

**REORGANIZATION MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
January 23, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Ms. Hough called the meeting to order at 7:05pm.

Ms. Hough 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 24, 2023.

MS. HOUGH ADMINISTERED THE OATH OF OFFICE TO THE FOLLOWING LAND USE BOARD MEMBERS:

| | | |
|-------------------------|------------------|-------------------------|
| Mayor George P. Hutnick | Class I Member | Term Expires 12-31-2024 |
| Mike Marceau | Class II Member | Term Expires 12-31-2024 |
| Ken Poyer | Class III Member | Term Expires 12-31-2024 |
| Vacant | Class IV Member | Term Expires 12-31-2027 |
| Vacant | Alternate I | Term Expires 12-31-2025 |

ROLL CALL: Fierro, Fitzgibbons, Honig, Mayor Hutnick, Marceau, Poyer

Absent: Kibildis, Nasisi

Also present: Matthew Lynch, Attorney from Dolan and Dolan.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

ELECTION OF CHAIRMAN

Ms. Hough asked for a motion to elect a chairman of the Land Use Board.

Mr. Fierro made a motion to elect Elliott Honig as Chairman to the Land Use Board for 2024.
Seconded by Mr. Fitzgibbons.

Ms. Hough asked if there were any other nominations. There were no other nominations.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

At this time Chairman Honig took over the Land Use Board meeting.

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Chairman Honig thanked the Board; he is honored to be sitting here with all of you.

ELECTION OF VICE CHAIRMAN

Chairman Honig asked for a motion for Vice Chairman.

Mr. Fierro made a motion to elect Pat Fitzgibbons as Vice Chairman to the Land Use Board for 2024. Seconded by Mayor Hutnick.

Upon Roll call Vote:

Yeas: Fierro, Honig, Hutnick, Marceau, Poyer

Nays: None Absent: Kibildis, Nasisi Abstain: Fitzgibbons

ELECTION OF SECRETARY

Chairman Honig asked for a motion for secretary

Mayor Hutnick made a motion to elect Robin Hough as secretary to the Land Use Board for 2024. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

RESOLUTION FOR PROFESSIONAL SERVICES

Chairman Honig commented we need a motion to adopt the resolution authorizing the award of non-fair and open contracts for Professional Services for 2024. We have three professional services in front of us. [Listed in the resolution]. Chairman Honig asked if we can adopt all as one or do we need to individually.

Mr. Lynch, Esq. commented go individually.

Chairman Honig commented we will start with our attorney with Dolan and Dolan.

Mr. Fierro made that motion. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

Chairman Honig commented next will be our planner, Van Cleef Engineer as the general planner.

Mayor Hutnick made that motion. Seconded by Mr. Fierro.

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Upon Roll call Vote:

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer
Nays: None Absent: Kibildis, Nasisi Abstain: None

Chairman Honig commented the same concept, for the engineer, Van Cleef Engineering as engineer he needs a motion.

Mayor Hutnick made that motion. Seconded by Mr. Poyer.

Upon Roll call Vote:

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer
Nays: None Absent: Kibildis, Nasisi Abstain: None

RESOLUTION FOR 2024 MEETING DATES

Chairman Honig asked does the same apply as we did last year for December. Ms. Hough explained yes, there is one meeting in May the meeting is Wednesday.

Mr. Fierro made a motion to adopt resolution approving the Land Use Board 2024 meeting dates. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer
Nays: None Absent: Kibildis, Nasisi Abstain: None

RESOLUTION FOR OFFICIAL NEWSPAPER

Mr. Fitzgibbons made a motion to adopt resolution approving the Land Use Board Official Newspaper for 2024. Seconded by Mr. Fierro.

Upon Roll call Vote:

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer
Nays: None Absent: Kibildis, Nasisi Abstain: None

APPROVAL OF THE MINUTES

Mr. Fierro made a motion to approve the **regular meeting minutes** for November 28, 2023. Seconded by Mr. Poyer.

