

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
February 23, 2020, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:06PM.

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/88970525514> and entering Meeting ID: 889 7052 5514 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID: 889 7052 5514 followed by the # sign.

**OATH OF OFFICE TO THE FOLLOWING LAND USE BOARD MEMBERS:**

Anthony Nasisi                                      Class III Member                                      Term Expires 12-31-2021

Mr. Nasisi was not present. Therefore, the oath of office is tabled until the March 23, 2021 meeting.

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

Absent: Nasisi

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

**APPROVAL OF THE MINUTES**

Mayor Hutnick made a motion to approve the meeting minutes for January 26, 2021. Seconded by Mr. Fierro

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**Upon Roll call Vote:**

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

Nays: None Absent: Nasisi Abstain: Andrews

Mr. Honig commented he hopes everyone looked at page 5 of the minutes where Mr. Fierro has volunteered his time, effort and energy to put together a budget presentation because he is an expert when it comes to that.

**APPLICATIONS FOR COMPLETENESS**

No were no applications for completeness.

**APPLICATIONS TO BE HEARD**

No were no applications to be heard.

**OLD BUSINESS/NEW BUSINESS**

**Parking for Main Street – Paper Road (Orchard Street)**

Mr. Honig commented there is no update.

**Interstate Industrial “List”**

There was no update.

**2021 Budget**

Mr. Honig commented as of now the next budget meeting is March 1, 2021; the proposed budget was given at the last meeting.

Mr. Telischak asked what was approved. Mr. Honig commented it is still a work in progress; we probably won't have a better idea until the end of next month.

Mayor Hutnick commented feel free to join us [Mayor and Council] at the March 1, meeting.

Mr. Honig asked Mr. Fierro if he could have a presentation done by March 1.

**Walking Track/Path**

No updates at this time.

**Borough Property/subdivision/sales**

No updates at this time.

Mr. Honig commented we probably can remove those from the list until further action needs to be taken.

**Borough owned vacant lot on Main Street**

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No update at this time.

**Economic Development Plan/Main Street Zoning Analysis**

Mr. Honig commented at the last meeting, Angela was kind enough to put together a very thorough report regarding our zoning analysis for Main Street. This was all done as requested by us as part of a revitalization of Main Street but also in that comes a redevelopment plan.

Mr. Fitzgibbons commented this is a lot to go through you might want to delegate a committee to review this.

Angela Knowles, Board Planner referred to her report dated January 26, 2021 Main Street Zoning Analysis. Ms. Knowles commented to help the review she prepared a power point and was given the screen share for the presentation.

Ms. Knowles referred to the Ogdensburg Study area map part of the report; explained the Main Street area and revitalization of MainStreet, uses permitted along the route and gave a description of the study area map. Ms. Knowles referring to her report explained commercial zone, light industrial, Borough Center Zoning, increasing height restrictions, street scaping, the different sections along Rte. 517 aka Main Street, there are a couple properties in the light industrial zone that are undeveloped, single families in the zone but they are not permitted and would it make sense to rezone them. There was a streetscape plan that was started a few years ago, look at the entire area beyond what was previous done, look at the town as a whole regarding pedestrian and bike safety, types of shops for Main Street and to increase the height for more space in the Borough zone.

Mr. Andrews commented on the sidewalks and bike paths along 517, didn't we already look to that. The problem being it's a County road and we need county approvals for that plus the amount of land that is [needed] to do that. He doesn't remember it being possible. We need to check that.

Mr. Telischak commented there isn't a lot of room, the road there it isn't not [big] enough to add an additional bike path all the way from the far edge of town where the Franklin border is all the way past the school. There isn't enough room on 517 to add a bike path on either side. That was the issue last time. The other point when you were referencing buildings on Main Street you also cross reference against the tax assessment [department] in town to see if what you think is a one family may actually be a two family.

Ms. Knowles commented she did check that and there are some two-family dwellings but there are also some single family.

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Mr. Andrews commented if we put another floor on a building to increase apartment or office spaces we are already in trouble with our parking. We have to find the parking first before we can allow anything like that to happen.

Mr. Honig commented we also have the issue of emergency services and septic's; that would be a major issue since we don't have access to sewer.

Mr. Kibildis commented on the flood plain, would the flood plane limit any chance of development.

Ms. Knowles commented it would.

