

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

Meeting Date: February 26, 2018

Meeting Time: 7:00 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 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 presiding officer.

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

Don Howell, present; Keith Milne, present; Coleen Conroy, absent, John Moskway, present; William Giordano, present; Chris Zappa, present; Steve Dhein, present; Pablo Delgado, present; Mike Darmstadt, present; Mark Desire, present until 7:22.

Also present were Board Attorney William Caldwell, Borough Planner, Darlene Green, Board Engineer Joe Modzelewski, Board Secretary, Barbara Kinsky, and nine members of the public including press.

4. READING AND APPROVAL OF MINUTES: December 18, 2017 and January 8, 2018

Motion to dispense with the reading of prior meetings minutes:

Motion: Giordano, Second: Zappa Voice vote: all ayes, motion passes.

Motion to approve the December 18, 2017 and January 8, 2018 meetings minutes:

Motion: Zappa, Second: Milne Voice vote: Eight ayes, Howell abstained, motion passes.

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.

Christina Whited, High bridge Business Association (HBBA) President, stated that the HBBA's position regarding Council ordinance 2018-007 is that it should not be passed because the HBBA feels if there are fewer limits on businesses the more free market will flourish. Ms Whited commented in the vacant industrial space in High Bridge and is asking the Planning Board to lesson limitations on businesses.

Mayor Desire asked Ms. Whited if there was 100% support from HBBA regarding not passing Ordinance 2018-007. Ms. Whited answered that the HBBA is not in favor of limitations on businesses but is not addressing this Ordinance specifically. Chairman Dhein clarified that the task of the planning Board was simply to determine consistency with the Master Plan and not discuss specific businesses or industries. His discussion should be continued on March 8th, 2018 at the Council meeting.

Adrienne Shipps thanked Council and the Planning Board for giving early consideration to Ordinance 2008-007. She mentioned the proposed Scutari Bill and she quoted statements made regarding Assemblyman Gusciora's opinion on legalization and what it could mean to Hunterdon County. Mrs. Shipps also mentioned that Banks play by federal laws and the fact that legalization is not occurring on a federal level could affect the manner in which tax payments by such businesses. Mr. Zappa commented on the revenue that would towns with dispensaries would be allotted to receive. The figure stated by Councilman Zappa was after that after 5 years the town would get, \$7,500 per \$1,000,000 sold.

Jon Conant said he echoed the comments by Christina Whited regarding fewer limitations businesses on Main Street. He mentioned that he has a business and as a professional would like to have the option of having it on Main Street, but current zoning Ordinances do not allow it. Mr. Conant also asked where he could see a copy of the Master Plan.

The Planning Board Secretary stated that a copy of the Master Plan is available in Borough Hall.

6. NEW BUSINESS:

A. Master Plan consistency review of **Ordinance 2018-007**, Amend and Supplement Chapter 145, Land use and development, of the Code of the Borough of High Bridge to amend Prohibited Uses.

Motion to find **Ordinance 2018-007** consistent with the Master Plan: Giordano; Second: Milne Don Howell, aye; Keith Milne, aye; Coleen Conroy, absent; John Moskway, aye; William Giordano, aye; Chris Zappa, aye; Steve Dhein, aye; Pablo Delgado, abstain; Mike Darmstadt, abstain; Mark Desire, aye, Seven ayes, motion passes. Mayor Desire left at 7:22pm.

Comments: Darleen Green commented that Master Plan is silent on this use. Her opinion is that because this was never envisioned as a permitted use anywhere due to the fact this situation did not exist. Chairman Dhein asked that since the Master Plan already puts restrictions on certain types of businesses amending the Master Plan with this Ordinance would not be against the Master Plan. Darlene Green said this would be the case. She also stated that the Master plan is going to up for review in 8 years if the governing body could include it, but it could also be changed or amended.

Pablo Delgado asked why the Borough would want to restrict this type of business in town. Mr. Dhein told Mr. Delgado that was a question for Council on March 8th, 2018.

B. Darlene Green handed out the 100 west Main Street Redevelopment plan to Board members and asked that they read it before the next meeting.

C. Public Hearing of PBapp 02-2017, applicant: Grace Florez, Dennis Avenue, Block: 24 Lot: 22.

Motion to open public hearing: Howell; Second: Zappa
Don Howell, aye Keith Milne, aye; Coleen Conroy, absent; John Moskway, aye
William Giordano, aye; Chris Zappa, aye; Steve Dhein, aye; Pablo Delgado' aye;
Mike Darmstadt, aye; Mark Desire, absent.

