

**REORGANIZATION MEETING MINUTES OF THEBOROUGH OF OGDENSBURG  
LAND USE BOARD FOR  
JANUARY 26, 2021, AT THE OGDENSBURG  
MUNICIPAL BUILDING, 14 HIGHLAND AVE.  
OGDENSBURG, AT 7:00pm**

Mr. Roger Thomas, Esq. called the meeting to order.

Mr. Thomas led the Pledge of Allegiance.

Meeting was held via zoom/audio.

**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 29, 2020. Notice of this remote meeting has also been published in accordance with N.J.A.C. 5:39-1.1 through 1.7 which establishes standard protocols for remote public meeting governed by OPMA during a Governor-declared state of emergency. Said notice contains instruction and information for (i) accessing the remote public meeting using the Zoom web-based platform via internet web address or teleconferencing number, (ii) making or submitting public comments, and (iii) accessing relevant documents, if any, for the public view.

This meeting was held via zoom/audio. Participation/public access to the meeting was available at <https://us02web.zoom.us/j/81299463352> and entering Meeting ID: 812 9946 3352 or via teleconferencing/audio conferencing using a traditional phone by calling 1-646-876-9923 and entering Meeting ID: 812 9946 3352 followed by the # sign.

Ms. Hough gave the oath of office to the following Land Use Board members.

Mayor George P. Hutnick	Class I Member	Term Expires 12-31-2021
Kevin Kervatt	Class II Member	Term Expires 12-31-2021
John Fierro	Class IV Member	Term Expires 12-31-2024
Patrick Fitzgibbons	Class IV Member	Term Expires 12-31-2024
Vacant	Alternate II	Term Expires 12-31-2022

**ROLL CALL:** Fierro (via zoom), Fitzgibbons (via zoom), Honig, Mayor Hutnick, Kervatt (via zoom), Kibildis (via zoom), Telischak (via zoom)

Absent: Andrews, Nasisi

Also present: Mike Marceau, CFO, Roger Thomas, Esq. (via zoom), Mike Vreeland, Engineer (via zoom and Angela Knowles, Planner (via zoom)

**ELECTION OF CHAIRMAN**

Mr. Thomas asked for a motion to elect a chairman.

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Mr. Kibildis made a motion to elect Elliott Honig as Chairman of the Land Use Board. Seconded by Mr. Fierro.

Mr. Thomas asked if there were any other nominations for Chairman. There were no other nominations.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak  
Nays: None Absent: Andrews, Nasisi Abstain: None

**ELECTION OF VICE CHAIRMAN**

Chairman Honig took over the meeting at this time. Chairman Honig thanked the Board for the honor.

Chairman Honig asked for a motion to elect a vice chairman.

Mr. Kibildis made a motion to nominate Pat Fitzgibbons as Vice Chairman of the Land Use Board. Seconded by Mr. Fierro.

Chairman Honig asked if there were any other nominations for Vice Chairman. There were no other nominations.

**Upon Roll call Vote:**

Yeas: Fierro, Honig, Hutnick, Kervatt, Kibildis, Telischak  
Nays: None Absent: Andrews, Nasisi Abstain: Fitzgibbons

**ELECTION OF SECRETARY**

Chairman Honig asked for a motion to elect a secretary.

Mr. Kibildis made a motion to nominate Robin Hough as secretary to the Land Use Board. Seconded by Mr. Fitzgibbons.

Chairman Honig asked if there were any other nominations. There were no other nominations.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak  
Nays: None Absent: Andrews, Nasisi Abstain: None

Mr. Fitzgibbons thanked Robin for all her work.

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**RESOLUTION FOR PROFESSIONAL SERVICES**

Mayor Hutnick made a motion to adopt resolution authorizing the award of Non-Fair and Open Contracts for Professional Services. Seconded by Mr. Fierro.

Mr. Telischak asked to have the professional said by name for clarification.

Chairman Honig commented it would be Van Cleef Engineering for our Engineering, Van Cleef Engineering for our Planning and Dolan and Dolan for our legal.

Mayor Hutnick commented yes.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi Abstain: None

**RESOLUTION FOR 2021 MEETING DATES**

Mayor Hutnick a motion is in order to adopt resolution approving the Land Use Board 2021 meeting dates. Seconded by Mr. Kibildis. All were in favor.

