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Adoption
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Ordinance 2018-007
BOROUGH OF HIGH BRIDGE
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 145, LAND USE
AND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF HIGH BRIDGE
TO AMEND PROHIBITED USES**

WHEREAS, the Borough of High Bridge, in the County of Hunterdon and State of New Jersey (the “Borough”) has a comprehensive Master Plan and Land Use and Development Ordinance implementing the Master Plan; and

WHEREAS, the Borough has determined that certain businesses selling electronic vapor products, medical and recreational marijuana and related paraphernalia require special concern for security, and location; and

WHEREAS, the Borough desires to ensure that such facilities are not allowed within ¼ mile of a school, church, or playground, or in the Downtown Business, Commercial, Mixed-Use Corridor, Research/Office/Manufacturing, or any residential zone; and

WHEREAS, there is no area of the Borough which can safely house a business selling medical and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of High Bridge in the County of Hunterdon and State of New Jersey as follows:

SECTION 1

Chapter 145, Article I, Section 104, Definitions and Word Usage, is hereby amended and supplemented by the inclusion of new or replacement definitions to read as follows:

ALTERNATIVE TREATMENT CENTER means any commercial establishment engaged in the cultivation and/or distribution of medical marijuana, including cannabis derived oils, tinctures, and lotions; and related paraphernalia.

ELECTRONIC SMOKING DEVICE means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

HEAD SHOP means a retail business that sells any type of syringe, needle, eye dropper, spoon, pipe, testing kit, rolling paper or other paraphernalia or appliances designed for or ordinarily used in smoking, testing, weighing, measuring, injecting, cooking or sniffing marijuana, cocaine, opium, hashish or other controlled dangerous substances as defined by N.J.S.A. 24:21-1 et seq.

LIQUID NICOTINE means any solution containing nicotine which is designed or sold for use with an electronic smoking device.

LIQUID NICOTINE CONTAINER means a bottle or other container of liquid, wax, gel, or other substance containing nicotine, where the liquid or other contained substance is sold, marketed or intended for use in a vapor product but does not include containers prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

VAPOR PRODUCT means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor from nicotine in a solution or any form, including any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form intended to be used with, or in, any such device.

SECTION 2

Chapter 145 of the Borough Code, at Section 301(D) entitled "Prohibited Uses" is hereby amended as follows:

D. Prohibited Uses. Any use not specifically designated as a permitted use is prohibited in any zone in the Borough. Without limiting the types of uses that are prohibited, the following specific uses are prohibited in any zone in the Borough:

1. Businesses selling, testing, growing, cultivating or manufacturing medical marijuana or recreational marijuana;
2. Businesses selling, testing, manufacturing or servicing paraphernalia that facilitates the use of medical or recreational marijuana;
3. Businesses selling, testing, manufacturing or servicing electronic smoking devices, liquid nicotine, liquid nicotine containers or vapor products;
4. Alternative treatment centers, and
5. Head shops.

SECTION 3

All ordinances or parts thereof, which are inconsistent with the provisions of his Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 4

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held unconstitutional or invalid by any Court, such decision shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 5

This Ordinance shall be subject to review and recommendation by the Borough Planning Board in accordance with N.J.S.A. 40:55D-26.

SECTION 6

The Hunterdon County Planning Board shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10.

SECTION 7

This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Hunterdon County Planning Board.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough Council of High Bridge Borough, in the County of Hunterdon, New Jersey, held on February 8, 2018 and will be further considered for final passage after a public hearing thereon at a regular meeting of said Borough Council to be held in the Borough Hall, in said Borough on March 8, 2018, at 7:30 p.m., at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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

Meeting Date: December 18, 2017

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 Hunterdon County Democrat on December 24th, 2016 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.

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

Don Howell, absent; Keith Milne, present; Doug Walker, present; John Moskway, present; William Giordano, present; Chris Zappa, absent; Steve Dhein, present; Mark Desire, present. Also present were Borough Planner, Darlene Green, Board Attorney, William Caldwell, Board Secretary, Barbara Kinsky and three members of the public including press.

4. READING AND APPROVAL OF MINUTES: November 13, 2017

Motion to dispense with the reading of prior meeting minutes:

Motion: Giordano, Second: Milne Voice vote: Six ayes, Desire abstained. Motion passed.

Motion to approve the November 13, 2017 meeting minutes:

Motion: Giordano, Second: Milne Voice vote: Four ayes, Walker and Desire abstained.

5. PUBLIC COMMENTS:

It is the policy of the Borough Council that all public comments on an issue shall be limited to one (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 Borough issues. Comments pertaining to Public Hearings should be saved for that section of the agenda. No debating between residents. Comments should be addressed to the Board. **NONE.**

6. CORRESPONDENCE: Letter of resignation from Brent Dugan.

7. NEW BUSINESS:

A. Short presentation by Darlene Green regarding the Historic Preservation Master Plan Element.

Darlene Green reviewed the Historic Preservation Plan with the Board.

