

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
May 29, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

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

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: Nasisi (arrived at 7:03pm)

Also present: Mathew Lynch, Esq., Mike Vreeland, Board Engineer

APPROVAL OF THE MINUTES

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

Upon Roll call Vote:

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

Nays: None Absent: Nasisi Abstain: None

APPLICATIONS FOR COMPLETENESS

LUB 02-2024 William Connolly, Bulk Variance, Block 30 Lot 4

(Voting eligibility: All members that are present)

Chairman Honig commented we have two applications for completeness in front of us; we are going to start with LUB 02-2024 for 144 Plant Street, block 30 lot 4.

Chairman Honig commented we have our professionals here tonight; as of right now we are just doing a completeness on this application.

Mr. Nasisi arrived at this time 7:03pm.

Mr. Vreeland, Board Engineer, commented he received the package and visited the site to a look at the check list and the plans; the applicant noted on the check list that required items have been provided we took a look at the plan. No waivers have been requested. We didn't identify any waivers that need to be requested. The completeness and the plan seem to be proficient enough

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in the application for a technical review. We have no objections of granting whatever waivers may be necessary for completeness; the application is complete.

Mathew Lynch, Attorney for the Board, commented he discussed this with Roger Thomas and we concur everything looks good.

Chairman Honig explained to the applicant tonight we meet with our professionals and deem if all the paper work has been complete. Do you have any questions now before we schedule a hearing? If everything is ok that gets scheduled for the next months meeting.

Mr. Vreeland commented in the code there are checklist requirements those items are required to be provided unless waivers are requested and any waivers granted for completeness doesn't mean the board doesn't have the right to ask questions. Once the application is deemed complete the clock starts for the hearing. The hearing is generally scheduled we will issue a technical review for the Board and the applicant.

Chairman Honig asked if there were any comments on this application.

Mr. Fitzgibbons asked from looking at the prints and plans there are obviously other engineering things that need to be addressed.

Mr. Vreeland commented we will look at that in the technical review; as most applications during the technical review we will have some additional items to require. Mr. Vreeland commented as of now the applications can be deemed complete.

Chairman Honig commented the biggest things that are coming up are the front yard setbacks, height and side yard setbacks. We are not saying everything is perfect we are saying all you paper work is in line.

Mayor Hutnick asked how many bedrooms do you have now and how many do you propose.

Chairman Honig explained you are asking questions about this should he be sworn in.

Mr. Lynch swore in William Connolly, 144 Plant Street.

Mayor Hutnick commented you are going from a two-bedroom one bath currently to four bedrooms two and a half baths.

Mayor Hutnick asked Mr. Connolly if he applied to the County for a Septic review. Mr. Connolly said he did not.

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Mayor Hutnick explained because you are building an addition onto your home you have to apply to the Sussex County Department of Health and explain to the County what you plan on doing. They would be the ones to say no or if you pass.

Chairman Honig explained if you need additional time after talking with the county please reach out to us and let us know.

Mr. Vreeland explained those types of conditions normally go with the Boards decision.

Chairman Honig asked for a motion to deem this application complete.

Mr. Fierro made a motion to deem complete application LUB 02-2024 William Connolly. Seconded by Mayor Hutnick.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

Chairman Honig commented we will reach out to you regarding the next meeting.

LUB 01-2024 Kamel Yassin, Minor Site Plan, Bulk Variance, Use Variance Block 3.01 Lot 61.

(Voting eligibility: All members that are present)

Chairman Honig commented for reference this is on 517 which was formally Green Thumb Nursery.

Mr. Vreeland commented the applicant put together the application packet, the check list and the plan; we looked at the package, we visited the site in this case his asking for some waivers from the checklist for completeness items. We don't have an issue with any of those waivers being requested for the record they are asking for waivers for proof to submit to Sussex County Planning Board for completeness, soil erosion plan, environmental plan, environmental impact statement in compliance with the Ogdensburg Borough Ordinance. Mr. Vreeland commented he looked at the code and that is actually not required for a minor site plan that is only required for a major site plan so he doesn't know if a waiver is even necessary for those that item number 20. 3

Mr. Vreeland commented copies of a separate map showing utilities and a copy of all deed restrictions and associated with the property. In looking at the information that was provided on the map the information that was in the application we believe it is sufficient enough to begin our technical review, we don't have any objections for the Board.

Chairman Honig asked the waiver was for number 12, 17, 25 and 26.

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Chairman Honig asked for what we have here do you recommend this application to be deemed complete.

Mr. Vreeland commented we recommend the application to be deemed complete.

Chairman Honig asked Mr. Lynch if he had any comments.

Mr. Lynch commented no, everything looks in line for completeness.

Mr. Fitzgibbons asked if this is an allowable use under the ordinance.

Mr. Lynch commented that is a question for next meeting right now they met the minimum requirements for the application to move forward to a hearing; any questions about the use or what they are doing with the use or what they are doing at the site should be at the hearing.

