

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
February 22, 2022, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:03pm.

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 26, 2022.

ROLL CALL: Andrews, Fitzgibbons, Honig, Mayor Hutnick, Kibildis, Telischak

Absent: Fierro, Marceau, Nasisi

Also present: Roger Thomas, Board Attorney

APPROVAL OF THE MINUTES

Mr. Kibildis made a motion to approve the meeting minutes for January 25, 2022. Seconded by Mayor Hutnick.

Upon Roll call Vote:

Yeas: Andrews, Fitzgibbons, Honig, Hutnick, Kibildis, Telischak

Nays: None Absent: Fierro, Marceau, Nasisi Abstain: None

APPLICATIONS FOR COMPLETENESS

There are no applications for completeness.

APPLICATIONS TO BE HEARD

There are no applications to be heard.

OLD BUSINESS/NEW BUSINESS

Local Planning Services Grant

Chairman Honig commented we haven't heard much [Local Planning Services], we will reach out to them now that it is March.

International Maintenance Code/Stakeholder meeting

Chairman Honig commented the Maintenance Code was emailed to the Board. Chairman Honig commented to review the first three chapters for the next meeting and bring your comments to discuss.

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Mr. Kibildis asked is that our homework assignment for the next meeting to have any comments or suggestions.

Ms. Hough suggested to print out the first three chapter and send those out as a PDF.

Budget

Chairman Honig asked Mayor Hutnick on the budget. Mayor Hutnick commented Land Use is ready but the Council is still working on the budget.

Interstate Industrial Update

Chairman Honig commented Robin sent them a certified letter and regular letter stating everything that has to be addressed. We did not get a response back from Interstate. Chairman Honig referred to Mike Vreeland email item 3 which is the updated soil conservation certification was provided, they are up to date one that. It expires September 23. The full shell of the building has been constructed, they are still doing the outdoor storage because they said they were going to move it all inside which hasn't happened yet. Item five is probably at the end. The slope has not yet been stabilized.

Mr. Thomas commented if you look at the engineers report from 2016 on page three item number 22 he talks about the site triangle, we have no record of the deeds having been provided. What Mike did for today is very helpful; there should be a letter sent from the Board with Mike's outlined that he did today. If not, the zoning officer will be informed and action will be taken.

Ms. Hough explained the documents that were provided along with the certified letter to Mr. Fischer, Interstate Industrial.

There was a discussion on the engineers report that was done a year ago.

At this time the owners Bill Fisher and Pete Fisher arrived at the meeting.

Mr. Thomas commented gentlemen you received a report dated February 21, 2020 from Mike Vreeland, Board engineer. The Board has requested an update from you.

William Fisher, Vernon, explained he is a partner for Interstate.

Mr. Thomas asked Mr. Fisher to explain the progress that has been made.

Mr. Fisher commented we made progress on most of the stuff on the interior of the building. The structure of the building; because of the Pandemic and the supply chain it took a lot longer than anticipated. We have made tremendous progress.

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Mr. Thomas commented you said you made tremendous progress with regard to the structure; is the structure complete.

Mr. Fisher commented the structure itself is complete.

Mr. Thomas commented there is some indication that material is stored outside; if the structure is completed why is that the case.

Mr. Fisher commented we hadn't gotten to put that inside yet; he thought it was more important to have the electrical service done which took many months. It took six months to get the electrical panel for the building and explained.

Mr. Thomas asked if the electrical service is installed.

Mr. Fisher commented the electrical service is installed, it has been inspected and approved.

Mr. Thomas asked since you have the building complete and you have the electrical service complete what is the date the material outside will be put inside.

Mr. Fisher commented maybe a week or so.

Mr. Thomas asked for specific dates; you are telling the board the material that is outside will be put into the building in two weeks?

Mr. Fisher asked what material are you talking about.

Chairman Honig referred to the list and items that should be inside.

