

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: March 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. MEMBER CHANGES

Chairman Armstrong announced that Elliott Honig has been upgraded to regular Member and Thomas Horuzy will be joining the Board as an Alternate Member. Thomas Horuzy was sworn in by Attorney Thomas.

- 2. ROLL-CALL:** **Present:** Armstrong, Andrews, Dolan, Fierro, Honig, Kibildis, Telischak, Nasisi and Horuzy
Absent: Ciasullo, Fitzgibbons, Rizzo and Sund
Professionals Present: Gene Buczynski and Roger Thomas, Esq.
Absent: David Maski

3. APPROVAL OF MINUTES:

A motion to approve the minutes from the February 22nd meeting was made by Vito Telischak, second by John Kibildis with Armstrong, Andrews, Dolan, Fierro, and Nasisi also in favor with Honig and Horuzy abstaining.

4. CORRESPONDENCE

- a. Correspondence regarding AA-1 Self Storage – Bill Andrews questioned whether outside storage is allowable in that zone and Kevin Kervatt stated that the area in question is centrally located on the property, allows for outside storage and is pretty well buffered. Vito Telischak said that he took a ride up there and saw construction vehicles and equipment between the last row of storage units and Shufat's property which is in the Light Industrial/Commercial Zone. Part of the property is in the R-40 Zone.

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5. OLD BUSINESS/NEW BUSINESS

- a. REW Property Management, LLC
Block 21 Lot 12.03
Appeal of Denial of Zoning Permit for Spray Booth

Attorney Thomas stated that this application is different than an application for a variance or subdivision in that the applicant is appealing the denial under Section 70b of the Municipal Land Use Law. The Board is being asked to be the determiner of whether the denial was appropriate under the circumstances. The applicant is seeking to advise you why the permit should have been issued and present testimony with regard to those elements relevant to that issue. John Fierro questioned if Kevin Kervatt as Zoning Officer was against the application or if he felt that Board approval was necessary. Mr. Kervatt indicated that the impact would be greater than the previous use and the application warranted Board approval.

Vito Telischak remarked that the facility on 60 Kennedy Ave. was formerly a brush factory owned by Ed Boscia and he produced brushes with various bristles and handles. Glues and finishes were probably used in the production of the brushes.

Kevin Kervatt was sworn in by Attorney Thomas in order to give testimony on the application. Vito Telischak questioned if the applicant will make cabinets and finish them on the premises and Mr. Kervatt stated that the applicant is asking for a custom cabinet making operation where the cabinets will be made and finished. Chairman Armstrong asked where is the greater impact and Mr. Kervatt said he was concerned if odors would be emitted from the spray booth into the area and if there would be an increase in truck traffic. There was a considerable amount of truck traffic when the brush factory or printing company were there. The property is in the Light Industrial/Commercial Zone and not adjacent to any residential properties.

Attorney Thomas swore in Jerry Williamson of 12 Pelletown Road, Lafayette to testify and appeal the denial of the zoning permit. Mr. Williamson distributed a brochure to the Board entitled "Lazarus and Williamson" which has been marked as Exhibit A1. Our company has been in business for eleven (11) years and I am a partner. My business consists of about 4 to 5 people and presently rents a space in Paterson where I manufacture one-of-a-kind pieces of furniture and cabinetry. Our company is not a distributor to furniture companies but a small company which does residential woodworking anywhere from a kitchen to a dining room table to a wall unit. Our supplies are delivered a couple of times a week. Our company builds everything with our woodworking tools and then the product is finished, delivered and installed.

For the finishing, we would like to install a spray booth and have information pertaining to the spray booth from the Auto Body Toolmart company which has been marked as Exhibit A2. All of the safety and/or ventilation and/or air pollution requirements are uniform

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throughout the manufacturer's grouping of product. It's just different in the matter of size. At the present time, the company uses a spray booth in a Wayne facility. Discussion continued regarding the amount of days the spray booth would be in use. It was indicated that there is a spray booth at the Getty station and another automotive facility. Spray booths must meet all codes and be inspected annually. It was pointed out that there have not been any complaints regarding the existing spray booths in the Borough. Stains are not sprayed but are wiped on and the lacquers are sprayed on and both are applied in the spray booth. Applicant intends to move his Paterson and Wayne operations to the facility in the Borough. Sale of the premises is contingent on the applicant receiving approval for the spray booth.