**RESOLUTUION FOR OFFICAL NEWSPAPER**

Mr. Fitzgibbons made a motion to adopt resolution approving the Land Use Board Official Newspaper New Jersey Herald/Sunday New Jersey Herald for 2021. Seconded by Mr. Kibildis. All were in favor.

**APPROVAL OF THE MINUTES**

Mr. Fierro made a motion to approve the meeting minutes for December 22, 2020. Seconded by Mr. Fitzgibbons.

Chairman Honig asked if there was any discussion for the minutes. There were no comments.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi Abstain: None

**APPLICATIONS FOR COMPLETENES:**

There are no applications for completeness

**APPLICATIONS TO BE HEARD**

There are no applications to be heard

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**RESOLUTIONS**

Mayor Hutnick made a motion to adopt resolution for application LUB 01-2020 Kris Gordon, Bulk C Variance. Seconded by Mr. Fierro.

(Voting eligibility: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak)

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi Abstain: None

**CORRESPONDENCE**

Chairman Honig explained the correspondence below.

1. Public notice regarding 20 Willow Grove Ct. Ogdensburg

**OLD BUSINESS/NEW BUSINESS**

**Parking for Main Street – Paper Road (Orchard Street)**

Chairman Honig asked is there any update from the Council.

Mayor Hutnick commented no they are still working on the title search.

**Interstate Industrial “List”**

Chairman Honig commented nothing has really changed.

Mayor Hutnick asked weren't they supposed to complete that building as a module building instead of stick built.

Mr. Vreeland commented he knows it was a pre-engineered ordered steal pole barn type of building; he doesn't know exactly how many pieces came delivered to the site.

There was a brief discussion on the building.

**Economic Development Plan**

Chairman Honig commented our Planner was nice enough to provide us with a good analysis of our Main Street zoning which we asked her to do as of our last meeting. This was a short time span and he does appreciate this. Chairman Honig asked Ms. Knowles to give a brief summary of what the board members should look at.

Ms. Knowles commented you should have also received the zoning map of the area; it was based on a list she received in 2019 so she wanted to check that more thoroughly. Ms. Knowles commented if anyone has any questions to reach out to her; really the purpose of this was to look

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at the study area and look at the zoning there; what we are looking at is the revitalization of Main Street. This was the first step in that process to look at what the permitted uses were, what some of the bulk standards are even some of the design standards. This goes from the norther border to the southern border of the Borough all along Rte. 517 also known as Main Street. Looking at the zoning in those different areas it is a diverse range of zones and uses. Overall generally the zone use is appropriate for their location and the character of the town in those different areas. Ms. Knowles commented she thinks that improvements could be made throughout and there are some recommendations in there [the report] as well.

Mr. Fitzgibbons asked if everyone received this. Chairman Honig commented it was emailed today and explained that's why he would rather wait to get into the report so everyone has a chance to read it.

**2021 Budget**

Chairman Honig commented the Council has done a great job to come up with our budget numbers. He will say a lot of what he put in there is based off of discussions he did want to make it an open discussion because that is the way we should operate. Chairman Honig explained how he looked at past budgets to help get these numbers. He also realized last year we met every month for the first time since he thinks he sat on the Board. Which means we occur more fees; he doesn't think we will go under, we always seem to be working on things. As we develop some of our revisions of some of the ordinances like the Fowl ordinance, BC ordinance he thinks we will have more work to do. Mr. Fitzgibbons has given him some former work that we want to check into. We still have work to do on the economic development plan. The Council was nice enough to set aside some funds for the Board from last year so we can continue and that is were some of this report money is coming from that Ms. Knowles did with the zoning analysis. Chairman Honig commented that is why he is requesting the eight thousand dollars to complete the rest of this and have some wiggle room with that. Our overall budget that we are requesting from the Council is \$15,300.00. This will be a fun discussion to get this; Mr. Fierro has volunteered his time and effort and energy to put together his budget presentation because he is an expert when it comes to that.

Mr. Fitzgibbons asked Mayor Hutnick if the Council has started yet on their budget.

Mayor Hutnick commented yes. Mr. Fitzgibbons asked how does this look.