Attorney Barry Rosenberg stated that this is an application for a new two family dwelling on an existing lot on Dennis Avenue, Block 24, Lot 22. He is the attorney for the applicant, Grace Florez. Mr. Roesenberg further stated that testimony will be heard from the applicants engineer, Eric Raes from Engineering and Land Planning, as well as Jonathon Florez. Mr. Florez is the son of the applicant. Mr. Florez will be handling the proposed project for this application.

Mr. Eric Raes, President of Engineering and Land Planning was sworn in. Mr. Raes listed his credentials and asked the Board to recognize him as an Engineer and Planner.

Motion to recognize Mr. Eric Raes as a professional engineer and planner. Zappa; Second: Giordano.
Voice vote: all ayes, motion passed.

Mr. Raes described the existing conditions of the site. . He stated that it is vacant land in the R-3 zone approximately .5 acres. He stated that the applicant is proposing a duplex just under 200 square feet and it will have a single split driveway. Mr. Raes stated that a duplex is a conditional use approved for this lot, and the application meets the bulk and setback requirements. Mr. Raes said that this proposed dwelling meets the conditional use standards and the bulk and setback requirements. He also reported a creek on the eastern side of the lot, and reported that it is state open water as confirmed by the DEP. Mr. Raes gave a detailed description of topographical layout of the lot. He stated that the lot is mostly flat but does have a slight slope towards the creek and the gas station located behind the property. Mr. Raes told the Board that they will install two drywells to catch the runoff from the roof. He then discussed the existing wooded area in the rear of the property. He mentioned that he was informed by the Borough's Planner, that there the requirement for this zone is a 25 foot vegetated area, and he feels that the existing woodland serves as the vegetated buffer. He also stated that this zone requires a certain number of shade tree be planted and is proposing is that these shade trees be used in the rear of the property to thicken up the buffer. He says if the professionals feel more needs to be done to improve this buffer then the applicant is amenable to that. Mr. Raes stated that there are residential building on either side of this lot. He also described the parking scenario. He said that RSIS requires four units of parking for a duplex of this size. He proposed one in each garage bay and one in each driveway. He stated that this does

comply with the RSIS requirements.

Mr. Raes then replied to the comments from the Borough Planner as stated in the letter from Maser Consulting dated February 20, 2018. Mr. Raes addressed the point regarding the vegetated buffer and reiterated his previous proposal of planting the required shade trees to increase the buffer. He did state that the applicant is amenable to tightening up the buffer and does not feel a variance is needed. Members of the Board asked for clarification regarding the width of wooded area, and Mr. Raes stated that it was about 24 feet and was aware that it would be necessary to add to the woodland area in order to meet the requirements for this zone. He also clarified the fact that this is an exempt application for the stacking of cars due to the fact that the driveway is for the purpose of accessing the garage. Darlene Green, the Borough Planner, did confirm that no design waiver is required for parking. Mr. Raes also confirmed that the applicant has met the requirements for water and sewage hook up as well as any Highland requirements. He then spoke about buffers on either side of the driveway and stated that there were concerns regarding site lines. He also stated that the garage is intended to remain a garage and not be made into part of the living space.

Chairman Dhein then asked for comments from the Board and professionals regarding Mr. Raes's response to the Maser report. Darlene Green spoke to the variance for the buffer. She stated that the ordinance is silent as to what should be in the buffer. Darlene expressed concerns regarding the fact that the buffer does not meet the width requirements and shade trees are not screening. She feels that evergreens should be proposed otherwise the intent of the ordinance is not being met. Mr. Raes restated that he is amenable to redoing the plan for the buffer. Darlene asked that the applicant stipulate specifics agreed upon by the professionals. Mr. Raes suggested a buffer fence in lieu of additional trees. Darlene then clarified that items 3,6,7,14, and 15 in the aforementioned Maser letter need to be met as conditions of approval. Mr. Raes agreed.

Mr. Raes then addressed the items in the Mott MacDonald report dated February 22, 2018. Mr. Raes responded to items in section B of the Mott MacDonald letter, starting with design standards. He stated that they will add two drywells. Mr. Raes also restated that the driveway buffer does not apply to this structure, and also readdressed the issue with the buffer at the rear of the lot as well as the amount of shade trees needed. Mr. Raes also discussed the need for a buffer on the side yard. Mr. Modzelewski explained that the Ordinance requires a vegetative buffer of 25 feet along any minor waterway. Mr. Raes proposed no additional landscaping in this area, but maintains that they will maintain the lawn and plant shade trees there. He feels this should satisfy the Ordinance. The professionals agree with that this satisfies the ordinance. Mr. Raes also discussed the Dennis Avenue right of way. Mr. Modzelewski stated that the standard right of way is 50 feet. Mr. Raes agreed to an additional 5 feet of a right of way. Mr. Raes stated that they will also impose a site triangle easement be dedicated by the driveway. He also said he would address all of the following changes to the plans: include a cover sheet with property location and key map; plans should identify a 5 foot right of way, location and size of existing water mains should be indicated on plans, include drywall calculations including overhang, include a fence separating the deck area, plans will show utility pipe details, will show gas connecting point for gas pipe, will provide engineers estimate for quantities and cost, will include fee for affordable housing, will provide construction escrow, and performance guarantee.

