

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
June 25, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order.

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: Fitzgibbons, Honig, Mayor Hutnick, Marceau, Nasisi, Poyer

Absent: Fierro

Also present: Mathew Lynch, Board Attorney, Mike Vreeland, Board Engineer

APPROVAL OF THE MINUTES

Mayor Hutnick made a motion to approve the meeting minutes for May 29, 2024. Seconded by Mr. Nasisi.

Upon Roll call Vote:

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

Nays: None Absent: Fierro Abstain: None

APPLICATIONS FOR COMPLETENESS

LUB 03-2024 Paul and Emily Anderson, Bulk Variance, Block 3.01 Lot 22.

(Voting eligibility: All members that are present.)

Chairman Honig explained we have an application in front of us for a bulk variance for Paul and Emily Anderson, 25 Wilson Drive, Ogdensburg, NJ.

Mike Vreeland commented we had the opportunity to review the submission including the exhibits, he took a few minutes on his way to the meeting tonight to drive by the property and based the information that was submitted and the nature of the application we recommend the application can be deemed complete.

Mr. Lynch commented he has nothing to add.

Chairman Honig asked are there any questions in regards to completeness only; as a reminder the first step is to deem this application complete that everything looks like it is in line we don't look at anything technical just making sure all the paper work is correct.

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There were no questions from the Board members.

Chairman Honig commented he needs a motion to deem this application complete and move it forward to the next step that would be [public hearing].

Mr. Lynch explained we are just voting to deem the application complete subject to info from the Board Engineer.

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

Upon Roll call Vote:

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

Nays: None Absent: Fierro Abstain: None

APPLICATIONS TO BE HEARD

Chairman Honig explained we are going to start with application LUB 02-2024 first.

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

(Voting eligibility: All members that are present)

Ms. Hough asked Mr. Lynch if the notice was correct. Mr. Lynch commented Melissa from his office told him everything was good.

Mr. Vreeland explained the application is an addition to a single-family home. There are a couple of conflicts with current zoning requirements specifically distance in regards to adjacent buildings and assessor structure issues. Mr. Vreeland referenced his report dated June 17, 2024.

2.1 30-407 Front yard Setback – the applicant is asking for a 22.5-foot front yard setback for a 75 foot that is required.

2.2 305-501C Distance between accessory structures and other buildings on the property; the distance between the shed and the garage scales less than the required 10-foot separation. It appears to be less than the ten-foot requirement. For clarity what they are proposal to does not alter this condition; pre-existing condition.

2.3 30-501D Accessory Building Height – the zoning information indicates the propose 22-foot garage height exceeds the maximum 15-foot height.

2.4 30-501E Location of Accessory Buildings – The existing garage, barn and outhouse are located in the front yard setback. The proposal does not appear to alter this condition again is existing.

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Chairman Honig asked based on everything do you see any issues with soil that would cause a problem.

Mr. Vreeland explained we had some technical comments on page 3 the lot coverage calculation it didn't seem like they included all the impervious coverage on the side. He doesn't think there is an issue in regards to coverage but he wanted it on the record the calculation is to be updated.

Mr. Vreeland commented we would like to get some testimony from the application regarding building materials, finishes and colors. We wanted to hear about any exterior lighting or mechanical equipment that may be proposed.

Mr. Vreeland commented they are adding a bedroom we should hear some testimony with regarding to utility needs and if they started the process with Sussex County with regards to approval of the existing septic system.

Mr. Vreeland commented it looked like on the plan they were proposed a hedge row along the frontage of the property it is probably a good idea we just want to make sure that hedge row doesn't create any site line issues pulling in and out of the driveway.

Mr. Vreeland commented there were on the plans illustrated some existing encroachments; obviously the board doesn't have jurisdiction to approve encroachments on other properties; in other situations we recommend the resolution if this is to be approved that any action is not approving the encroachments on the neighboring properties.

Mr. Vreeland commented if the Board was to approve the application we recommend an as built be required and previously mentioned the Sussex County Health Department approval would be required.

Chairman Honig commented at this point we would like to hear from the applicant.

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

Chairman Honig asked Mr. Connolly about the lot coverage calculation.

Mr. Connolly commented updated it is 10.25

Chairman Honig asked looking at the plans there is a bump out in the back and front of the structure is that correct?

Mr. Connolly explained and to the side.

Mr. Connolly explained the materials and color scheme they plan on using for the addition. Mayor Hutnick asked have you reached out to Sussex County with regarding to the septic?

