

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
MAY 27, 2020, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Vice Chairman Pat Fitzgibbons call the meeting to order.

Vice Chairman Fitzgibbons led the 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 29, 2020.

**ROLL CALL:** Andrews (via zoom), Fierro (via zoom), Fitzgibbons, Honig (via zoom), Mayor Hutnick, Kibildis (via zoom)

Absent: Nasisi, Telischak

Also present: Rodger Thomas, Board Attorney (via zoom), Mike Vreeland, Board Engineer (via zoom) and Kevin Kervatt, Zoning Officer.

**APPOINTMENT OF CHAIRMAN**

Mr. Thomas commented he lost the information Robin had sent but then found it but as part of that he reached to Bob [Mr. Armstrong] to see if he had information about that. Does anyone know whether or not he actually had resigned?

Mayor Hutnick commented he submitted a letter of resignation.

Mr. Andrews explained he reached out to Mr. Armstrong to consider being on the Board but not as Chair.

Mr. Thomas commented he thinks it is necessary to appoint a new chair. He suggests we do a motion for a new chair.

Mr. Fierro asked Mr. Fitzgibbons if he was ready.

Mr. Fitzgibbons commented no, he had said at the last meeting he would fill in until you got someone else to accept the Chair position.

Mr. Thomas explained you can act as chair, we can discuss it and come back to this matter at the June meeting and make a nomination then.

Mr. Fitzgibbons suggested maybe John Fierro or Elliot Honig would consider it.

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Mayor Hutnick commented we do not have to appoint someone at this moment and just do with the interim and run the meeting that way. Mayor Hutnick commented he doesn't know if there is a time limit on how long we can run it with an interim [chairman] at some point someone is going to have to take the lead.

Mr. Thomas commented he agrees there should be an appointment of the chair and explained.

The Board members discussed the Chairman position. Mr. Kibildis was not interested, Mr. Fierro gave his concern as why not be elected chair and Mr. Honig would consider until the June meeting. The Board continued to discuss the chairman position.

Mayor Hutnick commented we still need a Board member. Ms. Hough explained Mr. Armstrong was a class four member which has to be filled and there are two alternate positions available too. Ms. Hough questioned that she lives in Ogdensburg, couldn't be a class four member because she works in Ogdensburg but could be a class two; and explained she can't be a member and secretary and the same time.

Mr. Thomas explained even though you are a resident you are an employee so that knocks you out so the answer to that would be no.

**APPROVAL OF THE MINUTES** –February 25, 2020

Mr. Andrews made a motion to approve the February 25, 2020 minutes. Seconded by Mr. Honig.

**Upon Roll call Vote:**

Yeas: Andrews, Fitzgibbons, Honig, Hutnick,

Nays: None Absent: Nasisi, Telischak Abstain: Fierro, Kibildis

Mr. Kibildis commented he has to abstain. The minutes reflect him there but he was absent.

Mr. Thomas commented the minutes have Mr. Fitzgibbons as absent and he was present and Mr. Kibildis as present and he was absent. Those two things need to be switched. This does not require a new roll call.

**DISCUSSION**

Interstate Industrial progress

Bill Fisher and Pete Fisher were present for this discussion. Kevin Kervatt, Zoning Officer was also present.

Mr. Kervatt commented they have made great improvements down there already. Mr. Kervatt explained in the resolution as 15/16 points; these 16 points have to be satisfied and then the site plan needs to be signed by the Chairman, Board Secretary and the Engineer. Mr. Kervatt called Mike Vreeland who indicated to him that out of the 16 points he is going to say 15 are his. So, if

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we can get through these points in the resolution and everybody agrees he doesn't see why we can't sign the site plan and let these gentlemen move forward.

Mr. Vreeland commented the applicant has made progress since the last time they came to the meeting; they applied for a building permit, a zoning permit for the fence and the fence has been put up. They cleaned up on the site. Mr. Vreeland commented he doesn't have a particular issue with the work that has been done recently and the progress that is being made.

Mayor Hutnick asked do we have to address all the vehicles and equipment that are still there.

Mr. Vreeland commented based on his discussions with the applicant once the building goes up some of those issues will resolve itself.

Mr. Vreeland commented he would be comfortable if they submit an as built plan to show things have been installed correctly.

