

**REGULAR MEETING MINUTES OF THEBOROUGH OF OGDENSBURG
LAND USE BOARD FOR
October 25, 2022, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order.

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: Fierro, Fitzgibbons, Honig, Mayor Hutnick, Kibildis, Marceau, Nasisi,

Absent: None

Also present: ----

APPROVAL OF THE MINUTES

Mr. Kibildis made a motion to approve the meeting minutes for September 27, 2022. Seconded by Councilman Nasisi.

Upon Roll call Vote:

Yeas: Fierro, Honig, Kibildis, Marceau, Nasisi,

Nays: None Absent: None Abstain: Fitzgibbons, Mayor Hutnick

APPLICATIONS FOR COMPLETENESS

There were no applications for completeness.

APPLICATIONS TO BE HEARD

There were no applications to be heard.

OLD BUSINESS/NEW BUSINESS

Interstate Industrial

Chairman Honig commented we did ask once again for them [Interstate Industrial] to be here tonight; however, they did contact us saying they are waiting for their inspection. The Board Engineer and the Borough Zoning Officer will be inspecting Interstate Industrial on Thursday. They have done all their paper work for the State. They are working on the form for non-residential developer fee; we are waiting on the tax assessor. We should have this closed by our November; meeting we did ask them to come one last time.

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International Maintenance Code [Ordinance review]

Chairman Honig explain it should be the new Ogdensburg Maintenance Code; last meeting we sent this to the Council. Chairman Honig asked the Mayor if there was any discussion at the Council level.

Mayor Hutnick commented not yet.

Ms. Hough explained it was sent to the Borough Attorney but there is a lot of work involved in it.

Mayor Hutnick commented how detailed do you want to get with the property maintenance; are there things you want to add or change, update things you have notice going on around town and explained.

There was a lengthy discussion on a property maintenance code, toys in a front yard, long grass and pride in ownership,

Chairman Honig asked is the concern the fact that what we have now imposed to much or not enough.

Mayor Hutnick explained if council goes through the ordinance and says it is good to go and one day someone comes along and questions why is this allowed.

Chairman Honig commented that is always going to be the case; there is always a loop whole with every ordinance.

Mayor Hutnick explained you can make the loop whole smaller by still allowing the freedom.

Chairman Honig commented he is only talking on his behalf now; he thinks we spent a lot of time on the document making sure we have buttoned it up. The Board can disagree with him and he respects that. Chairman Honig explained he thought it was detailed enough with everything he had in it to prevent many of the things that everybody has been talking about. If it is to much ok; we did talk about that again we are going from two-three pages [property maintenance code] to 18 pages. He thought we were all in agreeance that we needed to update this code and explained.

Mr. Kilbildis commented didn't we anonymously approve this to go to Mayor and Council.

Ms. Hough explained yes.

Mayor Hutnick commented yes and now that the Board has are you looking for us to make changes?

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Mr. Fierro commented if something comes up from the Governing Body you can make changes. Councilman Nasisi commented maybe the best way is to have this in the attorney's hands first.

Mayor Hutnick commented the attorney is going to just change the verbiage if they have too on how we say what is in there.

Ms. Hough explained she did put it in ordinance form and sent it to the Borough attorney already and asked the Mayor if he would like that draft ordinance to go on the next Mayor and Council agenda for discussion.

Mayor Hutnick commented that is fine; he isn't looking to reinvent the wheel if everybody is happy he is happy.

The discussion continued on the property maintenance code and crossing a line between too much enforcement.

Local Planning Services Grant

Chairman Honig explained we have a resolution before us that Council approved to allow the services of the State to help us out with the planning stuff we had already discussed earlier on. As part of that we do need to form a subcommittee or the Mayor needs to form a subcommittee which would be appropriate. He knows this is something that started with us so it would be nice to keep some of us involved; most of the work of this is going to be during the day. Chairman Honig asked Mayor Hutnick are looking for at least one of us to be available to be part of that committee or if you would like us to step back and let Council take the controls.

Mayor Hutnick commented anybody that wants to step up and help us.

Mr. Marceau commented if he could speak for Robin and I; our initial thought was the redevelopment committee [here] Robin and I, Chief Gordon, Councilman Nasisi and Bill [Kroth] from the mine. That would be enough to spread the knowledge.

Chairman Honig commented we did appoint Mr. Kibildis on the redevelopment committee.

Mayor Hutnick commented we are bouncing ideas around so you don't have to be available all the time.

There was a discussion on the subcommittee.

Park Grant

Chairman Honig commented there is no update from our Engineer regarding the park grant.

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Borough owned properties

Chairman Honig commented this is pretty much on the Council at this point.

Councilman Nasisi commented the first group of properties is getting sent out right now. We approved all that last night at the Mayor and Council meeting; approving an auction company.

Request for Proposals (RFP) for professional service

Chairman Honig explained RFP for all our professionals have been prepared we have in front of us the request for proposals for Land Use Board planner, engineer and attorney. Do to the length of each RFP if anyone want to look at them he has a copy. It basically just describes our instruction for work for the Board. At this point we need to set some dates and timelines to do this as our review this year. Our timeline is getting really close, being the first time, he has done this; tonight, we need to approve the ad that needs to be published requesting the RFP's as well as a proposal date. His goal is to have them all back, in our hands and ready to review in executive session during our November meeting. If we do it during our November meeting we can then push it forward and be prepared in January to appoint our professionals.

Chairman Honig commented our next meeting is November 22 we don't have to do anything until then unless we are going to have a subcommittee to review them separately; we can review them together at the November meeting in executive session. We need a date for received by.

