

**REGULAR MEETING MINUTES OF THE BOROUGH OF OGDENSBURG
LAND USE BOARD FOR
October 22, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:02pm.

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 25, 2024.

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

Absent: Nasisi, Poyer

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

APPROVAL OF THE MINUTES

Mayor Hutnick made a motion to approve the meeting minutes for September 24, 2024. Seconded by Mr. Fierro.

Upon Roll call Vote:

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

Nays: None Absent: Nasisi, Poyer Abstain: Cahill

APPLICATIONS FOR COMPLETENESS

LUB 04-2024 John Mulcahey, Variance “shed” Block 11 Lot 27.

(Voting eligibility: All members that are present and alternates as needed.)

Chairman Honig commented Mr. Fitzgibbons is going to recuse himself as he is on the 200-foot boundary line [200-foot list].

Mike Vreeland, Board engineer explained he took a review of the information that was submitted in support of the application, to include a completed application package. Also, a copy of the zoning permit that was submitted with a notation on the bottom indicated that the shed would be in the front yard and would be denied. Accessory structures are required to be located in the side or rear yard. It also included a copy of a survey and some other supporting information based on the nature of the application and information that was submitted we believe it is sufficient to do a technical review; we don't have objection to the Board granting any waivers that may be appropriate for completeness and deem the application complete.

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Mr. Vreeland commented he notes for the benefit of the applicant; applications like this often generate questions on what is the shed going to look like, it may be beneficial to include some additional pictures and rendering of what the structure may look like. Other than that, we don't have any additional comments for completeness.

Mr. Lynch explained he recommend the applicant to submit pictures also.

Chairman Honig commented to clarify the yard is the setback in the question that is coming up here correct.

Mr. Vreeland commented the fact that the accessory structure is being proposed in the front yard. Mr. Vreeland explained there appears to be some existing non-conformities based on the survey we will make note of those items when we do the technical review.

Mr. Fierro asked anything of concern?

Mr. Vreeland explained there appears to be some existing non-conforming side yard setbacks associated with the primary structure as noted on the survey. The garage is directly along the side [yard setback]. One of the reasons sighted in the application as a hardship was access to the rear yard. Obviously, you have a non-conforming side yard we will ask for an explanation and some testimony of how that occurred.

Chairman Honig commented at this point if there are no comments, questions or concerns he needs a motion to deem the application complete.

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

Upon Roll call Vote:

Yeas: Andrews, Cahill, Connolly, Fierro, Honig, Hutnick, Marceau

Nays: None Absent: Nasisi, Poyer Abstain: Fitzgibbons

Chairman Honig explained we will do our best after we get all the technical review done for the November meeting.

Mrs. Mulcahey asked if they should submit the pictures ahead of time.

Mr. Lynch commented whatever you can submit ahead of time.

LUB 05-2024 Greg and Katarzyna Stanisalawczyk, Bulk Variance, Certificate of Non-Conformity or variance if required. Block 11 Lot 26.
(Voting eligibility: All members that are present and alternates as needed.)

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Mr. Vreeland commented the application package that was submitted included a completed application form, there was also some historical information with regards to prior approvals on the property, correspondence from Sussex County, transmittal correspondence prepared by the applicant's attorney with a number of exhibits and exhibits include a variance plan that was prepared by Ken Wentick a number of years ago along with architectural plans for the house. Based on the nature of the application the information submitted would be sufficient information for a technical review and we have no engineering or planning objection to granting any waivers at this time with the package that was supplied.

Chairman Honig asked Mr. Lynch if there were any comments questions or concerns that he sees.

Mr. Lynch commented no.

Chairman Honig commented the only thing he noticed was the checklist was not checked. He just wanted to make sure. The checklist says see letter.

Mayor Hutnick asked the forms that were submitted are from a planning board approval that was ten years ago.

Eric Wood, Attorney represent the applicant explained that was a prior approval he wanted you to see, it has nothing to do with this application.

Chairman Honig commented we want to have you sworn in so your name is on the record.

Mr. Lynch asked you are the attorney for the applicant. [Mr. Eric Wood, Esq. is the attorney for the applicant.]

