

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: **January 23, 2018**

CALL TO ORDER: The meeting of the Ogdensburg Land Use Board was called to order at 7:07 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 25, 2017.

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

2. **OATHS OF ALLEGIANCE:**

No Oaths were taken since the following members were absent:

<i>Mayor Rachel Slater -</i>	<i>Class I Member</i>
<i>Councilman Anthony Nasisi -</i>	<i>Class III Member</i>
<i>John Kibildis -</i>	<i>Class II Member</i>
<i>Robert McGuire -</i>	<i>Alternate</i>

Also, Thomas Horuzy sent in his resignation from the Board, taking the position of Captain of the First Aid Squad. Therefore, his position on the Board as Alternate #1 will be held by Rob McGuire leaving the Alternate #2 position vacant.

3. **OFFICES AND APPOINTMENTS:**

A motion to appoint Robert Armstrong as Chairman was made by Bill Andrews, second by Patrick Fitzgibbons.

A motion to appoint Patrick Fitzgibbons as Vice Chairman was made by John Fierro, second by Elliott Honig.

A motion to appoint Dolan and Dolan, P.A. as Attorneys was made by Patrick Fitzgibbons, second by Elliott Honig.

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A motion to appoint Eugene Buczynski of Van Cleef Engineering as Engineer and Planner was made by Bill Andrews, second by John Fierro.

A motion to appoint Blanche Stuckey as Secretary to the Land Use Board was made by Patrick Fitzgibbons, second by Vito Telischak.

The appointments of: Chairman Robert Armstrong, Vice-Chairman Patrick Fitzgibbons, Attorneys Dolan and Dolan, Van Cleef Engineering as Engineer and Planner and Secretary Blanche Stuckey were approved by Armstrong, Fitzgibbons, Fierro, Honig, Telischak and Andrews.

Chairman Armstrong appointed John Fierro and Bill Andrews to the Completeness Review Committee.

A motion to designate the New Jersey Herald and the Sunday Herald as the official publications for legal notices and the meeting dates for 2017 was made by Patrick Fitzgibbons, second by Elliott Honig with all in favor.

Chairman Armstrong stated that all of the meetings will be held on the fourth Tuesday of the month except for April when the meeting is scheduled for the third Monday of the month.

The Board is in receipt of a contract from Dolan and Dolan for legal services and Van Cleef Engineering Associates for the Engineering and Planning services.

4. **APPROVAL OF MINUTES:**

A motion to approve the minutes from the October 24, 2017 meeting was made by Vito Telischak, second by Patrick Fitzgibbons with Armstrong, Fierro, Honig and Andrews also in favor.

5. **BILLS/VOUCHERS**

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

Dated 11/3/17 from Dolan & Dolan, Esqs. re: Mar Display LLC	\$397.87
Dated 11/30/17 from Weiner Law Group re: Interstate Industrial Mgmt.	\$ 96.00
Dated 12/6/17 from Van Cleef Engineering re: Interstate Industrial Mgmt.	\$348.00

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6. OLD BUSINESS/NEW BUSINESS

a. Town Center

Vice Chairman Fitzgibbons stated that the Council would need to approve of any work in trying to reclaim the Center. Mr. Fitzgibbons suggested that the Borough look into purchasing properties as they become available; and if the Borough holds the tax certificate, maybe we can purchase four or five properties and improve the center of town. We did have the sidewalks, etc. installed. Engineer Buczynski remarked that the Borough Council would have to approve the purchases. A Redevelopment Plan was prepared awhile ago.

Chairman Armstrong stated that the Mayor and Council Representative should be in attendance at the Land Use Board meeting. Vice-Chairman Fitzgibbons stated that if the Mayor cannot attend or doesn't want to, she should appoint someone to attend in her place.

Some businesses did not want to improve their properties because they said their assessment and taxes would increase. Mr. Andrews said that tax breaks were suggested a few years ago. Mr. Fierro remarked that all properties are given a condition value and all need to be assessed in accordance with the Tax Board regulations. A rebate can be given to the owner(s).

