

# **BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES**

**MEETING DATE:**           **October 24, 2017**

**CALL TO ORDER:**           The meeting of the Ogdensburg Land Use Board was called to order at 7:08 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 17, 2017.

1.   **ROLL-CALL:**           **Present:** Armstrong, Fierro, Fitzgibbons, Nasisi, Kibildis, Honig, McGuire, Telischak and Andrews  
**Absent:** Horuzy and Slater  
**Professionals Present:** Michelle Corbett-Rivielle  
**Professionals Absent:** Gene Buczynski, P.E.

## 2.   **APPROVAL OF MINUTES**

A motion to approve the minutes of the September 26, 2017 meeting was made by John Kibildis, second by Bill Andrews with Armstrong, Nasisi, Honig, Telischak, Andrews, McGuire, Kibildis also in favor and Fierro abstaining.

## 3.   **OLD BUSINESS/NEW BUSINESS**

- a.   Mar Display LLC – Proposed Light Manufacturing and Assembly  
    150 Main Street, Block 25 Lot 1.01

Chairman Armstrong stated that Mar Display LLC wants to rent a portion of the building at 150 Main Street and Mr. Gigantelli appeared before the Board last month to appeal the denial of his zoning permit. The Board heard testimony and agreed to approve the occupancy. Mr. Fitzgibbons noted that the resolution states that the applicant is the owner of the building but he will be a tenant. A motion was made to memorialize the amended resolution by Vito Telischak, second by John Kibildis with Armstrong, Fitzgibbons, Nasisi, Fierro, Honig, Andrews and McGuire also in favor.

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### b. Driveway Ordinance

Last meeting there was some discussion on the driveway ordinance. Gene Buczynski wanted to be here to participate in that; but to recap, the Ogdensburg Land Development Ordinance states basically that one driveway per property is permitted. It can open up more than ten (10) feet on the street. There is no permit for driveways. Who enforces that? There are three people who enforce it: the Engineer, the Zoning Officer and the Subcode Official per Chapter 10 of the Land Development Ordinance.

At the present time, there is no permit required to install a new driveway. Chairman Armstrong suggested that a building permit be required; however, Zoning Officer Kervatt remarked that the Construction Office will not issue a permit for a driveway. It will have to be issued by the Zoning Department.

Board members agreed that permission should be required to install a new driveway; there should be some standards; and there should be someone to enforce those standards. Chairman Armstrong suggested that the Engineer/Planner submit a proposed revision to the ordinance. Members discussed curb cuts and driveway openings. Mr. Fitzgibbons stated down the shore requires installation of curbs prior to the sale of a residence. Chairman Armstrong remarked that a homeowner on Adams Drive had an RV parked close to the road in a second driveway. There are many residents with more than two vehicles. Members discussed the location of the driveways.

Mr. Andrews commented that a few of the ordinances from the other towns are too complicated and detailed. Technically, you are not supposed to back out of a driveway in the State of New Jersey but have a turnaround. Chairman Armstrong will speak to Engineer Buczynski regarding the criteria such as sight distance, number of driveways, definition of curb cut, access etc. County approval is required for Main Street properties.

Zoning Officer Kervatt mentioned in Sussex Borough, parking on your driveway between the road and the front of the residence is prohibited. One individual installed pavers in the front yard for table and chairs but can be using it to park vehicles. Almost all of the homes on Route 23 corridor are multi-family dwellings, three family and more, on fifty (50) foot lots. There was no fire ground operation. If there was a fire and they are all parked out on the front lawns, somebody with forethought said no we are not going to have that and it would look like hell as well.

Chairman Armstrong stated that in Ogden Hills, residents park on their front lawns when the snow comes but they have to because of the topography of their land. The RSIS standards say that a resident home today has ten (10) trips to and from that home on average. Also, most homes today have three or four vehicles. Mr. McGuire said he prefers a second driveway than parking on the grass.

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### 4. ATTORNEY'S ANNUAL REPORT

Chairman Armstrong remarked that no changes to the Land Development Ordinances are needed. There is no vacant buildable land anymore in the Borough so we are kind of unique. Members discussed all of the parcels which are still vacant including the land in the back of the Borough Hall.

A motion to approve the Attorney's Annual Report was made by Patrick Fitzgibbons, second by Anthony Nasisi with all in favor.

### 5. BILLS/VOUCHERS

A motion to approve the following bill was made by John Kibildis, second by Vito Telischak with Armstrong, Fitzgibbons, Nasisi, Fierro, Honig, Andrews and McGuire also in favor.

Dated 9/29/17 from Dolan & Dolan, P.A., Invoice #296936 re: General \$438.15

### 6. OPEN TO THE PUBLIC

A motion to open to the public was made by Anthony Nasisi, second by John Fierro with all in favor.

Ralph Sutera of 8 Marianne Terrace appeared before the Board. Basically it is about a driveway because I have a house behind mine that sat vacant for seven (7) years. A driveway was put in without any permit. Main question was that he put right on the property line and it is just two (2) feet from my property. Councilman Nasisi stated that driveways are to be installed on the property line. This is the second driveway on the property. Mr. Sutera said that he came home from vacation to find a tractor trailer parked in that driveway. He said he doesn't want someone starting the truck at 4:00 A.M. and releasing diesel fumes. Question of enforcement was raised – whether it is the Police Dept. or the Zoning Officer. Mr. Sutera said the property is located at 19 Richardsville Road and the place was gutted and only a roof permit was obtained.

Zoning Officer Kervatt said that he denied the owner a mother/daughter permit. The new driveway is to the right and the existing driveway is on the left. Zoning Officer Kervatt will check on this matter. Mr. Sutera commented that he could not sit out on his deck all summer because of all the construction noise and the generators going because there was no electricity in the house. There was a Stop Work Order issued from the Construction Dept. but the work stopped for a few days and started up again. Mr. Sutera had a conversation with the owner regarding the tractor trailer. Chairman Armstrong stated the vehicle is not allowed.

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Mr. McGuire asked Mr. Sutera if he and his wife attended a Council meeting about a year ago and Mr. Sutera answered in the affirmative. There was a problem with animals living on the property. Zoning Officer Kervatt asked Mr. Sutera if he was getting any runoff from that property and he said that the house was built on two natural springs and there were two (2) sump pump going all the time. How the new owner is finishing the basement with the water problem is puzzling. Zoning Officer Kervatt said that he will look into these matters as soon as possible.

**7. CLOSE TO THE PUBLIC**

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

**8. ADJOURNMENT**

A motion to adjourn was made by Elliott Honig, second by John Fierro with all in favor. Meeting was adjourned at 8:00 P.M.

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Blanche Stuckey  
Land Use Board Secretary

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Date of Approval