Upon Roll call Vote:

Yeas: Fitzgibbons, Honig, Marceau, Poyer
Nays: None Absent: Kibildis, Nasisi Abstain: Fierro, Hutnick

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APPLICATIONS FOR COMPLETENES:

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

There was no update.

International Maintenance Code [Ordinance review]

Chairman Honig commented this is officially done. He is happy to say that is done and posted.

Park Grant

Chairman Honig commented there is no updates. Mayor Hutnick commented we as a Council applying for a second grant.

Zoning Map & zoning ordinance review

Chairman Honig commented we will come back to this.

2024 Goals

Chairman Honig explained items he would like to accomplish this year. One is to finish our ordinance review. As part of that we need to look at the conditional uses and explained. We discussed a land lord rental.

Mayor Hutnick commented he would like to address the housing issues, lead issue etc.

Chairman Honig asked is it possible for you to give me a list of things we need to address.

Mayor Hutnick commented he wants to read through it and compare it to some other housing ordinances that he deals with so he can create some comparisons.

Chairman Honig commented he will address that as Housing Ordinance updates.

Chairman Honig commented on updating the zoning map; a goal would be to make sure that gets updated as best as possible.

Mayor Hutnick recommended that when we update the zoning map we create a new modern map, color coded including block and lot numbers.

There was a discussion on the zoning map.

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**Zoning Denial – Restaurant/Café/Takeout, 81 Main Street, Block 7 Lot 5 BC Zone. (with copy of the denial letter dated January 8, 2024)
Letter dated January 9, 2024 from Richard Laboy appealing the decision of the zoning officer.**

Chairman Honig commented you also have in front of you a zoning denial. Chairman Honig explained you have an appeal for the zoning officer decision. Chairman Honig commented at this point he will turn it over to the attorney; the applicant is here. In this case the denial was for posting a sign in a pre-existing condition and parking.

Mr. Lynch commented from his conference with Roger Thomas the main concern is the parking; as you know Main Street and the property does not provide for sufficient parking but there are also issues with the sign and the manner it over hangs over the sidewalk. We will ask the applicant to make sure there are no changes it is just changing one sign to the new sign and the existing footprint will be the same. It a pre-existing non-conforming use.

Richard Laboy, 24 Kennedy was sworn in at this time by Mr. Lynch

Mr. Lynch asked are you the owner on record for 81 Main Street. Mr. Laboy commented he is not the owner but the owner of the restaurant going in now. Mr. Lynch asked are you authorized to speak on his behalf.

Mr. Laboy explained the owner was going to come in. Mr. Laboy explained the owner said he got a zoning permit to put a restaurant in the building; that there was no parking or any situations so that is why he allowed him to lease it. If he had known there was a parking issue he wouldn't have leased it.

Mr. Lynch referred to photos that were submitted; the first one is the sign. Mr. Lynch asked if this was an accurate picture of the sign.

Mr. Laboy commented yes. Mr. Lynch asked if there were any changes to the bracketing. Mr. Laboy commented it's the same as the previous owners; he liked the way it looked so he never moved it. Mr. Lynch asked if there were any other changes made to the footprint of the building. Mr. Laboy commented not that he is aware of; all [the owner did was clean it up].

Mr. Lynch commented regarding parking for the matter. Is there sufficient parking on site? Mr. Laboy explained he believes so, he is only going to open for breakfast and lunch from like 10:00 to 5:00. Mr. Lynch explained parking on the streets, with the school dismissal and parking with the other restaurant.

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Mr. Lynch asked if there was parking in the back of the building. Mr. Laboy explained that parking is for the tenants in the apartment. He believes the street has enough parking.

Mr. Lynch commented it seems he meets the criteria for chapter 30-411 i. 3. They don't have an area for parking and it seems to be with street parking and other municipal lots that the subsection would be applicable.

