

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

Meeting Date: November 13, 2018

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 October 4, 2018 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, present; John Moskway, present; William Giordano, present; Chris Zappa, present; Steve Dhein, present; Mark Desire, absent, Tom Wescoe, present.

Also present were six members of the public including press and Board attorney William Caldwell, Borough Planner Darlene Green, Board Secretary, Barbara Kinsky, and alternate Mike Darmstadt. Alternate Tom Wescoe sat on the Board for the meeting.

4. READING AND APPROVAL OF MINUTES: October 9, 2018.

Motion to dispense with the reading of prior meeting's minutes:

Motion: Moskway; Second: Howell Voice vote: Eight ayes, motion passed.

Motion to approve the October 9, 2018 meeting's minutes:

Motion: Howell, Second: Moskway Voice vote: Eight ayes, motion passed

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

At this point the Board of Adjustment Meeting Begins

Councilman Zappa exited the meeting at 7:36 pm.

6. NEW BUSINESS:

A. Completeness review of PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 &14. Motion to approve PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 &14 for completeness: Giordano, Second: Howell.

Don Howell, aye; Keith Milne, aye; Coleen Conroy, aye; John Moskway, abstain; William Giordano, aye; Steve Dhein, aye; Tom Wescoe, aye.

Comments: The applicant has applied for a Highland Exemption and it has been received. Board engineer, Joe Modzelewski went over his report point by point. He said that granting the temporary waivers requested are all reasonable and he has no issue with them. Mr. Modzelewski felt as long as the Board does not feel the applicant needs a traffic or environmental impact study, he is fine with the application being deemed complete. Mr. Modzelewski did clarify that although the applicant has applied for preliminary and final approval it has been past practice that these were not granted concurrently. He stated that he did not review the application for final site plan approval.

B. Motion to open the Public Hearing for PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 & 14: Giordano, Second: Howell Voice vote: Eight ayes, motion passed.
Chairman Dhein informed the applicant that the meeting will conclude at 10:00pm.

Testimony began with the applicant's attorney, Vincent Bisogno. Mr. Bisogno stated that the application of Riverview Village LLC is to construct a 15 unit residential apartment building at 81 West Main Street. (Block 30, lots 13 and 14). He explained that the lot contains the remains of a two story building and that the applicant intends to demolish this building. He outlined the variances that the applicant is seeking. Four of the variances are conditional use variances. These conditional use variances include: Lot size variance, whereas the applicant is proposing to construct a 15 unit apartment building, the current lot allows for a 14.5 units based on the fact that is it not quite one acre; the distance from the road of the proposed building is 80 feet and the maximum distance permitted is 40 feet; this building does not have commercial use on the first floor as required in this zone; and the proposed height of the building is 48 feet, three feet over the maximum permitted height. Mr. Bisogno also outlined the C variances that the applicant is seeking. The applicant is seeking a variance regarding the 50 feet buffer that is required, he is seeking a variance to allow parking to not be set back the required 25 feet from the property line, and he is seeking design waivers.

