

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
October 27, 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.

Ms. Hough started roll call but there were people attempting to join. Chairman Honig asked Ms. Hough to redo roll call.

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

Absent: None

Also present: Rodger Thomas, Board Attorney (via zoom), Mike Vreeland, Mike Marceau, CFO, Mike Vreeland, Board Engineer.

APPROVAL OF THE MINUTES – September 22, 2020

Mr. Fierro made a motion to approved the meeting minutes for September 22, 2020. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: Fitzgibbons, Nasisi

RESOLUTION

There were no resolutions to approve.

OLD BUSINESS/NEW BUSINESS

Parking for Main Street – Paper Road (Orchard Street)

Chairman Honig commented there are updates with Orchard Street.

Chairman Honig explained this has been a discussion for some time to figure out what we are going to do with the paper road; an adjacent property owner started clearing the road without

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permission to access his property for septic purposes. This was not done without Council permission and there has been a stop work order.

Mike Vreeland commented he had a conversation with the property owner and told him he didn't have the authority to give him permission to be in the paper street. Mr. Vreeland explained to the property owner he would have a conversation with the appropriate authority. Mr. Vreeland commented spoke with the Mayor and Borough attorney. The Borough attorney is still in the process of looking into the title work to see if the Borough still owns the paper road. Once he makes that determination we have to decide if we want this person to continue to use the paper street.

Mr. Thomas arrived at the meeting, via phone as he tries to access the zoom meeting.

Mayor Hutnick commented if the Borough is going through all this legal stuff the Borough is not paying for this because the Borough did not cause this and anything we do has to go back to the property owner.

Chairman Honig commented at this point he has applied for a zoning permit and was denied according to our zoning officer. While the title search is still going on nothing can happen.

Mr. Kervatt commented he denied the zoning permit stating a site plan is required.

Chairman Honig updated Mr. Thomas on the conversation to this point.

Mr. Fitzgibbons commented has anybody checked to see if we own this property.

Mr. Thomas commented this all part of tax appeals tax foreclosures in and around Orchard Street and Mr. McBriar was checking with the title company to see if the Borough owns the property. Mr. Thomas explained the email from the property owner and the zoning permit was denied.

Mr. Thomas joined the meeting via zoom instead of via audio.

Chairman Honig asked Mr. Thomas how do we proceed at the point.

Mr. Kervatt commented he denied him the zoning permit that a site plan is required.

Mr. Thomas commented at this point he will have to come before the Board with a site plan.

Chairman Honig asked if he submits a site plan would he technically be approved? That would be under our jurisdiction.

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Mr. Kervatt commented he doesn't have to apply to do the septic.

Mr. Kibildis asked if he is using Orchard Street to get to his property.

Mr. Kervatt commented he took trees down, used a bulldozer on it; you would have to stabilize it.

Mr. Fierro asked did he get approval for anything. Is he looking to have access from Orchard Street permanently?

Mr. Vreeland commented he hasn't indicated one way or another but he thought it was a good idea to use Orchard Street but he hasn't officially said anything.

Mr. Fitzgibbon explained how the paper street originated with Jack Madden and questioned if they were transferred to the town at all.

Mr. Thomas explained since there is a tax foreclosure around Orchard Street the title company is looking into this. Mr. Thomas explained he wants to put in an apartment back there and use the back area for parking.

Mayor Hutnick commented regardless of who owns the property he has no right to do this period.

The discussion continued on the different scenarios regarding who owns the property and what could happen, if it was vacated by the town, adjacent property owners and would this be on the deeds to the adjacent property owners,

Mr. Fierro commented he never in his time 20 to 25 years seen the town vacate property; he has heard about this paper road for many years there has to be paper work that we own it that is his opinion.

Chairman Honig asked Mr. Thomas to clarify at this point we don't have jurisdiction on this other than we have an applicant that was denied and we are waiting to see what they are going to do. We are waiting for the title company to be done based on your last conversation with Mr. McBriar. There isn't much more to discuss other than that applicant to move forward with this application or get the title work.

Mr. Thomas commented correct.

Chairman Honig asked why isn't the title work done.

