

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order.

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.

APPOINTMENTS TO LAND USE BOARD

At this time the Borough Clerk gave Kevin Kervatt the Oath of Office for Class II member term expires 12-31-2020.

At this time, the Borough Clerk gave John Kibildis the Oath of Officer via zoom as Class IV member term expires 12-31-2023.

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

Absent: Fierro, Fitzgibbons, Nasisi

Also present: Roger Thomas Esq. (via zoom), Mike Vreeland, Engineer

APPROVAL OF THE MINUTES – June 23, 2020

Mayor Hutnick made a motion to approve the minutes for June 23, 2020. Seconded by Mr. Kibildis. All were in favor.

RESOLUTION

There were no resolutions to approve.

OLD BUSINESS/NEW BUSINESS

Parking for Main Street – Paper Road

Mr. Thomas explained he had the opportunity to discuss this with Robin [Hough] and Robert McBriar, Borough Attorney. We had concluded that in order to figure out what is going on there [with the paper road] is to get title information so that we find out if the Borough has any interest

REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm

in this property or is it actually owned by somebody else. Under the law if a street happens to be vacated then the property owners on either side get rights and therefore the idea of being able to park and authorizing parking would be contrary to those private rights. Mr. Thomas commented we don't even know whether or not the Borough vacated it, it is his understand with the discussion he has had with Mr. McBriar as well as Robin that there are foreclosures that abut this street. It was agreed to have the title searchers go a little deeper and find out information in regards to the road since it is already being done [with the foreclosure]. Once that is completed and it has been determined by the title company that the Governing Body as well as the Land Use Board will know what rights the Borough has if it turns out this is a paper road and one that is accepted by the Borough then the Borough would gain the rights. Right now, it is a matter of determining who has the rights.

Mr. Kibildis asked if there is any kind of time limit where the borough would have the property owners to claim the Borough abandoned the property because they haven't done anything with it over 25/30 years.

Mr. Thomas commented not that he is aware off, that is adverse position. That is something for private rights between two individuals and explained. If the Borough acquired possession of a road by way of ordinance it continues to have the rights as long as by ordinance it hasn't been abandoned and explained.

Chairman Honig commented at this point we are waiting for the title search to happen there is really nothing else we need to do or address at this point. It is still an on-going thing before we can see what we can do.

Mr. Thomas commented he will reach out to Mr. McBriar periodically to see if there is any update.

Chairman Honig commented with his conversation with Angela [Planner] parking is still one of the number one priority and we need to make sure we are doing everything we can to figure out how to increase the parking in this town. This is a valid option and we should pursue it the best we can.

Interstate Industrial "List"

Chairman Honig commented in your packets there is a couple of different things, we have Peter and Bill Fischer here (via zoom) from Interstate Industrial. Chairman Honig commented he wanted to address a couple of things; he believes it is important to be honest and open as he represent the Board as your Chairman. An email was sent to the County officials that we happened to get CC on and went out to everyone. Chairman Honig commented he wasn't extremely happy with the way the wording was put so he responded back to the email and explained his response.

REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm

Chairman Honig commented we have an update list for Interstate Industrial. We are going to let Mr. Vreeland from Van Cleef Engineering give us an update on the list.

Mr. Vreeland commented he had been by the site a couple of times he made his official visit July 22, when he pulled in the Mr. Fischer was pulling out so he was aware of what was happening. Mr. Vreeland commented he looked around took notes and went back [to the office] and reviewed the file and explained how he came up with the list; which is not in any particular order.

Mr. Vreeland explained the items on the list.

Item 1. Outside storage area: the board approval set forth the limits of the outdoor storage area and what was going to be stored in that area. The outdoor storage area was going to be a gravel area and based on our visits it appears that the gravel outdoor storage area has been expanded beyond what was approved on the site plan. Also, it appears to be some materials and equipment stored beyond the gravel outdoor storage area that was established.

Item 2. The approval was really to grant outdoor storage area for materials associated with the guide rail business based on their visit out there, there were other materials, vehicles other equipment being stored on the site outdoors.

Item 3. The approval required soil conservation district approval. Mr. Vreeland commented he believes there was one issued for the project at some point those approvals expire. We are not exactly sure what the status of that approval was or if all the conditions of that approval were satisfied. Soil Conservation will issue a final report of compliance. There is an approval if you are disturbing more than 5,000 square feet.