Mr. Kibilidis asked if you get three different proposals from three different attorneys are we obligated to the lowest [price].

Mr. Marceau explained no, it is at the Boards discretion.

Mayor Hutnick asked why don't we just reappoint everybody.

Mr. Fierro commented we just wanted to make sure the prices were in line, consistent and we are not overpaying. Mr. Fierro commented he guesses it is part of our diligence too.

There was a discussion on going out for RFP for professional services of the Land Use Board, the last time this was even done by the Land Use Board, it's the firm that is named the professional not the individual, making sure the professional know they might not be needed at every meeting and in the RFP it states be available in case they are needed.

Chairman Honig commented if there are no other concerns about going out for the RFP we are going to pick a date and move forward because he doesn't think there is any more discussion. Do we think November 18, will that be enough notice?

Ms. Hough asked Mr. Marceau if they are all sealed can we open them together.

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Mr. Marceau commented we can write down who submitted bids and what their amounts are and then forward that to the Board.

Chairman Hong asked do you want it to be November 16th. So, the date will be November 16th at 4:30pm.

Chairman Honig called for a motion to approve the ad for Land Use Board Attorney, Engineer and Planner a copy of the proposals can be obtained on the Borough of Ogdensburg website or email the request to Robin's email all proposals shall be submitted to the Borough of Ogdensburg, Attn: Borough clerk by November 16th, 2022 at 4:30pm.

Councilman Nasisi made the motion. Seconded by Mr. Fierro. All were in favor.

2023 Land Use Board Budget

Chairman Honig commented it is that time of the year again when we get to review our budget; we are looking at our budget for next year. As you can see there is a worksheet available for us to look at. He is going to assume it is as good of a budget as last year based off where everything is and what he heard where the town is. The town has been very good to us this past year and explained how the Board was careful with funds regarding not having professional as every meeting. We can talk about encumbering funds for a specific project for next year.

Councilman Nasisi commented we will probably need all our professionals at the next meeting.

There was a discussion on the budget, the length of time you have to wait for things to get done, projects, keeping the budget the same, adjusting some of the line items from planner to attorney, next year we might be needing our professionals more, one project is Orchard Street and using part of that for parking, next meeting think about what we would like to encumber for projects for the left over 2022 funds and figure out what is coming up for next year,

Zoning Map & zoning ordinance review

Chairman Honig commented that was homework he gave the Board last time; it is a big undertaking there is stuff in there he didn't expect to see. After printing this out and sending it to you conditional uses was referenced so many time he printed it out. It wasn't in the packet that was sent out. Chairman Honig asked if any Board members saw anything they felt needed to be changed or added.

Mr. Fitzgibbons asked he was trying to figure out where you were going with this. He went back through his records back in 2009 we did a complete review of the ordinance with Bob, John, himself, Kevin and we submitted a group of changes it was prepared in ordinance form he went back to find it again as a point of reference. This was a big piece of work; not sure what you

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want to do with this. Looking at what you have here he doesn't think it was ever adopted. At one time he remembers with Jim Sekelsky was Mayor they talked about the cost and it wasn't considered. Do you want to take time for the next meeting to look at this stuff to see if it could be incorporated?

There are a lot of sections in there we are recommended to just be deleted.

Chairman Honig commented let's make copies or scan and send out to everybody, look to see what the differences are. Today is the start of this discussion; it took us a while to go through property maintenance he expects it to be the same with this.

Chairman Honig commented let's get that document scanned and sent over; what he sent out was off our website he printed out all the ordinance in PDF form, he didn't give you conditional use he did find a clean copy of our [zoning] map. That map is the current map.

There was a discussion on the zoning map, one zone isn't on the map, the map was from when Gene was borough engineer around 2011 error, RMF zone Resident Multi family, the zoning map with the date of 1999 hasn't been update and is outdated and getting an updated zoning map current to 2022.

Chairman Honig asked the Board do you feel it would be a good idea with the money we have to get the zoning map updated.

Mayor Hutnick commented yes.

Mr. Fierro asked will it show lot line adjustments.

Councilman Nasisi commented we should ask for a quote [from the Board Engineer].

Mr. Marceau explained if we get the quote now when we encumber it we will have the quote attached. Mr. Marceau will contact the Board Engineer regarding a quote.

Chairman Honig asked is there anything specific that anyone has seen and want to bring up for discussion. We want to look at the changes Mr. Fitzgibbons has from years ago. This is a big project; he knows we want to discuss Air B & B's and short-term rentals.

Mayor Hutnick commented he thinks Mr. Fierro should be a part of that.

Chairman Honig commented on items to look at not in the ordinance for example smoke shops.

Mayor Hutnick commented on that topic he brought up Cannabis; he is looking at our Cannabis ordinance, changing the verbiage if legal lets' him too and explained.

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There was a discussion on the Cannabis ordinance, gifting Cannabis and sale of Cannabis.

Chairman Honig commented we need to look into neon signs.

There was a brief discussion on signs, dish antennas and home office vs professional home office,

CORRESPONDENCE

Chairman Honig explained the correspondence below.

- CCO and zoning report

BILLS/VOUCHERS

Councilman Nasisi made a motion to pay bills. Seconded by Mr. Fierro.

- Invoice No. 6202-52 from Van Cleef Engineering, Mike Vreeland, Board Engineer in the amount of \$130.00.

Upon Roll call Vote:

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

Nays: None Absent: None Abstain: None

PUBLIC PORTION

There were no members of the public.

ADJOURN

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

Chairman Honig adjourned the meeting approximately 8:24pm.

Prepared by
Robin Hough, RMC/CMR