

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: February 26, 2019

CALL TO ORDER: The meeting of the Ogdensburg Land Use Board was called to order at 7:02 P.M.

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 22, 2019.

1. **ROLL-CALL:** **Present:** Armstrong, Fierro, Hutnick, Kibildis and Telischak
Absent: Andrews, Fitzgibbons, Hart, Honig, McGuire and Nasisi
Professionals Present: Gene Buczynski and Roger Thomas, Esq.
Professionals Absent: Angela Knowles, P.P.

2. **APPROVAL OF MINUTES**

A motion to approve the minutes of January 22, 2019 was made by John Kibildis, second by Vito Telischak with Armstrong, Fierro and Hutnick also in favor.

3. **OLD BUSINESS/NEW BUSINESS**

a. Aaron Simmons, 48 Kennedy Avenue, Block 15 Lot 16 LU#19-001
Appeal of Parking for Two Family Residence

Chairman Armstrong stated that the application for two driveways was denied by the Zoning Officer. Mr. V. James Castiglia, Esq. representing the applicant appeared before the Board and Mr. Simmons was sworn in by Attorney Thomas. Attorney Castiglia remarked that the reason for the Appeal is the Zoning Officer explained according to the Code that he could only approve one curb cut per structure. Mr. Simmons testified that he purchased the property on 48 Kennedy Avenue in February of last year and made renovations to the house. Mr. Simmons is asking the Board to approve two driveways 20 feet wide which can accommodate two vehicles in each one. The residence is a two family house.

Attorney Castiglia asked Mr. Simmons why he felt off-street parking is needed. There is no parking there now and the previous owners parked on the neighbor's property or in the street and he feels that parking off the street is safer and better. Notice was given to property owners within 200 feet and published in the newspaper just to be safe. Attorney Castiglia added that the off-street parking is immeasurably better than on street parking and

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will provide through traffic flow for police and fire; and actually going through this application, could not think of any negative thing to say about it.

Kevin Kervatt, Zoning Officer, was sworn in by Attorney Thomas and stated his business address as 14 Highland Avenue in Ogdensburg. Mr. Kervatt confirmed that he denied the application because approval must be obtained by the Board per the Land Use Law since it is a multi-family dwelling. The proposed parking would be two (2) 20' x 26' lots. Attorney Thomas asked Mr. Kervatt his opinion and he suggested a single access located on the southerly portion of the lot and a paved parking area in front of the septic field.

Chairman Armstrong stated that Mr. Simmons' application noted that many driveways in the Borough are forty (40) foot driveways. Mr. Simmons said that there is one on Adams Drive that has an eighty (80) foot driveway and Chairman Armstrong said he knows the property. Many driveways in town are a pre-existing/non-conforming condition.

Attorney Thomas commented that he just realized he represented Mr. Simmons in a workman's compensation case and wanted that disclosed on the record. If the Board has a concern he could certainly step down or if Mr. Simmons or his attorney has a concern, he would be happy to step down. Attorney Castiglia and Chairman Armstrong voiced that they did not have any concerns since this matter does not have a conflict.

Chairman Armstrong remarked that the cars would be backing out onto Kennedy Avenue and Mr. Simmons said there are fourteen (14) driveways on Kennedy without a turnaround. Attorney Castiglia remarked that the two driveways would be more in keeping with the residential area than installing a parking lot on the property. Headlights of the vehicles would then shine into the residence or into the neighboring house. Chairman Armstrong objected to the two (2) curb cuts and backing out onto the street. Mr. Telischak stated that the alternative plan would allow a k-turn for vehicles to come out nose first.

Mr. Simmons commented that he has put a lot of money into fixing up this house and wants to keep it as a rental and keep it nice but is trying to keep the cost down. In order to expand the driveway into the yard is possible but it increases the cost dramatically and doesn't seem fair to have to conform to rules that most of the other homes in the neighborhood don't conform to and he understands they got through stuff before certain codes went into effect. Chairman Armstrong applauded Mr. Simmons for wanting to make the property esthetically pleasing to the neighborhood. Mr. Simmons will install shrubs and grass between the parking pads.