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Councilman Nasisi commented wouldn't it be better to table this until we get the answer rather than speculate and waste our professional time. Let make a motion to shelf this until we find out what we need.

Chairman Honig commented we don't need a motion.

There was a brief discussion the on building in the back to get to this property.

Interstate Industrial "List"

Chairman Honig commented there really is no update. They are over a month in to the building permit so technically they should be under way; they have a month and a half to get the foundation done according to our original agreement with them.

Livestock Ordinance

Chairman Honig explained he sent out an email with ordinances from Byram and Vernon regarding chickens. Byram's ordinance was stricter with permits being required; Vernon's Ordinance is more lenient. There are permits required for the chicken coops, no rosters, chickens must be kept in a coop, maintenance of the coops etc.

Mr. Kervatt commented he really likes Vernon ordinance. Mr. Kervatt explained the lot sizes, reducing the lot size from Vernon's and then pretty much mirror Vernon's.

There was a very lengthy discussion on an ordinance permitting chicken, the Board discussed the number of chickens, right now it is not permitted to have chickens, many residents have chickens so we should have an ordinance to regulate this, disturbance to the neighbors, quality of life can be affected, what prompted this ordinance, chickens are the same as have a dog run in your yard, smell of chickens which would be part of the waste management of the chickens, the need to enforce this, Hope township ordinance was also emailed, draft an ordinance to send to the Council, making an ordinance to approve something that has been broken as far as the law goes, allowing chickens would devalue property and the ordinance needs to be strict.

Chairman Honig commented he is going to have a roll call on whether to pursue this or no.

Ms. Hough asked yes it to pursue and no is to not to pursue.

Roll call vote as to whether or not be pursue creating a draft ordinance permitting chickens.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

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Chairman Honig asked for volunteers to be on a sub-committee for this ordinance.

The committee to work on the chicken sub-ordinance is Kevin Kervatt, Pat Fitzgibbons, Anthony Nasisi and John Kibildis.

Chairman Honig asked to have something for the next meeting to continue this discussion.

Economic Development Plan

Chairman Honig commented the economic development plan is on hold right now but from what he understands this has sparked some interest in the town not only in regards to the walking trail and in developing some of the land in town. Do we as a Board if we have a little money to try and to proceed with one more step. Is the economic development plan important to us to continue now? We have some money set aside for other projects, is this something the Board wants to continue this year or wait until next year.

Mike Marceau, CFO was present to give an update on the budget. Mr. Marceau explained overall your budget is at \$2,665 we haven't received any bills for September yet. We still have September bill, October bills and whatever you need for professionals in November or December.

Chairman Honig commented he thought are invoices were up to date based off what he saw but it looks like they are not. So, this we will have to hold off until our next year's budget. Chairman Honig asked the Borough is putting together a budget so the board can continue down the road that we were; we would need about and extra four thousand dollars give or take.

Mr. Marceau commented he would be happy to speak to the general Council if you as a Land Use Board think it is important enough he is happy to speak with them to see if they do want transfer any left-over money into your budget.

Chairman Honig asked as a Board do we want to proceed with this, this year. We have a voice with the Council people here on the Council. Do we want to continue this year or table it until next year?

Mr. Andrews commented if we have the money this year to proceed we should use it because then we will be accused of not using the money and it disappears; the plan all of a sudden that rug was pulled out from underneath [us]. Mr. Andrews commented he doesn't know what happened with that; he requested we look into the minutes and find out who said what.

Chairman Honig commented to be fair he did do that and he didn't find anything definitive what he found. Chairman Honig commented he doesn't want to go back to far with that and rehash it; all he wanted to say was if it is important he agrees and we can move forward with it. Chairman Honig commented his goal is to do something with it; it just doesn't want a piece of paper. Angela's goal was to do that at this point we don't have anything but a piece of paper which is

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her report. If we want to move forward we try to do so; put this in front of the Council and see what they can do as far as money is concerned. If he remembers and he doesn't have the numbers in front of him but there is about \$4,000 left of what we need to finish the economic development plan. Chairman Honig commented he doesn't even know if she can finish it by December.

