

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
September 24, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:01pm.

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.

**OATH OF OFFICE TO THE FOLLOWING LAND USE BOARD MEMBERS by the
Land Use Board Secretary:**

Class IV William Connolly Four-year term expires 12-31-2027

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

Absent: Cahill, Nasisi

Also present: Roger Thomas, Esq. and Mike Vreeland, Engineer

APPROVAL OF THE MINUTES

Mayor Hutnick made a motion to approve the meeting minutes for August 27, 2024. Seconded by Mr. Fitzgibbons.

Upon Roll call Vote:

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

Nays: None Absent: Cahill, Nasisi Abstain: Connolly, Fierro

APPLICATIONS FOR COMPLETENESS

There are no applications for completeness.

APPLICATIONS TO BE HEARD

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

Tabled until October 22, 2024 meeting.

Chairman Honig commented this application has been tabled again to October 22, 2024.

Chairman Honig asked Ms. Hough if there were any updates on the application.

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Ms. Hough replied no, she will email them in another week to find out.

Mr. Thomas asked if the applicant had noticed.

Ms. Hough replied, they did.

Mr. Thomas commented we need to carry the application; the next meeting is October 22 no further notice will be provided with regard to the matter of Yassin, Block 3.01 Lot 61.

Chairman Honig asked how long can this application be tabled for?

Mr. Thomas explained you can get to a point where you can dismiss this without prejudice.

Ms. Hough explained an email she received from the applicant's attorney stating they would re-notice.

Mr. Thomas commented if it turns out there is substantial changes they would be required to re-notice.

Mr. Vreeland asked if we were still in the allowable time frame, it is a use variance; one hundred and twenty days.

Mr. Thomas explained he will ask the applicant for an extension of time until the end of the year.

Chairman Honig commented it was May 29 when we deemed this application complete.

**LUB 03-2024 Paul and Emily Anderson, Bulk Variance, Bulk Variance, Block 3.01 Lot 22.
(Voting Eligibility: All members that are present and alternates as needed.)**

Chairman Honig commented he will turn the application over to the professional.

Mr. Vreeland explained the applicant is looking to do alterations and additions to their existing single-family home located at 25 Wilson Drive. The alterations and additions will encroach into the front yard setback requirement so they are here seeking variance relief for the proposed encroachment. Mr. Vreeland referred to his report dated September 23, 2024 he asked for clarification on two other items; one confirming what the height of the building is going to be from the peak of the roof to the lowest grade around the building. Based on observations we made during the [site] visit it looks like it is probably 28 feet which shouldn't create an issue but he would like clarification from the applicant on that.

Mr. Vreeland commented on the one exhibit that was provided in the package it didn't include the proposed side entry to the building; so, we ask for clarification on what the setback would be on both of the side yards and to confirm that it would not require any additional variances. The paperwork that was submitted by the applicant indicated they would be seeking the C-1 criteria

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as a hardship variance. A hardship variance is showing something particular with the existing structures or the existing lot creates a hardship not a personal hardship a hardship as a result of the property.

Mr. Thomas sworn in the applicants Paul and Emily Anderson at this time 25 Wilson Drive, Ogdensburg.

Paul Anderson commented he will go right to the hardships; there is septic tank that prevents an addition to the rear of our home, ideally, he would like to go out the rear right on the home but there is a new septic tank that was installed in 2012 it is a concrete tank which is pretty much center right off the rear of the house and explained the size and location. That prevents building off the rear. Additional hardships are on the right side of the residents we have about 24 feet to our border to work with. However, we have a few hardships there; we have a woodstove with a steal chimney as well as a brick chimney for the furnace. Also, we have the oil tank. We would need to extend out on that side and keep the ten-foot distance to the border; that would only give us ten feet to work with a retaining wall because there is a severe grade there as well as only a few feet to get into the backyard.

Mr. Thomas commented we have exhibit A-1 which is a photo that includes the chimney next to each other.

Mr. Anderson commented those are the physical hardships.

Mrs. Anderson explained the reason we would like to add on is because they enjoy having people over and their dining room doesn't currently fit their table. We would love to have a bigger space.

Mr. Thomas asked the applicant to describe the architect plan.

Mr. Anderson explained the plan, what we are going to do is extend the living room on the first floor that will be our main dining room. We will do something with the front, more than likely it will be this plan but again these are just plans at this moment; he would say they are about ninety percent. We would have to go through a final drawing and blueprints with the architect. Which he will resubmit if needed.

Mr. Anderson explained if they have the funds he would like to put a mud room on the back; it would be a laundry room that would go back out over the existing garage more than likely would not be two stories.

There was a discussion on the staircase on the side.

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Mr. Thomas asked the applicant to talk about the architectural impact the addition to your house to the neighbor hood

Mr. Anderson explained he was going to match the cedar siding and the colors; same similar windows and they will work with Elizabethtown Gas.

Mr. Vreeland asked the siding on the entire house will match.

Mr. Thomas asked for the record the color will be the exact same.

Mr. Anderson commented exactly.

Mrs. Anderson explained she doesn't think it will change anyone else's view except the neighbor above us; 27 Wilson Drive when they look out their window they would see more house instead of the road. The houses are not on top of each other.

Mr. Thomas asked in your best estimate what is the distance between your house.

Mrs. Anderson explained what she thought would be the distance.

There was a discussion on any changes to the view for other neighbors, gutters, the addition would be approximate 12. 8 by 14 approximately 200 feet, if we did the mud room in the back it would be about 124 back there, the Anderson's explained the layout of the house currently and the layout with the addition, there will be no additional bathrooms added and how many bedrooms they have.

