

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
November 24, 2020, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:04PM.

Chairman Honig led the 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 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://us02wem.zoom.us/j/86231609709> and entering Meeting ID: 862 3160 9709 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID: 862 3160 9709 followed by the # sign.

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

Absent: Andrews (arrived via zoom 8:07) Fitzgibbons (arrived 7:15)

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

**APPROVAL OF THE MINUTES** – October 27, 2020

Mr. Fierro made a motion to approve the meeting minutes for October 27, 2020. Seconded by Mr. Kibildis.

**Upon Roll call Vote:**

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

Nays: None Absent: Andrews, Fitzgibbons Abstain: None

**APPLICATION FOR COMPLETENESS**

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

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

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Chairman Honig commented in front of you is a nice packet for a C Variance from Mr. Gordon which is referencing Block 32 Lot 16.02. Chairman Honig asked Mr. Thomas for procedure just to make sure we are doing this correct. We have the planner and the engineer to give their reports on this first before we do anything else.

Mr. Thomas commented to have each summarize.

Ms. Knowles suggested for the engineer to go first for technical completeness.

Mr. Vreeland commented the applicant requested a bunch of waivers; from a technical standpoint he thinks the information that was provided is sufficient for our review of the application. He doesn't have engineering objectives for the waivers noted on the checklist. Technically the applicant should provide a little bit of information on why those waivers are being requested but from an engineering standpoint he thinks the information in the packet was sufficient for our review.

Mr. Thomas commented when you refer to our review you are referring not only to your review but also the review by members of the Board is that correct.

Mr. Vreeland commented yes, it is.

Ms. Knowles commented as mentioned there are a couple of variances being requested the main one is he is basically looking to expand an existing garage that has been identified as being located within the front yard of the property. Assessory structures are not permitted in the front yard but an expansion to a non-conforming structure requires a C Variance a Bulk Variance for essentially deviating from the zoning ordinance. Properties in the R-10 residential district single family residences and garages are permitted as assessor uses but again only permitted within the rear yard and side yard. What appears to be a minimal deviation encroaching into the front yard setback it's not anything extravagant. It appears what the applicant is trying to do is pretty reasonable. It is just sort of going through the procedures here to make sure everything is done properly. Ms. Knowles started to reference her report.

Mr. Thomas commented what we are really looking for is not your full report but any issues you have.

Ms. Knowles commented for completeness wise it is fine. There is nothing that seems to be missing.

Chairman Honig asked if any of the Board members had any questions or comments regarding the Variance for completeness purposes only. Once it is deemed complete it would then come up in front of us at the next meeting which is in December which some of the issues can be

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addresses and then the applicant will have the opportunity to address those issues. Are there any comments from the Board for completeness?

Mayor Hutnick commented he is satisfied. No comments from Board members.

Chairman Honig asked for a motion to accept it as a complete application.

**Mayor Hutnick made a motion to deem complete application LUB 01-2020 Kris Gordon, bulk Variance C, Block 32 Lot 16.02. Seconded by Mr. Kervatt.**

**Upon Roll call Vote:**

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

Nays: None Absent: Andrews, Fitzgibbons Abstain: None

Chairman Honig commented Mr. Gordon is present; at this point you are deemed complete. So now you can go through the process of mailing out the notices for the December 22, meeting.

Chairman Honig commented let the record show that Mr. Fitzgibbons has joined the meeting [in person].

Chairman Honig commented he knows December is [tough] but he wants to get this up and running for Mr. Gordon as soon as possible.

Mr. Gordon commented alright. Mr. Gordon thanked everyone.

**RESOLUTION**

There were no resolutions approved.

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**OLD BUSINESS/NEW BUSINESS**

Chairman Honig commented we are going to do some clean up with some of these.

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

Chairman Honig commented we are going to table this as per our discussion with the Mayor we are still waiting for the title company.

**Interstate Industrial “List”**

Chairman Honig commented he is happy to say there is a building being constructed. He is happy to see steel in the air, so at this point he feels until it goes for a certificate of occupancy we are done. There is really not much more we can do as a board and hopes everything we put on the list is addressed.

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Mr. Kervatt commented he is going to have to get a zoning permit and the professionals will have to sign off on it.

Chairman Honig commented it doesn't need to be on the agenda until that final zoning permit comes up. The only thing he does ask is that our professional keep the board in the loop so we don't miss anything.

Mr. Fitzgibbons commented he saw one of their loaded trailers coming up on a school day trying to make that turn in and explained. The police took care of it and held the traffic up and questioned if there could be a time limit.

Mayor Hutnick commented there isn't a time restriction when they can come and go.

There was a brief discussion the is matter.

**Livestock Ordinance – Draft Ordinance from subcommittee**

Chairman Honig commented our subcommittee met and came up with a good draft of an ordinance for us to discuss. This is part of your packet and he hopes everyone had the opportunity to review this. Chairman Honig asked if a member of the subcommittee would give the board a summary of their talking points. Professionals if you have an opinion on it after they give us an update on the meeting we can open it up for discussion based on that topic.

Councilman Nasisi commented he sent the changes to Robin. Ms. Hough commented what you gave me is in the packet.

