

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

Meeting Date: February 11, 2019

Meeting Time: 7:30 P.M.

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

1. CALL TO ORDER:

This is 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 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.

3. ROLL CALL:

Coleen Conroy, absent; Pablo Delgado, absent; William Giordano, present, Don Howell, present; Keith Milne, present; Tom Wescoe, present, Steve Dhein, present; John Moskway, present.

4. PUBLIC COMMENTS: It is the policy of the Planning Board/Board of Adjustment 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 the Chairman and Board members at the public microphone. **NONE**

5. READING AND APPROVAL OF MINUTES: January 7, 2019

Motion to dispense with the reading of the prior meetings minutes:

Motion: Moskway , Second: Milne Voice vote: Six ayes, motion passed.

Motion to approve the January 7, 2019 meeting minutes.

Motion: Moskway, Second: Giordano Voice Vote: Six ayes, motion passed.

6. NEW BUSINESS: Motion to approve the Planning Board Resolution PB07-2019, in Re: Application of Riverview Village, 81 West Main Street, for C and D Variances and Design waivers for Block 30, Lots 13 & 14:

Motion: Giordano Second: Howell- NO VOTE TAKEN

Discussion: The Board discussed the February 7, 2019 letter from the Hunterdon County Planning Board and the impact it has on the Right of Way for this application. The accepted new Right of Way from the County Planning Board is "measured 33feet from the centerline of County Route 513, an adjoining utility easement of 7 feet wide along the entire frontage of the County road and sight easements measuring 30 feet by 100 feet on each side of the proposed driveway." The Board also discussed that they want to the relief granted specifically outlined in the Resolution. The Board also asked for clarification regarding the language "Approval not to Construct."

Motion to table the Planning Board Resolution PB07-2019, in Re: Application of Riverview Village, 81 West Main Street, for C and D Variances and Design waivers for Block 30, Lots 13 & 14 until the March 18, 2019 meeting. Giordano Second: Howell

Coleen Conroy, absent; Pablo Delgado, absent; William Giordano, aye; Don Howell, aye; Keith Milne, aye; Tom Wescoe, aye; Steve Dhein, aye; John Moskway, aye. Six ayes, motion passed.

7. PUBLIC COMMENTS: : It is the policy of the Planning Board/Board of Adjustment 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**

8. ADJOURNMENT: Motion to adjourn: Moskway; Second: Giordano Voice vote: Six ayes, motion passed.

Next Meeting date: March 18, 2019

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

Meeting Time: 7:30 P.M.

2017 PLANNING BOARD/BOARD OF ADJUSTMENT ANNUAL REPORT

<u>APPLICATION #</u> <u>APPLICANT/ ADDRESS</u> <u>BLOCK/LOT</u>	<u>DESCRIPTION</u>	<u>STATUS</u>
PB App-01-2017 11 New Street High Bridge, NJ 08829 Jonathan and Rachel Roznowski Block 4.04/53.02	Applicant seeks Preliminary and Final site plan approval to construct a 20' X 20' detached garage.	This application was approved for Completeness on March 20, 2017.
PB App-02-2017 Dennis Avenue High Bridge, NJ 08829 Grace Florez Block 24 Lot 22	Applicant seeks Preliminary and Final Site Plan approval for construction of a duplex style 2 family dwelling containing 3 bedrooms in each unit.	This application was approved for Completeness on November 13, 2017

2018 PLANNING BOARD/BOARD OF ADJUSTMENT ANNUAL REPORT

<u>APPLICATION #</u> <u>APPLICANT / ADDRESS</u> <u>BLOCK/LOT</u>	<u>DESCRIPTION</u>	<u>STATUS</u>
PB App-01-2018 81 West Main Street High Bridge, NJ 08829 Riverview Village, LLC Block 30 Lots 13 + 14	Applicant seeks Preliminary and Final site plan approval to construct a 15 unit apartment building with an elevator.	This application was approved for Completeness on November 13, 2018
PB App-02-2017 Dennis Avenue High Bridge, NJ 08829 Grace Florez Block 24 Lot 22	Applicant seeks Preliminary and Final Site Plan approval for construction of a duplex style 2 family dwelling containing 3 bedrooms in each unit.	This application was approved for Preliminary approval on February 26, 2018. This application was slo0 approved for Final approval on October 9, 2018 pending the recording of the deed restriction with the county.

IN RE APPLICATION OF FERNANDES FOR N.J.S.A. 40:55D-70(c)
AND 70(d) VARIANCES, DESIGN WAIVERS AND SITE PLAN FOR
81 WEST MAIN STREET, BLOCK 30, LOTS 13 AND 14.