Mr. Robert Fernandes was sworn in to testify. He testified that he is the sole owner of Riverview LLC. He stated that he has been in the land development business for 28 years. Referring to a colorized version of the site plan (exhibit A-1), Mr. Fernandes described the parcel of land and its surroundings. He also described the small section that is undetermined on the survey. Mr. Fernandes stated that the lot is mostly level with a slight slope in the rear of the property. He spoke regarding the design constraints, specifically the required 50 foot buffer and the maximum 40 foot set back. Mr. Fernandes explained the rationale for constructing the building farther back than the zone permits. He stated that constructing the building set back on the property would keep it in line with the buildings in the adjacent municipal lot. He also explained that the rear of the property contains wetlands which would not be conducive to having parking in that location. Mr. Fernandes also stated that the building would be approximately 18,000 square feet, would have ADA ramps and a dumpster enclosure. He did state that due to the barrier free ramps proposed that the dumpster enclosure would be 10 feet from the property line as opposed to the required 20 feet. He stated that he could comply with the 20 feet if the location of the dumpsters was moved, but this would impact the proposed ramps. Mr. Fernandes stated that he contacted the owners of the surrounding properties and discussed the proposed plan with many of them. He also said that he would put landscaping and a fence to buffer the neighbors to the east of the property. The applicant also stated that the proposed building will have an elevator, which will allow the building to be more ADA accessible. Mr. Fernandes also expressed his opinion regarding having commercial on the first floor. He said would impact the need for an elevator. Mr. Fernandes also informed the Board that he will comply with a letter from the Borough planner, Darlene Green, date November 7, 2018. This letter outlined the affordable housing plan for the units in the proposed building. According to this plan one affordable housing unit would be built in this building and Mr. Fernandes would have other units designated in the other High Bridge buildings that he owns as to meet the 20% affordable housing requirement. Mr. Fernandes also discussed the 79 foot set back from the property line and explained that due to the environmental constraints on the property, parking in the back or side of a building would be cumbersome. Mr. Fernandes also referenced exhibit A-2 (Letter from the high bridge Fire department) He stated that he met with the High bridge fire Chief regarding the accessibility to the proposed building for a ladder truck. The letter states that there are no issues with the proposed building with regards to the fire accessibility. Mr. Fernandes concluded his testimony and then answered the following questions from Board members. Chairman Dhein inquired about the flood plain provisions for the building. Mr. Fernandes stated that provisions are planned and his engineer would explain them in his testimony. Mr. Dhein also referenced exhibit A-3 (Letter from the County Planning Board) and asked about then 40foot right of way. Mr. Fernandes stated that the engineer would also speak to this point in his testimony. Mr. Dhein also asked if the affordable housing unit would be handicapped adaptable. Mr. Fernandes stated that because of the presence of an elevator all units would be ADA accessible.

Board member Howell asked if the undetermined land in the survey was underwater and Mr. Fernandes stated that yes it was. He also inquired if there was any required public access to this land and Mr. Fernandes stated that he was unsure. Mr. Howell also asked if Mr. Fernandes has done any studies regarding commercial units and if so what studies were performed. Mr. Fernandes stated that he focused studies on economic and interpreted the results to not support a profitable situation if he was to have a commercial unit in this building. Board member Conroy asked a question regarding the market and if he was planning on targeting senior for this building. Mr. Fernandes stated that he has a database of people who have inquired about apartments; he would also be using word

of mouth. Mrs. Conroy also inquired about the aesthetics and the proximity to the old Exact Level and Tool property being an obstacle. Mr. Fernandes stated that he cannot block view of the property located across the street because of the necessary for site triangles for Route 513.

Chairman Dhein asked if there were any questions from the public in response to Mr. Fernandes' testimony. Donna Rose of 79 Main Street asked Mr. Fernandes how high the fence between their properties would be. Mr. Fernandes explained that he would have a 6 foot fence and that he would also have a landscaping barrier. He stated that the barrier between the properties would consist of fence and landscaping.

