

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
February 27, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:00pm.

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 24, 2024.

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

Absent: None

Also present: Roger Thomas, Board Attorney

APPLICATIONS FOR COMPLETENESS

There are no applications for completeness.

APPLICATIONS TO BE HEARD

There are no applications to be heard.

OLD BUSINESS/NEW BUSINESS

Chairman Honig explained we are going to move straight to c, d, e and f [the zoning denials]. Ms. Hough informed him that the applicant for the Barbershop decided not to move forward with the application.

Chairman Honig commented we will go right to letters e and f.

Chairman Honig commented in your packets you have a denial for a custom apparel shop at 75 Main Street, Block 7 Lot 2 which is in our BC zone.

At this time Mr. Thomas swore in the applicants Nikki Geene and Danielle Brunner and owner of the building Remi Shavani.

Mr. Thomas asked if each individual would state their name and address for the record.
Danielle Brunner, Hamburg, NJ.
Nikki Geene, High Street, Ogdensburg NJ.
Remi Shavani, Pequannock, NJ.

Ms. Geene explained they would like to open their shop; it is just the two of them we won't have a lot of customers coming into the building. It will mainly just be them there.

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Chairman Honig commented the denial is based on the parking, there is not enough parking that the BC zone calls for.

Mr. Thomas asked now that you heard what the chairman has stated is that an accurate statement of what is going on.

Ms. Geene commented yes.

Mr. Thomas asked what the site was previously used for.

Mr. Shavani explained one side was a dog grooming place and the other side was a bird feed [store].

Mr. Thomas commented he thinks this is a discussion he had with the zoning officer previously in terms of this part of the ordinance; it is his recollection that when you end up having no space where you can add anything [parking] then basically he believes the ordinance does not require the addition of parking in fact there is no additional space for that parking. It is his opinion if the ordinance does not prohibit this use; it would be his recommendation if you agree with his opinion that the zoning denial is one that can be reversed by the vote of the Board.

Chairman Honig asked if the Board had any questions or comments. Mayor Hutnick explained in regards to future reference he would like to see if we can make some adjustments to the ordinance.

Mr. Thomas commented he thinks that is a good idea you don't want business to come in and have to go to this board; he would be happy to work with the Board and Mr. McBriar to clarify the ordinance. The intent here is not to burden the resident or business community but rather to say as a practical matter there is nothing further that can be done in terms of parking. As a result, there is no need for additional parking under these circumstances. If there was an additional area then that is a different story.

Chairman Honig commented to clarify what it comes down to is some of the modifications on Main Street, he thanked Mr. Shavani for improving the conditions on Main Street. Unfortunately, you had to come to the meeting. We appreciate you taking these steps.

Mr. Thomas commented for the record this is a public hearing and we should open to the public and he is noting there is no public so therefore the meeting can be closed.

Mr. Fierro asked how would we work this.

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Mr. Thomas commented with regards to the appeal the denial of the zoning permit is hereby reversed based upon the recommendation of your board attorney that there is no additional parking that is required.

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

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

Mr. Thomas explained what is going to happen there will be a resolution he will prepare it will be adopted at the next meeting. In the meantime, he doesn't know maybe this board can make a recommendation to the zoning officer of this decision and next month start taking some action.

Ms. Geene explained after this meeting we are going to sign our lease with our landlord starting effective March 1st; are you saying we should not.

Ms. Hough explained at the last meeting when we did this [an application for zoning permit denial] we didn't do a resolution it would just be recorded in the minutes.

Mr. Thomas commented that is fine with him he will give you the language; this way there will not be a memorialization as a result you can sign and we will forward the [results] to Mr. Dixon.

Chairman Honig commented we wish you guys the best of luck and look forward to a new business in town.

Chairman Honig commented he would like to reach out to the local paper we have and maybe do some type of brief write up on new businesses into town showing we are growing with all these changes.

There was a discussion on changing the ordinance.

APPROVAL OF THE MINUTES

Mr. Fitzgibbons made a motion to approve the meeting minutes for January 23, 2024. Seconded by Mr. Fierro.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: Nasisi

Land Use annual report for 2023.

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Mr. Thomas explained the report; there were no applications before the board in 2023 therefore as Land Use Board it is required to report to the Governing Body all variance applications he usually goes further and adds all activity for the Board. There has been no activity in front of the Board; therefore, it is a very simple one paragraph statement. The only reason he did this that way is properly good to have something in the record showing that there was no activity.

