

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
December 22, 2020, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order 7:02 PM.

Chairman Honig led the Pledge of Allegiance.

Meeting was held via zoom/audio.

**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. Notice of this remote meeting has also been published in accordance with N.J.A.C. 5:39-1.1 through 1.7 which establishes standard protocols for remote public meeting governed by OPMA during a Governor-declared state of emergency. Said notice contains instruction and information for (i) accessing the remote public meeting using the Zoom web-based platform via internet web address or teleconferencing number, (ii) making or submitting public comments, and (iii) accessing relevant documents, if any, for the public view.

This meeting was held via zoom/audio. Participation/public access to the meeting was available at <https://us02web.zoom.us/j/81208492743> and entering Meeting ID: 812 0849 2743 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID:812 0849 2743 followed by the # sign.

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

Absent: Andrews, Nasisi

Also present: Mike Vreeland, Board Engineer, Mike Marceau, CFO, Roger Thomas, Board Attorney, Angela Knowles, Board Planner

**APPROVAL OF THE MINUTES** –

Mr. Honig asked if there was any discussion on the minutes.

Mr. Fierro made a motion to approve the meeting minutes for November 24, 2020. Seconded by Mr. Fitzgibbons.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi None Abstain: None

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**APPLICATION TO BE HEARD**

**LUB 01-2020 Kris Gordon Bulk Variance C, Block 32 Lot 16.02.**

(Voting eligibility: All members that are present and alternates as needed.)

Mr. Honig commented at the last meeting this application was deemed complete. To clarify the voting eligibility on a C variance and asked Mr. Thomas, we just need a majority; is that correct. Mr. Thomas agreed.

Mr. Thomas sworn in Kris Gordon at this time.

Mr. Thomas asked Mr. Gordon to explain to Board what you hope to accomplish with this application.

Mr. Gordon commented the application was to add a 12 by 20 bay to his preexisting garage to store his classic car in.

Mr. Thomas asked this will be on Plant Street correct. Mr. Gordon said yes.

Mr. Thomas asked Mr. Gordon you have the engineer and planner report. Mr. Gordon commented yes.

Mr. Thomas referenced the engineer report referring to page three of three; renovations number 4.1 through 4.7 and asked do you have any problems with any of those or explain some of those. You don't propose any lighting or any expansion of your driveway, what about the run off where is that going to be directed, what is the appearance of what you are going to be putting up that would cover a lot of things the engineer has mentioned.

Mr. Gordon commented the garage is going to be built out of masonry block to match the preexisting structure. The water run off is going to be to the right side of the new addition; there is going to be a drain running down to absorb any run off and there is no electricity going to the building; it is just strictly for storage.

Mr. Thomas asked when you say to the right side is that away from our neighbors.

Mr. Gordon commented it is between the building and the neighbor's property which is a landscaped area so there wouldn't be any impact or run off because he doesn't get any there.

Mr. Thomas commented he believes there was a discussion about landscaping are you proposing any kind of landscape buffer regarding the garage between you and the neighbor's property.

Mr. Gordon commented he already has rose of Sharon trees planted along the property line.

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Mr. Honig commented there is also a fence along the property line is that correct.

Mr. Gordon commented that is correct.

Mr. Vreeland asked Mr. Gordon if those trees are going to stay.

Mr. Gordon commented yes, there are already incorporated in the landscape next to the fence.

Mr. Thomas asked if there was any questions or comments that he has not covered.

Mr. Vreeland asked are you planning on expanding your driveway or is it just the garage addition.

Mr. Gordon commented it is just the garage addition.

Mr. Thomas asked this if for your classic car.

Mr. Gordon said yes.

Mr. Thomas asked Mr. Vreeland are you comfortable with the Rip Rap in relation. Mr. Vreeland commented provided that the Rip Rap is graded in such a way that is doesn't direct water onto the neighbor's property he would be satisfied with that.

Mr. Thomas commented you would grant this with a condition to be appropriate that somehow you would work with the application to ensure there would be an appropriate leveling and grading to that rip rap so that it will not flow [onto the neighbors].

Mr. Gordon commented the neighbor's yard currently is graded towards his property.

Mr. Thomas commented he would suggest unless the Board thinks otherwise it would be appropriate that Mr. Vreeland would either review it or inspect it.

Mr. Thomas asked Ms. Knowles the planner if she had any thoughts.

