

AMENDED MEETING MINUTES OF PLANNING BOARD/BOARD OF ADJUSTMENT OF HIGH BRIDGE BOROUGH

Meeting Date: August 17th, 2015 - **Meeting Time:** 7:30 P.M.

Meeting Location: High Bridge Rescue Squad, 95 West Main St, High Bridge, NJ 08829

1. CALL TO ORDER:

This is a regular meeting of the Planning/Zoning Board of the Borough of High Bridge. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in the Express Times on January 15th, 2015 and the notice of and agenda for this meeting were posted on the bulletin board in the Borough Hall.

2. FLAG SALUTE: Led presiding officer, Chairman Steve Dhein

3. ROLL CALL: P = Present, A=Absent

Mark Desire **A**, Chris Zappa **A**, Tom Richards **P**, Steve Dhein **P**, Don Howell **P**,
Keith Milne **P**, Doug Walker **P**, Brent Dugan **A**, John Moskway **P**

Also present were Mr. Rob Fernandes with professionals, Borough Planner Darlene Green, Board Attorney Bill Caldwell, and Board Engineer Joseph Modzelewski. Eleven members of the public, including press, were also present.

4. READING AND APPROVAL OF MINUTES: None at this time.

5. NEW BUSINESS:

A. Updated Borough zoning classification maps

Motion to accept the updated Borough zoning classification maps as consistent with the Master Plan:
Motion: **Richards** Second: **Moskway**

Mark Desire **A**, Chris Zappa **A**, Tom Richards **Y**, Steve Dhein **Y**, Don Howell **Y**,
Keith Milne **Y**, Doug Walker **Y**, Brent Dugan **A**, John Moskway **Y**. 6 ayes, motion passes

6. VISITORS:

A. Rob Fernandes – formal review of the High Bridge Views application

Joseph Modzelewski stated that he satisfied with the application in regards of completeness.

Motion to accept application for completeness:
Motion: **Richards** Second: **Moskway**

Mark Desire **A**, Chris Zappa **A**, Tom Richards **Y**, Steve Dhein **Y**, Don Howell **Y**,
Keith Milne **Y**, Doug Walker **Y**, Brent Dugan **A**, John Moskway **Y**. 6 ayes, motion passes

7. PUBLIC COMMENTS:

It is the policy of the Planning Board that all public comments on an issue shall be limited to one minute (1) per person per *agenda* subject. Comments may be made only on subjects pertaining to current Borough agenda. No debating between residents. Comments should be addressed to Chairman and Board Members at the public microphone.

No comments at this time.

8. BOARD OF ADJUSTMENT APPLICATION HEARING:

- Rob Fernandes – hearing of the High Bridge Views application
- Property Location: Block 29.02, Lot 12, Center Street, High Bridge, New Jersey, 08829, vacant lot.
- Zoned for downtown business, DB zone
- The building purpose is rental apartments consisting of twelve units.
- Proper notice: Two Hundred foot list and affidavit of publishing completed.
- A-1 overhead view of proposed grounds and building submitted by Christopher Nusser, the applicant's engineer.
- Size of lot: 33,933 square feet. Size of proposed building: 12,254 square feet.

The Attorney for Mr. Rob Fernandes, Vincent Bisano gave an overview of the High Bridge View project. Testimony was heard from Mr. Rob Fernandes, builder, Mr. Christopher Nusser, Engineer, and Mr. Wayne Ingram, Surveyor and Planner.

Mr. Fernandes described the interior of the building and explained that his reason for including two COAH units, as opposed to three, is due to economics. He also stated that the COAH units would be located on the first and second floor, intermixed with the other units of the building and that they are up to the same standard as the other units. Mr. Fernandes stated that his office handles all the administrative duties for these COAH units. Mr. Fernandes stated that, in regards to the report from Darlene Green, he would be able to address any issues she had with the project. Mr. Fernandes also stated he agrees to address all issues as per Mr. Modzelewski's report. He also stated that he was able to talk with most of the residents in the vicinity of the proposed building. Chairman Dhein asked Mr. Fernandes how many bedrooms each COAH unit would have, and he answered that each would be a one bedroom unit. Mr. Milne asked about the problems Mr. Fernandes had faced regarding COAH. Mr. Fernandes referred the Board to the professionals to explain the intricacies of this application process. Mr. Fernandes also stated that he did not have any applicants on his other building even after meeting the proper advertising requirements. Darlene Green questioned Mr. Fernandes if he was aware of requirements of UHAC and if he would be in compliance, he answered that he was aware and would be in compliance. Ms. Green also inquired about the doors on the sprinkler room, and Mr. Fernandes said he would revise the plans to be consistent with the request. Ms. Green also asked if the windows on the furnace room are actually vents disguised as windows, and Mr. Fernandes responded yes.