The members of the public are now permitted to cross examine this testimony.

Michael Longo, 13 Dennis Avenue: Questioned the grading of the property. He stated that it is currently graded to the rear of the property. He asked if there would be any water run off onto his property. The engineer stated that curbing will help with to prevent this. Mr. Longo expressed concerns regarding pooling water. He requested that the current drainage patterns be maintained. Mr. Raes stated that they will be maintained. He also questioned the shade tree locations? He was asking if he would be notified at the location of these trees. Mr. Longo also asked about a large Oak tree and overhanging branches. Mr. Raes stated there is currently no plan. Mr. Longo also stated that Elizabethtown gas told him there is no gas line available yet on Dennis Avenue.

Mr. Jonathan Florez was sworn in by Attorney Rosenberg. He is the project manager of this project. Plans were identified as A-1. Mr. Florez described the dwelling. The structure is a two family duplex and each side will contain three bedrooms and 2.5 bathrooms two stories and a full basement. Each unit will also have a one car garage that will be intended to remain a garage and not be turned into additional living space. Mr. Florez addressed the question in the Planners report regarding the intended use of the property. Mr. Florez stated that the units will be for rent. He also stated that at this time they are not proposing to sell the units separately. Mr. Florez also stated that the garage and basement are intended for storage and there is no shed proposed at this time. The basement will be unfinished will have standard basement 16 inch casement windows these windows would not be egressed and will have wells around them. Mr. Florez also described the privacy fence between the two decks. A discussion ensued with the board regarding the height of the privacy fence between the back decks. Mr. Florez explained that the privacy fence will serve as a screen between the deck. There will also be one open yard in the back of the dwelling. Exterior finish of the dwelling will be asphalt shingles and vinyl siding.

Chairman Dhein then asked the Board to make comments or ask questions. The Board inquired about the square footage of each dwelling. Mr. Florez stated that the approximately 2900 square feet, Planner Darlene Green clarified for the record that each unit is 1396 square feet. The Board also inquired about the elevation of the proposed building as compared to the surrounding dwellings. Mr. Florez answered that this dwelling was comparable to the surrounding structures. The Board asked about the process to convert the dwelling to a condominium. Attorney Caldwell answered that this would be possible and not a complicated process. Mr. Caldwell also suggested a fence in the back yard to provide privacy, and to prevent disputes.

Chairman Dhein asked the public for comments or questions.

Michael Longo asked about the removal of an oak tree on the property. Mr. Dhein explained that this issue should be taken up with the homeowner.

Chairman Dhein asked if there was any member of the Public who wished to testify. No member of the public testified.

Motion to close public hearing: Milne; Second, Howell
Voice vote: all ayes, motion passed.

Mr. Rosenberg summarized the testimony. He stated it is a conditional use that meets all the conditional uses.

Motion to approve Dennis Avenue for Preliminary Approval based on compliance with the following conditions: Milne; second Giordano

- Deed restrictions whereas the garage and basement cannot be converted into bedrooms and the garage must stay as storage for a car.
- There will be a buffer fence at the rear of the property.
- Borough professionals will be consulted as the location of where shade trees will be put.
- There will be a 5 foot right of way added and a site triangle dedication.
- There will be a rental addendum to include approval by the Board.
- Compliance with the following items in the Maser report: #3,6,7, 14 and 15.
- Plans should identify location and size of existing water main
- drywell calculations including overhang will be provided
- plans will show utility pipe details and gas connecting point for gas pipe,
- Applicant will provide engineers estimate for quantities and cost
- Applicant will include fee for affordable housing, and will provide construction escrow, and performance guarantee.

Don Howell ,aye; Keith Milne, aye, Coleen Conroy, absent, John Moskway, aye; Mike Darmstadt, aye; William Giordano, aye, Pablo Delgado, aye Steve Dhein, aye. Seven ayes, motion passed.

7. DISCUSSION ITEMS:

Discuss possible need for extra meetings due to upcoming Planning Board Business.
An overview of possible upcoming business was reviews with the Board.

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.

9. ADJOURNMENT: Motion to adjourn: Zappa; Second: Darmstadt Voice vote: all ayes
Motion passed.

Next Meeting Date: March 19th, 2018

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

Meeting Time: 7:30 P.M.