Ms. Knowles commented the use is permitted in the zone and this type of garage is common in the district. The more consideration with the variance right now the garage is proposed to be expanded in the front yard where garages are not permitted in the front yard. That is the variance that would be required here it is a preexisting nonconforming situation so it was a in the front yard to begin with it is being expanded there and so that is part of the consideration. That would probably cover it.

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Mr. Thomas commented the fact that it is already a small lot the garage is already there; the addition is back within the setback.

Ms. Knowles commented yea, she thinks there is probably not another option with the characteristic of the neighborhood. The way he proposed appears to be the best location.

Mr. Thomas asked does the house front on Avenue B?

Ms. Knowles commented the driveway comes off of Plant Street so that was a question she was going to ask the applicant because she was unsure. It is a corner lot.

Mr. Gordon commented his house faces Avenue B as the front driveway. The only driveway you would consider a driveway is the paving stones that are currently in front of my existing garage off of Plant Street.

Mr. Thomas asked is your address Avenue B?

Mr. Gordon commented yes.

Mr. Thomas asked do you consider your actual frontage of the property to be Avenue B. Is that correct?

Mr. Gordon commented yes Sir.

Mr. Fitzgibbons questioned he thinks Mike brought up a point that maybe there should be an as-built drawing after the work is done. Is that something we will see and Mike would inspect also.

Mr. Gordon commented he still has to submit his plans to the building department correct.

Mr. Fitzgibbons commented yea, he thinks when we were talking about some of the drainage work if we end up with an as built drawing we can show that rip rap on there.

Mr. Gordon commented he is actually going to have a raised five-foot border going towards the fence. So, if we ever got that much water it would block it in his yard because his whole property is raised with rock beds.

Mr. Fitzgibbons commented thank you.

Mr. Honig asked if there were any further comments from the Board or professionals.

Mr. Honig commented it sounds like an inspection is not necessary after the fact; do you recommend a site visit.

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Mr. Vreeland commented we can incorporate that he doesn't have an objection to that; he does come through this area often. If Mr. Gordon gives him a heads up when they are preparing the site or doing the landscaping he could stop by and make a brief visit.

Mr. Honig asked do we prefer as a Board to have a site visit or a drawing.

Mr. Kervatt commented it is pride of ownership; everything he is saying is true we don't need this.

Mr. Honig thinks a drawing would suffice.

Mr. Fierro made a motion to **open to the public application LUB 01-2020 Kris Gordon Bulk "C" Variance**. Seconded by Mr. Kervatt. All were in favor.

No one from public spoke.

Mayor Hutnick made a motion to **close to the public application LUB 01-2020 Kris Gordon Bulk "C" Variance**. Seconded by Mr. Kervatt. All were in favor.

Mr. Thomas commented if the board approves the variance it would include in his list of what has transpired it would require the applicant to provide an as built drawing to ensure that the representations made have been carried out.

Mr. Honig asked if there were any comments; with that being said we need a motion to approve the Variance with the add on as Mr. Thomas stated.

Mayor Hutnick made a motion to approve the variance for application LUB 01-2020 Kris Gordon. Seconded by Mr. Fierro.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi None Abstain: None

Mr. Thomas commented congratulations Mr. Gordon you have the approval there will be a resolution that he will prepare; I'll send a copy to you any questions feel free to contact him. The memorialization of that resolution will take place at the Board's meeting in January.

Mr. Gordon thanked the Board.

**RESOLUTION**

There were no resolutions to approve.

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**OLD BUSINESS/NEW BUSINESS**

Parking for Main Street – Paper Road (Orchard Street)

Mr. Honig asked Mayor Hutnick if there was any update on the paper road.

Mayor Hutnick commented we are still working with our other attorney and explained we are waiting on the title company. They had to switch title companies.

Economic Development Plan

Mr. Honig asked Ms. Knowles if there was any update.

Ms. Knowles commented not yet; she will start working on this after the New Year.

2020 Budget

Mr. Honig commented it looks like are budget is somewhat ok; he plans to put in our next budget and Mr. Fierro has volunteered to go with him.

BC Zone – memo from Roger Thomas, Board attorney

Mr. Honig commented at the last meeting we asked Mr. Thomas and Ms. Knowles to work together with taking a look at our BC zone just to make sure with all the new interest that is going in town that we are protected for what our Master Plan reflects and a lot of that was talking about apartment usage, multiple home usage, things along those lines. So, Mr. Thomas prepared a nice detailed explanation of how we needed to update it because he stated a lack of wording and definitions in our zoning. The Board now has a copy of what is the entire BC zone the ordinance that is associated with that. Based on this a lot of it was definition based and a lot was missing certain things regarding apartments. He took the information put it all together and Ms. Knowles took a look at it.