There was a discussion and comments on the items that should be stored inside, the material that can be stored behind the building out of site, previous resolutions, November 22, 2016 resolution was referenced, trailers on site, the need for access with a manlift for inside of the building to work on the ceiling, most of the construction inside is complete and emergency lighting is still needed,

Chairman Honig commented he understands supply chain issues but when you knew a year and a half ago you were going to need emergency lights they could have been ordered a year ago. When you came to us almost two years ago and said you are going to have it done in a year and a half. He understands the world has turned upside down. Have you made progress? Absolutely,

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you have made progress, we are happy with the progress that is being made but he doesn't want this to be dragged out anymore.

Chairman Honig commented he needs you to understand it is on the agenda because he is not going to let this go until it is complete because this is twenty years in the making. He wants this behind all of us so we don't have to do this anymore. These questions are valid questions. He understands project management and explained. When your building went up you were excited then it came to a halt; there are containers, there is this and that. Chairman Honig commented I'm asking your right now, when is this going to be complete! When is your project going to 100% complete without any further delays, when are we going to say we are done.

Mr. Fisher commented the asphalt in the front can't be done until spring, a lot of the outdoor stuff can't be done until it is better weather.

Mr. Fitzgibbons commented for us to go back at this stage of the game over every single detail what is open or not open is a waist of our time and theirs. How about we get them to update the status of each of these items that is yet to be done.

Chairman Honig referred to Mr. Vreeland update stating other than item three and item ten every item is still open.

Mayor Hutnick commented he agrees with the status update; you have ten days to provide us with at status update of every open item on the list, after ten days the zoning officer will appear on your property and begin writing summons not warnings for every single violation he finds and then you can tell it to the Judge because that is what happens next. Does anyone have a problem with that?

Mr. Fisher asked do you want the update done by us.

Mayor Hutnick commented yes so Mr. Vreeland can review it. He wants every thing that is open the status of it when do you think it is going to happen or not happen and why. It is a very simple it is project management and explained.

Mr. Thomas commented the anticipated date; to say that it is because of a supply chain but as the Chairman was saying if you had ordered it two - three years ago you wouldn't have had the supply chain problem. This is going on for a very long period of time and at some point, something has to stop and he thinks that is what the Mayor and Chairman are saying and Pat's point is well taken. Take a look at what was submitted today by Mr. Vreeland, look at the prior

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letter from Mr. Vreeland and then you respond with specific dates and if it turns out you don't really know give us your best estimate as to what the date will be based upon your experience over the last year and a half. You are now being asked for a status update.

Mr. Fisher commented we will go over the list and give you the best estimate as to when these things will be accomplished.

Mayor Hutnick commented by March 4th a Friday there should be a list in Robin's hands.

Driveway Ordinance

Chairman Honig commented we have the original [draft] driveway ordinance, Roger had some input on it, Mike didn't have anything to add. It was asked for everyone to review it; if there are any questions or comments it is up for discussion again. Our goal is to get this up to the Council so we can take the next steps.

Mr. Thomas stated his [comments] were very limited; he thought it was a good idea to have a particular revision in there that indicates cars must be placed on a driveway as opposed to on the grass or someplace else. That was all he wrote in.

Chairman Honig commented that is on page three number 7.

There was a discussion on the number of cuts, limiting it to one cut or opening, basing this on new driveways moving forward, limit the number of driveways to one, eliminate a horse shoe driveway say have one driveway access per lot and add a number 8 to include only one driveway cut per lot.

Chairman Honig commented on page three B. 1 applications for new driveways would be directed to the Borough Engineer. Then in the section below it reads plans would be submitted to the zoning officer and if necessary to the engineer and asked about clarifying this. There was a discussion on how this should be worded. The wording is ok when you read the complete section.

Mr. Andrews referred to page 4 K. no driveway entrance or exit shall. Mr. Thomas commented we can say no driveway and remove entrance or exit. Mr. Andrews referred to section I and section M it discusses the width no less that ten feet and no more than 24 feet; just add on to each of those lines saying only one cut.

Mr. Thomas commented he like it clear; add the paragraph 8 and it make it obvious.