Questions and comments:

Nancy Hunt expressed concerns regarding the possible label of "East High Bridge" for one of the historic districts in High bridge. She explained how there is historical data to support the existence of a separate community called east High Bridge. Darlene Green responded that the names of the districts in the Historical Preservation Plan Element are not finalized and can be changed based on further research. Steve Dhein commented with gratitude regarding Nancy Hunt's extensive knowledge of High Bridge's history. Nancy also commented regarding information sited in the Historic P reservation Master Plan Element page 16, she stated that she preferred that it would state that a High Bridge Cultural and Heritage committee member with archives which are very extensive. Steve Dhein explained that this is a living document that can be changed.

Motion to adopt the Historic Preservation Master Plan Element to the Master Plan, Resolution PB-07-2017: Walker, Second: Milne.

Don Howell, absent; Keith Milne, aye; Doug Walker, aye; John Moskway, aye; William Giordano, aye; Chris Zappa, absent; Steve Dhein, aye; Mark Desire, aye.

B. Presentation on Affordable Housing Litigation.

Darlene Green gave a detailed update on the present state of affordable housing. Discussion and questions from the Board ensued. She also outlined the possible timeline for the next few meetings regarding affordable housing state requirements.

8. PUBLIC COMMENTS:

It is the policy of the Planning Board that all public comments on an issue shall be limited to (1) minute 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.

Nancy Hunt commented on railroad history.

9. ADJOURNMENT: Motion to adjourn: Giordano Second: Walker Voice vote: all ayes, motion passed.

Next Meeting Date: January 8th, 2018

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

Meeting Time: 7:30 P.M.

**REORGANIZATIONAL MEETING OF
PLANNING BOARD/BOARD OF ADJUSTMENT
OF HIGH BRIDGE BOROUGH**

Meeting Date: January 15, 2018

Meeting Time: 7:30 P.M.

Meeting Location: High Bridge Borough Hall, 97 West Main St, High Bridge, NJ 08829

1. CALL TO ORDER:

This is a reorganizational 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 Hunterdon County Democrat on November 23rd, 2017 and the notice of and agenda for this meeting were posted on the bulletin board in the Borough Hall.

2. FLAG SALUTE: Led by presiding officer, Barbara Kinsky

3. PRESENTATION OF 2018 BOARD MEMBERS AND OATHS OF OFFICE

- a. Christopher Zappa – Class III- term expiring 12/31/2018
- b Steve Dhein-Class IV- term expiring 12/31/2021

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

Don Howell, absent; Keith Milne, present; John Moskway, present; William Giordano, present; Chris Zappa, present; Steve Dhein, present; Mark Desire, present.

5. NOMINATIONS AND ELECTIONS:

a. Election of Chairperson

Motion to nominate, Steve Dhein and approve Resolution PB01-2018:

Motion: Milne, Second: Zappa

Don Howell, absent Keith Milne, yes; John Moskway, yes; William Giordano, yes; Chris Zappa, yes; Steve Dhein, abstain; Mark Desire, yes.

Five ayes, one abstention, motion passes.

Chairman now presiding.

b. Election of Vice-chairperson

Motion to nominate, Don Howell and approve Resolution PB02-2018:

Motion: Milne; Second: Moskway

Don Howell, absent Keith Milne, yes; John Moskway, yes; William Giordano, yes; Chris Zappa, yes; Steve Dhein, yes; Mark Desire, yes.

Six ayes, motion passes.

6. It is the policy of the Planning Board that all public comments on an issue shall be limited to five (5) minute 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.

NONE

7. CONSENT AGENDA:

a. Resolution PB03-2018 – Selection of contract professionals

- Board Engineer, Mott-MacDonald
- Planner, Maser Consulting
- Planning Board / Board of Adjustment Attorney, Carter, Van Rensselaer, Caldwell
- Princeton Hydro

b. Resolution PB04-2018: Selection of newspaper(s) for publications of legal notice-.

The Express Times and Hunterdon Democrat be designated as the official newspapers. Steve Dhein stated that he would like the Hunterdon Review considered as an official newspaper.

Comments: Steve Dhein stated that he would like the Hunterdon Review considered as an official Newspaper of the Borough of High Bridge.

- c. Resolution PB05-2018:** Selection of Board Secretary and Deputy Board Secretary
- Board Secretary, Barbara Kinsky
 - Deputy Board Secretary, Adam Young

- d. Resolution PB06-2018:** November 12th, 2018 meeting date change.
The Board decided to change the November 2018 meeting to November 5, 2018.

Motion to adopt **Resolutions PB03-2017 through PB06-2017:**

Motion: Giordano, Second: Zappa

Don Howell, absent; Keith Milne, aye; John Moskway, aye; William Giordano, aye;
Chris Zappa, aye; Steve Dhein, aye; Mark Desire, aye. Six ayes, motion passed.

- 9. DISCUSSION ITEMS:** Mayor Desire commented on some upcoming projects in High Bridge. He mentioned that Mr. Fernandes purchased 81 West Main Street and is considering constructing a full residential building. The Mayor also commented that the Committee is still discussing options for the 100 West Main Street property. Mayor Desire also stated that rezoning might be discussed regarding the future sale of some properties on Main Street. Mr. Desire stated that this could be a busy year for the Planning Board.

- 10. ADJOURNMENT:** Motion to adjourn: Giordano Second: Desire Voice vote: all ayes,
Motion passed.

Next Meeting Date: Regular meeting – February 26th, 2018

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

Meeting Time: 7:30 P.M.