

**BOROUGH OF OGDENSBURG
LAND USE BOARD SPECIAL MEETING MINUTES FOR
December 10, 2024, AT THE OGDENSBURG
MUNICIPAL BUILDING, 14 HIGHLAND AVE.
OGDENSBURG, AT 7:00pm**

Chairman Elliott Honig called the meeting to order at 7:00pm.

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 on November 14, 2024 and posted on the bulletin board at the Borough Hall on November 25, 2024.

ROLL CALL: Cahill, Connolly, Fierro, Fitzgibbons, Honig, Mayor Hutnick, Marceau, Poyer

Absent: Andrews, Nasisi

Also present: Mike Vreeland, Board Engineer and Mathew Lynch, Attorney

APPLICATIONS FOR COMPLETENESS

LUB 07-2024 James Lane, to appeal the zoning officer's decision in conjunction with bulk variances for Block 2 Lots 7 and 8.

(Voting eligibility: All members that are present and alternates as needed.)

Mr. Vreeland commented we reviewed the application for completeness as well as the attachments, we visited the site and based on the information that was submitted we felt at the time the application that was provided was sufficient information to do a technical review. We completed a technical review and drafted a memorandum with the observations and findings dated December 4, 2024 and submitted prior to the Land Use Board meeting. We have no objections to the Board granting whatever waivers would be necessary and be requested for the application technical review.

Mr. Lynch commented the testimony is for bulk variance relief and the creation or easement to be created to have access to the property.

Chairman Honig commented if there are no questions from the Board he needs a motion to deem complete application LUB 07-2024.

Mayor Hutnick made the motion to deem complete application LUB 07-2024. Seconded by Mr. Fierro.

Upon Roll call Vote:

Yeas: Cahill, Connolly, Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer

Nays: None Absent: Andrews, Nasisi Abstain: None

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APPLICATIONS TO BE HEARD

LUB 07-2024 James Lane, to appeal the zoning officer’s decision in conjunction with bulk variances for Block 2 Lots 7 and 8.

(Voting eligibility: All members that are present and alternates as needed.)

Mr. Vreeland commented based on the information that was submitted and the correspondence from the zoning officer which was a denial for a zoning permit as a result from the lot having no frontage and not compliant with the height requirements. The applicant has filed an appeal of those decisions in conjunction with that appeal if the Board should not grant the appeal relief for those variances. More notably the non-conforming conditions he outlined in the memo under item 2. The bulk requirements in that zone require a lot to have 150 feet of frontage; this lot has no frontage. It is an existing lot with no frontage and the application isn’t making any changes to that condition. Building height based on the architectural plans, the building height was illustrated to be 36 feet 3 inches; by definition is the lowest grade to the peak of the roof. The code again from a bulk standard permits a 35-foot height for the principal building. An accessory building height on the plan noted a 28-foot-high accessory building; the pole barn where the code allows fifteen feet. We had made a comment that the information provided we didn’t see any architectural plans. Maybe we can get some additional information from the applicant on what the pole barn may look like.

Mr. Vreeland commented the Municipal Land Use Law requires for a building permit to be issued that a lot have frontage. That is considered a planning variance. The primary purpose of the planning requirement is to insure there is adequate emergency services for buildings constructed. That is essentially what we found in reviewing the application, outlines and deviations that the applicant would receive if the Board does not grant the appeal.

Chairman Honig asked as far as technical comments is there anything note worthy that we can address now.

Mr. Vreeland explained for the Boards benefit there was an easement created across the Borough’s lot. He worked with the Borough attorney and the Mayor and Council helping on the technical side to draft that easement agreement along with conditions. Item 3.1 in the technical review comments in his report dated December 4, 2024 page 3. Because the planning variance is pending the emergency access to the house that would be constructed out there. We had recommended if the application is approved the lot consolidation which is part of this application also. A condition of the easement agreement was there were two non-conforming lots that didn’t have road frontage and that those lots would be consolidated to one lot. So, in addition to the variance application technically it is probably some kind of lot consolidation/subdivision approval where the lots would be consolidated to one. We are recommending that the lot consolidation and any outstanding issues associated with the easement agreement be addressed prior to any building or zoning permits to ensure that the easement is constructed in the way it

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was anticipated in the agreement and that there would be sufficient emergency access so that wouldn't become an issue at a later date.

