

REORGANIZATIONAL AND REGULAR MINUTES OF PLANNING BOARD/BOARD OF ADJUSTMENT OF HIGH BRIDGE BOROUGH

Meeting Date: January 7, 2019 - **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 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 and the Express times on December 20, 2018 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 2019 BOARD MEMBERS AND OATHS OF OFFICE

- a. Michele Lee-Mayor- Class I – term expiring 12/31/2022
- b. Coleen Conroy- Class II – Environmental Commission Liaison-term expiring 12/31/2021
- c. Tom Wescoe-Class IV- Term expiring 12/31/2021
- d. Pablo Delgado-ClassIV- Term expiring 12/31/2019
- e. Mike Darmstadt- Alternate #1- Term expiring 12/31/2020
- f. John Moskway-Alternate #2- Term expiring 12/31/2019

4. ROLL CALL:

Coleen Conroy, present; Pablo Delgado, present; William Giordano, present; Don Howell, present; Keith Milne, present; Tom Wescoe, present; Chris Zappa, present; Steve Dhein, present; Michele Lee, present.

There were four members of the public present including press. Also present were Board Attorney William Caldwell, Board Secretary, Barbara Kinsky and planning Board alternates Mike Darmstadt and John Moskway.

5. NOMINATIONS AND ELECTIONS:

a. Election of Chairperson

Motion to nominate Steve Dhein as Chairman and approve Resolution PB01-2019:

Motion: Howell, Second: Milne

Coleen Conroy, aye; Pablo Delgado, aye; William Giordano, aye; Don Howell, aye; Keith Milne, aye; Tom Wescoe, aye; Chris Zappa, aye; Steve Dhein, abstain; Michele Lee, aye.

Eight ayes, one abstention, motion passed.

Chairman now presiding.

b. Election of Vice-chairperson

Motion to nominate Don Howell as vice-chairman and approve Resolution PB02-2019:

Motion: Giordano, Second: Zappa

Coleen Conroy, aye; Pablo Delgado, aye; William Giordano, aye; Don Howell, abstain; Keith Milne, aye; Tom Wescoe, aye; Chris Zappa, aye; Steve Dhein, aye; Michele Lee, aye.

Eight ayes, one abstention, motion passed.

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 the Chairman and Board members at the public microphone.

NONE.

7. CONSENT AGENDA:

a. Resolution PB03-2019 – 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 PB04-2019: Selection of newspaper(s) for publications of legal notice-

The Express Times and Hunterdon Democrat be designated as the official newspapers.

c. Resolution PB05-2019: Selection of Board Secretary and Deputy Board Secretary

- Board Secretary, Barbara Kinsky
- Deputy Board Secretary, Adam Young

Motion to adopt **Resolutions PB03-2019 through PB05-2019:**

Motion: Giordano, Second: Howell

Coleen Conroy, aye; Pablo Delgado, aye; William Giordano, aye; Don Howell, aye; Keith Milne, aye; Tom Wescoe, aye; Chris Zappa, aye; Steve Dhein, aye; Michele Lee, aye.

Nine ayes, motion passed.

THIS CONCLUDES THE REORGANIZATION PORTION AND BEGINS THE REGULAR MEETING.

8. READING AND APPROVAL OF MINUTES: December 11, 2018

Motion to dispense with the reading of prior meetings minutes:

Motion: Milne, Second: Howell. Voice vote: All ayes, motion passed.

Motion to approve the December 11, 2018 meetings minutes:

Motion: Howell, Second: Milne. Voice vote: Seven ayes and Zappa and Giordano abstained.

Motion passed.

9. OLD BUSINESS: Motion to approve Planning Board Resolution PB06-2019, in Re: Application of Grace Florez, for Conditional Use approval for Block 24, Lot 22, Dennis Avenue: Giordano Second: Conroy.

Coleen Conroy, aye; William Giordano, aye; Keith Milne, aye; Tom Wescoe, aye; Chris Zappa, aye; Steve Dhein, aye; John Moskway, aye.

Seven ayes, motioned passed.