Mr. Wood explained he thought it was going to be an easier application for a bulk variance but after zoning permission, the project was half up the neighbor who is in the audience for the shed application made an objection. He [the neighbor] obtained a survey showing that his clients survey was not relied upon; the building inspector who actually picked up on the fact of the two principle structures. The application is of a bulk variance to decrease the side yard setback in addition for whether or not conformities saying that the property has existed like this with two principal residential structures and we also attached tax cards showing that it is being used as two residential structures. That is what is before you. The Wentick plan done 2024 is the one for this variance application.

Chairman Honig asked I know you have it in your letter but can you clarify in our packet you have a general checklist that is not checked. Do you mind just quickly verifying that everything is complete to the best of your knowledge since you are the one that completed this?

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Mr. Wood commented everything that had to be completed is complete; 10 and 11 are not applicable he put N/A on the right. Number of witness he put two or three. We submitted a full application the only thing that wasn't submitted was proof of publication things like that.

Chairman Honig asked if there were any other questions, comments or concerns regarding completeness purposes. If there are no questions, comments or concerns from the engineer he needs a motion to approve for completeness.

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

Upon Roll call Vote:

Yeas: Andrews, Cahill, Connolly, Fierro, Honig, Hutnick, Marceau

Nays: None Absent: Nasisi, Poyer Abstain: Fitzgibbons

Chairman Honig commented same applies we will do the best to get this on our November meeting.

Mr. Wood asked since the newspaper is behind may he publish the notice now; we can always continue it if we should not make it on the November meeting.

Mr. Lynch commented we can always carry it.

Mr. Wood asked on your application the applicant has to submit to the Department of Transportation; is that necessary considering this application is maintained by Ogdensburg.

Mr. Vreeland commented there is no frontage that impacts State highway he doesn't see that.

Mr. Wood asked what about the County.

Mr. Vreeland commented it doesn't impact any County facilities there are no County road up there.

APPLICATIONS TO BE HEARD

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

(Letter received October 3, 2024 from Michael Selvaggi, Esq. granting an extension of time within the Board is to act until December 31, 2024.)

Chairman Honig asked is he correct that this application is tabled to the November meeting.

Ms. Hough explained there is an extension until the end of the year.

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Mr. Lynch explained they have 120 days it would expire, he believes they are trying to make some changes.

Chairman Honig commented as of right now we don't know of anything that has been changed; it will be tabled until the November meeting and their extension is good until December 31, 2024.

Mr. Mulcahey commented he has a question but he doesn't know if he would be out of place by asking.

Mr. Lynch asked if it was about this application.

Mr. Mulcahey commented the past one.

Chairman Honig explained we will have a set time to open to the public.

Mr. Lynch asked if it is about the application he would ask that you do it when the application is being heard. We just discussed completeness.

Mrs. Mulcahey commented we just need clarification.

Mr. Lynch commented he doesn't want to discuss the application without the applicant here and they just left. Is it a general question?

Mr. Mulcahey asked may I ask a question?

Chairman Honig commented at this point when we open to the public that would be the time to ask.

APPROVAL OF RESOLUTION

A motion is in order to approve resolution in the matter of Paul and Emily Anderson, Bulk Variance, Block 3.01 Lot 22.

(Voting eligibility members voted in favor of the application: Andrews, Connolly, Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer)

Chairman Honig commented we received notification that we need to confirm a few things with their escrow account. At this point it is in the Boards best interest to table this resolution until the November meeting.

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Mr. Lynch explained he looked up the time frame; you have 45 days to memorialize a resolution from September 24 and that day would be November 8. That is before November 26 but there is a substantive issue with the application due to the escrow balance.

Chairman Honig commented the goal would be to push this until the escrow balance is resolved. They only thing he asks is if the professionals would verify any outstanding bills.

Mr. Vreeland explained they are going to have some plan revisions; at some point they have to put a pit in so there will be a little more additional work at some point.

Chairman Honig asked if there were any comments questions or concerns in tabling this to the next meeting.

Mr. Lynch commented due to the November 8 deadline he would like the board to vote to actually carry it recognizing the deadline and [being] insufficient.

Mr. Lynch commented it would be a motion to have the board memorialize or adopt the resolution at the November 26 meeting. The Board recognizes the 45-day obligation but there is also material issue with the application.

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

Upon Roll call Vote:

Yeas: Andrews, Cahill [withdrew motion], Connolly, Fierro, Fitzgibbons, Honig, Hutnick, Marceau

Nays: None Absent: Nasisi, Poyer Abstain: None

Mr. Andrews asked for the record Mr. Cahill wasn't here at the last meeting.