Chairman Honig commented when the applicants are here we can discuss more about their use. At this point we can look at the application just to make sure we are ok with everything in it but if our professionals are deeming it complete he goes back to us. Chairman Honig asked if there was any discussion from the board members regarding completeness and only the completeness. Are there any questions regarding completeness?

Mr. Fierro made a motion to deem complete application LUB 01-2024 Yassin. Seconded by Mayor Hutnick.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

Chairman Honig commented both applications have been deemed complete and we will be scheduling those hopefully next month.

APPLICATIONS TO BE HEARD

No applications to be heard.

OLD BUSINESS/NEW BUSINESS

Local Planning Services Grant – No update

Mandatory training

Chairman Honig explained the mandatory training for Land Use Board members. This is a requirement to complete in one year. Dolan and Dolan is doing the training and it is a free training. If anyone is interested contact Robin and she will get you signed up.

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Zoning Map & zoning ordinance review

Chairman Honig explained we have been going through and updating the Borough zones; IC our industrial commercial zone and PC zone which is public conservation.

Chairman Honig asked was there anything in IC that anyone would like to talk about.

Mr. Fierro questioned if scientific laboratories was needed in [that zone].

Chairman Honig commented that is under permitted principal use, and to just to be clear scientific laboratories he can't see laboratories [in there]. Is this something we would ever want. He has to agree only because it is surrounded by residential so whatever the reason lets go with the what if something changes and explained. Let go back to the question number one is there anything in this zone we would like to remove such as scientific research laboratories. And retail or wholesale sales supplies.

There was a discussion on number 3 how are you going to get trucks back there, that would be tough.

Chairman Honig asked does anyone have any objections removing A. 4.

Chairman Honig reference B. Permitted Accessory Uses. Number 3. Outdoor storage etc. Do we want outdoor storage in those areas?

There was a discussion on this section.

Chairman Honig asked in IC is there anywhere we would want to see an indoor warehouse and if the areas roads and the infrastructure could handle that.

Mr. Fierro agreed he doesn't believe the roads are capable of it in that respect he agrees.

Chairman Honig comment then we will remove section A. Number 3. And asked about number 7. Retail or wholesale sales of building materials, industrial supplies and products intended for outdoor use or construction.

Mr. Fierro commented can the infrastructure handle that.

There was a discussion on the weight limit for Plant, Brooks Flat, the possibility of Passaic handling the truck weight, the definition of public conservation and storage unit area,

After the discussion Chairman Honig commented is everyone ok with removing section A. number 7.

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Chairman Honig commented for the record 30-414 section A. 3, 4 and 7 will be removed.

Chairman Honig commented Permitted Accessory uses section B. 3 will have to get modified because we are removing that so the rewording of B. 3 to align to the removal of what we did in A.

Chairman Honig referred to section J. Required off-street parking. Then L.M.N. no changes were suggested.

Mr. Marceau asked about letter I. we had changed the signs and put a size of a free standing. We had put a limit.

Chairman Honig commented that was for sandwich sign only. Mr. Marceau commented correct and we added a size which was larger than the 36 square feet.

Chairman Honig commented the other area was Main Street, this is now an area again that has residential do you even want free standing signs.

Mayor Honig explained Historical Society came up to him after one of the last meetings and then want to put up a free-standing sandwich board on the corner. They wanted to know if they had to apply for a permit every time. That was the question that came up.

There was a discussion on signs on Main Street vs. signs in other areas, free standing signs, signs in the different areas of town, regulating signs with a zoning permit, if something isn't listed it isn't allowed and definition of a bill board sign.

There were no changes decided.

Chairman Honig commented there will be no homework for the next meeting. The next meeting will be full. Is there anything else regarding the zoning ordinance?

CORRESPONDENCE

- CCO and zoning permit report

BILLS/VOUCHERS

Mr. Fitzgibbons made a motion to approve the bills/vouchers. Seconded by Mr. Nasisi.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

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- Statement #950364 from Dolan and Dolan, Roger Thomas, Land Use Board Attorney in the amount of \$568.38.

PUBLIC PORTION

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

Victoria Mulcahey 49 Edison asked the Board what are the procedures if someone is applying for a variance.

Mr. Honig explained we do have an application, that you would go through that application which is about a 16-page document that goes through in detail everything that is required. That is available through our Clerk/Land Use Secretary. Robin has all that and you can contact Borough hall to get that information.

Mrs. Mulcahey asked about waivers.

Chairman Honig explained that is part of that package as well.

Mrs. Mulcahey asked what if the homeowner objects to the application.

Chairman Honig explained the notification and hearing process.

Mr. Vreeland explained he does a technical report for the hearing.

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

ADJOURN

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

Chairman Honig adjourned the meeting approximately 8:00pm.

Prepared by
Robin Hough, RMC/CMR