WHEREAS, the applicant originally applied for preliminary
and final site plan approval and conditional use variance relief
under N.J.S.A. 40:55D-70(3) and design waivers; and

WHEREAS, the Board originally took jurisdiction based on
the applicant's representation that this was the appropriate
form of relief; and

WHEREAS, during the course of the hearing it was determined
that the applicant needed relief for a use not otherwise
permitted in the zone under N.J.S.A. 40:55D-70(d)(1) due to the
fact that the permitted use required commercial on the first
floor as opposed to the applicant's proposal to create a fully
residential structure and for a height variance under
N.J.S.A.40:55D-70(d)(6) for a building height of 48 feet; and

WHEREAS, the applicant supplemented its previous testimony
given on November 13, 2018 and January 7, 2019, in the course of
its revised notice for relief; and

WHEREAS, the testimony of the applicant and its
professional witnesses and argument of counsel are set forth
below; and

WHEREAS, the Board, based on the testimony, review of
documents and in consideration of the Ordinances of the Borough

of High Bridge, make the following findings of fact and conclusions of law as set forth below; and

WHEREAS, the motion to grant N.J.S.A.40:55D-70d(1) relief was made by Milne and, seconded by Howell, subject to various terms and conditions as more particularly set forth below; and

WHEREAS, on motion of Howell, seconded by Milne the Board approved a N.J.S.A. 40:55D-70(d)(6) height variance for a structure forty-eight (48') feet tall subject to the conditions set forth below; and

WHEREAS, on motion of Giordano, seconded by Conroy, the Board approved a N.J.S.A. 40:55D-70(c) variance to provide for a maximum front yard setback of 79.6 feet, subject to the conditions set forth below; and

WHEREAS, on motion of Giordano, seconded by Conroy the Board approved a N.J.S.A. 40:55D-70(c) variance for a reduced twenty foot setback between the trash facilities and the single family zone lying easterly of the tract, subject to the conditions set forth below; and

WHEREAS, on motion of Giordano, seconded by Milne the Board approved a N.J.S.A. 40:55D-70(c) variance from the 50 foot buffer requirement from the adjoining residential use, subject to the conditions set forth below; and

WHEREAS, on motion of Milne, seconded by Giordano the Board approved preliminary site plan with design waivers and

deviations from ordinance standards based on all the applicant's agreement to all conditions of approval, payment of escrow fees, payment of taxes, all outside approvals, pre-construction conference, final amendments to the drawings, if any, inspection fees, compliance with all the COAH requirements and compliance with the review letter from the Board's Planner, Darlene Green dated 11/07/2018 regarding off-site affordable units and the Board Engineer's letter of November 8, 2018; and

WHEREAS, on motion of Howell, seconded by Giordano, the Board approved the application for preliminary site plan approval and (d) (1) use variance and (d) (6) height variance relief along with (c) bulk variance relief and design waiver relief; and

WHEREAS, all of the terms and conditions set forth herein are an integral part of the approval, such that all of the forms of relief operate together and cannot be separately approved,

NOW, THEREFORE, BE IT RESOLVED on the basis of the motions as separately enumerated above that the application be and the same is hereby approved.

CONDITIONS

1. The Applicant will comply with Comments 7, 8, 9 10, 11, 12, 13, 15, 16, 17 of Board Planner Green's review letter dated November 1, 2018 as supervised by the Planner.

2. The Applicant will add one shade tree to the northwest of the building in close proximity to the parking lot.

3. The Applicant will comply with the Borough's tree replacement ordinance.

4. The Applicant will remove snow off-site when on-site snow storage is exceeded.

5. The applicant will comply with conditions set forth in Board Engineer's letter as supervised by the Engineer.

6. The site has a three-unit affordable housing obligation. The obligation will be satisfied as follows:

a. One one-bedroom low-income unit shall be located on Block 30, Lots 13 and 14.

b. One two-bedroom very-low income unit shall be located at 20 Main Street.

c. One two-bedroom moderate-income unit shall be located at 20 Main Street.

7. Prior to the issuance of any Certificate of Occupancy, a deed restriction shall be recorded in a format that has been approved by the Borough Attorney and Planner.

8. Affirmative marketing for the affordable units shall commence at least 120 days before any Certificate of Occupancy is issued.

9. The developer shall retain the Borough's Administrative Agent and pay said consultant's fees related to the three required affordable units.

10. The Applicant has received a request from Hunterdon County for a 40 foot wide right-of-way. The Applicant offered a 33 foot right-of-way. The County has conditionally approved the reduced right-of-way. The applicant shall comply with all conditions imposed by the County Engineer's Office. If approval from the County Engineer results in loss of parking then the applicant must return to the Board for further proceedings.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The property in question is located in the Mixed-Use Corridor Zone. The Applicant proposes a three-story 15 unit apartment building. The property is located on County Route 513 on the south bound side. The property is in a state of disrepair having suffered a fire which resulted in a partial destruction of the structure. The applicant is proposing demolishing the remainder of the structure and erecting a three story residential use with parking in the front.

