

BOROUGH OF OGDENSBURG LAND USE BOARD MINUTES

MEETING DATE: **October 15, 2008**

CALL TO ORDER: 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 8, 2008. The regularly scheduled meeting of the Ogdensburg Land Use Board was called to order at 7:00 PM.

ROLL-CALL: **Present:** Armstrong, Andrews, Fahrenfeld, Fierro, McDonald, Sekelsky, Sund, Telischak and Wood.
Absent: Dabrowski, Dolan*
Professionals: Buczynski, Leo and Suljic.
Absent: None.

APPROVAL OF MINUTES – September 9, 2008

A motion is made by Sund, second by Fierro to approve the minutes of the September 9, 2008 meeting with Armstrong, Andrews, Fahrenfeld, McDonald and Telischak in favor; Mayor Sekelsky and Eric Wood abstaining.

CORRESPONDENCE

1. Dated 9/26/08 from Sussex County Planning re: AA-1 Self-Storage Minor Subdivision, BL 30 Lot 3.02
2. Dated 9/25/08 from Sussex County Planning re: AA-1 Self-Storage Prel. Major Subdivision, BL 29 L 5
3. Dated 9/04/2008 from Sussex County Planning re: AA-1 Self Storage Minor Subdivision, BL 30 L 3.02
4. Dated 9/4/2008 from Sussex County Planning re: AA-1 Self Storage Prel. Major Subdivision, BL 29 L 5
5. Dated 8/15/2008 from NJDEP re: JBL-RAL, LLC
6. Dated 9/23/08 from Laddey, Clark & Ryan re: COAH Update
7. The New Jersey Planner, September 2008 issue
8. The New Jersey Planner, October 2008 issue

1. OLD BUSINESS/NEW BUSINESS

A. Appointment of new Land Use Board Member

Mr. Michael Blahut was sworn in as a Class III member of the Board to serve the balance of Mr. Altenburg's term.

2. PUBLIC PORTION

A motion was made to open the meeting to the public by Fierro, second by Sund with all in favor. Mr. Michael Meyer, a business owner in the borough, expressed his concerns regarding a business operating from a residence at 4 Main St. since June without the proper permits. Since the Board has no jurisdiction in this matter, the information will be forwarded to the Zoning Officer to investigate.

A motion to close the meeting to the public was made by Fierro, second by McDonald with all in favor.

3. OLD BUSINESS/NEW BUSINESS

**A. AA-1 Self Storage, LLC
Application #LU 07-005
Block 29, Lot 5
Brooks Flat Road**

Memorialize Resolution granting Preliminary Major Subdivision Approval

A motion is made by Fierro, second by Telischak to memorialize the resolution granting Preliminary Major Subdivision Approval with Armstrong, Andrews, Sekelsky, Sund, Fahrenfeld and McDonald in favor, and Wood abstaining.

A motion is made by Andrews, second by Sund to open the meeting to the public with all in favor. There being no public comment, a motion is made by Fierro, second by Telischak to close the meeting to the public with all in favor.

**B. New Cingular Wireless PCS, LLC
Application #LU08-002
Block 30, Lot 11.08
230 Passaic Ave.**

“C” and “D” Variance Approval and Site Plan Approval in order to place nine (9) antennas on an existing structure

Christopher Quinn, Esq. appeared on behalf of the applicant and states the purpose of the application and that the applicant has appeared before the Board at the June, July and August meetings.

Mr. Ronald E. Graiff, P.E is sworn in for the record and attests to his credentials as a licensed professional engineer specializing in radio frequency engineering with over forty (40) years experience. Per the Borough’s request, Mr. Graiff has reviewed and analyzed the proposed site and alternate sites.

Mr. Graiff explained the difference between the cellular system and the PCS system and their MHz bands. On small reproductions of the area, coverage above 85 dbm (decibel below milliwatt) was depicted. A scanning receiver was used to record the signals and take the readings.