Item 4. The onsite sewage disposal system some of the information was included in the packet the Board received. In general, the history there was Sparta Twp. Health Department was involved in the beginning; now Sussex County Health Department is involved they are aware of the situation and from what he got from reviewing their email and letters is that they are going to continue to be involved in doing that. They would be in the position to issue a compliance certification once they have received an as built provided everything was in their file and the building was complete. So that is something that has to be tied to the construction of the building.

Item 5. There are two sight triangles that were to be established for site distance and leaving the driveway. There was a condition there the deeds for those site triangle or descriptions were supposed to be provide for review.

Item 6. The detention basin appears to be generally constructed in accordance with the plans but the grass and permanent vegetative coverage is still pretty thin; it really hasn't fully established. This is something the soil conservation district would look at.

REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm

Item 7. The approval required areas that weren't supposed to be disturbed to be delineated with a snow fence. He didn't see any snow fence out there he didn't know if it was ever installed or never maintained.

Item 8. The developer's agreement required insurance a certificate to be provided not really sure at this point what the status of the insurance certificate or coverage is.

Item 9. Most of the underground utilities have been started they are not complete and probably will not be complete until the building is done.

Items 10 and 11; building and concrete side walk there is no reason to put that in with the building not there.

Item 12 The parking lot and driveway something that will be finished at the end of the project.

Item 13. There business sign that was part of the site plan hasn't been installed and explained he didn't know if every business in the code book had to have a sign. There was one approved on the site plan but hasn't been installed yet

Item 14. Slope along lot 9 needs to be stabilized

Item 15. Minor landscaping; a significant amount of buffer trees have been installed. The site plan called for some minor shrubs and some other plantings that would probably be something that is done at the end with the sidewalks.

Item 16. As Built plan; the purpose of the as built is to get a record on what was constructed out there to make sure everything was put in the right locations and outdoor storage is the right size. This is something that would be provide at the end of the construction before the certificate of occupancy.

Mr. Vreeland commented he did get an email from the Fischer's on his way to the meeting with some information. Mr. Vreeland suggested to open up [the meeting] to the Bill and Pete Fisher for some information on what they sent this afternoon.

Chairman Honig commented before we open up based on the list to confirm a lot of it is going to be final which is fine we agree in that; when we wrote the original resolution from what he can see there is about three things that need to be addressed prior too. The soil conservation has to be either renewed updated, checked whatever the case may be but would also take care of the detention basin. The snow fence would be another item should be done prior to the final. The insurance status needs to be verified. The biggest one would be the slope stabilization. Do we need to follow up on or does that fall under soil conservation as well?

REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm

Mr. Vreeland commented he thinks ultimately that would be something that soil conservation would sign off on and explained.

Chairman Honig asked Mr. Thomas if it was ok for the Fischer's to speak on this.

Mr. Thomas commented before we do he would like to indicate one other issue that is there was a question as to the Affordable Housing fees; he believes that Mr. McBriar, Borough Attorney has emailed Mr. Hinkes the attorney for the Fischer's and he has outline in fact the affordable of housing fee of 2.5 percent. At some point they will get that information from their attorney.

Chairman Honig asked Mr. Thomas it is ok for them to get the building permit at this point of time. Mr. Thomas commented if Mr. Vreeland is good with it so is he. Mr. Vreeland commented he doesn't have an issue with that there is nothing from an engineering standpoint.

Mr. Thomas commented on the COAH fee and the fees will be due before the final is issued and referenced the email from the Borough Attorney.

Bill Fisher commented the soil conservation permit he has, expires September of 2023.

Mr. Thomas asked if that permit could be sent in to Robin so we have it on the record.

Peter Fischer commented he had sent it to Mike [Vreeland] already.

Bill Fischer asked about the site triangle. Mr. Vreeland explained the site triangle. There was a discussion on the site triangle.

Mr. Fisher commented on item number 14. Slope along lot 9. Mr. Fischer explained the slope on lot 9 in on hold right now because the adjacent property owner has a building which is partially on their property by approximately 15 feet. We can't do anything until the building is moved. He is also digging a hole in the back of the property he guesses to address drainage concerns on his property that is all from the neighboring property.

Mr. Vreeland asked Mr. Thomas what do you think does this become a dispute between two property owners.

Mr. Thomas commented you need to tell him to stop digging the trench and to remove 15 feet from the building.

Mr. Kibildis asked if they could come to some understanding with Mr. Nasisi.

There was a discussion on the property issue, the slope is a safety issue and this is between the two property owners, building a wall would be possible but would create a hardship for Mr.

REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm

Fischer with the size of the wall, private dispute with the two property owners, five foot rear yard setback, property provided a permit, this is what the courts are for an encroachment on a neighbors property and as far as the Board goes this is out of their hands.

Mr. Vreeland commented this does put on the record why this is an outstanding issue it clarifies one of the open items for the board.

Mr. Thomas commented this Board reviews applications it does not have enforcement power this situation has occurred he doesn't know how it occurred but it has occurred.

Chairman Honig commented it is good we were updated now on this item and asked about the insurance coverage.

Mr. Fischer commented he will email it to Robin.

Livestock Ordinance

Chairman Honig explained an article that was in the packets regarding a livestock ordinance. There are residents around town that have chickens and they are not allowed. It is time to update the ordinance.

Mr. Kervatt commented when he was in another jurisdiction they went by what is called the Rutgers Guide. It is a recommend guide for home animals' agriculture in residential areas. Along with what Chairman Honig has found he thinks between that and the Rutgers recommendation and a couple of ordinances we can get something to allow people to have a few chickens on their land.

Economic Development Plan. This really needs to be looked at.

Mayor Hutnick commented we would consider this.

Chairman Honig asked if there was anyone to help Mr. Kervatt with that and get that over to Mr. Thomas.

There was a discussion on the amount of chickens to permit, was there issue or complaints regarding chickens and roosters, the Rutgers guide, ordinance from Byram, not allowing roosters, ducks, turkeys and breeding ducks.

Mr. Telischak commented he knows from personal experience roosters are the problem so you might want to restrict that and the Rutgers Guide is a good source.

Chairman Honig commented let's let the crew work on an ordinance and we can discuss it next time.

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Mr. Kervatt commented this is something that needed to be done years ago.
Economic Development

Chairman Honig commented we had a meeting today regarding the economic development plan with Angela Knowles, Planner. She gave us an update and is working on this, it has gotten side tract a little bit with life; right now, the goal is to find out stuff we don't know. She has done a great job, a list of who to get involved, who to get in touch with and what Main Street actually needs, what the business owners want and what the residents want. Chairman Honig commented he will share the preliminary plan with everyone in the next meeting. Parking was a big item, highlands and how do we get more money and Angela Knowles brought up the Highlands. Ms. Knowles suggested bringing in the Highlands for a presentation to both the Land Use Board and Governing Body. There was a discussion on the Highlands.

CORRESPONDENCE

Chairman Honig explained the correspondence below.

- a. Memo to Finance Department date July 23, 2020, Re: bills/vouchers for payment
- b. Zoning Permit and CCO permit report
- c. Letter to Mayor Hutnick cc Land Use Board from Blanche Stuckey re: resignation.
- d. Letter dated July 27, 2020 to Interstate Industrial re: Septic Installation.

BILLS/VOUCHERS

Mr. Kibildis made a motion to approve the payment of the bills/vouchers. Seconded by Mr. Telischak

- a. Date July 21, 2020 from Dolan and Dolan statement #319243 in the amount of \$174.03.
- b. Date July 21, 2020 from Dolan and Dolan statement #319241 Interstate Industrial escrow account in the amount of \$125.47.
- c. Date March 11, 2020 Van Cleef Engineering Invoice 6202-38 in the amount of \$195.00.
- d. Date March 11, 2020 Van Cleef Engineering Planner (Main Street Economic Development Strategy stake holder letters) Invoice 6230-5 in the amount of \$750.00.
- e. Date March 11, 2020 Van Cleef Engineering Invoice 6290002-16 Interstate Industrial escrow account in the amount of \$2,803.00.

Upon Roll call Vote:

Yeas: Andrews (via zoom), Honig, Hutnick, Kibildis, Telischak (via zoom)

Nays: None Absent: Fierro, Fitzgibbons, Nasisi Abstain: Kervatt

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
August 4, 2020, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

PUBLIC PORTION

Mr. Kibildis made a motion to open to the public. Seconded by Mayor Hutnick. All were in favor.

No one from the public addressed the Board.

Mr. Andrews made a motion to close to the public. Seconded by Mr. Kibildis. All were in favor.

ADJOURN

Mr. Kibildis suggested working on something for Mr. Armstrong for his years of service.

Mayor Hutnick made a motion to adjourn. Seconded by Mr. Kibildis. All were in favor.

Chairman Honig adjourned the meeting approximately 8:10pm.

Prepared by
Robin Hough, RMC/CMR