The property is bounded on the east by an existing single family residence that is located fairly close to Route 513. The property is bounded on the westerly side by the Municipal Complex which includes the Rescue Squad, the Police Department and serves as the location for municipal meetings. Other uses

further to the west of the Municipal Building are for the most part residential. Diagonally across Route 513 from the property is the long abandoned Exact Tool industrial site. The other uses on the north side of the road are generally more commercial in nature. The Borough has designated the Exact Tool industrial site as an area in need of redevelopment. The proposed uses in the redevelopment area are anticipated to be commercial in nature with a residential component.

The applicant has a history of previous projects in the Borough which have proven to be an enhancement to the areas where those projects have been built. The applicant did explain, however, that those projects which required commercial on the first floor and residential on the upper stories have had a mixed history in retaining commercial tenants. It was the applicant's position that requiring commercial on the first floor to satisfy conditional use as zoned would render the project uneconomical. The applicant also indicated that the proposed redevelopment plan across the street would provide more than sufficient commercial use for the future residents of his project such that they would not be isolated from the types of support services that are now evident at the center of the Town.

The applicant also indicated that the current market for the residents would include persons who would appreciate having an elevator. The applicant further explained that the economics

of the project required a certain number of residential units in order to support the cost of installing an elevator as a three story residential building would be the first such elevatored building in the Borough. Due to the fact that the property is bounded in the rear by the river, certain particular circumstances impact the design of the site. Due to flood considerations, the placement of parking must be between the building and the street. Although the building will be placed toward the rear of the property, its design would allow for surface flooding to be accommodated through the inclusion of flood gates located under the building's living space.

The design of the site also requires that the solid waste disposal facility be located on the easterly side of the tract nearest the existing residential use. In order to mitigate the impact of the location of the solid wastes disposal special screening will be provided. It should be noted, however, that the design of the site prevents the installation of the ordinance required buffering. It will also result in the reduced setback requirements for the parking.

The applicant's engineer and planner who is qualified in both professions testified that the variances requested would promote the purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2(e), (g), (i) and (k). He also offered the opinion that the site was especially suited for the proposed

use. He also offered the opinion that the variances were reasonably necessary to accommodate the limitations of the site and that there would be no substantial detriment to the public.

The witness acknowledged that the County Engineer had proposed a right-of-way with dedication that would potentially impact the proposed development. The witness indicated that the applicant understood that he was proceeding at his own risk in the event that the County would not agree to the applicant's proposed reduction in right-of-way dedication. The witness indicated that in his opinion it was extremely unlikely that the County would in a foreseeable future seek to widen the County road due to the number of uses on both sides of the road that are minimally setback from the existing cart way.

During the course of the testimony, the applicant either for himself or through his experts agreed to make certain modifications to the site involving tree planting and other improvements as requested by the Board's Planner and Engineer. Of particular import, however, was the provision of the low and moderate income housing requirement that would normally be associated with the site. The applicant is proposing a special agreement with the Borough that would allow the creation of the additional low and moderate units in other structures that the applicant controls.

In assessing the testimony of the applicant and his professional witnesses the Board found such testimony to be credible. Testimony from members of the public was supportive, especially from the adjoining residential neighbor who clearly stated that she understood the potential ramifications of having a 48 foot tall building situated next to her lot. The neighbor also indicated that she was satisfied with the proposals for mitigating the impact of the solid waste disposal. Her primary concern was vehicle access from the two adjoining sites. The testimony indicated that there was sufficient site distance for persons who might be existing either the site in question or the adjoining residential property as the traffic approaching from either the east or the west is subject to a forty mile per hour speed limit. Accordingly, the Board finds that the statutory criteria of N.J.S.A. 40:55D-70(d)(1) and N.J.S.A. 40:55D-70(c) are satisfied.

Every variance by its nature is a deviation from the zone plan and can be expected to cause some impact to the neighbor and the underlying zoning. For the use variance, the test, however, is whether or not such impact substantially impairs the neighborhood scheme and zone plan. For the C-variances the test is whether the benefits outweigh the detriments.

Although the Board is cognizant of the fact that the governing body has designated this property for a particular

use, finds that in this particular instance there exist sufficient special reasons to deviate from the zone plan. In order to assure that the impacts are minimized the applicant must comply with the terms and conditions of the review letters of the Board Planner and Engineer. The conditions set forth in those letters are incorporated by reference and made part of the approval. The conditions set forth the Whereas clauses of this memorializing Resolution are adopted and shall be imposed upon the applicant. No Certificate of Occupancy shall issue unless and until the project has been built in strict conformance of with the plans set forth herein as well as the satisfaction of all outside approving agencies.

The applicant shall strictly adhere to the low/moderate income housing unit requirements as may be further supervised by the Board Planner. As the provision of low/moderate income housing is an essential component of the rationale for relief granted here failure to comply shall render this approval null and void in which event the Borough may, in its discretion, rescind any or all Certificates of Occupancy previously granted.