

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: June 28, 2016

CALL TO ORDER: The meeting of the Ogdensburg Land Use Board was called to order at 7:03 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 26, 2016.

1. **ROLL-CALL:** **Present:** Armstrong, Andrews, Fitzgibbons, Horuzy, Kibildis, Rizzo
Absent: Ciasullo, Fierro, Honig, McGuire, Nasisi and Telischak
Professionals Present: Roger Thomas, Esq.
Professionals Absent: Gene Buczynski

2. **APPROVAL OF MINUTES:**

A motion to approve the minutes from the April 26, 2016 meeting was made by John Kibildis, second by Patrick Fitzgibbons with Armstrong, Andrews, Rizzo and Horuzy also in favor.

3. **OLD BUSINESS/NEW BUSINESS**

- a. Sterling Hill Mining Museum, Inc.

Chairman Armstrong invited Mr. Bill Kroft to speak about the proposed planetarium to the Board. Sterling Hill has become quite an educational institution in Ogdensburg. We have grown from a basic museum and now it seems that our purpose is education. There are approximately 35,000 kids from schools visiting us. Eleven years ago we started our Observatory Program with a large telescope which utilizes a fifteen foot diameter on the property. We use that about once a month generally on Saturday nights. The only issue is sometimes with bad weather, we have to cancel so we can never really have events we can plan on because of the weather.

Now you may have read in the newspaper that Lenape Valley Regional High School had a wonderful planetarium that they were dismantling. We were able to successfully dismantle it and now have it in our facility which we would like to have in place on the Sterling Hill property. The planetarium seats 53 people. It is a world class planetarium which was going into a dumpster, and to me, that would have been a sacrilege. We have an Observatory

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which has a telescope. The difference is a Planetarium uses a projector to project star images on a hemispherical ceiling. So we have this wonderful facility now which is in storage. We would like to give Sterling Hill another dimension with offering the planetarium viewings. The Planetarium will not be a mainstay of our presentation at Sterling Hill. It would just be another selection on the menu. We anticipate probably utilizing it three (3) times a week so that would be 150 extra visitors. The nice thing about it is we could use it during daytime hours and no night time use unless we have bad weather than the people at the Observatory could switch to the Planetarium.

The building would be located in our upper parking lot area just to the south of our present Observatory. Our Observatory is 15 feet. This dome would be 30 feet in diameter and would be in a building probably 35 x 45 feet and the building would be about 23 feet high. It would be a simple building but it will have an architectural finish that would fit the atmosphere of the mining museum so it will have some stone facing on it. Our architect is working on the plans and our time frame is two years from now that the planetarium will be up and running.

Chairman Armstrong asked Mr. Kroft if he intends to add an additional use to the property and he responded that he considers it a parallel use. The building will be required to adhere to the Land Development Ordinances and a site plan will be submitted that will show where the building will be.

Mr. Fitzgibbons recalls going to the Hayden Planetarium when he was a youngster. He never visited the Lenape Valley Planetarium but thinks that this is a great opportunity.

Mr. Kroft stated that he wasn't for this until he sat through several showings and the star images were amazing. It was magical and he sat through three (3) shows. My intention is to make this available to the children in Ogdensburg at no cost. The teacher simply has to call and I will give a no charge presentation at their convenience. This planetarium was used for the school kids in Sussex, Warren and Morris Counties.

Mr. Kibildis stated that as a retired educator, when he first learned about this planetarium possibly coming to Ogdensburg, he couldn't be happier. He feels that the planetarium will be a great addition to the Mining Museum.

Note: Mr. Horuzy left the dais and recused himself since he has a family member who works at the Sterling Hill Mining Museum.

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- b. John Claquin, Delta Gas Station
186 Main Street, Black 26.02 Lot 2

Kevin Kervatt, Zoning Officer, said that he wrote to Mr. Claquin on May 2nd and informed him of Ordinance 601.B.3 which Mr. Claquin doesn't like and Mr. Kervatt understands that. He has done his best to comply with our ordinances; he has actually worked very hard to comply with the ordinances. On June 2nd, I went for an inspection and he was down to eight to ten vehicles. He said he would be down to six in the next few days and when I stopped there two days later, he was down to six vehicles. I stopped back on the sixth of June and he was back up to ten vehicles. Mr. Claquin stated that the four vehicles just came in and he doesn't know what to do. Mr. Kervatt suggested that he speak to the Board and/or possibly have the ordinance revised.

Chairman Armstrong reiterated all of the information which applies to the Conditional Use of Service Stations. Mr. Kervatt stated that this gas station has a variance permitting one (1) vehicle for sale to be displayed on the premises.