Mr. Kervatt commented we can make the changes now.

Councilman Nasisi commented six fowls seemed to be adequate, there were some other changes in the draft we didn't feel necessary so far what he is looking through what is in his packet everything seems to be right. Councilman Nasisi referred to the draft and suggested changes; Councilman Nasisi explained some of the highlights, the height of the coup, fowls are not permitted to fly or run at large, restricted to the rear yard area and explained side yard setbacks 50 feet to the occupied dwelling.

Ms. Hough asked number 4 will be 50 feet to the occupied dwelling.

Chairman Honig commented you are adding the work occupied between adjacent and dwelling.

Chairman Honig commented in section B you get into the waste management of foul; are there any major changes/updates you want to comment on.

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Councilman Nasisi commented we seemed to cover everything, where if someone is neglecting the care or presents a health hazard not just this ordinance but any ordinance.

Mr. Kervatt commented we are taking “out the construction code official”. Mr. Kervatt commented that was another thing we discussed.

Chairman Honig commented in section D. number 1. We are removing “the Construction Code Official” everything else stays the same. Is that correct.

Councilman Nasisi commented yes.

Chairman Honig opened the discussion up to the board and professionals.

Ms. Knowles commented is this to be applied to any specific zone or all zones.

Chairman Honig commented he believes all zones.

Ms. Knowles suggested looking at this; would be applicable to the commercial zones and maybe restrict it to residential lots.

Mr. Thomas commented he agrees; to have a chicken coup in the downtown zone and the commercial zone and industrial zone; those don’t have a lot of density. There are three or four residential zones that is likely where this would occur and that’s where it should apply and prohibited in the other zones.

Ms. Knowles commented she would agree to that.

Mr. Fierro asked Ms. Knowles are you concerned about some of the neighborhoods in Ogdensburg that have small lots like Arch and Wausau; streets like that.

Ms. Knowles commented about the commercial zones and explained if someone on Main Street wanted to have chickens in their back yard; this is a bit of a denser area.

There was a discussion on the size of lots to allow chickens, the distance from an adjacent dwelling, nuisance and smell.

Mr. Fierro commented on the following possible issues, if there is an odor that the chickens are not being properly maintained, this ordinance not being full proof, quality of life for residents. Some of the drafts we saw from other municipalities our heavy in farming and agriculture. Ogdensburg is not like that; we don’t have farms we are a small residential town, we have 800-line items in a 2.2 square mile area. Mr. Fierro commented you see where I stand you know where I stand you know my concerns if it is not full proof it’s not for me.

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Chairman Honig commented he thinks they are all valid concerns and he understands where you are coming from especially looking at an R-10 lot where some of that would be an issue. Where as maybe in an R-100 or R-40 there is not that many it is few and far between. We discussed this last month and we moved forward to see what we could come up with; he still thinks we need to either one cut this down and say forget it all chickens leave or we do this and restrict this. We can restrict this even further; we can say R-100 and R-40 and that is it. Again, that is up to us and then we have to see what the Council is going to say.

Mr. Telischak asked do you know how many R-100 lot there are in town. Chairman Honig commented less than a hand full.

Mr. Kervatt comments there are not many R-40 either.

Mr. Telischak commented if you go with R-100 there are only about 6 people that can have chickens.

The discussion continued on the ordinance, there is no benefit to the town, no one enforcing the ordinance now not permitting chickens, setbacks, different zones, enforcing the ordinance, the enforcement would fall under the zoning officer, the board did their job now pass this over to the Council for review, a zoning permit would be required, people have chickens now, nonconforming use, how will the fines work, the zoning officer will write a summons and the judge would decided the fine.

Mr. Kervatt commented maybe our planner came up with a good idea that this should only be good for the "R" districts.

Chairman Honig commented are we going to include the R-10 as part of that.

Mr. Kervatt commented the planner caught something the committee didn't; we don't want chickens in the middle of [Main Street].

Chairman Honig commented so this would apply to all "R" zoning. We will send this to the Council.

Mr. Thomas commented in light of the discussion maybe we want to have a motion to pass it on; whether or not the Board is in favor to pass on to the Mayor and Council.

Chairman Honig asked if there are any other comments on the chicken ordinance.

Councilman Nasisi gave some suggestions as to adding to place the coops where the zoning officer would see fit.

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Mr. Thomas commented the changes that he understands is that it would be in residential zones only, not in any other zone. Number two the fifty foot would be from the property line rather from the dwelling.

Chairman Honig commented no, we have 15 feet set on the side property line in addition to at least 50 feet from. Mr. Thomas commented then the change would be the ordinance would limit it to residential zones prohibiting it in other zones. Chairman Honig commented correct and then the occupied dwelling and the removal for the Construction Code Official.

Mr. Telischak asked that 50 feet from an adjacent resident and 15 feet from the property line is he understanding this correctly. Chairman Honig commented correct. Mr. Telischak commented the R-30 and R-10 zones in town 50 feet to the house, that number seems a little tight. Based on Mr. Fierro input was as far as the effect on neighbors, maybe we should move that up to 60 or 70 feet and explained.

