

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: February 24, 2015

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 20, 2014.

- ROLL-CALL:**
Present: Armstrong, Andrews, Ciasullo, Fierro, Fitzgibbons*, Honig, Kibildis, McGuire, Rizzo and Telischak
Absent: Nasisi and Horuzy
Professionals Present: Gene Buczynski and Roger Thomas, Esq.
Absent: Dave Maski
*Mr. Fitzgibbons arrived at 7:05 P.M.

- APPROVAL OF MINUTES:**

A motion to approve the minutes from the October 28th, 2014 meeting was made by John Kibildis, second by John Fierro with Armstrong, McGuire, Honig, Telischak and Rizzo also in favor and Ciasullo and Andrews abstaining.

- OFFICES AND APPOINTMENTS:**

Attorney Thomas called for a motion for Chairman of the Land Use Board for 2015. A motion to appoint Robert Armstrong as Chairman was made by John Fierro, second by Vito Telischak with Ciasullo, Kibildis, McGuire, Honig, Andrews and Rizzo also in favor.

A motion to appoint Patrick Fitzgibbons as Vice Chairman was made by John Kibildis, second by Elliott Honig with Armstrong, Ciasullo, McGuire, Fierro, Telischak, Andrews and Rizzo also in favor.

A motion to appoint Blanche Stuckey as Secretary to the Land Use Board was made by Chairman Armstrong, second by John Kibildis with Ciasullo, Fierro, Fitzgibbons, Honig, McGuire, Telischak, Andrews and Rizzo also in favor.

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A motion to appoint Dolan and Dolan, P.A. was made by Chairman Armstrong, second by John Kibildis with Ciasullo, Fierro, Fitzgibbons, Honig, McGuire, Telischak, Andrews and Rizzo also in favor.

A motion to appoint Van Cleef Engineering as Engineer and Planner was made by Chairman Armstrong, second by John Kibildis with Ciasullo, Fierro, Fitzgibbons, Honig, McGuire, Andrews, Rizzo and Telischak also in favor.

A motion to designate the New Jersey Herald and the Sunday Herald as the official publications for legal notices and the meeting dates for 2015 was made by Chairman Armstrong, second by Vito Telischak with all in favor.

Chairman Armstrong appointed John Fierro and Thomas Horuzy to be on the Completeness Review Committee with him.

4. OATHS OF ALLEGIANCE:

Chairman Armstrong informed everyone that Miss Dolan has resigned from the Board and Mr. Kibildis has been appointed to be the Class II Member as a Trustee of the Borough. Also, Mr. Andrews has been appointed as a Class IV Member serving for many years on the Board and leaving for a brief time to be on the Council.

The following members were sworn in by Attorney Thomas:

<i>Mayor Steve Ciasullo-</i>	<i>Class I Member</i>
<i>Councilman Rob McGuire-</i>	<i>Class III Member</i>
<i>John Kibildis-</i>	<i>Class II Member</i>
<i>Vito Telischak-</i>	<i>Class IV Member</i>
<i>Elliott Honig-</i>	<i>Class IV Member</i>
<i>Bill Andrews-</i>	<i>Class IV Member</i>

5. CORRESPONDENCE

The Secretary informed the Board Members that there is more information on the JCP&L correspondence. Chairman Armstrong stated that if the Borough takes on the lake, in the Highlands Master Plan the State will perform vegetative maintenance.

6. OLD BUSINESS

- a. *Cello Partnership d/b/a Verizon Wireless*
230 Passaic Avenue, Block 30 Lot 11.08
Memorialization of Resolution for Minor Subdivision

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A motion to memorialize the resolution for the Cellco Partnership application was made by John Fierro, second by Elliott Honig with Armstrong, Fitzgibbons, Ciasullo, Kibildis, McGuire, Telischak and Rizzo also in favor and Andrews abstaining.