Mr. Claquin said that he thought the ordinance of six cars is unrealistic for any gas station in town. Chairman Armstrong informed Mr. Claquin that a variance application can be submitted to allow for more vehicles. Mr. Claquin stated that the ordinance is twenty five years old and the town has grown a lot since then. The business became very busy, very quickly and there were a lot of cars there. It was overwhelming and got out of control. I removed all the vehicles and cleaned everything up and was down to the six vehicles and became busy again. Also, my health has not been good during the past year. All the vehicles not worth fixing are junked right away. The tires are stored indoors. The trailer in the back has a lawn tractor and tool boxes.

Mr. Andrews inquired if the Borough Council would be required to approve a revised ordinance. Attorney Thomas responded in the affirmative and there is no time limit for the Council to act upon it. Whereas, the Land Use Board must act on a variance application in a timely manner. Mr. Kervatt added that an approved variance would stay with the property and is not only for the applicant. Chairman Armstrong gave Mr. Claquin a copy of the conditions in the Land Development Ordinances. The line of sight condition has been remediated.

4. ATTORNEY'S ANNUAL REPORT

Basically, Attorney Thomas said that there were only two variance applications last year and they did not result in anything that had to do with any suggested modifications. There was a setback variance in relation to the construction of a residential pool and a variance with regard to the Duncan Donuts on Main Street in relation to a sign. Attorney Thomas said that he personally does not see a need for recommendations to the Council by way of ordinances.

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Obviously, it up to the Board if you feel as though something needs to be suggested, feel free and I will amend it.

A motion to adopt the Attorney's Annual Report was made by Bill Andrews, seconded by John Kibildis with Armstrong, Fitzgibbons, Rizzo and Horuzy also in favor.

3. OLD BUSINESS/NEW BUSINESS

c. Interstate Industrial Management

Mr. Kervatt, Zoning Officer, made an inspection of the premises on November 6th, last year and wrote a letter on November 18th, 2015. We have contemplated writing summonses and/or Cease and Desist Orders. Mr. Fisher retained John Ursin of Schenck, Price, Smith & King, LLP. Mr. Ursin has corresponded back and forth and is dragging his feet. Mr. Kervatt received letters from Attorney Ursin in April, May and several in June. In the last correspondence, Mr. Ursin requested a meeting and Mr. Kervatt invited him to attend tonight's Land Use Board meeting but he has chosen not to come. Unless instructed otherwise, Mr. Kervatt said he is ready to issue a Cease and Desist Order and assess daily fines.

Chairman Armstrong stated that this is a business running without a Zoning Permit. It is getting bigger and bigger. It has outside storage, trucks, trailers, office trailers, storage containers, miscellaneous debris and it doesn't look good.

Mr. Bill Fisher introduced himself and his brother Peter to the Board and stated that they are the owners of the property at 105 Passaic Avenue. Mr. Fisher stated that they did have some financial hardships but are ready to move forward and apply for the proper permits since new plans were completed two (2) days ago. Mr. Fisher said that they might need a new attorney since Mr. Ursin has not been responsive regarding this matter.

Discussion continued regarding the approval given to the applicants in 2003. Also, Mr. Andrews recalled that a Use Variance was requested in the past but was never granted because the Use of a prospective tenant was not known. Mr. Fitzgibbons stated that the applicants were requesting an increase of the weight limit on Passaic Avenue. Mr. Ursin was going to appear before the Borough Council regarding this matter on July 11th. Discussion continued regarding options, proximity to the stream, millings for the parking lot, etc. Applicants were instructed to appear before the Land Use Board at the next meeting on July 26th with an attorney. Attorney Thomas restated that an application is not required since the approval was already given in 2003. The Board needs to determine if all of the conditions of the application have been met and/or in compliance at this time.

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Attorney Thomas will review the application and pertinent documents before the next meeting. The applicant has funds in an escrow account for payment. Mr. Kervatt remarked that the benchmark for the flood plain has changed. Chairman Armstrong restated that the Fisher's will be at the next meeting with an attorney and demonstrate the execution of the conditions of the approval, where they are and what is going on.

4. **CORRESPONDENCE** – No comments.

5. **CHAIRMAN'S AGENDA**

Chairman Armstrong noted the escrow account for Interstate Industrial Management.

6. **BILLS/VOUCHERS**

A motion to approve the following bills and vouchers was made by John Kibildis, second by Patrick Fitzgibbons with Armstrong, Andrews, Rizzo and Horuzy also in favor.

Dated 5/5/16 from Van Cleef Engineering Associates re: General	\$250.00
Dated 4/29/16 from Dolan & Dolan, Esqs. re: General	\$279.63+

7. **OPEN TO THE PUBLIC**

A motion to open to the public was made by John Kibildis, second by Patrick Fitzgibbons with all in favor.

8. **CLOSE TO THE PUBLIC**

A motion to close to the public was made by Patrick Fitzgibbons, second by Bill Andrews with all in favor.

9. **ADJOURNMENT**

A motion to adjourn was made by Chairman Armstrong, second by Patrick Fitzgibbons with all in favor. Meeting was adjourned at 8:23 P.M.

Blanche Stuckey
Land Use Board Secretary

Date of Approval