6. OPEN TO THE PUBLIC

A motion to open the meeting to the public was made by John Fierro, second by Vito Teliscak with all in favor. Sally Mason of 109 High Street asked the applicant regarding the waste disposal. Applicant stated that the liquids are placed in containers and picked up by a private hazardous waste company. Sally Mason remarked that a garage in the Borough dumped their waste in the back of the property years ago; therefore, this disposal was a concern.

Vito Telischak made a motion to reverse the denial of the zoning permit in review of the discussion previously held and the testimony that we have heard from the professionals and the applicant to allow the use of a cabinet shop at 60 Kennedy Avenue and the spray booth incorporating compliance to all applicable agencies, fire compliance, etc., second by Patricia Dolan with Armstrong, Andrews, Fiero, Honig, Kibildis, Nasisi and Horuzy also in favor.

7. NEW BUSINESS/OLD BUSINESS

b. AA-1 Self Storage

Chairman Armstrong prefaced the discussion by noting that AA-1 Storage had a complaint which was given to the Zoning Officer and the Zoning Officer sent AA-1 a letter. The complaint was twofold – one was that they were storing things outside which was visible by the neighbors. Mr. Kervatt stated that the storage was only visible from a private driveway. Mr. Honig recused himself from the discussion and stepped down from the dais. It was determined that Mr. Kervatt does not need to recuse himself but he is acting as a township official. Attorney Thomas stated that all the Board has is a letter and does not have jurisdiction on the matter at this time and he suggested that the Board should be careful forming any opinions regarding this matter. Outdoor storage of materials is permitted, provided that said outdoor storage is out of public view and and/or buffered from the view of adjacent properties and residential zones and public roads.

All of the correspondence will be given to Kevin Kervatt, Zoning Officer for handling. Bill Andrews suggest that Mr. Kervatt look to see if the signage is allowable. The van is legal but the signs are banners on the vehicle.

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Attorney Thomas explained case law and its relevance to Board members who are also within the 200 foot parameter of an application.

8. BILLS/VOUCHERS

Dated 11/31/10 from Dolan & Dolan, Esqs. re: Extreme Energy Solutions	\$513.07
Dated 1/31/11 from Dolan & Dolan, Esqs. re: General	\$362.90

A motion to approve the bills and vouchers was made by John Fierro, second by Patricia Dolan with Andrews, Honig, Kibildis, Telischak, Rizzo, Horuzy and Armstrong also in favor.

9. EDUCATION

Chairman Armstrong stated that the new Board members will need to take a course and Attorney Thomas said that he will be scheduling a course sometime in June for Morris, Sussex and Warren County Board members. Attorney Thomas is licensed in the State of New Jersey to teach this course.

10. CHAIRMAN'S AGENDA

a. Redevelopment Plan

Everyone has received the report by David Maski, Planner which was privy only to the Sub-Committee for awhile but has been given to everybody. Chairman Armstrong remarked that it is one of the most enlightening documents he has read from a Planner in quite some time. The Sub-committee will meet one more time so that by next month we will have our final recommendation to the Council.

b. MNB Realty

Attorney Thomas brought up that we received a letter from Connell Foley LLP dated March 15, 2011 regarding a Final Settlement Agreement with the NJDEP. Attorney Thomas and Gene Buczynski, Engineer suggested that we obtain the revised plans that were submitted to NJDEP. Chairman Armstrong agreed and Attorney Thomas will request that plans be sent to Gene Buczynski for his review.

11. OPEN TO THE PUBLIC

A motion to open the meeting to the public was made by John Fierro, second by John Kibildis with all in favor. Kevin Kervatt stated that the Fire Dept. would like to put an addition on the existing building and asked Attorney Thomas if they would be exempt from any of the requirements. Attorney Thomas asked if the Fire Dept. is a separate entity or part of the Borough government. Kevin Kervatt stated that the Fire Dept. is a volunteer agency and incorporated. Attorney Thomas requested that Kevin Kervatt call him to discuss.

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Sally Mason, 109 High Street, was wondering with regard to outside storage what was allowed such as the junkyard on Cork Hill Road. Chairman Armstrong commented that we have the Land Development Ordinances to specify where outside storage is allowed and that it should not be visible to the public. The junkyard license is under the Council's jurisdiction.

12. CLOSE TO THE PUBLIC

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

13. ADJOURNMENT

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

Respectfully Submitted by:

Blanche Stuckey
Land Use Board Secretary

Date of Approval