Christopher Nusser gave a statement regarding his background and qualifications and experience. He is the engineer for the project. He then gave a detailed description of the site and formally labeled the new architectural drawing as A-1. Mr. Dhein asked if A-1 is the same as what they have. Mr. Nusser explained that it is the same except that it also includes the grading found in sheet 4 of 9 as well as the lighting plan sheet 6 of 9. Mr. Nusser also described in detail the parking lot for the project. He stated that Ms. Green has asked for two additional trees to be planted on the property and that this request would be met. Mr. Nusser also detailed the storm water management plan. Mr. Dhein asked where the water would go. Mr. Nusser responded with a detailed explanation of the storm water management plan. A discussion ensued with the Board of Adjustments regarding this matter. Mr. Nusser was also questioned by the Board regarding the vacating of Hill Street and whether this street was still in use. Mr. Nusser confirmed that it is in fact vacated and not in use. Several questions were asked and answered regarding the parking lot and its configuration. Mr. Modzelewski commented that he is satisfied with the compliance to his list of concerns. He feels that they will be able to provide the storm water rules that he required but is subject to his review of the finished design. Discussion ensued with the Board.

Comments: Denise Hickson asked a question regarding where the driveway will be located. Mr. Nusser gave a detailed explanation regarding this inquiry. He did assure that the road will be widened on the applicant's portion of the property.

Mr. Wayne Ingram gave a statement regarding his background. He is testifying as a professional planner for this application. Mr. Ingram stated the definition of a conditional variance. He went over all the requirements for a conditional use variance and stated that the applicant is in compliance to all but two

requirements. Mr. Ingram addressed the two conditional use variance requirements that are not being met and gave detailed explanations for the proposed plan. He discussed the parking space issue of twenty-one spaces versus the required twenty-two parking spaces and the number of COAH units being one less than required. In his statement, Mr. Ingram gave the applicant's justification for not meeting these requirements. Conversations with the Board ensued regarding these conditional variance requirement issues. Mr. Ingram also stated that not meeting these requirements would not pose any negative impacts to the surrounding neighborhood. Borough Planner Green stated her concerns regarding the limited COAH units. The Board expressed concerns regarding meeting COAH requirements. Ms. Green stated that this project wasn't going to directly impact our Borough in this issue especially due to the fact that requirements are constantly changing. Mr. Dhein asked to clarify if there were any additional parking spaces to accommodate visitors. Mr. Ingram stated that these spaces have taken into account visitors. Discussion ensued regarding ways to add an additional parking space. Borough Planner Green proposed that if additional parking becomes necessary would Mr. Fernandes be open to purchasing a parking permit in the Borough to make up for this space. Mr. Fernandes agreed to this proposal. Mr. Dhein also asked about signage being placed to prevent parking at other downtown businesses. Mr. Ingram responded to this concern by stating that the other business would be responsible for signage on their property. Mr. Fernandes also gave information in reference to his other building in town. Mr. Dhein inquired if parking spaces would be assigned. Mr. Fernandes and Mr. Ingram stated that this was not going to be the case unless the situation warranted it. Mr. Moskway asked if a property manager would be living on site. Mr. Fernandes responded that this was not the case but he does have a property manager that will check the building regularly.

Questions and comments:

Jody Huxter stated disagreement in regards to the parking situation. He also expressed his dissatisfaction with the proposed building.

Linda Brownley expressed concerns regarding traffic on Center Street. Mr. Ingram stated that the condition of the street is the Borough's responsibility. Mr. Modzelewski stated that typically with project such as these the applicant would need to provide more information regarding traffic generation.

Denise Hickson suggested lowering the speed limit on that street. She also inquired about sewer rights. Mr. Fernandes stated that were granted back in 2008.

Donald Brownley expressed concerns regarding spilled oil. Mr. Caldwell responded that there has been no testimony regarding environmental concerns.

Jody Huxter also expressed regarding water contamination.

Steve Dhein asked a question regarding the sewer line. Mr. Ingram gave a detailed description of the sewer line and the necessary connections. Carl Nosenzo commented that he supports the project.

Motion: to close public hearing. **Motion:** Richards **Second:** Howell

Voice vote: Six ayes, motion passes.

Discussion ensued between Attorney Caldwell and the Board regarding when a vote would need to occur. Mr. Caldwell stated that the Board can wait and further review the application. The applicant's attorney, Mr. Bisano, expressed concerns to get an answer immediately due to the fact that they are under time restrictions.

9. WRITTEN COMMUNICATIONS:

- A. High Bridge Borough zoning classification maps
- B. High Bridge Views application updates – Check waiver requests, Storm water management assessment, plans.