Mr. Telischak commented he cautions Angela on this we had an issue back when we talked about the parcel behind Borough Hall; there were seasonal pools that they discovered up there that made the land non-developable. It is behind Borough Hall; forgets about what is down in the valley as you go to the West side of 517; that whole tract of land now belongs to the Wallkill Refuge it was taken over by them it was probably 12 acres along 517 from Brooks flat going down towards Sparta is actually privately held.

Mr. Fierro commented the lower end in the back end of LIC that back end toward the end of Willow Estates that is all wet. Ms. Knowles commented she wants to find out more about that area there.

Mr. Fierro commented on the chart with the square footage, the gross floor area for allowable business, when you say gross floor area do you think actual retail or storage/office or is that just storage space. Ms. Knowles explained. Mr. Fierro commented if it is for retail there needs to be back space besides the retail floor space.

Mr. Fitzgibbons commented in order for us to proceed to do anything with this report we have to sit down and involve time with Angela and maybe some other people and then we come back to our budget problems.

Mr. Honig commented yes, we do, that is all defiantly part of it but the questions is where do we go from here. He does agree to have a subcommittee amongst us and see the direction to see the direction we feel that should be taken based off Angela recommendations. Mr. Honig commented we talked about sidewalks, was a sidewalk study done that was a safe passage way study done years ago. It was done through grant work. Maybe we can get a copy. It is completely not affordable for us as a Borough and it is very difficult based on the restrictions. It is defiantly worth us talking about this and exploring as a subcommittee so that we can figure out what is the next step. Does anybody disagree with that statement?

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Mr. Fitzgibbons commented he doesn't disagree with it he just questions how we are going to do this. Basically, without some help from Angela and how do we afford this.

There was a discussion continuing this work, having a subcommittee, having a discussion with the whole Board without professionals, possibly having the discussion at the March meeting without professionals and then bring them back at the next meeting, streetscape on Main Street and grant programs to look into.

Mr. Honig thanked Angela for her work and hopefully we can move forward once we see the budget situation.

Mr. Honig commented we have two ordinances back to us from the Council. We will talk about **Ordinance 01-2021 "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 30 OF THE BOROUGH CODE ENTITLED "LAND DEVELOPMENT" TO PROVIDE STANDARDS AND REGULATIONS FOR KEEPING FOUL.**

Mr. Honig asked if there were any major concerns or comments on ordinance 01-2021.

Mr. Andrews commented he is sorry he wasn't at that meeting and he is sorry he wasn't able to vote because his vote would have been no. Mr. Andrews commented he doesn't believe that we should have even entertained this, we had an ordinance on the books and we decided to alter the ordinance to appease the people who are already breaking the law. We didn't enforce the fact that people have chickens so we decided to just allow them to have them. This is a simple comment he had to make.

Mr. Honig commented Mr. Andrews we appreciate your comment and during the meeting that was heard throughout. Based off of the lengthy discussion from both here and the subcommittee that the overall opinion wasn't necessary to go forward and give into the community for that reason. We looked at it as more of a line there was more of a want for it, there was arguing in both directions for and against it. In the end he will say that he thinks enough restriction were put in play to accommodate those who have the land and it will not make an impact with some for the distances and things like that. Mr. Honig commented he doesn't think you will see a lot of changes with this.

Mr. Thomas commented the point is this is a referral from the Governing Body but right now your job is somewhat different; the issue is according to Land Use Law is to make the determination as to whether or not this ordinance is consistent with the Master Plan.

Mr. Andrews commented he wasn't trying to create another discussion about it he just wanted to state his peace.

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Mr. Fitzgibbons made a motion to send ordinance 01-2021 back to the Governing Body [with no changes]. Seconded by Mr. Kibildis.

**Upon Roll call Vote:**

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

Nays: Andrews, Fierro Absent: Nasisi Abstain: None

Mr. Honig commented we will now move onto ordinance 03-2021 which has been referred to us from the Council and this was referred to them from the State. Mr. Honig asked Mr. Vreeland for an brief update on Ordinance **03-2021** “AMENDING AND MODIFYING CHAPTER 30 LAND DEVELOPMENT”, SECTION 201 “DEFINITIONS” AND SECTION 502.1 “STORM WATER MANAGEMENT” OF THE BOROUGH OF OGDENSBURG.

Mr. Vreeland commented back in 2004 the State came out with the stormwater regulations and since then they updated the regulations with the most recent update being almost a year ago, last March. Those regulations looked to address stormwater vs. Manufactured treatment devices. What this ordinance does is update the Municipal Stormwater ordinance to recognized those changes. The State put forth a model ordinance for Municipalities to utilize and implement the changes. This is the ordinance that was presented to the Council.

