the alternatives needs to be done. Anthony Nasisi volunteered to shovel and sweep the sidewalks and Bill Andrews will join him. Vito Telischak asked if the parking by the recycling center is owned by the Borough or the Fire Dept.

10. ADJOURNMENT

A motion to adjourn was made by Chairman Armstrong, second by Vito Telischak with all in favor.

Respectfully Submitted by:

Blanche Stuckey
Land Use Board Secretary

Date of Approval

