

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
July 25, 2023, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:03pm.

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 25, 2023.

**ROLL CALL:** Fierro, Honig, Kibildis, Marceau, Poyer

Absent: Fitzgibbons, Mayor Hutnick (arrived 7:04pm), Nasisi

Also present: ---

**APPROVAL OF THE MINUTES**

Mr. Kibildis made a motion to approve the meeting minutes for May 23, 2023. Seconded by Mr. Fierro.

Chairman Honig asked if there was any discussion for the minutes. There were no comments.

**Upon Roll call Vote:**

Yeas: Fierro, Honig, Hutnick, Kibildis, Marceau, Poyer

Nays: None Absent: Fitzgibbons, Nasisi Abstain:

**APPROVAL OF MINUTES FOR SPECIAL JOINT MEETING**

Mr. Kibildis made a motion to approve the meeting minutes for July 17, 2023 special joint meeting of the Land Use Board and Mayor and Council. Seconded by Mayor Hutnick.

Chairman Honig asked if there was any discussion for the minutes. There were no comments.

**Upon Roll call Vote:**

Yeas: Fierro, Honig, Hutnick, Kibildis, Marceau,

Nays: None Absent: Fitzgibbons, Nasisi Abstain: Poyer

**APPLICATIONS FOR COMPLETENESS**

There are no applications for completeness.

**APPLICATIONS TO BE HEARD**

There are no applications to be heard.

**OLD BUSINESS/NEW BUSINESS**

**Local Planning Services Grant**

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Chairman Honig commented as previously stated we did meet on July 17, it was held at the Ogdensburg School gym where we had a presentation given to us by Mr. Tessier. Basically, he was looking for input from the Land Use Board and Council to find out what we were looking for as well as he provided information as to what he thought. At this point it is step one in the process, there is a long way to go as far as getting information from him and a plan. Chairman Honig commented it is a work in progress.

Mr. Marceau explained he thinks the big item was updating of the study for this parcel [behind Borough Hall] he spent some time talking to Joe our planner afterwards on redevelopment over there and potential other properties in town. The Local Planning Service will give us a start but then Joe Vuich, Planner will have to pick up [after their recommendations]. Mr. Vuich seemed to be on the same page as us as to our thoughts. Mr. Marceau commented he thought that was more encouraging than some other stuff. Mr. Vuich seems to know exactly what to do.

**International Maintenance Code [Ordinance review]**

Chairman Honig asked if there was any information from the Council on this. Mayor Hutnick commented there has not been; we have been tied up with some other things but he needs to get this [going again].

Chairman Honig explained he is concerned about getting this back and running this year and to get this 100 percent finalized.

**Park Grant**

Chairman Honig explained from what he understands we went out to bid.

Mayor Hutnick commented we have a contract. Mayor Hutnick explained what was going on with replacing the old basketball and tennis courts. Mr. Marceau explained the Borough engineer worked through a coop for the work to replace the courts.

**Zoning Map & zoning ordinance review**

Chairman Honig commented our goal is to go through this and he hopes everyone had a chance to go through the handout and make some notes. Chairman Honig commented he would like to get through at least the definitions. We have members from the public here so we can switch things around.

**PUBLIC PORTION**

**Mr. Fierro made a motion to open the meeting to the public. Seconded by Mr. Kibildis. All were in favor.**

David Varcadipane, 13 Main Street and Lisa Barlow, 13 Main Street addressed the Board.

Mr. Varcadipane commented the last meeting we were here at we were told to submit a zoning application with what we wanted to do. So, we submitted the application and the application was denied.

Ms. Barlow commented we waited a month, we didn't get a letter and the zoning officer was out.

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Mayor Hutnick explained this is what he is going to guess; for some reason the zone you are in automotive stations are not permitted.

Mr. Varcadipane asked what exactly does that mean. Mayor Hutnick replied exactly what he said that automotive station and repair shops are not a permitted use in that zone. Ask him why he doesn't know because it has always been there.

Ms. Barlow commented so that means we can't be there anymore.

Mayor Hutnick commented by ordinance no; but that is not what is going to happen. That is part of the updates; when the ordinance was created based on that zone taking into consideration is somebody going to have an auto repair shop there was never thought of but through variances and things like that it's been there for many years.

Mr. Kibildis commented it has been there since the 1950's, then it was a SO Station and Mike McConnell was the owner of that station. Mike McConnell was a Mayor of Ogdensburg. SO was an Exxon gas station.