Mayor Hutnick commented the budget this year looks horrible our income from 2020 with our pandemic was a lot lower than we anticipated. We are beyond tight in everything and we are going through the cutting process. However, the land use board is not going to be knocked out of things it is just a matter of how we are trimming everything. Also, we don't have all the State rules and guidelines yet. They are going by last years rules and we have no idea; what we do now is actually apply for 2021 because they have submitted the 2021 regulations and they have extended the budget dates into April. There are a lot of unknown but the Council is fully aware

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of what the land use board has done this year, what it has accomplished, what the goals are they support it. They are beginning to see things in town happening. As part of our next meeting the packet that Ms. Knowles submitted to us which is awesome will be sent out to the Council so they can be fully aware of everything that has gone on so the Council has a better understanding. It is just a process. We are having our second budget meeting on February 1, hopefully we will have this done in three or four meetings.

Chairman Honig asked does the Council need anything from the Board. It is nice we are still making some progress.

**Walking Track/Path**

No update

**Borough Property/subdivision/sales**

No update

**Borough owned vacant lot on Main Street**

No update.

**Ordinance 02-2021 Review to send back to the Mayor and Council.**

Chairman Honig commented this ordinance is for us [the Board] to review and send it back to the Mayor and Council. This was the ordinance we discussion at our previous meeting in December. This was based on some changes of the BC zone that we thought we [needed] to be done. As part of the process the Council has sent it back to us to review we need to say we are ok with it and that no changes have been made. So, we are going to approve the ordinance to send back to the Council so they can move forward for adoption on February 8.

Mr. Thomas commented you are correct, right now there is a statutory requirement of referral and is consistent with our master plan.

Chairman Honig asked if we need to do any type of motion.

Mr. Thomas commented you can do a motion to have it on the record; Robin can put it in the minutes, he could do a resolution but it would be more of a cost to the taxpayer.

Mr. Fierro commented on the ordinance in front of us the multifamily is blacked out is that correct.

Chairman Honig commented that is the section that will be removed from the current ordinance. Mr. Fitzgibbon asked Ms. Hough if the ordinance automatically goes to people that do the codification work. Ms. Hough explained once it passes and gets adopted, she sends a notice to the county and the neighboring municipalities I will send it to the code book. We only codify the ordinances once a year but it will be there under new legislation. So, when you go to the code

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book you would have to go to new legislation that's where it will be until it gets codified into the book.

Chairman Honig asked for a motion to send ordinance 02-2021 back to the Council as stated.

**Mr. Fierro made a motion to send back to the Council ordinance 02-2021. Seconded by Mr. Telischak.**

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi Abstain: None

Chairman Honig commented the Chicken/fowl ordinance was tabled until last night's council meeting. Mayor Hutnick commented it passed introduction. The ordinance will be in front of the land use board to review at the February meeting.

Chairman Honig commented Ms. Knowles is trying to put together a meeting with the Council, land use board and highland group in order to see what kinds of funds [are available]; again, we are not saying we are going to opt in but we do want to hear the official pitch. In order for that to happen we need to have a meeting with the Council. Chairman Honig asked Mr. Thomas if there was any easy way to do this.

Mr. Thomas commented if you are going to have a meeting with the full board and the Borough Council you are going to have to notice it. Or you can have a subcommittee three members of the land use board go to the council meeting then you wouldn't have to notice it.

Chairman Honig commented he is fan of having everybody listen to it. As somebody that was left out he knows a couple of you have already heard that from them; not sure if changes have been made. If is important that everyone hears this.

There was a discussion on having the Council and Land Use Board meeting with Highlands Council.

Chairman Honig commented Mr. Kervatt is with us as a member but he is also our zoning officer and a couple of issues have come up that he thinks the board needs to be aware off. Atlantic Manor has built some additions to their structure without going through the proper channels. Another issue that he brought up to Mr. Kervatt is the Delta Gas Station in town has expanded to a convenience store selling lottery tickets, the addition they just put up recently have those LED flashing lights all around the building and are flashing all around the windows. We do have resident directly across the street from them so he does want to make sure we are following everything we can to protect our residents because he thinks that is important. Also, that bus is sitting behind Delta for a year or so; is there something we can do about that as well.