Board attorney Caldwell explained that only the members who voted in favor of the Final Approval are permitted to motion and vote for this Resolution.

Board of Adjustment Meeting Begins-Mayor Lee and Councilman Zappa depart.

10. Coleen Conroy, present; Pablo Delgado, absent ; William Giordano, present; Don Howell, present; Keith Milne, present; Tom Wescoe, present; ; Steve Dhein, present; John Moskway, present. There were three members of the public present including press. Board Attorney William Caldwell, Board Planner Darlene Green, Board Engineer Joseph Modzelewki and Planning Board Secretary were also present at this meeting.

11. NEW BUSINESS: 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: Seven ayes, Motion passed.

Mr. Rob Fernandes began his testimony with his explanation of the foregoing of the retail space. Mr. Fernandes stated that he has concerns with renting the retail space. He cited examples from the other two properties that he owns on Main Street in High Bridge. The first property he has owned for four years and has already had three different tenants turnover in the non-residential space. The second property is 20 Main Street, which he has owned for almost one and a half years and has already had two tenants in the retail space as well as a vacancy for about a year. He also explained the financial aspects of commercial space versus residential. He stated that

he is making less with the retail space. Mr. Fernandes gave the retail rental history of both of the other buildings that he owns in High Bridge and expressed the hardships of having vacant space and stated that maintaining renters for retail space has been challenging. Mr. Fernandes gave several reasons for not wanting to have retail/commercial space on the first floor of the proposed building. First he said he has spoken to many of the neighbors in the area and they seem to prefer residential. Another reason given was in regards to the vacant property across the street located at 100 West Main Street. He stated that based on the contamination levels on that property, he would think that having any residential units located on the first floor would be highly unlikely, and therefore first floor would be commercial or retail. He feels this would directly compete with his current property and possibly draw business away from him. Next Mr. Fernandes spoke to the fact that having retail/commercial space at 81 West Main Street could detract from businesses on Main Street in High Bridge. Finally Mr. Fernandes spoke to the fact that having commercial on the first floor would make having an elevator not financially feasible. Mr. Fernandes also opined regarding the draw that having an elevator in his proposed project would have to older tenants. He stated that this new proposed building will have High Bridge's first elevator and this will enable the building to be barrier free and allow for handicapped accessibility. Mr. Fernandes stated that if the variance is not granted he would clean up the property a bit and make it more presentable. He also stated that he had heard talk of possible zoning use changes in the future and he may just sit on the property and see what happens.

Members of the Board then offered comments and questions.

Keith Milne expressed that he does not take issue with the lack of commercial usage on the property.

Steve Dhein asked Mr. Fernandes about the County requiring a setback from the middle of the road for the Right of Way. This question will be directed to Mr. Nusser.

John Moskway questioned the reasons why the last business on 20 Main Street went out of business. He stated that he felt a main reason was lack of parking. Mr. Fernandes had an opinion regarding this issue, but Mr. Dhein redirected the comment to the topic at hand. Mr. Fernandes also restated his feeling that he does not want to detract from that because he is concerned about the future on Main Street.

Don Howell asked for a description of the layout if commercial was required in the proposed building. Mr. Fernandes stated that the property is problematic taking into account the flood plain with the river behind. If there was a commercial use it would affect parking and three affordable residential units would not be possible. The building would need to be closer to the street and having the proposed structure at the edge of the road would have a greater impact on the neighborhood. If the proposed building was set back on the property it would lessen the impact of the building. Mr. Howell then asked if there had ever been flooding onto route 513 in that area. Board members stated that they recalled that it had happened occasionally. Mr. Fernandes did not have specific knowledge of this happening but the flood plan he is proposing is two and half feet above the 100 year flood plan.

Mr. Moskway stated that the previous building was always occupied, including the commercial spaces. Mr. Fernandes did not dispute this point.