Mayor Hutnick referred to page 3 B. at the end can we add if it has to go to the Borough engineer it is at the residents cost for the engineer.

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Chairman Honig commented an escrow would be required.

Mr. Thomas read on page 5 paragraph c. Fee for the zoning permit is now fifty dollars.

There was a discussion on the fee of two hundred and fifty dollars which will be changed to five hundred and making the five hundred dollar an escrow fee and the three percent grade was questioned and discussed.

Mr. Thomas commented to have a vote to refer this with the modifications to the Governing Body.

Mr. Fitzgibbons made a motion to send the driveway ordinance to the Governing Body. Seconded by Mr. Andrews.

Upon Roll call Vote:

Yeas: Andrews, Fitzgibbons, Honig, Hutnick, Kibildis, Telischak

Nays: None Absent: Fierro, Marceau, Nasisi Abstain: None

Park Grant

Chairman Honig explained the borough received a local recreation grant in the amount of \$75,000. Chairman Honig explained the three phases. There was a discussion on the three phases and costs of each phase.

At this time Mr. Telischak voted yes to send the driveway ordinance to the Governing Body.

Chairman Honig commented for the record Mr. Telischak voted on the last one and it was a yes.

The discussion continued on the cost of items listed for the basketball court, talking to the engineer to see about the itemized costs, reducing the costs and the council will prioritize which phase to use the grant for.

ADDENDUM

NEW BUSINESS

Land Use Board Annual Report

Mr. Thomas explained the Annual Report he prepared for the Land Use Board; which is a requirement under Municipal Land Use Law.

There was a brief discussion on the report.

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Mr. Andrews made a motion to send the Land Use Board Annual report as is to the Council. Seconded by Mr. Kibildis.

Upon Roll call Vote:

Yeas: Andrews, Fitzgibbons, Honig, Hutnick, Kibildis, Telischak

Nays: None Absent: Fierro, Marceau, Nasisi Abstain: None

Chairman Honig commented we reached out to our zoning officer for violation/concerns the Board had. Chairman Honig read the email with the updates from the zoning officer. Mayor Hutnick commented he did speak to Carlos owner of Atlantic Manor and explained.

There was a discussion on if and when the pandemic emergency expires. Mr. Thomas will look in this. At some point he will have to come to the Board but first find out if the emergency period has expired before a letter is sent. The Board also discussed the Delta Gas Station and allowable uses.

Professional Services Land Use Board Planner

Chairman Honig commented Angela our professional planner employed through Van Cleef Engineering has informed him that she has accepted a position and is moving on. Mike Vreeland is a licensed planner however they are actively looking for a planner.

CORRESPONDENCE

Chairman Honig asked if there were any questions regarding the correspondence.

- Letter dated February 1, 2022 to Marlin Castillo, Streamline Site Acquisition Services LLC. Re Escrow Insufficiency Notice T-Mobile Northeast LLC.
- Letter dated February 2, 2022 to Mr. Fischer, Interstate Industrial Re: Status Update on Interstate Industrial Management, LLC.
- Memo dated January 21, 2022 from Autumn Sylvester, PP, Planning Director, Sussex County Division of Planning and Economic Development Re: Diamond Stone and Gravel – Wastewater Plan Amendment Sparta, Twp.
- CCO and Zoning Permit report January, 2022.

BILLS/VOUCHERS

Mr. Fitzgibbons made a motion to pay the bills. Seconded by Mr. Kibildis.

Upon Roll call Vote:

Yeas: Andrews, Fitzgibbons, Honig, Hutnick, Kibildis, Telischak

Nays: None Absent: Fierro, Marceau, Nasisi Abstain: None

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- Statement #943454 dated January 13, 2022 from Dolan and Dolan, Roger Thomas, Board Attorney in the amount of \$107.90

PUBLIC PORTION

There was no one present in the public.

ADJOURN

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

Chairman Honig adjourned the meeting approximately 8:25pm.

Prepared by
Robin Hough, RMC/CMR