Chairman Honig commented you guys have the option now, if you don't feel this is a necessity and you don't want to move forward with this then vote no. If you want we can change that to 75 feet he thinks it makes it more restrictive and he doesn't have a problem with that. It really has to be on you as a Board as to what we want to do. Mr. Telischak suggested 75 feet is that more agreeable as to what we like to see.

Mr. Kibildis commented do I want to see chickens on either side of my neighbors to be perfectly honest with you no. But he feels live and let live he would also be concerned because he has had neighbors that have had two dogs and didn't properly maintain those two dogs etc. The health portion and the enforcement of it is so important.

Ms. Knowles asked would they be permitted to sell the eggs from their property or would that be prohibited.

Mr. Kervatt commented it would be as anything we do out of a residential home you just can't sell things out of your home without getting the proper permits.

Ms. Knowles commented you might want to include that language in the ordinance so it is clear.

Chairman Honig commented we can restrict this to 75 feet and we can add prohibit of sale of eggs.

Mr. Thomas commented add "for personal use only".

Chairman Honig commented he would like a motion and the changes would be to change 50 feet to 75 feet of an adjacent occupied dwelling. The change would be omitting "the construction

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code official” a change would be restricting to “R” Residential zones only and prohibiting anywhere else and for “personal use only”.

Mayor Hutnick made a motion for everything Chairman Honig just said. Seconded by Mr. Fitzgibbons.

**Upon Roll call Vote:**

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

Nays: Fierro Absent: Andrews Abstain: None

Ms. Hough asked with those changes does the Board want to look at it again with the changes or do you want the ordinance to go to Council.

Chairman Honig commented no, he wants the ordinance to go right to Council.

**Economic Development Plan**

Chairman Honig commented thank you to the Mayor and Council, he had requested some additional funding so that we can move forward with said plan. Ms. Knowles had given him a proposal but he is happy to say based off the additional funding that the Council has offered we are going to move forward. This is his official authorization asking Angela Knowles to do at least phase one of that which would be reviewing our Land Development Ordinances, recommendations on the Main Street revitalization, LDO review which he thinks is a necessity based off everything we just talked about. The only small issue with that is we have to get it done somewhat quickly and to get the billing in quickly.

Mr. Fierro commented Bill Andrews is trying to get into the meeting, we have to let him in.

Chairman Honig commented let the record show Bill Andrews arrived at the meeting at 8:07.

Ms. Knowles asked do you want something for the next meeting or the first meeting of the new year.

Chairman Honig commented the first meeting of the new year.

There was a brief discussion on the land development ordinances.

Mayor Hutnick asked about updating the BC zone overall. Chairman Honig commented he had a conversation with Mr. Thomas earlier regarding the BC zone. Mr. Thomas is working on reviewing and updates to the ordinance of the BC zone; he is going to work in conjunction with Angela to make sure that prior to anything getting done that the BC zone is done first and gets updated as soon as possible so that hopefully for the January meeting we can have it in front of the Council to get done immediately.



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**2020 Budget**

Chairman Honig commented there is no real change; for next years budget we will want to include Angela's work we have been busy the last few months.

Mayor Hutnick commented once we start budget meetings have someone from Land Use come to the meeting.

Chairman Honig commented he looks forward to attending the meeting and nominated Mr. Fierro to attend the meeting with him.

**Survey for Borough Residents**

Chairman Honig reviewed the results of the survey with the Board. The survey is proof that a lot of work needs to be done, people are interested in walking paths, community events and recreation.

**Walking Track/Path**

Chairman Honig commented there is no update we can table it for the most part and the same for h and i. [Borough property/subdivision/sales and Borough owned vacant lot on Main Street]

**Borough Property/subdivision/sales  
Borough owned vacant lot on Main Street**

**CORRESPONDENCE**

Chairman Honig reviewed the zoning and CCO report. Mr. Kervatt explained the denial of the zoning permit below.

- a. Zoning and CCO Permit report
- b. Denial of Zoning Permit for Ogden Property LLC/Ted Moustakis 81 Main Street  
Block 7 Lot 5.

**BILLS/VOUCHERS**

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

**Upon Roll call Vote:**

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

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Nays: None Absent: None Abstain: None

1. Dated October 29, 2020 from Van Cleef Engineering Board Planner invoice #6230-8 in the amount of \$375.00
2. Date October 29, 2020 from Van Cleef Engineering Board Engineer invoice #6202-41 in the amount of \$130.00.
3. Date November 6, 2020 from Dolan and Dolan Board Attorney statement #320101 in the amount of \$1,372.09.
4. Date November 6, 2020 from Dolan and Dolan Board Attorney statement #320103 Kris Gordon Block 32 Lot 16 escrow account in the amount of \$109.47.
5. Date November 6, 2020 from Dolan and Dolan Board Attorney statement #320102 Interstate Industrial escrow account in the amount of \$109.47.

**PUBLIC PORTION**

Chairman Honig commented we do not have any members of the public present here or on zoom. So, we will move forward pass the public session.

**ADJOURN**

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

Chairman Honig adjourned the meeting approximately 8:20pm.

Prepared by  
Robin Hough, RMC/CMR