

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: February 26, 2013

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 15, 2013.

1. **ROLL-CALL:** **Present:** Armstrong, Andrews, Ciasullo*, Dolan, Fierro, Fitzgibbons, Honig, Kibildis, Telischak, Horuzy, Nasisi and Rizzo
Absent: Sund
Professionals Present: Roger Thomas, Esq.
Absent: Eugene Buczynski, David Maski
*Mayor Ciasullo arrived at 7:15 P.M.

2. **APPROVAL OF MINUTES:**

A motion to approve the minutes from the January 22nd, 2013 meeting was made by John Fierro, second by Patrick Fitzgibbons with Armstrong, Andrews, Honig and Rizzo also in favor, and Dolan, Kibildis, Telischak, Nasisi and Horuzy abstaining.

3. **OATHS OF OFFICE**

Attorney Thomas administered the Oath of Office to Patricia Dolan, John Kibildis and Thomas Horuzy.

4. **OLD BUSINESS/NEW BUSINESS**

- a. *Charles Castiglione – LU12-002*
Block 8 Lot 4.02
Non-Conforming Use – “D” Variance

Chairman Armstrong stated that this is a continuation from last month's meeting. The applicant is seeking to obtain a “D” variance at this time. After closing on the property, he will submit a site plan application for an office trailer. Attorney Thomas explained that only seven (7) eligible members can vote on a “D” variance. Attorney Williams was present to answer any questions from the Board and the public.

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Chairman Armstrong recapped the intent of the application and previous uses on this lot. Mr. Kibildis inquired about the previous uses and when does abandonment occur. Abandonment does not occur after a certain period of time. The approval can include a condition which will allow the trucking business until it is stopped by Mr. Lynch. There is no license in the State lexicon for antique or classic cars. Ms. Dolan asked if the age or value determines an antique or classic car. Mr. Castiglione stated that it is determined by the age of the vehicle. Specialty cars are of a limited edition.

Mr. Horuzy asked if there will be a limit to the amount of the vehicles. The intention is to limit the approval to ten (10) vehicles. Mr. Kibildis understands that no major repairs will be made at the location but that means a tow truck might come in occasionally. Mr. Castiglione will not have a tow truck on the property.

Discussion continued regarding the uses and Mr. Fierro believed that the approval will be for one (1) use with a condition for the use of one (1) truck for Mr. Lynch. Therefore, when the trucking use stops, that condition will expire. Mr. Honig asked how important it was for Mr. Lynch to have his truck there because of the noise some of the residents complained about. Mr. Fierro interjected that the testimony from most of the residents stated that conditions were much better than in the past and were concerned about the truck owner in his ability to function.

Chairman Armstrong said that there is nothing to stop the landowner to go back to six (6) uses tomorrow or to sell to someone with dump trucks. Chairman Armstrong said this is the window to restrict the use of the land that would make it more residential friendly. Mr. Kibildis asked Mr. Lynch, the owner of the property, if the approval is denied, does he have an alternate plan. Mr. Lynch replied that he would have to find another buyer and in fact, had a gentlemen interested in opening an auto repair facility there but did not take his offer.

Mr. Kibildis asked if it is the feeling of the members that the residents were comfortable with this non-conforming use and members agreed.

5. OPEN TO THE PUBLIC

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

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James Bis, 14 Highland Avenue, said that he has seen Mr. Lynch once, maybe twice in the last six (6) years and never had a problem with noise or anything. Again, I don't know what the situation will be once the new owner is in place running his business. It could be better or could be worse. The last six (6) companies were a nightmare with fumes and everything. My only concerns are the privacy with someone coming to look at the vehicles. Major work will be performed off the premises. Restoration and some engine work will be done on the premises. No work will be done after 7:00 P.M. or on Sundays. Mr. Castiglione's cousin or wife might be there to answer the phone.

Mr. Telischak wanted to know if Mr. Castiglione works on performance cars and he said no. Mr. Kibildis wanted to know about the condition of the lot and what will be done about it. Mr. Castiglione plans to repair the sheds, remove the debris, put gravel down, vinyl siding on the building, etc.