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Mr. Kervatt commented the Atlantic Manor [started] an addition not an addition to the principle structure, he called the owner and gave him a verbal to stop he had the state building inspector there today he put a stop work order on it. As of today, he is on total notice that he is violation of the zoning ordinances and the construction code of the State of New Jersey. We are going to have to wait and see his intentions. He was at Borough Hall picking up blank applications. Mr. Kervatt commented he hasn't seen them yet; he already told the owner when he makes out the applications myself as a zoning officer can't permit it. It would institute a site plan.

Mr. Kibildis asked what are they doing it wasn't clear in the beginning.

Mr. Kervatt commented it is an accessory structure but it is actually within inches of the restaurant.

Mr. Fierro commented so it's not actually an addition then.

Mr. Kervatt commented this remains to be seen, he is disappointed in the owner. It is a large steel structure.

Mr. Honig commented including permanent windows sliding doors and other things. It is not a small tent.

Mr. Kibildis asked if anyone knew what the dimensions were.

Mr. Kervatt commented he didn't take the dimensions in opinion as it stands right now it is going to come down. But that will be up to the board and the professionals.

Mr. Telischak commented his recollection is that accessory structures in the town central zone are not permitted unless there is a variance issued.

Mr. Kervatt explained anything a commercial property does has to have land use approval. If he decides to do what he is doing he will do this on the application it will be denied by him with the box checked he has to come in front of the land use board with a site plan.

Mr. Honig commented at this point we just have to wait to see how he proceeds.

Mr. Kervatt commented he has two options to take it down, he doesn't have the option to be able to add to it. If he adds to this himself and the building department will fine him. Unfortunately, he can't fine he has to write summons and have it in front of the Court to see if the Court will fine him. At this point in time he has notices not to move forward.

Chairman Honig asked Mr. Kervatt for an update on Delta [gas station].



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Mr. Kervatt commented he thinks he can get all of your concerns taken care of but as far as the sales and lottery; that been a gas station [for a long time] retail sales within the office area was always permit there was candy, oil cans etc. retail sales. The lighting he can go down, the bus he thought would go away, he agrees with you and doesn't look like it's going away. The mini van behind it is not going away. The new owner seems to be more responsive then the past ownership.

In any event he thinks he can get a handle on this.

Chairman Honig commented there was a report not sure if it's official that they are selling coffee and snack as well. He is not sure if coffee and food is part of retail sales. We just want to make sure we are following what we are supposed to.

Mr. Kervatt explained when he was doing his inspection as fire marshal they put in a sink; he talked to the building inspector. The building inspector is going to check into this.

Mr. Fitzgibbons commented the sign in front of the place is advertising a mini market. Mr. Kervatt commented he could probably get that down but he thinks that has been up for about a year.

Mr. Thomas commented if they haven't abandoned anything and they have been selling that kind of stuff previously you are going to have a hard time stopping them. There is some factual determination he is going to have to talk to Kevin about.

Mr. Fitzgibbons mentioned the McConnel's old station and being a mess up there. Mr. Kervatt commented he spoke to the owner and within hours it was cleaned up. Mr. Kervatt explained the property.

Mayor Hutnick asked if there was a way to make all building have an appearance code. Chairman Honig commented there definitely is and asked Ms. Knowles to add that into the economic plan.

There was a brief discussion on the design standard and façade for buildings on Main Street.

**BILLS/VOUCHERS**

Mr. Kibildis made a motion to approve the bills and vouchers. Seconded by Mr. Fierro.

- a. Dated December 31, 2020 from Van Cleef Engineering Board Engineer and Board Planner invoice # 6290019-1 for Kris Gordon Block 32 Lot 16 escrow account in the amount of \$434.00

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- b. Dated December 31, 2020 from Van Cleef Engineering Board Planner invoice #6230-9 Land Use Board General in the amount of \$187.50.
- c. Dated December 31, 2020 from Van Cleef Engineering Board Engineer invoice #6202-43 Land Use Board General in the amount of \$260.00.

**Upon Roll call Vote:**

Yeas: Fierro, Fitzgibbons, Honig, Hutnick, Kervatt, Kibildis, Telischak

Nays: None Absent: Andrews, Nasisi Abstain: None

**PUBLIC PORTION**

Chairman Honig commented there are no members of the public so we will move forward on that.

**ADJOURN**

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

Chairman Honig adjourned the meeting approximately 8:05pm.

Prepared by  
Robin Hough, RMC/CMR