Chairman Honig asked it is just to table it; is that an issue can he vote to table it.

Mr. Lynch commented he should abstain for consistency purposes.

Mr. Cahill withdrew his motion.

OLD BUSINESS/NEW BUSINESS

Local Planning Services Grant

Ms. Hough explained she heard from Mr. Tessier he wants to talk to Joe [Vulch] to get him the letter Mr. Vulch needs to do the redevelopment from the study back from around 2010. He wants to finish up the plan for Main Street.

Zoning Map & zoning ordinance review

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Chairman Honig explained he can already see the November meeting is busy; at this point we wouldn't be able to do anything at the November meeting based off of discussions anyway. With that being said he will table this until the January meeting; we will have to put together a summary of everything.

Professional Services for 2025

Chairman Honig commented we did put out a RFP.

Ms. Hough explained they are due November 1.

Mr. Fierro commented he will come in to review them.

Budget 2025

Chairman Honig explained he sent some numbers back to Mike; he did reduce some numbers based off of what the board needed over the last few years. It was about a ten percent decrease which is subject to change. He did increase the attorney line because of the upcoming work when we get back to the zoning review.

Mayor Hutnick asked if we put in the budget for an updated [zoning map]. Before you reduce the budget, ten percent lets verify.

Chairman Honig asked Mr. Vreeland if he could prepare a quote for a color-coded zoning map.

Mr. Vreeland asked Chairman Honig to send him an email regarding what he is looking for.

Chairman Honig commented one more thing he wanted to bring up is we are coming up on the November 30 deadline; in regards to a memo from Mr. Thomas, Esq. dated October, 2023. The memo is regarding the covid-19 pandemic outdoor dining room. We still have a business in town that is still utilizing that at this time it is in our best interest if they do want to keep it they come to the Board for a variance. Go to zoning see what the zoning officer has to say but at this point those expire on November 30th.

Mr. Fierro asked if he needs a variance.

Mayor Hutnick commented at that time everything was pretty much waived because of the pandemic.

Chairman Honig commented he doesn't want it to be forgotten about.

CORRESPONDENCE

Chairman Honig explained the correspondence.

- CCO and Zoning permit report.

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BILLS/VOUCHERS

Chairman Honig asked for a motion to approve the revised bill from Dolan and Dolan.

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

Upon Roll call Vote:

Yeas: Andrews, Cahill, Fierro, Fitzgibbons, Honig, Hutnick, Marceau

Nays: None Absent: Nasisi, Poyer Abstain: Connolly

- Statement #951193 revised from Dolan and Dolan, Roger Thomas, Board Attorney in the amount of \$618.25 charged to escrow account from application LUB 02-2024 Connolly.

PUBLIC PORTION

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

Victoria Mulcahey 49 Edison Ave asked she thought she heard the applicant say there are two residential structures on his property. There is one garage is that considered a residential structure.

Chairman Honig commented as part of the process of us doing the technical review we will know more as we go through that process; we now have to go through their paper work.

Victoria Mulcahey asked she didn't know how the Board would recognize a garage if it was a residential.

Chairman Honig commented all he is going to tell you is that he doesn't know what is there; even though they told us what is there, I don't know what is there until our professional's review what is there. This will be addressed at the next meeting.

Mr. Lynch commented the board can only base decisions on what the applicant provides.

Mrs. Mulcahey commented that's ok she just didn't know if the Board considered a garage [residential].

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Mr. Andrews commented he does believe they said two major structures.

Mike Sanford, 12 Ave. B Ogdensburg explained the property behind him was never purchased by a prior owner; he has been trying to purchase that property ever since he moved in 2017. The property behind was supposed to be a street [paper road] that was never put in. All that property behind that was never developed. However, his neighbors decided to make a motor cycle track out of it.

Mr. Fierro asked whose property is it.

Mr. Sanford commented it is the borough's property and he doesn't know what to do.

Chairman Honig explained that doesn't fall until the Land Use Jurisdiction; that would be a Council matter.

There was a discussion on this property and borough owned property.

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

ADJOURN

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

Chairman Honig adjourned the meeting approximately 7:43pm.

Prepared by
Robin Hough, RMC/CMR