Chairman Honig commented there are some changes in the roof line and that was one of the things the engineer had brought out; as one of the recommendations and conditions.

Mr. Vreeland commented they could add a dry well. Chairman Honig explained he knows that area has water issues and explained his concerns. Mr. Vreeland explained it is not uncommon to ask for a small drywell to offset [additional water].

Mr. Connolly commented it looks like they are rotating the roof line so they will be disbursing it on the high side of the hill not just all in the front.

Mr. Andrews asked the addition is 12 feet 8in in the front and 4 feet in the back; there is nothing to the sides.

Mrs. Anderson commented correct.

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Mr. Fitzgibbons referred to the engineers report 3.5 the third page about illustrating the roof in the rear yard and asked the applicant for some clarification on that.

Mr. Anderson explained he is asking for relief on his woodshed it is a stand alone woodshed it does run along the property line if it is possible he would ask for relief.

Mr. Vreeland asked how long it had been there.

Mrs. Anderson commented we have been there for 18 years.

Mr. Vreeland commented it has been there 18 years and he hasn't heard any complaints on it; he doesn't know if anyone in the Borough has. This may be the opportunity to clarify the record.

Mr. Anderson commented he even put a gutter on it so the run off would go in a little corner.

There was a discussion on the exterior light and focusing on a downward position.

Mr. Vreeland commented they are asking for a front yard encroachment he thinks it is important to note for the record they are not reducing the size of their driveway and they are still providing ample parking based on a residential site improvement standard. A lot of times with an addition you may end up expanding the garage and losing some of the parking but that is not the case. It is strictly an addition along the frontage of the property.

There was a brief discussion on the bedrooms and septic.

Chairman Honig commented there are no members in the public we can still open up.

Mr. Thomas commented you have indicated there are no members in the public.

Chairman Honig commented since there are no members in the public we can move forward.

Mr. Thomas explained for the record it appears they are talking about a small variance with regards to limitations due to the septic tank together with the fact they have an oil tank and a chimney and would impact the side yard. Also, it would appear if the board concurs that would be sufficient enough to satisfy the C-1 criteria. As you know these requirements not only satisfy the positive criteria it also the negative criteria he thinks you can apply based upon the testimony as well as the architectural plan it is an architectural benefit because it is keeping with the existing house and therefore keeping with the character of the existing neighborhood. Furthermore, that would take care of the substantial detriment to the purpose of public good and finally there would be a question as to whether or not there is a substantial detriment to the intent purposes the zone ordinance and the master plan. The master plan indicates any improvements on the property as long as they are compatible and architectural in keeping with the existing

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houses and he thinks you have satisfied that goal in the master plan. So, therefore, if find those things to be true you have the positive and negative criteria on the record and you also have Mike Vreeland report. He thinks those conditions should be included together with the requirement that there will be a dry well to be included and the location and size to be reviewed by the town engineer. There would be a variance for height and front but also for the woodshed in the rear since it has been in existing for more 18 years and caused no additional problems. Any lighting that is going to occur particularly in the front would be down lighting and it would be approximately two feet in height downward focused. Those would be the conditions together with the engineer's report.

Mr. Thomas commented if someone wants to propose a [motion] with those conditions.

Chairman Honig asked can he add one more thing; it is noted in A-1 that additional blueprints will be provided once the plans are finalized.

Mr. Thomas commented your approval is also going to be subject to [building permits] which would then require appropriate architectural plans.

Mr. Anderson commented for the record we are not sure if we are going to put in a foundation.

Mr. Fierro commented with that being said he will make a motion with the added recommendations.

Mr. Marceau asked about the laundry room/ mud room. Mr. Thomas explained if that is sufficient room to satisfy the side yard so therefore that is really subject to a building permit. He will make sure he includes that they are proposing that mud room in the rear but it is not a variance.

Seconded by Mayor Hutnick.

Upon Roll call Vote:

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

Nays: None Absent: Cahill, Nasisi Abstain: None

OLD BUSINESS/NEW BUSINESS

Local Planning Services Grant- No update

Zoning Map & zoning ordinance review- no update

Professional Services for 2025 – no update

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Chairman Honig explained we would like to get back to the zoning review.

CORRESPONDENCE

Chairman Honig explained the correspondence.

- CCO and Zoning report for August, 2024.

BILLS/VOUCHERS

Councilman Poyer made motion to approve the bills and vouchers. Seconded by Mayor Hutnick.

Upon Roll call Vote:

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

Nays: None Absent: Cahill, Nasisi Abstain: Andrews, Connolly

- Statement #951195 from Dolan and Dolan, Roger Thomas, Board Attorney in the amount of \$208.75 charged to escrow account from application LUB 03-2024 Anderson.
- Statement #951194 from Dolan and Dolan, Roger Thomas, Board Attorney in the amount of \$212.69 charged to escrow account from application LUB 01-2024 Yassin.
- Statement #951191 from Dolan and Dolan, Roger Thomas, Board Attorney in the amount of \$422.69 for Land Use General Matters.

PUBLIC PORTION

There were no one in the public.

ADJOURN

Mr. Andrews asked about the gas station on Main Street; he counted 16 cars in that lot and most of them don't have plates on them.

Mayor Hutnick explained he will bring that to the zoning officer attention. There was a brief discussion on the matter.

Mr. Fierro made a motion to adjourn the meeting. Seconded by Mr. Fitzgibbons. All were in favor.

Chairman Honig adjourned the meeting approximately 7:47pm.

Prepared by
Robin Hough, RMC/CMR