

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
March 22, 2022, 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 26, 2022.

ROLL CALL: Andrews, Fierro, Fitzgibbons, Honig, Mayor Hutnick, Kibildis, Marceau, Nasisi, Telischak

Absent: None

Also present: Roger Thomas, Board Attorney

APPROVAL OF THE MINUTES

Mr. Fitzgibbons made a motion to approve the meeting minutes for February 22, 2022. Seconded by Mr. Andrews.

Upon Roll call Vote:

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

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

APPLICATIONS FOR COMPLETENESS

There are no applications for completeness.

APPLICATIONS TO BE HEARD

There are no applications to be heard.

OLD BUSINESS/NEW BUSINESS

Interstate Industrial update

Chairman Honig commented we are going to move things around a little because we have the gentlemen here from Interstate Industrial. We did receive your letter that gave all the updates; at the last meeting it was requested that Interstate Industrial provide us with an update as to where they stand and a time frame as to what was going to be done within ten days of the last meeting. We did receive that within the time frame and we do appreciate you being prompt. It looks like it is coming along.

William Fisher and Peter Fisher from Interstate Industrial was present.

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Mr. Fisher referred to his letter submitted to the Board. Mr. Fisher explained the utilities are all running to the building. We had some setbacks with JCP & L it took around nine months to get the power in the building. All rough plumbing is complete, the floors have been installed. The plumbing should be in another two weeks before that is complete. Fire protection has been installed, the interior is waiting for the floors in the office, electric is probably a month or two back order.

Chairman Honig commented sorry to interrupt you but for a potential conflict of interest Anthony Nasisi borders you directly do he needs to step down based on that.

Mr. Nasisi commented he will recuse himself.

Chairman Honig commented he just wanted to put that on the record.

Mr. Fisher continued the heating is the same situation things are on back order still about two months out. The exterior of the building; most all of the trucks are moved behind the building we still have a couple of things to get rid of the majority of everything in the back has been removed, we are still waiting for a few things to be removed within the next 30 days. Septic system is complete; the pump is in we are waiting for the electric to be installed.

Chairman Honig asked if everything was hooked up to the septic as this time.

Mr. Fisher commented everything is hooked up we are just waiting for the power to the pump. The concrete sidewalks will be installed Friday he believes unless there is a change in the weather. The sign has been ordered and should be completed in the next ninety days,

Mayor Hutnick asked what kind of sign. Mr. Fisher explained the sign.

Mr. Fisher commented the slop is out of our area of disturbance. That is the way his engineer is handling it.

Chairman Honig commented so you don't intend to address anything. He is going back to the original list that is stating it is required for you to. Our engineer said it was. Are you saying your engineer is disagreeing with that? Correct me if I'm wrong to get this on the record.

Mr. Fisher commented he said it was out of our area of disturbance.

Chairman Honig commented he has to check with our engineer; he hasn't heard anything other than what you are saying is no. At this point you have other stuff you are working on. Do you understand it was on the original list and you agreed to do that as part of the original thing [resolution]?

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Mr. Fisher asked can we get the CO without have this addressed.

Chairman Honig commented no; not according to our original resolution. Our original resolution said everything in it had to be addressed.

Mr. Fisher asked if the original resolution had the slope along lot 9.

Chairman Honig was looking for the resolution.

Mr. Fisher commented the landscaping will be done in the spring and as-built will be done immediately thereafter.

Chairman Honig commented you gave a total time frame; when do you see everything being completed.

Mr. Fisher commented he sees everything in the building to be complete within the next two months. The exterior probably by the end of summer. The slope was existing when we first purchased the property.

Chairman Honig commented he isn't arguing any of the above but we have to go based off what was approved when we did this original resolution and it was going to be the provided list you were given. Whether you agree or disagree now we can't go back against that resolution based on that was our original intention, that was the goal, that was what our engineer said. Now, if you are asking the engineer to reevaluate that we can certainly ask the engineer to look at that it will be our engineer and that will be a cost to you coming out of your escrow account. He doesn't think that will change anything because every single time he comes out he says the exact same thing this needs to be addressed.

Bill Fisher commented throughout there are slopes that are far worse than any slope they have on their property and gave an example and explained.

Chairman Honig commented those are things that should have been brought up [during the application].

Mr. Thomas commented you can have your engineer go back out and look at this, he doesn't know whether or not the slope issue is a critical factor it may be worth while to have the engineer go back and inspect this and advise you as to whether or not that particular element is something that absolutely needs to be done. The other option could be if it still needs to be done but it doesn't necessarily need to be done as a condition of a certificate of occupancy but that it would be something that could be done over the next year.