Mr. Honig referenced the packet and page number and ordinance page number. Most of the major changes are on packet page number 24 ordinance page number 5. If you are looking at it digitally it is highlighted; only the highlighted section are the ones we are looking at changing. That is adding the definition under dwelling for apartment and apartment building. It is giving you a definition update because we did not have definition that was what was consider an apartment. We only had multifamily.

Mr. Honig referenced number 25 of your packet and page 6 of the BC ordinance 30-201. Based on Mr. Thomas recommendation he removed multifamily from the BC.

Ms. Knowles commented she agrees with Mr. Thomas removal of that.

Mr. Honig commented that gives us the definition of what apartments are considered in addition to be clear the dwellings is going to be for one or more dwelling units on the floor above any

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commercial professional building. That was a key thing that needed to be changed based on that. An apartment building again a building that contains three or more including units located over one of the other; Multifamily will be removed from that.

Mr. Honig referred to page 39 of the packet it is the actually ordinance 30-411. This outlines everything the is supposed to be in your zone for BC. Other permitted principle uses we added apartments shall not be permitted on the first-floor structure on Main Street otherwise know as CR517. We are clarifying there is to be no apartments considered on the first-floor structure on Main Street or CR517.

Mr. Kibildis commented there is a pre-existing apartment on Main Street first floor.

Mr. Thomas commented it would be a preexisting nonconforming and can stay that way. If they want to expand they would have to apply for a D variance.

Mr. Honig commented under accessory uses we are also changing it to apartments are permitted where commercial retail or professional offices are located on the first floor. Do we feel that should say second floor?

Mr. Fierro commented he thinks it should be more specific.

Mr. Thomas suggested maybe you would be me comfortable saying if apartments are considered on the second floor and above where commercial retail and professional offices are located on the first floor.

There was a discussion on the wording and apartments on Main Street.

Mr. Thomas commented BC could be recommended to the Borough Council you would need to take action to recommend it to be adopted by the Council.

Mr. Honig commented E. there is one more change adding on the word apartments. He wanted to clarify it current says 600 square feet for dwelling units for apartments but he was looking at Sussex and it was 800 square feet should be leave it at 600 square feet.

There was a discussion on the square footage. It will stay at 600 square feet.

Mr. Honig asked if there was any further discussion on this. If you are comfortable with this and then we can put this to a vote.

Mr. Thomas commented you need a motion to recommend the modifications as outlined to the town committee recommending they implement this ordinance as recommended.

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Mr. Honig commented he needs a motion based on the recommendations that are highlighted and pass on to our Council.

Mr. Fierro made the motion. Seconded by Mr. Fitzgibbons.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi None Abstain: None

Mr. Honig commented Mayor Hutnick we have given you two good ordinances.

Ms. Hough commented this has to be put in ordinance form.

**CORRESPONDENCE**

Mr. Honig explained the correspondence below.

- a. Letter dated November 30, 2020 to the Planning Board from PSE&G.
- b. CCO and zoning report

**BILLS/VOUCHERS**

Mr. Honig asked if there was any discussion on the bills and vouchers in front of you.

- a. Dated December 14, 2020 from Dolan and Dolan Board Attorney statement #320377  
Kris Gordon Block 32 Lot 16 escrow account in the amount of \$252.07
- b. Dated December 14, 2020 from Dolan and Dolan Board Attorney statement #320376  
Land Use Board General in the amount of \$300.64

Mr. Fitzgibbons made a motion to pay the bills/vouchers. Seconded by Mr. Kibildis.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi None Abstain: None

**PUBLIC PORTION**

Mr. Honig commented based on the fact no one spoke during the application and nobody is here in Borough Hall and nobody new has been added to the zoom call; we can skip over the public portion.

Mr. Honig thanked everyone; this has been a year and a half, he appreciates all the hard work everybody has been doing, we have done a lot this year and that is with great corporation with Council.

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**ADJOURN**

Mayor Hutnick made a motion to adjourn the meeting. Seconded by Mr. Kervatt. All were in favor

Chairman Honig adjourned the meeting approximately 7:40 pm.

Prepared by  
Robin Hough, RMC/CMR