Cellular coverage of the borough was shown on Exhibits A1-A through A3-A with Exhibit A2-A depicting the antennas on the head frame at the mine.

* Ms. Dolan arrived at 7:55 P.M.

Exhibits A4-A through A13-A were explained with the coverage each site would provide. Discussion begins regarding site #3 the water tower and site #6 the apple orchard. At both of these sites, the antennas would need to be located much higher, at 25 feet above the tree line with gaps of coverage in the northern part of the borough.

Members voiced their concerns since none of the sites provide coverage at Heater's Pond. A repeater would need to be installed at that location to offer coverage.

Board members thanked Mr. Graiff for his excellent report.

Discussion continued regarding coverage at Heater's Pond and Attorney Quinn stated that the applicant would work with the town to provide coverage at that location.

Discussion continued regarding the condition and aesthetic of the structure at the Sterling Hill Mine. Members stated that T-Mobile was in violation of their resolution. If the application were to be approved, certain conditions would be imposed such as rust removal, replacing missing bolts and paint. Also, applicant would install a chain link fence around their equipment. Landlord needs to fix the potholes on the road leading to structure.

A motion to vote on the Cingular application was made by Fierro, second by Telischak with all in favor. After the first vote was taken, approval was obtained. However, since this is a Zoning matter, another vote was taken with the proper number of Board members voting. Messrs. Armstrong, Fierro, Telischak and McDonald voted in favor with Messrs. Andrews, Sund and Wood voting against. Because five positive votes are required for a "D" variance, the application was denied.

C. Robert N. Armstrong
Block 2, Lot 2
Off of Edison Avenue
Interpretation of Permitted Use in R-100 Zone

Mr. Armstrong came before the Board because he would like to place a temporary trailer on a twelve (12) acre parcel of land located on Edison Mountain. It was noted that the trailer will not be fixed to a foundation, has wheels and can be moved from one location to another. Discussion further indicated that this use was similar or the same as residents having a recreational vehicle parked in their driveways.

A motion to open the meeting to the public was made by Fierro, second by Wood with all in favor. There being no public comment, the meeting was closed to the public.

Motion to allow the trailer to be stored in the R-100 zone was made by Wood, second by Dolan with Andrews, Fierro, McDonald, Sund and Telischak in favor.

4. **CHAIRMAN'S AGENDA**

A. **Re-Examination of Master Plan**

The Final Draft of the Re-Examination Report has been completed by Fred J. Suljic and has been distributed to all Board Members for their comments and review. This report will be presented at the next Land Use Board meeting on November 6, 2008 for approval. If approved, a meeting will be scheduled for public comment.

5. **APPROVAL OF BILLS/VOUCHERS**

1. Dated 8/31/08 from CMX for Logan Homes Major - \$ 31.25
2. Dated 8/31/08 from CMX for Morse- Cork Hill Rd.- \$ 62.50
3. Dated 8/31/08 from CMX for Sterling Hill Mine - \$968.75
4. Dated 8/31/08 from CMX for Land Use Board - \$ 93.75
5. Dated 9/22/08 from CMX for J & G Developers - \$ 31.25
6. Dated 10/14/08 from Fred J. Suljic, P.P. for New Cingular Wireless - \$100.00
7. Dated 10/14/08 from Fred J. Suljic, P.P. for Robert Armstrong - \$ 50.00
8. Dated 10/14/08 from Fred J. Suljic, P.P. for Re-Exam Report - \$300.00.

**** Original Bills/Vouchers available for review. All Bills/Vouchers subject to approval by CFO prior to payment. ****

A motion is made by Andrews second by Fierro to approve the bills/vouchers for payment with Dolan, Sund, Telischak, Wood, McDonald in favor and Fahrenfeld abstaining.

6. **ADJOURN**

A motion is made at 10:30 P.M. by Sund, second by McDonald to adjourn with all in favor.

Respectfully Submitted by:

Blanche Stuckey
Land Use Board Administrator

Date of Approval