Mr. Vreeland explained we asked a number of other questions, hopefully we get some testimony information with regard to utilities that are going to service the property, colors and finishes things like that.

Mr. Lynch commented his only issues were with the building height he recommends we ask why they are proposing to build it higher than the allowable height. Obviously, it is a variance that can be granted but they are creating the necessity here.

James Lame, applicant, 140 Edison Ave. was sworn in at the time.

Mr. Lynch asked Mr. Lame to give a background of the property and how he obtained ownership of the property.

Mr. Lame testified he purchased the land from the Borough in March of 2023, upon purchasing the property he requested an easement through town property so he could get to his property. He is looking to build a one family house and he is in the process of consolidating the two lots. Not only is he building the house he would like to have a pole barn that would allow him to put equipment in there and that is why he is requesting the variances that are being denied.

Mr. Lynch asked what equipment he was going to put in there.

Mr. Lame explained tractors, he has plenty of personal items he is going to put in there but more so farming equipment. That easement is going to be a job just to keep it up; it is fourteen hundred feet long he will need the equipment to take care of that.

Mr. Lynch asked the farming equipment and tractors is for use on site, not for another business.

Mr. Lame commented no, he does have another business but he isn't looking to use it. He has a truck with a plow to take care of the easement.

Mr. Lame explained the pitch of the pole barn.

Mr. Vreeland explained what he is proposing here with the pole barn given the footprint of it being larger than a shed.

Mr. Lynch asked what is the total square footage of the pole barn. Mr. Lame replied it is 30 x 80. Mr. Lynch asked can you confirm you will not be using it for residential. Mr. Lame commented no it is strictly for equipment.

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Mr. Lynch asked for the building itself the proposed height is 36 feet 3 inches; is that again pitch or architectural plans.

Mr. Lame testified it is the architectural plans; he would like to get that if he can but if not, he has actually reduced the height of the basement which was 10 feet since he lowered it to 9 feet which would conform to the actual height the Borough allows. He submitted plans to lower the house.

Chairman Honig asked do you think you will be hitting rock; will that effect the height of the basement. Mr. Lame explained architecturally he flipped the house because if hitting ledge.

There was testimony on the location of the house on the property, the size of the property and if the height of the accessory structure blocks the view of any other houses.

Kenneth Dykstra, Engineer from Dykstra Walker Design Group was sworn in at this time and gave his credentials.

Mr. Dykstra explained the location and size of the property and the access driveway to the location of where the house will be located. The drive is plenty wide in a 20-foot easement to reach the site. We were out there this summer; we hit a lot of rock but we did find an area for his septic system that has been approved by the health department already. We also submitted that same plan to soil conservation district and have soil erosion certification. From that standpoint he is ready to go; he has to apply for a well permit then he would have septic, soil and well.

Mr. Dykstra referred to the plan and explained the design of the house, basement, topography, there is no impact on any neighboring properties, the size of the assessor barn and storage space for the barn.

Mr. Lynch marked exhibit A-1 which is a sketch of the pole barn, architectural plans for the pole barn by Jesse Mora, architect, dated October 3, 2024.

Mr. Dykstra referred to exhibit A-1 and explained the view coming up the driveway and the design of the building.

Mr. Lynch marked exhibit A-2 which will be the floor plans.

Mr. Dykstra explained the floor plan of the pole barn using exhibit A-2.

Mr. Vreeland asked if there was going to be any exterior lighting.

Mr. Dykstra explained probably by the doors again. The is a remote site that is not visible to anyone.

Mr. Poyer commented he originally walked the property, what are your plans as far as fire suppression are you going to have a hydrant up closer to the house.

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Mr. Lame explained he didn't plan on that; there is a fire hydrant just down by the water tower which is about one thousand feet.

Mr. Vreeland commented he would guess the elevation of the structure may not lend itself to have sufficient flow meaning gravity from the water tank. He doesn't know that for sure but in driving up there and taking a look at it; you are high up there. He doesn't know if the public water service would be able to provide service to that elevation.

Mr. Fitzpatrick asked regarding the water itself has the town taken a position as far as allowing a well on this site giving the fact we have a water utility. Over the years there have been debates on allowing wells or not allowing wells given the fact we have the water utility. For your own protection it seems to him when that easement was granted the town should have made some mention of the fact that it was going to allow a well to be drilled up there.

Mr. Dykstra explained a well is the only viable option otherwise he would have to run a fourteen-hundred-foot service line.