Next Mr. Christopher Nusser was sworn in to testify. He testified that he is a licensed engineer and planner. He stated that he works for Engineering and Land planning Associates and that his license is current. The Board professionals accepted Mr. Nusser as an expert in his field. Mr. Nusser described the lot and the proposed building. He stated that the proposed building would be 79.6 feet from the setback line. He also stated that they would require permits from the DEP to permit the project due to the presence of wetland and flood plains. Mr. Nusser said that they are waiting for Board approval before applying to the DEP for these permits. Mr. Nusser also described the parking lot. He said that there would be 29 parking spaces and 2 ADA parking spaces. Mr. Nusser said that there would also be an 8 foot delivery space for front door delivery access. He stated that there would be an entrance with a ramp on the west side and an entrance on the east side without a ramp. Mr. Nusser also went over the current and proposed impervious coverage of the proposed building. He stated that the current impervious coverage is 21,500 feet and the proposed impervious coverage is 18,200 which would result in a reduction of impervious coverage. Mr. Nusser responded to the points in Board engineer Joe Modelewski's letter (Exhibit B-2) regarding drywells. He stated that he is unsure that drywells can be installed because of the wetlands and river, but agreed to test and install if possible. Mr. Nusser also referenced the site plans (exhibit A-4) and stated that the plans call for 4 pole mounted lights and 2 building mounted lights. He stated that he would attempt to lower lighting levels to acceptable amounts. Mr. Nusser also confirmed that the proposed building will not have a basement. He explained that for the purposes of the DEP application they need to provide zero net fill in the flood plain and cannot displace flood waters. The proposed building placement allows for the parking lot to be out of the flood plain. He explained the rationale for having the parking in the front is due to increase safety if there was a flood. Placement of the parking lot out of the flood plain would enable tenants' access their vehicles and leave. He explained that the crawl space under the building will be open for flood waters to flow through. Mr. Nusser also explained that part of the proposed building is in the wetlands buffer and as a result they will need to apply to the DEP for an averaging plan in order to allow for part of the building to remain in the proposed location. Mr. Nusser then explained the conditional use, D-3 variance that the applicant is requesting. He stated that the underlying use of the proposed project is a use permitted in the zone subject to conditions. The engineer will explain how this use will be handled without detrimental effects. Mr. Nusser then addressed the variance regarding the setback of the building being more than the maximum 40 feet permitted. Mr. Nusser referenced his aforementioned explanation for having the parking in the front. He also stated that having the parking in the front would allow for the building to be consistent with the building on the municipal lot next to it. The second variance applied for pertained to density. He explained this is a D-5 variance because they are exceeding the density in the zone. The proposed building will have 15 units and the zone permits 15 units per acre, but the lot size only permits 14.37 units per acre. Mr. Nusser feels that the lot can adequately support the proposed amount of units with no negative effects. Mr. Nusser also spoke to the variance concerning the lack of commercial units on the first floor of the building. He feels that by eliminating the commercial units will reduce the intensity permitted by the ordinance. Mr. Nusser explained that having commercial would call for more parking spaces and the lot would not be able to accommodate these. An all residential lot would also allow for an elevator in the building that could accommodate tenants with mobility issues. The next variance regarding building height was also addressed by Mr. Nusser. He referenced the height drawing (exhibit A-5) and explained that the building could comply with the permitted height, but they are asking for relief from this. Mr. Nusser explained that due to the grading on the lot, the front of the building is shorter than the back. He said that the main issue driving the height is the flood plain and they want the building to be above it. He explained that the flood plain is driving the finished floor to be higher which thus increases the height of the building. He also explained that having the building set back further from the street will reduce the effect of the height. He also stated that the proposed roof height adds to the aesthetics of the structure. Mr. Nusser also addressed the following C variances. First, the parking set back is required on this lot is 25 feet. Mr. Nusser explained that the environmental restraints are impacting the location of the building and the parking lot. Mr. Nusser stated that the existing building is 1.24 feet from the eastern property line and the proposed building will be 90 feet from the neighbor's house on the east. He stated that while before there was no buffer present, they are proposing a buffer of a fence and landscaping. Mr. Nusser addressed a

comment in Borough Planner, Darlene Green's report, regarding the buffer requirement of 50 feet between multifamily dwellings. He stated that complying with this would not be possible given the width of the lot and taking into account the environmental constraints of the wetland and flood plain. Mr. Nusser feels that granting these variances would not cause any substantial detriment to the surrounding neighbors or to the zone plan or ordinances in High Bridge.

Mr. Nusser went through Planner Darlene Green's report date November 1, 2018 point by point. (Exhibit B-1) He only addressed points and comments where Mrs. Green took issue.

#3: Lot listed at Lots 13 and 14, Mr. Nusser explained that the deed only shows one lot and not two separate lots.