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There was a discussion on the slope, our engineer has to look at this to determine, this was in the original resolution, according to the borough's engineer this had to be done, have their engineer met with board engineer and they have made great progress so far.

Chairman Honig commented without the slope involved when are you telling me this will be cleaned up, look amazing and be the best-looking building in this entire town.

Mr. Fisher commented the building is going to be done in the next two months and by September the paving.

Mr. Thomas commented building by the end of May; come to the May 24 meeting [with an update]. September 27 for an update on the paving.

Chairman Honing commented we will have Van Cleef engineering reach out to you and by September 27 we can all move on.

Local Planning Services Grant

Ms. Hough explained she called Mr. Tessier today and we need a resolution, we received a letter the borough was approved for the grant; they are going to do a study. Now we a need resolution and Mr. Tessier will send an example.

Mr. Thomas commented that would go before the Mayor and Council.

Mayor Hutnick commented let's make sure if we go with them we are not locked into them or it locks us into anything we can't get out of.

There was a discussion on the grant and to make sure the Borough isn't locked into anything.

Mr. Marceau explained redevelopment and you need to begin with a study.

Mayor Hutnick commented we will look at the sample resolution they send over and have the Borough attorney look into this.

Mr. Thomas explained the process of redevelopment study and a plan.

There was a discussion on redevelopment.

This will go back to Council, get some clarity from the borough attorney regarding no cost and resolution for the Council to authorize the study.

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Borough owned properties

Mr. Marceau commented the Borough is looking into selling [Borough owned properties] to get them back on the tax roll. What the Council is hoping with the assistance of the Land Use Board and the assistance of the local planning services grant we can get these redevelopment zones and we can get some of these properties into the hands of a developer and turn it into a tax paying property. We have a lot that are useless; little strips of land that we can go through and evaluate and offer to adjoining property owners. The Council would like us to take a look at the larger parcels and see if there is anything we think would be valuable. Have local planning services look at it and see if it is an area in need of redevelopment. We have a list from the tax assessor and hope we can get her to highlight a tax map for us. Mr. Marceau commented he already spoke to Mr. McBriar and we are going to have a conversation at some point with an evaluation firm that helps the tax assessor. They will give us a price if we are going to offer it to adjoining properties and if we think we are going to move ahead with a redevelopment plan that includes a larger parcel they would give us a base sale price to start the auction at.

Mr. Fierro commented although the properties are tax exempt they should still have an assessed value on them. Those values should be fairly close to market for vacant land.

There was a discussion on the different Borough properties we can get rid of now, some might be involved in a redevelopment study and to keep in mind the larger parcels for a redevelopment study.

Budget

Chairman Honig asked for an update on the budget.

Mayor Hutnick commented we are done.

Mr. Marceau commented everything is done what was requested by the Land Use Board has been approved we should be introducing the first Council meeting in April. Which is April 11th.

Mayor Hutnick commented we left everything in town the same; we just didn't add anything.

Chairman Honig asked Mr. Marceau for a paper copy of the budget for next month.

Park Grant

Chairman Honig commented the only update he has for this is he verbally touched base with Mike Vreeland. The improvement had to be at the \$75,000 nothing over that it was asked if the basketball courts could be done, why does surfacing cost so much and explained it is the requirement. It was for the two basketball courts/tennis courts. You could probably get just the basketball courts in under the seventy-five but not one or the other plus tennis courts and it may not look as nice. Chairman Honig asked can it be useable and still be safe at that point; his

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response was probably. He has another meeting set up with Mike next week so he will touch base on that with him.

Professional Services Land Use Board Planner

Chairman Honig commented this can be removed but while he has Mr. Vreeland on the phone he will ask him about a planner.

To review and send back to the Mayor and Council **Ordinance 02-2022** “AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 30 OF THE BOROUGH CODE ENTITLED “LAND DEVELOPMENT” AMENDING CHAPTER 30 SECTION 508.

Chairman Honig commented this is the driveway ordinance coming back from the Council.

Mr. Thomas commented what you need to do is open to the public but there is no one here from the public. The Boards obligation is to do a consistency review to make a determination that it is not inconsistent with the Master Plan. You have been working on this for a while and would assume the board has that position firmly in your minds. Therefore, unless you have any further discussions he would suggest you have a motion to deem the ordinance not inconsistent with the Master Plan.