Mr. Thomas commented if you agree with the report have a motion to adopt the report and to forward the report to the Governing Body.

Mr. Fierro made that motion. Seconded by Councilman Poyer. All were in favor.

Chairman Honig commented he stated at the last meeting we will look at BC Zone this meeting. When we leave here today with addressing these parking issues that have come up that any other changes that need to be made can be made. This is our opportunity to address any issues we say in the BC zone. At the last meeting we discussed repair shops; retail sales of goods and services to possibly remove be auto repairs is part of that. Right now, if we are looking at the uses in the BC zone we want to look at 2. Retail sale of goods and services. We want to talk about signage and parking.

Chairman Honig commented let's start with [30-411] A. Permitted Principal Uses are there any issues with principal permitted uses. He is going back to retail sale of goods and services do we want auto repairs as part of that. We had issues two meetings ago but if there are no issues we can move forward. Chairman Honig commented is automotive considered a service.

Mr. Thomas explained it is not specific retail sales and services; it could fly under that depending upon the interpretation. If you are looking to allow that kind of work to call it out specifically.

Mayor Hutnick asked if you could add a line for services establishments.

Mr. Thomas commented you could but then it became whether or not that is really intended. If you end up having a section; services such as automobile repair and service.

Chairman Honig commented under A. 6. It says professional office and/or commercial service, i.e., bank, barber shop, beauty salon; couldn't we just put auto repair and an example and that covers it. If we add it as an example we don't have to make a separate line item.

Mr. Thomas commented correct.

Chairman Honig commented A. 6 services what do we want to add to this auto services, auto repair and service; he wants to stay away from body work so what is the best auto repair.

Mr. Thomas commented he thinks an auto repair; definition.

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LAND USE BOARD FOR
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Mr. Thomas commented you don't really want body work. Chairman Honig commented no.

Mr. Marceau commented we had discussed engine repair and does that include Danforth's because that is not auto engines.

Mr. Thomas commented maybe what you want to add "Auto repairs exclusive of body work."

There was a brief discussion on auto repair vs body repair, body repair involves regulations, there already is a body place in the BC, if they want to expand the would have to come before the Board for a D Variance and body work has issues with ventilation and fumes.

Chairman Honig commented we want to add Auto Repair to clarify; auto repair exclusive of body work/shop.

Mr. Nasisi commented he doesn't ever remember passing a body shop and smelling fumes they have to have the proper ventilation.

Chairman Honig commented if there is no concern. Mr. Thomas commented if that is the case just leave it auto repair.

Mr. Fitzgibbon commented he doesn't have a problem with it the questions he has is control mechanisms to say ok we are going to allow a body shop; but the ventilation, air handling, exhaust all that kind of stuff where does that fall.

Mr. Thomas commented that is a good point; that will be something that would be subject to a site plan review and conditions and explained.

Mayor Hutnick commented if this helps; Franklins definition of automotive repair services establishments engaged in the repair of vehicles including the repair of mechanical systems and/or the repair of the exterior and interior of body damage.

Mr. Thomas commented they are including the whole thing.

Chairman Honig commented to be clear he didn't find any definition in our definitions.

The discussion continued on the use of auto repair and if you can regulate the number of body shops.

Mr. Thomas commented he thinks the Franklin's definition is a reasonable one; people would utilize that as part of a permitted use. Chairman Honig commented look at adding the definition

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from Franklin for auto repair; add that definition. Chairman Honig commented that would be adding 30-411 A. 6.

B. Permitted Accessory uses.

Chairman Honig asked Mayor Hutnick home occupation we will leave as it is addressed in another section.

Mayor Hutnick commented yes.

Chairman Honig commented same with Satellite Dish. Chairman Honig explained at the last meeting we decided to go into the section 30-600 on Satellite Dishes.

No changes in 30-411 C. Minimum lot size and dimensions, D. Minimum Yard Requirement, E Minimum Floor Area (Gross), F. Maximum Lot Coverage and Maximum Building/Structure Height.

H. Signs. (subject to Section 30-500)

Chairman Honig read H. 4, continuously moving parts, questions.

Mr. Thomas asked illuminated is fine but do you want to end up having LED signs.