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Mr. Connolly commented we haven't reached out to the County we are adding two bedrooms and a bathroom. Mr. Connolly referred to the third sheet in the plans he showed an additional tank and he showed double the size leech field based off the calculations but being the septic was first redone when they first moved in so we have all the drawings from that which is what he used.

Chairman Honig asked about lighting.

Mr. Vreeland asked are there going to be any lighting from the roof. Mr. Connolly explained we would probably only put one in the driveway.

Mr. Connolly explained the top floor would be used for storage.

There was a discussion on the hedge row by the driveway and making sure it doesn't interfere with the site distance.

Mr. Lynch asked why do you need this variance. Mr. Connolly commented we are adding on an addition we have one child and one on the way and it is only a two-bedroom house and explained the lot size.

There was a brief discussion on providing an asbuilt, date of last survey and if the board should require a landscaping plan.

Chairman Honig commented he would frame the motion to be framed as follows somewhere along the line of including not approving encroachments, as built plan requirement and maintaining adequate site lines and the accessory structure.

Mayor Hutnick commented the accessory structure can't be used as a living dwelling.

Mr. Lynch commented [this would be a motion] to approve the Connolly application subject to County or State approvals as necessary and the four conditions; as built survey, no conditional encroachments adhere to the property site lines and an accessory structure can't be converted.

Chairman Honig asked for a motion to approve.

Mayor Hutnick made a motion to approve application LUB-02-2024 Connolly. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

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

Nays: None Absent: Fierro Abstain: None

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Chairman Honig explained the to the Connelly's the next step is approval of the resolution.

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

(Voting eligibility: All members that are present)

Mr. Vreeland commented as a suggestion they brought out their full time tonight so you may want to have their attorney explain the application and we will hold our comments.

Richard Wenner, Attorney on behalf of the applicant from Lavery, Selvaggi, & Cohen PC. The owner is actually INSAF Enterprises LLC. Block 3.01 Lot 61. The property is approximately one and a half acres located in the CR zone. It is a two-story framed building formerly the Pond House Garden Center which was located on the property, the downstairs is now vacant. We are proposing multifamily residential use, residential is not permitted which is why we are here for a use variance. There are three existing C variances front and rear yard setbacks and building height. The building height 35 feet we are at 35 ½ feet again it is pre-existing condition on the property. The application itself there is no increase in any other bulk variances; the existing ones we are not creating any new ones we are here for conformation of the existing and of course for the use variance for residential use.

Mr. Wenner introduced the following professional here to represent the applicant.

Wassim Mader, Engineer
John McDonough, Planner
Karen Wenschhof, Architect

Mr. Wenner explained we are going to start with Ms. Wenschhof, to go over the architect renderings as to what they are proposing to construct. Mr. Mader will go over the engineering to address the plans themselves and then Mr. McDonough will give planning testimony in support of the variance needed.

Ms. Wenschhof was sworn in at this time and gave her credentials to the Board. Ms. Wenschhof explained the plan and the proposed changes on the bottom floor using the plan as reference.

Mr. Wenner commented these plans should have been submitted with the application but he isn't sure everyone has them. We will mark this as exhibit A-1 which are architectural renderings with a date of December 22, 2023.

Ms. Wenschhof continued to explain the proposals using exhibit A-1. The total is fourteen hundred square feet; one studio is going to be about 700 square feet and the other one is about 670. This is for the first floor there are no changes to the second floor. There will be two units on

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the first floor and the two existing units on the top floor. Those were existing at the time of purchase. Ms. Wenschhof explained the interior design of the proposal of the two units, doors to exit the units.

Mr. Fitzgibbons asked is the plan that the nursery will remain. Ms. Wenschhof explained all existing structures would remain but they are not currently being used or occupied as a nursery.

Chairman Honig commented he has a concern; we do not have these plans in front of us as part of any technical review the only thing we have is this master copy showing a site plan and that was it. He is concerned to see some of this without seeing the full set. Chairman Honig asked Mr. Vreeland if he was able to see all this stuff internal and we just didn't get a copy. He wants to make sure our engineer and legal team has had a chance to review this because it wasn't part of it [what was submitted with the application].

Chairman Honig commented he isn't comfortable with moving forward with this since we haven't had time to review this; he would like to put this on hold or table this so we can give our professionals time to look at this and address any concerns.

Mr. Wenner commented he can understand the Board's concern and will not argue this; we will be sure to circulate to the Board Architectural renderings if we could get a continuance without noticing again that would be appreciated.