Mr. Fitzgibbons commented so moved. Seconded by Mr. Andrews.

Upon Roll call Vote:

Yeas: Andrews, Fierro, Fitzgibbons, Honig, Hutnick, Kibildis, Marceau, Nasisi, Telischak

Nays: None Absent: None Abstain: None

Mr. Thomas commented he would do a letter formalizing the motion for the Council to get in a few days.

Cell Tower Communications

Chairman Honig commented an issue come up.

Mr. Thomas explained there was a discussion on whether or not this was an appropriate action and the answer is yes. The Board didn't have any choice. This is preempted by the Municipal Land Use Law and by Federal Statue and explained.

There was a brief discussion on the cell towers and when they first received approval and they are permitted to increase the height ten percent.

International Maintenance Code [review of chapters 1-3]

Mayor Hutnick suggested to table this until next time.

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Mr. Thomas commented the suggestion made you have hundreds for pages of ordinance here and it would be appropriate rather than to discuss this now have the board member take a look at it so it can be discussed at the April meeting.

Mr. Nasisi commented he already told us this was our homework.

Chairman Honig commented this was given at the last meeting and he realizes timing is everything. Chairman Honig commented he would like to go over it and give a quick summary. Chairman Honig commented chapter one is filled with administration and a lot of that doesn't really apply to us if we are not going to adopt the whole thing based off what he can see. He would like to put some of this in and asked Mr. Thomas if you are looking at scope and administration looking at general requirements does it need to be a separate subsection and asked if this is chapter is necessary and explained.

There was a discussion on if a town deems an unsafe property the Borough would be responsible on replacing the residents and chapter two is mostly definitions. Chairman Honig went over and explained the definitions in chapter two.

Chairman Honig commented if you would like he can scan in his copy with the highlights to send to Robin to forward to the Board.

Mr. Kibilidis asked how does definitions relate to enforcement.

Mr. Thomas commented if you end up having vagueness then it becomes the zoning officer or enforcement officer has a difficult time enforcing what you are saying and gave an example.

Mr. Kibilidis commented if you get a code official by the book you can get buried.

Mayor Hutnick commented zoning is discretionary to a point.

Mr. Thomas commented this is a very extensive ordinance and if it gets applied uniformly it could create a firestorm among the residents because all of a sudden fifty people are in violation of the property maintenance code.

Chairman Honig commented our goal is to recommend it to Council and they have a discussion based on our recommendations.

Chairman Honig referred to chapters on interior maintenance.

Mr. Thomas commented property maintenance is what the property looks like on the outside not the inside.

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Chairman Honig referred to chapter three and spoke about pools, hot tubs etc. Our goal is to get more detail to have a clear-cut way for our zoning officer without vagueness. We agree we don't want to mess with the interior but the exterior stuff is worthwhile. Chairman Honig commented these are his thoughts and comments. Chapter four gets into lighting and we have talked about lights. Chairman Honig commented to review chapter three for the next meeting.

Mr. Marceau commented there is mention of equipment and he didn't see a definition of equipment. There are a couple of references to codes and what not [building code] and if we should get comments from our construction official.

Chairman Honig commented a lot of that is state adopted if it is international plumbing code, fire code, the state adopts those.

Chairman Honig explained the correspondence.

CORRESPONDENCE

- Letter dated February 27, 2022 from Interstate Industrial Management LLC. to Land Use Board [status update].
- Letter dated March 1, 2022 to the Sussex County Planning Board from Robin Hough, RMC/CMR re: Ordinance 02-2022.
- CCO and Zoning permit report

BILLS/VOUCHERS

Councilman Nasisi made a motion to pay bills and vouchers. Seconded by Mr. Kibildis.

Upon Roll call Vote:

Yeas: Andrews, Fierro, Fitzgibbons, Honig, Hutnick, Kibildis, Marceau, Nasisi, Telischak

Nays: None Absent: None Abstain: None

- Statement #943455 dated January 13, 2022 from Dolan and Dolan Roger Thomas, Board Attorney in the amount of \$806.15 from escrow account T-Mobile Northeast, LLC – streamline Site Acquisition Services LLC.

PUBLIC PORTION

There are no members in the public.

ADJOURN

Councilman Nasisi made a motion to adjourn. Seconded by Mr. Kibildis. All were in favor.

Chairman Honig adjourned the meeting approximately 8:27pm.

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Prepared by
Robin Hough, RMC/CMR