Impervious coverage was discussed and the R-15 Zone has 30% for impervious coverage. The code allows for a twenty four (24) foot opening for a single family residential. Mr. Kibildis remarked that Kennedy Avenue does not have much traffic except on Sunday for

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Church. Engineer Buczynski stated that most of lot would be paved if the one driveway was allowed with the parking lot and would be over the 30% impervious coverage. The property is pretty level and the water does not drain onto the road. The tenants would most likely want to have a yard.

Mr. Fierro made a motion to approve the driveways per the Proposed Driveway Plan dated December 24, 2018 prepared by G. Gloede and Associates with landscaping between the driveways, seconded by Mayor Hutnick with Kibildis, Telischak and Armstrong also in favor. Mr. Kibildis applauded Mr. Simmons for renovating the house and hopes that the property is maintained in the future. Mr. Telischak voiced a concern about the two driveways merging into one and Chairman Armstrong assured him that will not happen.

There was a brief discussion regarding the Driveway Ordinance which was sent to the Borough Council for approval and adoption. Attorney Thomas suggested that the Board resubmit the ordinance and Chairman Armstrong attend the Council Meeting to explain it. The RSIS standards state that homes have two (2) to three (3) vehicles each.

4. ORDINANCE 04-2019 “Chapter 30 Land Development”

Chairman Armstrong stated that this Ordinance will codify the Land Use Ordinances. Some of the Land Use Ordinances in the past were not adopted by the Borough Council so this Ordinance will adopt and codify all of the existing Land Use Ordinances to date. Attorney Thomas noted that the Ordinances are consistent with the Master Plan.

A motion to approve Ordinance 04-2019 was made by John Fierro, seconded by Vito Telischak with Hutnick, Kibildis and Armstrong also in favor.

5. CORRESPONDENCE

Mr. Fierro inquired about the Ordinance from Hardyston Township regarding housing on the golf course and Chairman Armstrong said that they are required to notify adjacent towns.

6. DEPARTMENT BUDGET

A Steering Committee was formed to prepare a budget and then present it to the Borough Council. We supplied supporting information on what we wanted to do. Everything hinges in 2019 on the 2018 Reexamination Report and out of that report came six (6) or seven (7) projects that should be done soon. The Board would like to attack the projects in 2019 in sync with the Town Council and found out that one of their objectives is to have an economic development strategy. The Board’s proposed budget submitted to the Council is

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for \$25,000. The last Redevelopment Report prepared by Bob Tessier, Planner, cost us \$70,000 just to do that plan. That plan was packaged and the package was sent to the Council and again, no action.

Chairman Armstrong asked Mayor Hutnick the status of the budget which has not been finalized yet. The Council thought the \$15,000 was for a report but Chairman Armstrong stated that it was also for implementation of the projects with project management and deliverables.

This Board spent well over three (3) months developing a driveway ordinance. The reason for the ordinance was for the aesthetics of the town and the safety of the town and to increase the property values. If the Board does those type of things and implements them, then the property values increase which helps the town. Another example is property maintenance. If we go after property maintenance and track it, that's a tangible and part of the \$15,000 and affects economic development.

Angela Knowles and Gene Buczynski from Van Cleef are very experienced in taking a town and developing a program with a lot of meaningful research. Then it is up to the Board and the Council to implement the program. Chairman Armstrong explained that the nine (9) Board Members and two (2) Alternates are committed to improving the value of the town and are a focused resource for the Council.

Mr. Fierro stated that if nothing is done, another year goes by where our downtown is stagnant and our economic development grows old and then another year of tourism gets past by and maybe another town may pick up that tourism we may be missing. A Rails to Trails Program in Stockholm or Vernon takes flight and we miss out on that. Before you know it, we are behind the eight ball as we are now. There's eventually going to be a time where we draw a line in the sand and say we are all in or we are all out and I think that time is here. The town's value is decreasing and I have these figures because I am a Commissioner on the County Tax Board and just received the paperwork this week. The town's value is decreasing at a pretty quick pace and if it continues, it draws down on your revenue base and when your revenue base depletes, obviously your town starts depleting.

Mayor Hutnick remarked that there is a Council meeting on Monday night and those statistics are valuable which the Council currently does not have. Mr. Fierro explained that every house loses value based on the prior sale. Most of the home sales last year are revitalizations and the ones that weren't, the sale values were low and lower than the assessed values. The only homes that are selling at a good market rate are the revitalizations. Without those flips, and eventually the town will dry up of flips, our home

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sales will dry up. There are sixty one (61) homes on the market right now; fifty five (55) active and six (6) under contract. The fifty five on the market now are basically the ones that aren't flips and have been on the market for a substantial amount of time and those prices are starting to drop. People are starting to lower the prices so now they are selling properties for under assessed value. Eventually we are going to hit a wall and it's not going to be a good wall. We need to keep the value of the town high because it keeps our ratables high. Our tax rate is already one of the highest in the County and I'm worried it will continue to rise.