Mr. Lynch commented they will not need to re-notice.

Mr. Fitzgibbons asked what is the plan for the water utility service.

Chairman Honig commented he is not comfortable moving forward without having everything in front of him. Board members can ask questions on what we have in front of us.

Mr. Fitzgibbons explained a previous owner had petitioned the Council years ago to put a well on that property; it is his understanding that this property is serviced by the well rather than the Municipal Water System ever since. Now that you are going to do something like a multifamily unit is this something you would want to look at; the municipality might want you to hook up to the town water system.

Mr. Wenner commented he appreciates that comment what we can do in the interim we will reach out to the borough.

Mr. Fitzgibbons commented he looked into this today with the water department and was told they are not billing on this property.

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Mr. Wenner commented we will reach out to the Borough and County in terms of the well itself and address that at the next meeting and we will address the septic which was something in the engineer's comments.

Mr. Nasisi asked are all the other structures going to stay as the existing use of the property; but we are changing the use so he would think we would want it to conform with the use and remove them for the future and explained so someone can't come back and say it was preexisting.

Mr. Wenner commented he can't commit to removing them at this point but we can address that at the next meeting.

Mr. Poyer commented he would think they have to be removed too and soil samples should be done.

Mayor Hutnick asked if the existing apartments are occupied.

Wassim Mader, Engineer was sworn in at this time.

Mr. Mader explained both apartments upstairs are occupied. Mr. Mader asked the Board if they would like him to go over the site plan.

Chairman Honig commented the site plan we do have; if you would like to go over the site plan you are more that welcome to.

Mr. Mader gave his credentials to the Board.

Mr. Mader explained the site plan and the property. There is the main two-story dwelling and beyond that you have multiple structures which are the greens houses and garages. The main issue tonight is taking that existing structure and converting the downstairs into residential. The was forever a commercial use and turning it to new commercial use has not been successful and explained why residential use would be a lot better for the property. Mr. Mader explained the changes that are being submitted in the site plan.

Mr. Mader explained he reached out to the County regarding the septic system; he has not heard back from them. The owner told him it was a good size septic system about two thousand gallons. Again, we will verify that. When you are dealing with residential vs commercial; residential is always a lot less then commercial. If this was used at one time as commercial and residential above that it means the septic system is a sufficient size for the proposed use.

Mr. Mader comments they will remove the sign but the owner is not looking to demolish buildings on the property and explained no one has access to these buildings and it is up to the owner to decide whatever you want him to do and he agrees. As far as he knows the existing structures are to remain at the time.

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Chairman Honig asked what are they being used for currently.

Mr. Mader commented absolutely nothing they are just empty.

Chairman Honig asked if the garage will be available to the residents.

Mr. Mader commented not at this time.

Mr. Vreeland commented we heard they want to keep the buildings you may want to hear what the conditions of the structures are so a determination on whether they should remain or not.

Mr. Nasisi commented they are structures from a commercial [use].

Mayor Hutnick asked are you proposing a change of use as a residential only or you presenting a mixed use of commercial and residential.

There was a discussion the assessor structures, if they should remain or not and concerns of down the road an owner wants to have a small business using those accessory structures.

John McDonough, Planner was sworn in at this time.

Mr. McDonough explained this is a commercial retail zone and they are asking for residential. This is the only lot on this side of the street that is zoned CR everything around it is zoned residential; going from commercial to residential there is some good harmony there. The CR zone allows for a lot of things and explained. Mr. McDonough handed out an exhibit which is A-2 for the record it is four sheets and explained the property layout using the exhibit.

Chairman Honig asked if the driveway that looks like gravel is going to be paved/repaved so the spaces are clearly defined. Right now, he doesn't see any defined spaces.

There was a discussion on the parking area, the aerial photos of exhibit A-2 and greenhouses on the property.

This application will continue until the next LUB meeting.

OLD BUSINESS/NEW BUSINESS

Chairman Honig commented he is going to table all old/new business at this point; until we get through some of these applications.

Local Planning Services Grant

Zoning Map & zoning ordinance review

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CORRESPONDENCE

Chairman Honig explained the correspondence.

- CCO and Zoning permit report

BILLS/VOUCHERS

There were no bills/vouchers.

PUBLIC PORTION

There was no one in the public.

ADJOURN

Mayor Hutnick made a motion to adjourn the meeting. Seconded by Mr. Nasisi. All were in favor.

Chairman Honig adjourned the meeting approximately 8:20pm.

Prepared by
Robin Hough, RMC/CMR