Chairman Honig explained LED nothing is specifically moving on those lights, this is based off of neon signs. We need to look at the word parts and we need to update it. We have not looked at LED signs at all. What do we want to modify? He thinks we need to just add a line for LED.

Mr. Thomas commented a lot of towns will indicated LED signs within the standards but you would prohibit any movement activity of the sign itself, not a flashing sign or moving sign.

Mr. Nasisi suggested the signs on during business hours. Mr. Thomas commented it shouldn't be flashing anyway if the is what you don't want.

Mayor Hutnick commented Lafayette has a very prohibited sign list and explained.

There was a discussion on signs, LED signs and zoning permit application for the signs.

Chairman Honig commented it isn't in BC zone but he will double check this in lighting, let's look at lighting separate it isn't part of BC.

Mr. Fierro commented he has notes on H. 6; he questioned 16 square feet which is 4 x 4 on a sandwich shop sign, is that big.

Mayor Hutnick commented yes.

Mr. Fierro suggested a 3 x 3.

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There was a discussion on the 4 x 4 being too big, should that be a 3 x 3 and does the Board want to have sandwich sign at all.

The board decided to change "Such signs shall not exceed 16 square feet in display area on each side" to 2 x 3 out only during business hours.

Chairman Honig complimented Mr. Fierro on his suggestion.

I Required Parking

Mr. Thomas commented he is going to have to look into this. What has been coming before the Board is existing businesses that there is a requirement for a certain amount of parking but the intent of the ordinance was to say that is true if you have access to an area in the back to add parking. If the building is 100 percent of the lot then there is nothing you can do to end up having more parking.

Mayor Hutnick commented parking in the back of the buildings is for the tenants.

Chairman Honig read I. 3. Can you add onto this at the discretion of the zoning officer?

Mr. Thomas commented let me talk to the zoning officer and see if there is a reason as to why he needs to deny people on that basis.

Chairman Honig asked Mr. Thomas if he can change the ordinance to either turn it over to the zoning officer. Mr. Thomas commented he will talk to over with the zoning officer.

There were no changes on J. and K. in the BC zone.

Mr. Marceau asked about adding a section on roof top solar.

Chairman Honig commented if we add roof top solar as permitted accessory and add a section somewhere else that defines that a little better that is probably the better way to go.

Mr. Thomas commented a lot of town end up saying roof top solar is something they don't even want to be bothered with.

Mayor Hutnick commented why don't we add a section called solar energy; list everything that has to do with solar energy and in all the zones we can say see this section.

There was a discussion on solar energy in zones without adding it to each zone but add a separate section. We don't need to finalize this tonight.

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The Board discussed they will add a section on solar energy and list everything that is needed, keep solar separate from satellite address solar energy as a separate section and lighting as a separate section.

CORRESPONDENCE

Chairman Honig explained the correspondence.

- CCO and Zoning report for January, 2024.
- Letter dated January 30, 2024 from Brian P. Cramer, Cramer Ecological Services, LLC. Wetland Scientist Re: Freshwater Wetlands letter of Interpretation – line verification & flood hazard area verification applications for Block 26.01 Lots 22 & 23.

BILLS/VOUCHERS

Chairman Honig commented there are two bills in front of you; is there any discussion on the bills.

Mr. Nasisi made a motion to approved the bills/vouchers. Seconded by Mr. Fierro.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

- Statement #949560 from Dolan and Dolan Esq., for Roger Thomas, Board Attorney in the amount of \$531.55.
- Statement #949561 from Dolan and Dolan Esq., for Mathew Lynch, Attorney in the amount of \$107.38.

Chairman Honig asked the board to review the CR zone for the next meeting.

PUBLIC PORTION

There was no one present in the public.

Chairman Honig informed the Board, John Kibildis has resigned from the Board for personal reasons. Chairman Honig commented we wanted to publicly thank John for everything; John has been a mentor for him personally over the past years. Chairman Honig commented John is someone he looked up to for years personally and professionally and he thanked John for all his years of service. We wish him all the best.

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ADJOURN

Mayor Hutnick made a motion to adjourn. Seconded by Mr. Fitzgibbons. All were in favor. Chairman Honig adjourned the meeting approximately 7:32pm.

Prepared by
Robin Hough, RMC/CMR