Mayor Hutnick said that the tax rate is not based solely on the town but also the schools. It is all one number to residents but as you know, over the last several years, the town hasn't had a tax increase. However, the schools have consistently maxed their two percent (2%) while the town is struggling. If I can say the schools aren't doing anything this year, and we can go two percent (2%), we wouldn't have any issues but I can't do that.

Mr. Fierro stated that if the town commits to development and growth, then it all flourishes. Mayor Hutnick remarked that the Council is committed to the upkeep and preservation of what we have and to increase it. Chairman Armstrong stated here's how it happens - Main Street Streetscape with sidewalks etc. happened out of this room with the assistance of our Engineer. We track our expenses every month so we know where we are during the year.

Chairman Armstrong praised the Board Professionals and remarked that the Board Members have impressive bios and are invested in this town and want to continue. After the Redevelopment Plan was completed, it's a shame we didn't push to implement it. At any time, the Borough could put a sign up and sell the property. Perhaps there were budget constraints and Mayor Hutnick stated that will always be the case. We don't have the resources in town to produce enough taxes, have enough sales and enough residents to offset the spending. Mr. Fierro stated that these visionary goals can potentially offset some of those burdens. Mr. Fierro asked Engineer Buczynski if \$5,000 would get us started on some sort of economic development plan platform strategy. We need to contact Planner Knowles regarding that matter since she prepared the proposal.

Mayor Hutnick stated that we have an open lot in the center of town which he would like to see made into a parking lot and Chairman Armstrong agreed. However, Mr. Fierro did not agree because he said it wouldn't be worth it. It would cost \$250,000 for twelve (12) parking spots. Parking spots should be behind the Manor, in that area. There are many issues regarding drainage etc. with that lot.

Chairman Armstrong remarked that the average house in town is \$230,000 and if they were on average worth \$300,000, the tax base would go up and people would want to come to the town. Mayor Hutnick commented that Mr. Fierro could attend the Council meeting to explain what he said.

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Mr. Kervatt suggested an increase in fees, for example, CCO's from \$35 to \$100. Last year, approximately one hundred CCO's were processed for a total of \$3500 which could be \$10,000. Small things like this can be looked into to bring in more revenue. That is a deliverable and something the Council can see. Mayor Hutnick remarked that it is the first time the Council is receiving so much information from the Land Use Board.

Chairman Armstrong said he would like to get started working with Planner Knowles as soon as we have a budget. The Board's proposed budget should include a list of what we hope to achieve. Mr. Fierro said that we realize how difficult it is to balance the budget but we need to spend money to make money.

The Board Members discussed a joint meeting with the Borough Council regarding economic development. Mayor Hutnick commented that he will review the budget figures and present the plans to the Council since he now has more information. The Land Use Board has never had a sizable budget. Chairman Armstrong stated that he asked for grant money and was told by the Council that a person was hired for \$35,000 a year to find grants. The next budget meeting will be on Monday at 6:00 P.M. so Messrs. Fierro, Armstrong and Fitzgibbons will attend.

Mr. Fierro stated that most of the OPRA requests were from Realtors looking for information on properties. Chairman Armstrong said he's glad that was brought up because the Land Use Board Secretary is in need of additional hours. Mr. Kervatt said he will need administrative work with the Property Maintenance Program. The Secretary's hours were cut from 15 hours a week to 7 ½ hours per week. Increasing fees would be a help and haven't been increased since 1991.

7. BILLS/VOUCHERS

A motion to approve the bills and vouchers was made by John Fierro, second by Vito Telischak with Armstrong, Hutnick and Kibildis also in favor.

Dated 2/7/19 from Van Cleef Engineering re: General, Invoice #6202-33	\$250.00
Dated 2/12/19 from Dolan & Dolan, Esqs. re: General, Invoice #300954	\$399.76

8. ADJOURNMENT

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

Blanche Stuckey

Date of Approval

Land Use Board Secretary