#4: Building height, Mr. Nusser explained that he already addressed this in his testimony.

#14: Landscaping between the proposed building and the Rescue squad building. He said they will comply with a shade tree.

#15: Six shade trees are required per acre and Mr. Nusser said they will comply with trees or existing vegetation.

The follow points were addressed by Mr. Fernandes.

#19: Will comply and grill vents will match the siding color.

#20: Privacy treatment for windows and window treatments are provided for all units.

#21: Rental or sale units was questioned, Mr. Fernandes stated at this time units are rental.

#22 Building color is same theme as the other buildings, and ledge stone accents are also similar.

Mr. Nusser then addressed points in Mrs. Green's letter dated November 7, 2018 (Exhibit B-2)

Planner Darlene Green went over the letter she sent and specifically focused on the point referring to the affordable housing section. She asked Mr. Fernandes to ensure that on the next set of plans submitted, he indicates which unit will be the affordable housing unit in this building as well as which offsite building will house the other two units. She explained that the offsite building will have deed restrictions put into place ensuring the affordable units. Mr. Nusser confirmed that the two offsite units will be at the 20 Main Street building. Mrs. Green stated that she does not have a preference as to where the units exist as long as they are properly deed restricted.

The other point addressed in the Borough planner's letter referred to the location of the mailboxes. Mr. Fernandes explained that the mailboxes had to be located outside near the trash enclosure because the Post office will no longer allow the mailboxes inside the building. Mr. Fernandes agreed that the architect will need to adjust the plans to reflect this.

Mr. Nusser then addressed the Borough engineer's, Joseph Modelewski's letter dated November 8, 2018. (Exhibit B-3). He addressed the following issues in the technical section of the review letter.

#4: Mr. Nusser addressed the location of the trash enclosure and the fact that it does not comply with the required 20 feet required. Mr. Modzelewski does not take issue if the neighbor is satisfied.

#5: Mr. Modzelewski is satisfied based on the letter from the fire chief. (Exhibit A-2)

#11: HVAC units are all located inside the units so do not show on the outside of building.

#23: 25 foot drainage easement along the south is suggested and the applicant will comply.

#33 Applicant will comply with the note being made regarding the NJDOT specifications.

Design waivers: section of the review letter:

1: Buffer not to be reduced less than 10 feet, Mr. Nusser proposed a trash rack and device to trap debris to prevent it from going into the ditch and flowing to the river. Mr. Modzelewski was satisfied with this.

#2: Buffer along the Rescue Squad side of the property. The applicant will plant a shade tree and use their judgement on additional landscaping.

#3: The lighting plan will show foot candles within 25 feet of the property line, the applicant will comply with this.

#4: The plans will allow for a 9 foot gap for emergency vehicle access, the applicant will comply.

#5: Minimum of six shade trees per acre, the applicant will comply.

Mr. Nusser then reviewed the design waivers from Planner Darlene Green's letter. (Exhibit B-1)

#1: Trash facility location was already discussed and will provide fence and landscaping.

#2: Design waiver for plant size, applicant will comply with the increase in caliper.

#3: Waiver for parking lot trees. Applicant agreed to add a shade tree to the western side of property and also will add one at the southeast side near the handicapped parking space. Planner is satisfied with minimum of providing 2 trees. Applicant will make sure not to obstruct site lines with the placement of trees for safety reasons.

#4: Parking area setback does not comply; but Mr. Nusser stated that he has already addressed the reasoning for this.

#5: Waiver for shrub planting height. Planner states that she does not have issue with the shrubs selected by the applicant. Applicant will attempt to find 3 foot shrubs where possible.

Mr. Nusser also addressed the letter from the county regarding the dedicated Right of way. He stated that they would be requesting a waiver for a 33 foot dedication of an easement. This would not go into the parking lot. Mr. Fernandes stated that he was granted both of those easements with his other two buildings. At this point the applicant concluded his case.