Mr. Vreeland explained when he worked with the Borough attorney in preparing the easement we never really contemplated if it was going to be a requirement to hook up or provide a well.

There was a discussion on the well, town water and tree removal.

Mr. Lynch asked if there was going to be a landscaping plan. Mr. Lame explained it is hard to tell you now until we get the foundation in and build. He plans on doing landscaping but nothing out of the ordinary.

There was a discussion on the height of the building vs height of the pole barn,

PUBLIC PORTION

Mayor Hutnick made a motion to open to the public. Seconded by Mr. Poyer. All were in favor.

Robert Armstrong, 32 Adams Drive, as sworn in at this time.

Mr. Armstrong told Chairman Honig he was doing a fabulous job.

Mr. Armstrong commented he is the neighbor. He has no objections to the lot and building; he would comment that this is going to be an asset because it is in an R100 zone and it could have very well been duplexes and condos which is a permitted use by your master plan and in that zone. So now a single-family home still protecting the view in the town of Ogdensburg is a plus.

Mr. Fierro made a motion to close to the public. Seconded by Mr. Poyer. All were in favor.

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Chairman Honig asked if there was any further discussion from the Board. If there is no further discussion from the Board; professionals any other questions.

Mr. Vreeland commented he wants to make sure the applicant has no issue with addressing all the comments in his report. We can go through each one.

Chairman Honig asked Mr. Lame do you have any questions, comments or concerns regarding the memo from VanCleeef Engineering as far as addressing any of this.

Mr. Lame commented no.

Chairman Honig asked Mr. Vreeland if there was anything specific he wanted to address. Mr. Vreeland commented no.

Mr. Vreeland commented with his observation with the house, based on his visits to the site it appears the elevation of the house makes it none servable with the configuration of the existing water system.

There was a brief discussion on the water system.

Chairman Honig asked Mr. Lynch to phrase a motion to approve the variance.

Mr. Lynch commented the first being to grant the relief that he is seeks under 40:55-70A which is the appeal of the denial, if the board is satisfied with the proof warranting his appeal to be granted. That would be the first motion.

Chairman Honig commented at this point he needs a motion to grant relief for the appeal of the denial and grant the appeal.

Mayor Hutnick made that motion. Seconded by Mr. Fierro.

Upon Roll call Vote:

Yeas: Cahill, Connolly, Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer

Nays: None Absent: Andrews, Nasisi Abstain: None

Chairman Honig commented that takes care of the appeal portion of this.

Mr. Lynch commented the second motion would be to grant the C Bulk Variance relief that he seeks with certain conditions onto that vote. Mr. Lynch commented he mentioned earlier that the pole barn not be used for residential purposes, same with assessor structure relief. If there is

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anything else you would like to add as a condition of approval. It seems like he has a lot of the other entities on board aside from the water issue.

Chairman Honig commented he hasn't heard any complaints regarding the building height being 36-foot 3in. based on the location; he is going to recommend that be included as part of that. Mayor Hutnick commented one of the main factors in that is ten feet of that is below ground. Chairman Honig agreed.

Chairman Honig asked Mr. Lynch to reframe it one more time for the record so that we get this correct.

Mr. Lynch commented the only condition aside from getting all the approvals in, is that the pole barn not be used for residential purposes. Make that a single-family home as well no conversion.

Chairman Honig commented the motion is going to be for a C Bulk Variance for the pole barn to exceed the height of 15 foot permitted in addition to allow for the building height based on the architectural plans submitted to exceed the 35 foot to the 36-foot 3 in. as submitted. In addition to keep the pole barn for an accessory building usage in addition to the main building being used for a primary residence and you [the applicant] needs to address all of the information in the VanCleaf Engineering memorandum that was submitted.

Chairman Honig commented that is the motion.

Mr. Poyer made that motion. Seconded by Mr. Fierro.

Upon Roll call Vote:

Yeas: Cahill, Connolly, Fierro, Fitzgibbons, Honig, Hutnick, Marceau, Poyer

Nays: None Absent: Andrews, Nasisi Abstain: None

Mr. Vreeland explained the driveway is almost done; we need an as built plan of that driveway that is item one to address in his report.

ADJOURN

Mayor Hutnick made a motion to adjourn. Seconded by Mr. Poyer. All were in favor.

Chairman Honig adjourned the meeting approximately 7:55pm.

Prepared by
Robin Hough, RMC/CMR