Mayor Hutnick commented his guess on this is our zoning officer opened up the Book [code book] did what he was supposed to, read it compared your business saw it wasn't allowed and you got denied. He doesn't have the back history on anything. As far as this goes don't worry about that. We can have this resubmitted and have it approved.

Mr. Varcadipane commented he did call Steve personally and he told him directly that he didn't know why it was denied and he was the one how supposedly denied it.

Mayor Hutnick explained he has to separate himself from Ogdensburg and Ogdensburg zoning officers and what they can and can not do, due to his status.

Chairman Honig asked do they need to resubmit that exact same thing.

Mayor Hutnick explained it can be resubmitted without any fees and be taken care off from that point. The application denied will be attached to the new one and it will just take us time as we go through each of the zones. That is the only information he can come up with for this.

Chairman Honig commented at this point he is going to recommend they submit the paper work.

Mayor Hutnick commented the zoning officer is in once a week.

Ms. Barlow explained they waited and never received anything from the last application.

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Chairman Honig apologized for what happened to them and advised them to resubmit the zoning application and reminded them we are going through the ordinances to work to correct everything.

Mr. Varcadipane explained how they are trying to clean the place up.

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

**Zoning Map & zoning ordinance review continued**

The Board continued the discussion on zoning ordinance review beginning with rental and land lord registration.

Chairman Honig commented our goal is to get all this on the books.

Chairman Honig referred to the hand out pages with the definitions. Small changes does anyone have comments.

The Board referred to the ordinance and zoning review 2023 hand out and discussed the following definitions condition use, Floor Area Ration, Master Plan, Municipal Agency [Changing Planning Board to change to Land Use Board] Non-conforming building or structure [adopt proposed].

How to clarify a non-conforming lot was discussed. Mayor Hutnick commented we have preexisting lot now that are not buildable because they don't meet the current standards. You can create an exception to the rule from a date backwards; that doesn't meet the current code will be considered buildable provided you can meet all the set back and requirement. So, the only thing that can be waived would be the acreage requirements and gave an example. The Board discussed this suggestion.

Non-conforming use-

Chairman Honig asked if there were any comments.

Performance Guarantee was discussed the original ordinance vs proposed ordinance. Chairman Honig commented the original is a little better with the statue. So, keep the original just check the statue.

Public Purpose Uses

Chairman Honig explained public purpose use was permitted in all zoning but it doesn't seem to be an necessity. The Board discussed whether or not to remove public purpose use.

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The Board continued their discussion referencing the handout zoning changes R10 single Family Residential District. The conditional uses church, parish house/rectory was discussed for this zone.

Chairman Honig commented every zone you are going to see section 404 which is removing public purpose use; at this point we are going to table that just for the sake we don't know what we are going to do with that until we clarify the definition. He thinks we are all leaning towards leaving it as long as we make the definition better.

Chairman Honig referenced 404 C commenting in his opinion this is getting into the important part; all of you have a copy of this somewhat updated map. R-10 on our map number one we need to look at what R-10 says and are we comfortable with R-10 on the map where it is. In other words, are we happy with the conditional uses of a church, parish hall and public utility in the R-10 zoning indicted on the map. If not, what should we change. Chairman Honig commented a proposed change was public utility and definition there. Again, this is just proposed we can use something different. In theory R-10 allows for a church to be on Avenue A or B; is that what we want. There was a discussion on the area around Avenue A and B and the need for an updated map.

Chairman Honig commented at the end of the next meeting he would like to get through all the residential; which means R-10 through RMF. For those who numbered their pages appropriately it would be pages 4, 5, 6, and the top of 7 for the next meeting.

**CORRESPONDENCE**

Chairman Honig explained the correspondence.

- CCO and Zoning Permit report for May, and June, 2023.
- Franklin Borough Ordinance 07-2023 Amending Chapter 161, B-2 Zone.

**BILLS/VOUCHERS**

Mr. Marceau made a motion to approve the bill/voucher. Seconded by Mr. Kibildis.

- Statement #947639 dated June 7, 2023 from Dolan and Dolan, Roger Thomas, Land Use Board Attorney for General matters in the amount of \$214.75.

**Upon Roll call Vote:**

Yeas: Fierro, Honig, Hutnick, Kibildis, Marceau, Poyer

Nays: None Absent: Fitzgibbons, Nasisi Abstain: None

**ADJOURN**

Mayor Hutnick made a motion to adjourn. Seconded by Councilman Poyer. All were in favor.

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Chairman Honig adjourned the meeting approximately 8:18pm.

Prepared by  
Robin Hough, RMC/CMR