10. OLD BUSINESS: None at this time.

11. PUBLIC COMMENTS:

It is the policy of the Planning Board that all public comments on an issue shall be limited to five (5) minutes per person and no person may make more than one (1) comment per subject. Comments may be made on any subject pertaining to Board issues. Comments pertaining to Public Hearings should be saved for that section of the agenda. No debating between residents. Comments should be addressed to Chairman and Board members at the public microphone.

Carl Nosenzo commented that he supports the project.
Jody Huxter expressed dissatisfaction with the proposed project.

Motion: To approve the D3 variance
Motion: **Walker**, Second: **Richards**

Tom Richards **Y**, Steve Dhein **Y**, Don Howell **Y**, Keith Milne **Y**, Doug Walker **Y**, Brent Dugan **A**,
John Moskway **Y**. Six ayes, motion passes

Motion: To approve twenty-one (21) parking spaces with the caveat that if the Zoning Officer deems the number of spaces to be insufficient, then the applicant will continue to purchase a parking permit for a downtown parking space.

Motion: **Walker**, Second: **Howell**

Comments:

Mr. Moskway confirmed the number of permitted parking spaces required by the applicant is necessary.
Mr. Howell stated that he does not believe that the difference in the number of parking spaces will cause any issues in the downtown business zone.

Tom Richards **Y**, Steve Dhein **Y**, Don Howell **Y**, Keith Milne **Y**, Doug Walker **Y**, Brent Dugan **A**,
John Moskway **Y**. Six ayes, motion passes.

Motion: To approve the preliminary site plan with the provisions that all of the items from the Board Engineer, including storm water management plan, the Borough Planner and the Borough are met as previously outlined.

Motion: **Richards** Second: **Walker**

Tom Richards **Y**, Steve Dhein **Y**, Don Howell **Y**, Keith Milne **Y**, Doug Walker **Y**, Brent Dugan **A**,
John Moskway **Y**. Six ayes, motion passes.

12. ADJOURNMENT: Motion to adjourn: Milne Second: Richards Voice vote: All ayes, motion passes.

Next Meeting Date: September 21st, 2015

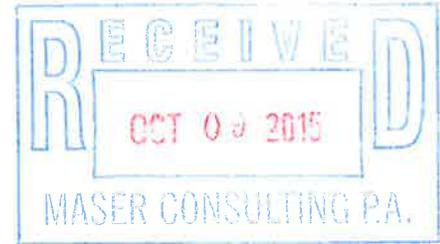
Meeting Location: High Bridge Rescue Squad, 95 West Main St, High Bridge, NJ 08829

Meeting Time: 7:30 P.M.

Respectfully Submitted,

Planning Board Secretary Adam Young

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October 7, 2015

William J. Caldwell, Esq.
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Box 5185
Clinton, NJ 08809

Re: Planning Board Resolution of Robert Fernandez
Block 29.02, Lot 12, Center St., High Bridge
Resolution No. PB08-2015

Dear Mr. Caldwell,

As you may remember, this office represents Robert Fernandes, the developer of the above property.

On September 21, 2015 the Planning Board/Board of Adjustment of the Borough of High Bridge adopted a site plan and variance Resolution approving the construction of our 12 unit apartment building. The Resolution is basically acceptable.

It has come to our attention in the findings of fact and conclusions of law that it is indicated that "The COAH units will be located on the first floor of the building".

Though this may be correct, one or more of the units may be on the second floor. We would like to have that option since it may help us in developing the property in a more feasible and economic way.

October 7, 2015

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I do not believe Darlene Green, the Borough Planner, has any objection to this request.

I would appreciate the Board amending the Resolution to reflect the fact that the COAH apartments could be on any floor of the building. I believe we have sufficient escrow posted for any fees involved.

Very truly yours,



Vincent T. Bisogno

VTB:klw

c: Robert Fernandes
Darlene Green, Planner
Barb Kinsky, Planning Board Secretary

**AMENDED RESOLUTION #PB08-2015
Approved September 21st, 2015**

**Borough of High Bridge
County of Hunterdon
State of New Jersey**

Planning Board / Board of Adjustment Resolution

**IN RE APPLICATION OF ROBERT FERNANDES
BLOCK 29.02 LOT 12**

WHEREAS, the applicant has applied for relief from the High Bridge Land Use Board for variance and site plan approval; and

WHEREAS, the applicant was represented by Vincent Bisano, Esq.; and

WHEREAS, the Board is vested with jurisdiction by virtue of public notice; and

WHEREAS, the Board received documentary evidence and the testimony of witnesses, Robert Fernandes, Christopher Nusser, P.E., Wayne Ingram, P.P., P.S. as well as the testimony of members of the public in attendance; and