Mr. Telischak made a motion to send ordinance 03-2021 back to the Council with no changes. Seconded by Mr. Fitzgibbons.

Mr. Honig asked Mr. Thomas since this is going back to the Council should the Mayor vote on this or should he abstain. Mr. Thomas commented he certainly can but if he feels uncomfortable [he can abstain].

**Upon Roll call Vote:**

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

Nays: None Absent: Nasisi Abstain: None

Mr. Honig asked Mr. Vreeland if there was any update on Predmore Road.

Mr. Vreeland commented we are looking at different options in replacing the covert and explained followed by a brief discussion.

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Mr. Honig asked the Mayor if we are still going to do a Highlands meeting in March. Ms. Hough commented she sent a draft notice and sent to the Borough Attorney for review. Mayor Hutnick commented he didn't have any problems with it.

Mr. Honig commented on March 22, 2021 the Mayor and Council regular meeting and the Land Use Board will also be attending that meeting and the Highlands Council will give their presentation.

Mr. Honig commented it was brought up at the last meeting we were looking at some type of maintenance code; the international property maintenance code. He did a little research in it and it looks extremely detailed and he thinks it needs some more investigating. He is going to do more research and Kevin is going to look at other towns. This is just to put a standard out there as to what we would like to see.

Mr. Telischak suggested Kevin Kervatt head that committee.

Mr. Kervatt commented he is very much in favor of that code; he has been asking for this for years.

**CORRESPONDENCE**

There was a brief discussion on the correspondence below.

Mr. Kervatt referenced his zoning permit denial for Atlantic Manor. Mr. Kervatt commented he became aware of an addition or accessory structure that was being built there. He put a stop work order on it; building department put a stop work order on it and now the owner would like to speak to the Board about it.

Mr. Honig commented there is no application before the Board and Carlos in on the meeting to get advice.

Mr. Thomas commented the advice he is going to get is to get with Robin and get an application and come before the Board the next meeting.

Mr. Honig commented it depends on what Carlos wants. Mr. Thomas commented he can appeal then the appeal can go into a variance if he applies for both at the same time. Mr. Honig commented at this point he needs to do an appeal and if he wants to build the structure he needs to file for a proper variance for either an accessory structure or if it is going to be an attached addition which will also require variance for setbacks and things like that. All that will be filed at the same time.

Mr. Roger commented he would file the appeal and the variances.

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Mr. Kibildis commented have we not in the past allowed an applicant to speak.

Mr. Thomas explained.

Mr. Kervatt commented there is a 20 day to file an appeal. Ms. Hough commented can't he just file an application for what he wants. Mr. Thomas commented he can do both.

Carlos Tavares owner of the Atlantic Manor commented he will follow up on this.

- Zoning Permit Denial Atlantic Manor 85-87 Main Street Block 7 Lot 6.
- Letter received February 8, 2021 from Emanuel Vasilescu, PE Capricorn Engineering, Inc. re Septic Plan TWA Application with NJDEP public notification 81 Main Street Block 7 Lot 5.
- Letter dated January 27, 2021 to Mr. Kris Gordon Re: resolution memorializing application LUB 01-2020.
- Memo to Land Use Board from Borough Clerk regarding Ordinance 02-2021.

**BILLS/VOUCHERS**

Mayor Hutnick made a motion to approve the bills and vouchers. Seconded by Mr. Fitzgibbons.

**Upon Roll call Vote:**

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

Nays: None Absent: Nasisi Abstain: None

- Invoice dated January 19, 2021 from Van Cleef Engineer Board Planner invoice number 6230-10 in the amount of \$312.50.
- Invoice dated January 19, 2021 from Van Cleef Engineer Board Engineer invoice number 6202-44 in the amount of \$130.00
- Invoice dated January 19, 2021 from Van Cleef Engineering Board Planner invoice number 6290019-2 in the amount of \$125.00 from escrow account for LUB 01-2020 Kris Gordon, Bulk C Variance.

**PUBLIC PORTION**

Mayor Hutnick made a motion to open the meeting to the public. Seconded by Mr. Kervatt.

No one from the public spoke.

Mr. Fitzgibbons made a motion to close the meeting to the public. Seconded by Mr. Fierro.

**ADJOURN**



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Mr. Fitzgibbon made a motion to adjourn. Seconded by Mr. Kervatt. All were in favor.

Chairman Honig adjourned the meeting approximately 8:16pm.

Prepared by  
Robin Hough, RMC/CMR