Mr. Thomas asked if they should submit an as built plan as of today and a subsequent one when the building is done.

Mr. Vreeland commented he would be fine with one once the building was done to make sure the building is correct or approved, the storage area and the removal of vehicles are done.

Mr. Thomas asked the applicant what kind of a timetable were they looking at.

Bill Fischer, applicant commented as we speak we contracted the foundation of the building and the building could be started.

Mr. Thomas asked what is the anticipated time.

Mr. Fischer commented a year maybe a year and a half; he explained getting the foundation and all the contractor and he likes to give himself extra time.

Mr. Vreeland commented if they were issued a building permit and they would be able to get the building delivered how quickly.

Mr. Fischer commented six to eight weeks they would deliver the building.

Mr. Vreeland asked the building would be there in a few months. Once the building is delivered would you be storing on site; would you be consolidating some for your equipment out there.

Mr. Fisher commented yes, we would be consolidating and explained.

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There was a discussion on the length of time for the building to be complete,

Mayor Hutnick asked this building is going to go down a residential street to get to their location; what do we need to do or what needs to be prepared for the arrival and how many trucks are we expecting.

Mr. Fischer explained he believes the building will arrive on trailers and be unloaded fairly quickly.

Mr. Kervatt commented probably like when he had his modular delivered on Plant Street.

Board members asked questions and discussed the length of time of a year and a half.

Mr. Fitzgibbons commented at the meeting last month we were going to make a listing of things to be completed; to be put together by Mike Vreeland and Kevin Kervatt. Has that been done?

Mr. Vreeland commented Kevin and I were going to get together to put together that list and then the landscaping went up and we had the situation that we are in now.

Mr. Fitzgibbons commented he thinks the listing of items should still be prepared; those items need to be considered and completed.

Mr. Fischer explained what has been done, they are ready to move forward and applied for the building permit.

Mr. Fitzgibbons commented last meeting we had pages of what needed to be done and now you are saying you want to put the building up it doesn't seem we are doing things it in right order. We are out of order.

Mr. Fischer asked what timetable would be agreeable to the Board.

Mr. Fitzgibbons commented you tell us.

Mr. Honig questioned back in February we had a list prior to the issue of the permit for the building now you have done an amazing job and he is happy to see the trees etc. however personal he thinks before we issue permits that everything on the list is taken care of and explained.

There was a lengthy discussion on the building, time frame, foundation, some things need to be complete after the building is up, why not start the construction of the building and work on the list of items at the same time, if things are not getting done you can revoke the permit, all the board needs is a spread sheet of items to mark what has been completed and what hasn't been

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completed, approve the permits so we can at least get the foundation in and if approve have three months for the completion of the foundation then within four months you can start the building. The time it would take to build the building which would be eight to ten months therefore why wouldn't it be completed in a year.

Mayor Hutnick asked Mr. Fisher if all the electrical work has been completed by JCP & L.

Mr. Fischer explained what was done.

Mr. Honig explained he wants to make sure everything is done, he doesn't want a year from now have something that is not complete.

Mayor Hutnick commented it was just mentioned the building permit has 20 business days to be issued so if this is going to go into effect it needs to happen after their permit has been issued to them.

Mr. Kervatt commented he isn't sure what the State will do but when he was the constructional official you were allowed 20 business days to issue. They may even be taken longer under these circumstances; he can't speak for them. The State is the Borough's agent.

Mayor Hutnick commented everyone has to agree that the clock starts after they receive the permit.

Mr. Thomas commented in the three-month period the foundation should start, upon issuance of the building permit. During that interim period those items on the spread sheet that Mr. Fitzgibbons was talking about can be working on and submitted by Kevin and Mike. That would be a motion to end up with the period of the building permit issuance and the construction of the building foundation that would be part of the spread sheet. He agrees with the Mayor that whatever time frame you start with should be after the issuance of the building permit.

Mr. Fitzgibbons asked is the year and a half time frame after the issuance of permits agreeable to you.

Mr. Fischer commented yes.

Mr. Kervatt commented he has to immediately apply for a zoning permit for this building not two-months from now next week; then he thinks with his building application he will make sure Leigh [building inspector] gets them so we can get this going.

There was a discussion on the permits.

Mr. Thomas will prepare a resolution.

