

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: April 28, 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.

- 1.. **ROLL-CALL:** **Present:** Armstrong, Andrews*, Fierro, Fitzgibbons, Honig, Horuzy, Kibildis, McGuire, Rizzo and Telischak
Absent: Ciasullo and Nasisi
Professionals Present: Gene Buczynski, Michelle Corbett-Rivielle
Absent: Dave Maski
* Mr. Andrews arrived at 7:10 P.M.

2. **APPROVAL OF MINUTES:**

A motion to approve the minutes of the February 24th, 2015 meeting was made by Elliott Honig, second by John Kibildis with Armstrong, Fitzgibbons, Fierro, McGuire, Rizzo and Telischak also in favor and Horuzy abstaining.

3. **OLD BUSINESS/NEW BUSINESS**

- a. *Ogdensburg Donuts, LLC #LU15-001*
51 Main Street, Block 10 Lot 1
Bulk "C" Variance for Sign

The applicant, Mr. Lino Santos, Attorney Glenn Williams and Engineer George Gloede were sworn in by Attorney Michelle Corbett-Rivielle. Mr. Williams of the firm Kaplan, Williams & Graffeo LLC appeared before the Board on behalf of the applicant for a bulk "c" variance application for one pylon sign. The volume of signage has been decreased to one pylon sign and the monument sign will be removed. Mr. Williams introduced Mr. George Gloede to the Board. Mr. Gloede is the President of G. Gloede & Associates and is a licensed professional engineer in the State of New Jersey and in the State of New York and a licensed professional planner in the State of New Jersey practicing since 1986. The Board accepted Mr. Gloede's credentials as an expert.

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Mr. Gloede notified the Board that the size of the sign is 19.18 sq. ft. which is 3 sq. ft. over the 16 sq. ft. size in the ordinance. The cost to have a sign made smaller would be four to five times higher. The variance would be for the squared off size of 21.48 square feet. The free standing size will be fifteen (15) feet high and will be eight (8) feet from the ground. This allows a line of sight from the street and parking lot. Chairman Armstrong noted that the signs for the gas stations in town are high. Engineer Buczynski noted that the sign will be less than ten (10) feet from the curb line but would be in the parking lot otherwise. The County Engineering Dept. will need to approve the permit. The brightness of the sign was discussed and Mr. Santos said that he will request the lowest intensity of light. It was agreed that there is enough room to enter and exit onto Main Street and onto Spring Street.

Mr. Telischak recused himself from voting since he is an adjacent property owner.

5. OPEN TO THE PUBLIC

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

Mr. Bill Macko from Lafayette appeared before the Board and stated that his mother lives on Spring Street. Mr. Macko asked Mr. Santos if he asked the neighbor to remove his tree and Mr. Santos stated that he did not and the monument sign will be removed and replaced with grass. There will be curbing at the base of the new sign to prevent cars from hitting it.

Mr. Vito Telischak, 52 Main Street, appeared before the Board and said that there is a street light approximately 40 feet from where the sign will be located. The sign will be encapsulated in a white frosted case and shouldn't be too bright and the sign on the building will be the same. The sign will only be on until 11:00 P.M.

6. CLOSE TO THE PUBLIC

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

A motion to approve the "c" variance for the sign as modified in the testimony was made by John Fierro, second by Patrick Fitzgibbons with Armstrong, McGuire, Honig, Andrews, Rizzo and Horuzy also in favor and Kibildis voting in the negative.

7. OLD BUSINESS/NEW BUSINESS

b. Thomas and Jacqueline Ward #LU15-002

76 Passaic Ave., Block 23 Lot 5

Variance for Swimming Pool

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Mr. Thomas Ward appeared before the Board and was sworn in by Attorney Corbett-Rivielle. Mr. Ward stated that he would like to install a swimming pool on his property. Chairman Armstrong said that the problem is that the Ward's are on a corner lot. Zoning Officer Kervatt informed the Board that the property is on three (3) streets, Passaic, Center and a paper road on the side of their property which is Meadow Road. Attorney Corbett-Rivielle stated that the application is not for an appeal but rather for a bulk variance. The Zoning Permit was denied because of the uniqueness of the property. Board Members noted that the other neighbors on Center Street have swimming pools.

A motion to approve the bulk variance for the swimming pool was made by Councilman McGuire, second by John Fierro with Armstrong, Fitzgibbons, Kibildis, Honig, Telischak, Andrews, Rizzo and Horuzy also in favor.

8. BILLS/VOUCHERS

Dated 1/30/15 from Dolan & Dolan, Esqs. re: 100 Plant Street	\$144.49
Dated 2/27/15 from Dolan & Dolan, Esqs. re: General	\$233.71

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

9. ATTORNEY'S ANNUAL REPORT

Chairman Armstrong thanked Dolan & Dolan for the Annual Report.

10. CHAIRMAN'S AGENDA

a. Invoice Tracking Report – Mr. Fitzgibbons asked if the bills were being paid on time and there was some time between the receipt of the invoices and payment. The reason for the delay was due to the fact that the Board did not meet to approve the invoices.

b. Trial Balance Escrow Report

The Secretary informed the Board that there is an error in the report since both the application fee and escrow deposit for Ogdensburg Donuts were placed in their escrow account.

10. OPEN TO THE PUBLIC

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

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11. CLOSE TO THE PUBLIC

There being no members from the public, a motion to Close to the Public was made by Elliott Honig, second by John Kibildis with all in favor.

12. ADJOURNMENT

A motion to adjourn was made by Vito Telischak, second by Councilman McGuire with all in favor. Meeting adjourned at 8:07 P.M.

Blanche Stuckey
Land Use Board Secretary

Date of Approval