Questions and Comments:

Mr. Howell asked about the topography of the lot and what is the highest point in the lot. Mr. Nusser replied that the highest elevation of the lot will be in the northeast corner. He did state the highest point would be the third floor of the finished floor. Mr. Howell inquired how the flow of water would change in a rain event. Mr. Nusser stated that the water would ultimately flow to the South Branch River and water would not run off into the adjoining properties or onto Route 513.

Mr. Dhein asked for clarification regarding the height of the crawl space under the building. Mr. Nusser said it was 5 feet to the first floor of the building. There will be no mechanical systems located in the crawl space because it is used for water flow.

Mr. Wescoe asked a question regarding the affordable units. Mr. Nusser clarified the location of the affordable units. He then also asked Mr. Nusser if he was confident that the DEP will agree to the 231.5 elevation finished floor. Mr. Nusser stated that he was very confident because they are above what the minimum would be as a buffer.

Mr. Howell asked if the property up to the river's edge can be disturbed. Mr. Nusser said that 25 feet from the river's edge would not be disturbed with a structure, but planting vegetation and maintaining brush is fine. He said that the proposed building is 30-40 feet from the river's edge.

Mr. Milne asked for clarification reading the property trade in the south east corner. Mr. Nusser explained that they have a transition area that he can take a buffer from one area and give to another area, but it has to be a part of the same complex. Mr. Nusser explained it is simply related to what area of land is disturbed and counter balancing the disturbance of the wetlands.

Mr. Howell asked Planner Darlene Green a question regarding the Mixed Use Corridor one. He asked what the goal of that zone was. Mrs. Green replied that the goal was to give options for the homeowners.

Mr. Howell asked if allowing a full residential use would be detriment to the zone. Mrs. Green replied that the Board voted in 2014 not to allow this. She stated that the Board needs to weigh the pro and cons. She feels that a benefit of this residential building would be the fact that the Borough will gain three deed restricted affordable units.

Mr. Milne commented that the acreage of the property is not compliant to the size of the proposed building and asked the applicant if the building could be made smaller. Mr. Fernandes stated that decreasing the size would eliminate the need for an elevator and not be economical. Mr. Milne stated that all residential, no commercial is not an issue for him, but he is concerned about the size of the parking lot and its effect on the setbacks.

Mr. Howell asked a question regarding whether the fire department was informed of the proposed 48 feet height of the building. Mr. Fernandes stated that he had informed them.

Public Comments: Mrs. Donna Rose, 79 West Main Street. She stated that she is thrilled that the land will be developed soon and is comfortable with what Mr. Fernandes has gone over with her. Her concern was her driveway and he has addressed it. She has lived in the house for 3 years and is happy that a residential building is being proposed. She stated she is not in favor of a commercial unit. She is not concerned with the height of the proposed building and is happy to have a new building being built.

Mr. Caldwell asked Darlene green if a car charging station would be recommended. She said she would not recommend it on this site plan due to the expense.

Mr. Caldwell also asked regarding solar panels. Mrs. Green responded that this is up to the applicant. Mr. Fernandes said he is against solar panels because of the subsidies that pay for it.

Motion to close the Public hearing: Giordano, Second: Howell. Voice vote: Eight ayes

After discussion with the professionals, the Board decided that they need time to deliberate. Mr. Caldwell suggested a straw poll to give the applicant a sense of if the Board is in favor of the concept of the site plan. He advised the Board and the applicant that the poll is not binding.

Straw poll regarding whether they feel the project feasible:

Conroy, aye; Giordano, aye; Milne, no, Howell, aye; Dhein, aye; Wescoe, aye; Mokway, no.

Motion to carry the proceeding so that no further notice is required: Milne, Second: Moskway
Voice vote: Eight ayes, motion passed.

7. 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. NONE

8. ADJOURNMENT: Motion to adjourn: Giordano: Second: Voice vote: Eight ayes, motion passes.

Next Meeting Date: December 11, 2018

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

Meeting Time: 7:30 P.M.