6. CLOSE TO THE PUBLIC

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

Attorney Thomas outlined the specifics of the approval: for the specific use for the purchase and sale of antique, classic and specialty cars subject to a Used Car License issued by the State of New Jersey, the sale would be on-site and through the internet, no banners and only one sign, a maximum of ten (10) cars on site with some in the garage, restoration but no major repairs, no body work or painting allowed on site, work activity limited to 7 PM, work on Saturday but not on Sunday, cars will be owned by the owner of the site, the present owner, Mr. Lynch, will be allowed to maintain his truck on the site as long as he maintains that business but the condition will not run with the land. Further, it will be agreed that the debris on the property will be removed within three (3) months of the approval and that there would be as a condition of this approval, the abandonment of the 1996 resolution.

Mr. Kibildis asked if it is necessary to define antique, classic and specialty cars. Attorney Thomas answered that the Board should rely on the applicant's testimony regarding the types of vehicles owned.

A motion to approve was made by John Fierro, seconded by Elliott Honig with Armstrong, Dolan, Fitzgibbons, Kibildis and Rizzo also in favor.

7. OATHS OF OFFICE

Mayor Steve Ciasullo and Anthony Nasisi were sworn in by Attorney Thomas.

8. CHAIRMAN’S AGENDA

Streetscape Project – Chairman Armstrong met with Shelly McGregor and Gene Buczynski who supplied us with a preliminary street plan. There are some issues which need to be resolved such as flower plants, trees, benches, trash cans, signs, town clock, lighting. Other concerns were: can Atlantic Manor create a wall and get rid of the bank or leave the bank? The inlet by Hardee’s Pizza – how big and what is the inlet and outlet? The lot adjacent to Sam’s Deli which is owned by the town will be a parking lot. There are five (5) poles that we have issues with. JCP&L in the past charged \$5,000 per pole which is ridiculous. The ballfield past the Firehouse will not have a sidewalk according the plan. What colors should the pavers be – the school colors? Chairman Armstrong attended the Council meeting last night and gave the same report and informed the Council that he wants to attend all of their meetings to give them updates. An ad hoc committee is being formed to research and resolve the issues and report to the Board. Chairman Armstrong is meeting with all of the businesses on Main Street.

Discussion continued with regard to the parking areas fronting Danforth’s and the pizza restaurant, the low sidewalk by the consignment store and pub, water valves by the curb and gas lines. Mayor Ciasullo spoke to the gas company last week and they will come back next month with a report on where they can run the lines, etc. Mr. Honig said he asked and that it would cost \$150,000 to run a gas line on his street.

Mayor Ciasullo said that there can be more phases of the Streetscape in the future and that is why it is important to get this one right and set an example. Chairman Armstrong spoke with the Historical Society to obtain their input. Members discussed the possibility of a town clock and townsquare. Mayor Ciasullo suggested donations from residents such as a “buy a brick” program. Members talked about Main Street owners improving the look of their buildings and possible tax abatements. A barber shop will be opening up where the ice cream parlor was located. Areas for parking were discussed such as the lot next to Sam’s Deli, the Edison house lot and the paper road with access from Edison Road. A property swap with a Main Street owner was suggested.

9. BILLS/VOUCHERS

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| Dated 1/31/13 from Dolan & Dolan, Esqs. for Charles Castiglione | \$ 569.10 |
| Dated 1/31/13 from Dolan & Dolan, Esqs. for Dion Derkach | \$ 179.29 |
| Dated 2/5/13 from Van Cleef Engineering Assoc. for General | \$ 93.75 |
| Dated 2/5/13 from Van Cleef Engineering for Charles Castiglione | \$ 218.75 |

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

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10. OPEN TO THE PUBLIC

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

Jean Castimore of 63 Main Street inquired about when the Streetscape maps would be available to the public and Chairman Armstrong said sometime after April.

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

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