Mr. Thomas commented his recollection Angela gave the CFO a summary, if that is so and you put this off until 2021 by time you get your budget will be March and now you may have [lost] the enthusiasm that Ogdensburg wants and needs. Even if it is only \$1,000 it might show those people who are enthusiastic that things are moving even slowly.

Chairman Honig commented if the general direction is let's do something he will get updated information from Angela, let's find out what she needs to finish this plan and then we can go and ask the Council for that money.

Mr. Fitzgibbons commented he would agree with that; as long as the Council and CFO concurs that the money is there to be used.

Chairman Honig asked what needs to be done.

Mr. Marceau commented he will talk to the Council if there is excess money and if they would like to do it. We have a meeting coming up in November and he can do a transfer resolution at the time and transfer the money. Then if she wants to give us a proposal for the plan of finish the plan we can set the money aside for it. Mr. Marceau commented when she [Angela] gets approved in the beginning of the year that is for general planning services and then any specific projects she takes on in addition to that is a separate proposal which would again be approved via resolution.

Mr. Thomas commented didn't she already provide that proposal to the board and part of the problem was the money was just not allocated.

Chairman Honig commented part of the original proposal is already done; so, we need to find out where she is with that, what needs to be done so that he has accurate information because he does not want to make assumptions on that.

Chairman Honig asked if the board was in agreeance with this. Board members agreed.

2020 Budget

Chairman Honig commented you see the numbers in front of you if you have any questions this would be a great time.

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Survey for Borough Residents

Chairman Honig commented we are getting some responses from the survey we sent out. Some of the responses have been interesting; some of it is not reasonable and some of it is very reasonable. Chairman Honig commented as a quick summary and we make sure everyone gets a copy of it; there has been a lot talk about walking paths, bike paths, more recreational things then anything else, tying into other towns with the recreation. There is a lot of things we can do with this and there are several members of the town that are interested in helping which to him is the most exciting part about this.

Walking Track/Path

There were no updates on the walking path.

Borough Property/subdivision/sales

Chairman Honig commented he will turn this over to Councilman Nasisi; whom didn't respond.

Mayor Hutnick updated the Board; from what Councilman Nasisi has told him he was approached by a business and they are interested in possibly looking at land to build a facility; one of the plots of land they were looking at is the land directly across from the school behind the gas station. Mayor Hutnick commented he doesn't know what kind of facility or business it is but there is an interest if the Borough wants to sell that for commercial use.

Mayor Hutnick commented he was approached about the double lot on Main Street the one where we discussed a parking lot and there is a person that is potentially interested in purchasing that lot and building on it. He is going to guess it would be a similar building as to what was next to it; commercial below and apartments above.

Chairman Honig commented this is all good points of information because if we are talking about economic development talking about zoning talking about our ordinances if people are interested in building it is important that we do our diligence on our side the are LDO is up to date as to what we would like to see as our vision of Main Street and explained.

Mr. Fitzgibbons explained a package done many years ago but nothing was never done that he is aware of.

There was a brief discussion on looking into these old documents that were done years ago and the Borough owned vacant lot on Main Street

CORRESPONDENCE

Chairman Honig explained the zoning and CCO report.

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- a. Zoning and CCO Permit Report

BILLS/VOUCHERS

Chairman Honig asked if there was any discussion on the bills and vouchers.

1. Date September 30, 2020 from Van Cleef Engineering Board Planner invoice #6230002-1 in the amount of \$1,625.00.
2. Date September 22, 2020 from Van Cleef Engineering Board Engineer invoice #6202-40 in the amount of \$520.00.
3. Date September 22, 2020 from Van Cleef Engineering Board Engineer invoice # 6290002-19 Interstate Industrial Management escrow account in the amount of \$422.50.

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

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

PUBLIC PORTION

Chairman Honig commented since there are no members of the public on the zoom call or in person we are going to proceed if there is no further discussion.

Mr. Kibildis asked if Ms. Hough could make up a packet of sample chicken ordinances for the subcommittee.

ADJOURN

Councilman Nasisi made a motion to adjourn. Seconded by Mr. Fitzgibbons. All were in favor.

Chairman Honig adjourned the meeting approximately 8:25pm.

Prepared by
Robin Hough, RMC/CMR