WHEREAS, the Board also considered the reports and comments of Darlene Green, P.P. and Joseph Modzelewski, P.E.; and

WHEREAS, the Board made findings of fact and conclusions of law as more particularly set forth on Schedule A attached; and

WHEREAS, on motion by Walker, seconded by Richards, the Board granted an N.J.S.A. 40:55D-3 height variance; and

WHEREAS, on motion by Walker, seconded by Howell the Board granted an N.J.S.A. 40:55D-70(c)(1) variance for the provision of twenty-one (21) parking spaces subject to the ongoing review of the Zoning Officer to determine whether or not the number of spaces is sufficient; and if not, then the applicant will purchase a parking permit for downtown space; and

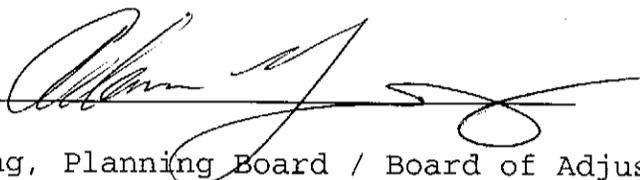
WHEREAS, on motion of Richards, seconded by Walker, the Board did approve preliminary site plan subject to the applicant fully complying with conditions raised by the Board Engineer and Board Planner, including but not limited to storm water

management, payment of all outstanding fees and taxes, strict adherence to the plan as presented to the Board and the posting of bonds,

NOW, THEREFORE, BE IT RESOLVED that the application be and the same is hereby approved as more particularly set forth above.



Steve Dhein, Planning Board / Board of Adjustment Chair



Adam Young, Planning Board / Board of Adjustment Secretary

Motion to amend location of COAH units from first floor to first floor and second floor, intermixed with other units and approve as amended: Motion: Walker; Second: Howell

Roll call vote: Dhein, yes; Howell, yes; Milne, absent; Walker, yes; Moskway, absent; Dugan, abstain; Giordano, abstain; 3 ayes, 2 absent, 2 abstain; motion passes

SCHEDULE A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Block 29.02, Lot 12 fronting on Center Street in the Borough of High Bridge is currently a vacant lot located in the downtown DB Zone. The applicant is proposing twelve (12) rental units. The total size of the proposed building is 12,254 square feet on a lot of 33,933 square feet.

The applicant is proposing two one-bedroom COAH units. The COAH units would be located on the first and second floor, intermixed with the other units. The units would be same standard as the market units. The applicant will handle all the administrative duties for the COAH units. The applicant indicated that he did not have any other qualified COAH applicants in his other building despite having followed

affirmative marketing requirements. The applicant indicated that he would continue to comply.

The applicant indicated that he would comply fully with the review comments of the Borough Engineer and Borough Planner including but not limited to such issues as the doors on the sprinkler room.

The applicant's engineer testified regarding the parking, in particular the grading plan. The engineer testified that the parking lot would comply in all respects with storm water management concerns. The Board Engineer noted that he is satisfied with the applicant's proposed compliance with his list of concerns. These include by way of example the widening of the street in front of the project and the installation of trees.

The applicant's Professional Planner testified concerning the standards for a conditional use variance. He testified that deviation from the required number of parking spaces by provision of one less space could be undertaken without substantial detriment to the zone plan. In the event that it should prove necessary, the applicant will purchase an additional parking permit for the one space. The Planner indicated that the provision of two COAH units represented a fair contribution given the nature of the project.

The Board takes note of the fact that there are no currently subsisting COAH regulations. There is the possibility that the application would not go forward at all if three units were required. The Board concluded that the provision of two COAH units was in the Borough's best interest.

Various members of the public were afforded the opportunity to testify. Their concerns ranged from the size of the building to the parking situation and resulting traffic on Center Street. The public also offered observations concerning lowering the

speed limit on Center Street. Concern was expressed about sewer capacity.

The Board in considering the expressions and concerns from the public concluded that they did not rise to the level necessary to deny the applicant approval. The Board found that the project could be approved with certain conditions as more particularly expressed in the review letters of the Borough Engineer and Borough Planner. Such conditions are intended to mitigate the negative aspects of the application.

The Board finds that the applicant is seeking approval for a conditional use with some variance relief associated therewith. The Board concludes that the applicant is providing much needed housing to promote a more vibrant downtown. The concept of a walkable downtown implies that there is the provision of both residential and commercial activities in close proximity to each other. The Board finds that on balance the application will promote the Master Plan. The Board further finds that the variance relief can be granted without substantial detriment to the zone plan in general or the surrounding properties in particular.