7. OPEN TO THE PUBLIC

A motion to Open to the Public was made by John Kibildis, seconded by Patrick Fitzgibbons with all in favor.

8. CLOSE TO THE PUBLIC

A motion to Close to the Public was made by John Kibildis, seconded by Patrick Fitzgibbons with all in favor.

9. ATTORNEY'S REPORT

Attorney Thomas stated that he will have a report for the next meeting.

10. CHAIRMAN'S AGENDA

a. Trial Balance Escrow Report – Chairman Armstrong noted that Ficor still has a balance which is the guiderail company. Mr. Fierro asked if AA-1 Storage was sold and Mr. Kervatt said that he met the people who want to purchase it.

11. NEW BUSINESS

Chairman Armstrong stated that the following presentation is not a formal application. Mr. Kervatt appeared before the Board regarding the property at 51 Main Street which was an approved application in 2013 for a change of use from a pizzeria to a deli convenience and bagel store. The applicant decided not to pursue the business and a person has applied for a zoning permit for a Dunkin' Donuts. A brief discussion ensued regarding the lighting and the signage. If the proposed sign is larger than permitted by ordinance, the applicant will need a variance. The hours of operation will be from 5:00 A.M. to 11:00 P.M. and there is no drive-thru. There will be no frying on the premises and therefore, does not require a grease pit. The entrance is from Main Street and the exit on Spring Street.

12. OPEN AND CLOSE TO THE PUBLIC

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

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13. BILLS/VOUCHERS

Dated 11/4/14/ from Van Cleef Engineering Assoc. re: Cellco Partnership	\$500.00
Dated 11/28/14 from Dolan & Dolan, Esqs. re: Cellco Partnership	\$124.96
Dated 11/28/14 from Dolan & Dolan, Esqs. re: General	\$302.74
Dated 12/31/14 from Dolan & Dolan, Esqs. re: Cellco Partnership	\$179.71
Dated 12/31/14 from Dolan & Dolan, Esqs. re: 100 Plant Street	\$ 49.77
Dated 1/19/15 from Van Cleef Engineering re: General	\$ 62.50

A motion to approve the bills and vouchers was made by Patrick Fitzgibbons, seconded by John Fierro with Armstrong, Ciasullo, Kibildis, Honig, McGuire, Telischak, Andrews and Rizzo also in favor.

14. MAYOR'S REPORT

Mayor Ciasullo notified the Board that at last night's Council meeting, the Council discussed potential changes up at Heater's Pond. A public meeting will be scheduled later this month to discuss several options. There needs to be improvements to the dam on the right hand of the spillway. By the end of the year, there will be an improvement or some type of change. Chairman Armstrong suggested an ad hoc committee to research funding or grants. The first option would be nothing changing except for the armoring up the embankment; two of the options are dropping the water level and the last option is to remove everything and bringing it back to its natural state. The three options would include money and potential improvements down the road and cost to the Borough. In the last option, the Borough would lose the fees by bringing it back to its natural state. Engineer Buczynski stated that when he and the Mayor met with State officials down in Trenton, they discussed funding, etc. The armoring of the spillway would cost \$400,000 and \$450,000.

Mr. Fitzgibbons related that in 1953 the development below the pond flooded because the spillway was extended. Mayor Ciasullo said that the State has a low-interest loan of \$660,000 which the Borough could use and there is another \$400,000 the Borough has. The dam has been classified as a high-damage dam. The taxes can only be raised by 2% so other services would have to be cut. If nothing is done, the fine is \$2,000 per day. Attorney Thomas said that one of his colleagues represents thirty five (35) private lakes and the State is going around to all of the private and public lakes to make the dams safer. Mayor Ciasullo stated that the State guidelines can change in the future and the costs can escalate.

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15. ADJOURNMENT

A motion to adjourn was made by Patrick Fitzgibbons, second by John Kibildis with all in favor.

Respectfully Submitted by:

Blanche Stuckey
Land Use Board Secretary

Date of Approval