Chairman Honig commented to clarify the process it is not our intention to hold back anybody in our town from opening a business. We have ordinances that apply to an entire zone; it isn't just that building it is the entire area around it. In regards to that building we have to make sure the setbacks are a certain way; the signs are a certain way and there is enough parking. So, whether it was you or the restaurant next door it is the same. We just want to make sure everybody complies with that. If it doesn't meet that; then it goes in front of us [the board] in which you have done for either two directions. It can go for either variance; those variance means yes you are allowed to do this based on the fact you have these two spots or what you are asking for which is an appeal saying you made no modifications to the existing structure, no modification to the existing sign nothing has been changed, the space is adequate and that these are pre-existing conditions that already existed. So, that is kind of a summary of why you are here.

Teddy Moustakis, owner of 81 Main Street was sworn in at this time by Mr. Lynch.

Mr. Lynch asked Mr. Moustakis if the footprint of the building was changed. Mr. Moustakis replied no. Mr. Lynch asked the sign that show's Jades over the sidewalk has the bracketing or has the sign been altered in any way. Mr. Moustakis replied no, the sign the mounts the hanging everything is the same. We did file an application which was granted for new electric wiring to that sign; that was the only thing we filed for and it was approved we didn't do anything else.

Mr. Lynch asked given the tightness of the lot is there sufficient parking for the tenants and restaurant.

Mr. Moustakis explained in his zoning permit that he was granted; he remembers speaking to the prior zoning officer who said everything was good and he didn't want customer parking in the back so in his approval he put off street parking not approved. Meaning he didn't want customer driving in the back which is fine that was the condition at the time it was granted. Mr. Moustakis gave a copy to Mr. Lynch for the Board to review.

Mayor Hutnick explained there are two zoning things going on; one was for this building and all the work you did and two you have the zoning for opening the business. So, the condition for this gentleman is, no parking for customers in the back only tenants.

Chairman Honig asked the Board members if there was any discussion or questions regarding this.

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Mayor Hutnick asked in review the drawing of the building submitted he sees there is a walk-in refrigerator how does that with reference to the parking lot.

Mr. Moustakis explained that walk in refrigerator was a replacement of an existing walk in refrigerator and explained what they did.

Chairman Honig commented at this point if the board feels this is a preexisting condition we just need to make a motion to state that no variances are going to be needed do to these preexisting conditions and we grant an approval based on that.

Mayor Hutnick made that motion. Seconded by Mr. Fierro.

Mr. Lynch commented before the vote open to the public for any comments. Chairman Honig commented before the vote we will open the public for any comments; there are no members of the public present except for the owner of the business and the owner of the building.

Chairman Honig commented he has a motion and a second; there are no variances needed due to the preexisting conditions we will grant approval for the business to open as stated on the zoning permit.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

Zoning Map & zoning ordinance review

Chairman Honig explained he typed up a summary of all of the updates the board discussed so far.

Chairman Honig explained we need to clarify the performance guarantee definition, he reviewed what was previously discussed. Chairman Honig commented looking into all the zonings we discussed satellite dish, as opposed to changing all the zones why are we modifying in the zoning when we have a section 30-603 Satellite dish Antennae. As long as we modify this section we shouldn't need to change each zone and explained.

There was a discussion on parking, parking on Main Street, retail business coming in on Main Street, signs on Main Street, parking being a preexisting condition, driveway ordinance and service garage on Main Street.

Chairman Honig explained we will look at our BC zone one more time. In February we will look at BC and Satellite Dish.

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CORRESPONDENCE

Chairman Honig explained the correspondence.

- CCO and zoning report for 2023

BILLS/VOUCHERS

Mayor Hutnick made a motion to approve payments of the bills. Seconded by Mr. Fierro.

Upon Roll call Vote:

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

Nays: None Absent: Kibildis, Nasisi Abstain: None

- Statement number 949006 from Dolan and Dolan Esq. for Roger Thomas, Board Attorney in the amount of \$163.56.

PUBLIC PORTION

There was no one present in the public.

ADJOURN

Mayor Hutnick made a motion to adjourn. Seconded by Mr. Poyer. All were in favor. Chairman Honig adjourned the meeting approximately 7:58pm.

Prepared by
Robin Hough, RMC/CMR