Mr. Milne stated that he had an issue regarding the set back of the parking lot. He stated that he does like the previous projects Mr. Fernandes has built. He would like to see the parking lot not go to the ends of the property as it is proposed to go. He asked Mr. Fernandes to make his building smaller because this would require fewer parking spaces. Mr. Fernandes responded that making his building smaller would make the elevator not financially possible. He stated that having an elevator is a draw for renters and feels it creates a positive economic impact to the community. Mr. Fernandes also stated that the impact of a smaller building would affect the number of affordable units in the building.

Coleen Conroy stated that having a building that was conducive to families and would be good for the schools; she stated that the schools are open and ready to educate the children.

Mr. Chris Nusser began his testimony by introducing the new drawing with updates as exhibit A-6. Mr. Nusser described the updated plan. The changes to the plan include the proposed fence and another change depicted was in reference to the runoff. Mr. Nusser explained that they are proposing an inlet to block and capture trash, instead of a pipe there is a six inch gap to catch trash. Mr. Nusser explained that the fencing that is being proposed is in lieu of the 50 foot buffer, and the proposed landscaping is still planned. Trees will also be planted in the parking lot. Mr. Nusser also addressed reasons for the height variance. He stated that due the building

having three stories having a 48foot roof maintains a more regular roofline and more aesthetically pleasing. He felt that due to the setback from the road this would blunt the impact of the building. Mr. Nusser also stated that because the rear of the property is set lower than the front, the building will not appear to be as tall if it was not set as far back. Mr Nusser also explained reasons for this property being suited to the proposed noncommercial use. He stated that residential use is already permitted in this zone, just not on the first floor. This lot had seven residential units on it previously. Mr. Nusser also stated that residential use is more reliable economically. He also stated that this lot is significantly larger and can accommodate the proposed building and feels it is too large for a single family home. He also feels that there wills substantial aesthetic improvement to the property. Mr. Nusser stated that the lot is on a county road which provided the access and there is a road that can handle the level of traffic that this building would produce. They will also be providing three affordable units and an elevator which would provide more barrier free living in High Bridge. Mr. Nusser also stated that this transitions nicely in the area where other residential buildings are present. Mr. Nusser addressed MLUL Purpose of the Act 40:55D-2 Letters E,G, I, and K. He feels that this project would satisfy those provisions. Mr. Nusser feels that there is no substantial detriment to the public good. By this he means that there is no nuisance to the neighborhood. He stated that there would be less noise, odors, traffic amd less impact on the neighbors because there is no commercial use. He also stated that this is a less intense use and felt it would cause no negative impact on the surrounding zone.

Mr. Nusser also addressed the issue of the County dedication of land as previously asked by Mr. Dhein. Mr. Nusser explained that prior to the last public hearing he had received a letter and had a conversation with the County engineer and discussed a compromise of a 33 foot right of way in place of the 40 foot they had requested. Mr. Nusser stated that although the County Engineer seemed to support this proposal, they have since received another letter that revised their previous approval. The County is still requesting a 40 foot Right of Way from center dedication, however, they are allowing the parking to remain within their Right of Way until such time that the county requires use of the right of way. Such use by the County may eliminate all parking within the Right of way without compensation to the owner. Mr Nusser stated that they will continue discussions with the County regarding this. He feels if the County has no proposed projects they should not be asking for this. Mr. Dhein expressed concerns regarding what impact this would actually have on the project. Mr. Bisogno answered that they plan to negotiate with the County, and have not agreed to their request to the dedication. Mr. Bisogno stated that they may give them an easement but they do not intend to remove their parking. They will push back on the County and they understand that any approval given by the Board is subject to approval by the County. Mr. Fernandes also added that they County had worked with them before and had been helpful with other projects in the past. Mr. Bisogno stated that the project would not be economically feasible if they do in fact require that right of way because then parking would not be possible. Mr. Bisogno stated that the project comes down to economics. At this time the applicant closed their testimony.

Public Comments:

Carl Nosenzo stated that he is a resident of High Bridge since 1958 and a business owner since 1963. Since the apartments in town have gone up his business is increased. He does not want empty stores and he would like to see apartments. He feels empty stores detract.

Coleen Conroy asked if the Right of way and set back had anything to do with a possible pedestrian walkway.