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Mr. Kervatt commented this site plan needs to be signed by the chairman, secretary and Engineer is that right Mr. Thomas.

Mr. Thomas said this is right.

Mayor Hutnick commented his suggestion is the chairman signature would be the intern chairman the secretary would be our interim secretary and then Mike Vreeland our Engineer.

Mr. Honig made a motion as to prepare a resolution. Seconded by Mr. Kibildis.

**Upon Roll call Vote:**

Yeas: Andrews, Fierro, Fitzgibbons, Honig, Hutnick, Kibildis

Nays: None Absent: Nasisi, Telischak Abstain: None

**OLD BUSINESS/NEW BUSINESS**

Letter to stakeholders/business owners:

Mr. Fitzgibbons commented we have a letter to the stakeholders and business owners from our planner.

Mayor Hutnick commented that is on hold right now due to the current circumstances.

Parking for Main Street – Paper Road

Mr. Fitzgibbons commented there was a question raised regarding a paper road that might potential help parking on Main Street.

Mayor Hutnick commented basically we are trying to solve the problem of more parking for businesses. There appears to be a paper road that runs from Highlands straight across to Edison; it is behind the Atlantic Manor.

Mr. Kervatt commented there was a proposal to but two multifamily dwellings in there and he remembers a discussion about K turns and fire trucks.

Mr. Fitzgibbons commented there was a whole series of paper streets that Jack Madden at one time had included on a map; they were never adopted as official roads. The question was do you recognize these as roads that were discussed at one time. They are on the tax maps.

Mayor Hutnick commented if we have these and it can be used it may be a good idea for parking for Main Street and keeps parking off the road; you can park enter and exit.

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Mr. Vreeland commented an issue came up in the Borough and he had a conversation with the Borough Attorney with regards to the location of this paper street property line. That lead into some further discussion does the Borough retain the rights that it has as a paper street with potential liability. He thinks that is why it was brought to the Board to see if that is something the Board or the Borough can find some value in if there were rights there to preserve those rights there.

Mr. Fierro asked does the Borough have liability now under these circumstances as it is. Maybe we should look back and see who really owns them. I'm assuming we checked the tax maps are they connected to other properties or property owners are they being taxed appropriately.

Mr. Thomas commented we can find out what rights were established that's when the Borough Attorney would chime in.

Mr. Fitzgibbons commented years ago we did discuss this.

**CORRESPONDENCE**

Mr. Fitzgibbons reviewed the correspondence with the Board.

- a. Memo to Finance Department dated May 15, 2020 Re: Bills/Vouchers for Payment
- b. Zoning Permit and CCO Permit report
- c. Denial of Zoning Permit 24 Wausau Street
- d. Denial of Zoning Permit 333 Main Street

**BILLS/VOUCHERS**

Mr. Fitzgibbons reviewed the bill/vouchers with the Board.

Date February 25, 2020 from Van Cleef Engineering invoice #6230-4	\$812.50
Date February 25, 2020 from Van Cleef Engineering invoice #6202-37	\$520.00
Date April 21, 2020 from Van Cleef Engineering invoice #6230-6	\$562.50

Mayor Hutnick made a motion to pay the bills. Seconded by Mr. Honig.

**Upon Roll call Vote:**

Yeas: Andrews, Fierro, Fitzgibbons, Honig, Hutnick, Kibildis

Nays: None Absent: Nasisi, Telischak Abstain: None

**PUBLIC PORTION**

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There was no one present in the public.

Mr. Honig commented with times changing we originally got in trouble for not using our budget. His question is under the current situation [will this happen again].

Mayor Hutnick commented nothing is going to be used against anyone from not using budgets this is the exception year and explained.

Mr. Honig questioned if the Board could continue with the letter to the business owners.

Mayor Hutnick commented he thinks everyone is on hold right now.

Mr. Honig commented maybe we can try to figure out something with the paper road and explained.

Mayor Hutnick commented we can still move forward with all the investigated stuff there is no reason to stop that it doesn't involve us meeting it is investigation, paper trails and engineering. We will have to find out whether we can do this or not and the approximate costs so there is no reason to not to.

**ADJOURN**

Mr. Kibildis made a motion to adjourn the meeting at 8:16PM. Seconded by Mayor Hutnick. All were in favor.

Prepared by Robin Hough, RMC/CMR