Chairman Armstrong said he would like to see something done with the two (2) vacant lots on Main Street that are Borough owned such as a parking lot or a Park or mowed grass every two weeks. The Board needs to have a Vision Plan for the Town Center which is part of the Master Plan. Mr. Andrews said he doesn't think the Borough should buy any additional properties since they already own vacant properties. Chairman Armstrong said that apartments should not be allowed to exist in first floor storefronts. The portion of the Master Plan regarding the Town Center will be on the Agenda for an upcoming meeting. The Secretary commented that many vacant residential properties were sold last year and a few of them were located on Main Street.

b. Driveway Ordinance

Chairman Armstrong would like to have a Sub-committee meet first and submit proposed revisions to the Driveway Ordinance to the Board. Mr. Honig volunteered to work with Engineer Buczynski on recommendations to revise this Ordinance. This subject will be placed on the Agenda for the March meeting. Members also suggested that we look into the ordinances for lighting and signs.

Mr. Telischak said that vehicles were entering the Delta Gas Station from Glenbrook Road instead of entering from Main Street (Route 517). Suggestions were given to correct this problem. It was noted that this is a traffic problem under the Police Dept.'s jurisdiction.

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c. Applications

Chairman Armstrong said that frequently the Zoning Officer denies a permit and the Applicant comes to the Board to appeal the decision. For an Appeal, an Applicant needs to upfront pay a minimum of \$750. We have waived that initially to let them come in and give their spiel. They give their spiel, the Board approves the application and tells our Attorney to write a resolution. Our Attorney writes the resolution and bills the Applicant who hasn't submitted any funds. Then the Secretary has to go and try to collect the money. Moving down the road, if the Zoning Officer denies the permit, we should seriously collect the money upfront. That's what every other town does. We will notify the Applicants that there will be charges from the professionals. Engineer Buczynski remarked that the Application Fee is for administration costs which isn't being collected.

Vice-Chairman Fitzgibbons questioned if the permit should have been denied by the Zoning Officer. Mr. Andrews suggested that the Zoning Officer appear before the Board to explain the Denial instead of the Applicant. Attorney Corbett-Rivielle said that if the Zoning Officer denies the permit, the Applicant would come in to appeal. The same thing would happen if you went to Court and the Judge denies, then the person would go to the Appeals Court and would have to pay all of the fees. Mr. Andrews stated that the Zoning Officer can come to the Board and present the application to see if it fits all of our ordinances. Mr. Andrews said that there haven't been any applications that didn't look good.

Mr. Honig remarked that there were stipulations placed on the applications except for the swimming pools, such as clarification of the hours of operation, etc. Mr. Honig said that he understands that as a business owner, they wouldn't want to pay the \$750 but that is part of the process. Mr. Honig stated that he doesn't want to micro-manage the Zoning Officer. Chairman Armstrong said that Kevin Kervatt calls him to advise when he is denying a permit.

Mr. Telischak commented that every time these Applicants come in, they are under a time restraint and want to move in right away. Chairman Armstrong said that this last application involved chemicals and the location near the school. Vice-Chairman Fitzgibbons said to not belabor the point but couldn't the Zoning Officer gather more information from the Applicant.

Mr. Fierro stated that when the Zinc mine came before the Board to discuss the Planetarium we did not give them an approval for anything – just some guidance. When they are ready, they will need to submit an application and have an Attorney and a Site Plan. Chairman Armstrong said that people should be able to come in and have a discussion; and when they want an approval, they will need to submit an application, the application fee and the escrow deposit.

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7. OPEN TO THE PUBLIC AND CLOSE TO THE PUBLIC

Chairman Armstrong opened the meeting to the public with all in favor. No members of the public were in attendance. Chairman Armstrong closed the meeting to the public with all in favor.

8. ADJOURNMENT

A motion to adjourn was made by Vice Chairman Fitzgibbons, second by John Fierro with all in favor. Meeting adjourned at 8:07 P.M.

Blanche Stuckey
Land Use Board Secretary

Date of Approval