Tom Wescoe asked Darlene Green why the applicant didn't comply with the trees required in the parking area. Mrs. Green explained that the trees need to be dispersed within the parking area, but the applicant agreed to add a tree to mitigate the shortfall. Mr.WescOE also asked questions regarding the existing tree line and another tree that had to be removed. He wanted to know if these had been identified and if there were any replacement materials decided upon. Mr. Nusser answered that they were not identified but they will add any replacement trees and are not seeking any relief in this area. Mr.WescOE also inquired if the tree that would plant on the western side of the property would be deciduous or evergreen, Mr Fernandes stated that they could do either, Mr Wescoe also said that he likes the idea of a City Walkway to give residents a walkway to the bridge to get off of Route 513 to take a walk.

Keith Milne asked Darlene green how COAH would be affected if the building was reduced in size to 12 units. She explained that instead of 3 units it would be a fraction of 2.4 units. They would either make a payment in lieu or provide all three units. If they provided all three units she was sure the Board would hear that there would be some economic impact to the building.

Mr. Milne also asked a question regarding the parking lot and how snow removal would be done. Mr. Fernandes stated that they would remove the snow from the lot if needed.

Tom Wescoe also asked a question regarding the offsite COAH units. The offsite units are dedicated by the deed. Timing for offsite units will be figured out in the Final approval and they will have deed restrictions placed upon them.

Motion to close the Public Hearing for PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 &14: Giordano, Second: Howell.
Voice Vote: Seven ayes, Motion passed.

Motion to approve PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 &14 for a Use Variance: Milne, Second: Howell

At this time Mr. Bisogno addressed the Board with a few additional comments. He explained that they need to prove that there is no substantial detriment to the Borough. He stated that the current building is in a state of disrepair and a new building would be an improvement on the general overall vicinity. There is also no substantial detriment to the zone. The current zoning ordinance already permits residential units. They are simply not providing nonresidential units on the first floor. Mr. Bisogno submitted to the Board that he feels there is no substantial detriment as it pertains to zoning. In regards to the positive criteria he stated that from a practical point of view this comes down to economics. There will be affordable units, an elevator to assist elderly people; it's on a county road and it had prior residential units present there before. He feels they have proved that they have provided adequate reasons to allow this project to be approved.

Board Member Comments/votes:

Milne: AYE: feels all residential is fine, likes idea of elevator

Howell: AYE: feels because of flood line having the parking lot in the front is appropriate especially because of pollution.

Conroy: AYE: agrees with the setback for aesthetics, agrees with noncommercial use as not to draw away from Main Street, and likes the idea of drawing resident to High Bridge.

Giordano: AYE: agrees and wants to attract people to High Bridge, approves of flow through building because of flood line, agrees with noncommercial use and the property at 100 West Main will most likely be commercial, and does not want to compete with Main Street.

Dhein: AYE: feels it is not reasonable to require nonresidential use, it is not practical and he feels this idea is reasonable.

Moskway: AYE: asked Planner, Darlene Green if this would affect the change in Zoning Ordinance, Mrs. Green replied that it would be ok to grant relief, and there would be no harm to the Master Plan. After this information, he stated if the rest of the Board agrees he does not have a problem with it.

Wescoe: Aye: agrees with the setback and additional screen with current buildings will improve the property. He also says a city walk would greatly improve the property.

Seven ayes, motion Passed.

Motion to approve height variance of 48 feet: Howell, Second: Milne

Howell: AYE: stated that Ordinance exists because of safety for the ladder truck and since the Fire department said it was fine, he agrees.

Milne: AYE: agrees because of Fire Department and it will look better.

Conroy: AYE: Agrees because of Fire Department

Giordano: AYE: Agrees because of Fire Department

Dhein: AYE: Agrees because of Fire Department.

Moskway: Aye: agrees

Wescoe: AYE: agrees

Seven ayes, motion passed.

Motion to approve maximum front yard setback of 79.6 feet: Giordano; Second: Conroy

Conroy: AYE: agree because of environment and aesthetics.

Giordano: AYE: agrees with what Coleen Conroy said and for alignment with other buildings.

Milne: AYE: agrees because of location of parking lot.

Howell: AYE: agrees for alignment because of parking lot in the front and for transition to residential

Dhein: AYE: agrees for limiting pollution and looks good.

Moskway: AYE: agrees

Wescoe: AYE: agrees for all reasons, except if the County takes back land from parking he does not want the Borough held liable.

Seven ayes, Motion passed.

Motion to approve reduced 20 foot setback between trash facilities and single family zones. Giordano,
Second: Conroy.

Milne: NO: Expressed that if the parking lot was decreased in size the location of the trash facility would be mitigated. He would like the full twenty feet met.

Howell: AYE: Clarified the reasoning for having the trash facility at that location that it had to do with the barrier free entrance to the building. He agrees and does not see a more appropriate location.

Conroy: AYE: agreed neighbor happy, and the reasoning with the barrier free entrance.

Giordano: AYE: agrees with Coleen Conroy

Dhein: AYE: agrees with Mr. Howell and is taking into account the neighbor who is not having a problem with it.

Moskway: AYE: feels if the neighbor has no issue that is what matters.

Wescoe: AYE: agrees and with the addition of the fence and the plantings on the side of the building provide more than sufficient screening.

Six ayes, one no, motion passed.

Motion to approve a reduced set back lines from the parking lot to 5.6 feet to the East, 2.1 feet to the west and 10 feet from the front/north: Giordano Second: Conroy

Conroy: AYE: agrees that this is the right fit for this property and in order to do that the parking spaces are needed. Feels it is also aesthetically pleasing.

Giordano: AYE: agrees because there is no extra property and feels this is the only way to do it.

Milne: NO: Likes the architecture, and most things about the project except for the size of the building. He feels the rooms proposed in this building are not big enough. He feels fifteen units is too dense and the parking lot is too big, He would like units eliminated so that parking lot is made smaller. He would like the elevator to remain despite the smaller size, also wants more of a buffer.

Howell: AYE: Agrees with Mr. Milne regarding the parking lot, but feels it was mitigated by the drainage ditch and the existing vegetative plot on the western edge of the property, but the other side is where the neighbor is and if she is satisfied then he is ok with it.

Dhein: AYE: understands concerns with the size but says that is not the proposal and if the neighbor is fine that is important.

Moskway: AYE: agrees with Mr. Dhein and feel it is reasonable.

Wescoe: AYE: agrees with the parking lot because it is the required layout with the fifteen unit building.

Motion to approve relief from the 50 foot buffer from the residential use: Giordano, Second: Milne

Darlene green explained that this requirement should have been removed when the new MUC zoning was adopted but it was missed.

No discussion from Board. .

Conroy, aye; Giordano, aye; Moskway, aye; Howell, aye; Dhein, aye; Moskway, aye; Wescoe, aye.

Seven ayes, motion passed.

Motion to approve based on the agreed upon design waivers, all conditions of approval, payment of escrow fee, payment of taxes, all outside approvals, including the County, preconstruction conference, final amendments to the drawings if any, inspection fees, compliance with all the COAH requirements and compliance with all the information in the Letter from Darlene Green dated 11/7/2018 regarding off site affordable units: Milne, Second: Giordano

Conroy, aye, Giordano, aye; Milne, aye, Howell, aye; Dhein, aye; Moskway, aye; Wescoe; aye.

Seven ayes, motion passed.

Motion to approve for preliminary approval PB-app-01-2018. Riverview Village, 81 West Main Street, Block 30, Lots 13 &14: Howell, Second: Giordano

Voice vote: All ayes, motion passed.

12. It is the policy of the Planning Board that all public comments on an issue shall be limited to one (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 the Chairman and Board members at the public microphone.

NONE.

13. ADJOURNMENT: Motion to adjourn: Giordano, Second: Wescoe,
Voice vote: All ayes, motion passed.

Next Meeting Date: Regular meeting February 11, 2019

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

Meeting Time: 7:30 P.M.