

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

Meeting Date: September 16, 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, 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.

Planning Board member Tom Wescoe entered at 7:35pm. Also present were two members of the public including press, Planning Board attorney William Caldwell and Planning Board Secretary, Barbara Kinsky.

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: June 17, 2019

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

Motion: Zappa Second: Giordano Voice vote: Nine ayes and Chairman Dhein abstained. Motion carried.

Motion to approve the June 17, 2019 meeting minutes.

Motion: Zappa, Second: Giordano Voice Vote: Nine ayes and Chairman Dhein abstained. Motion carried.

6. NEW BUSINESS:

A. Review and recommendation of the capital improvement projects outlined in the memo from the Board Planner, Darlene Green.

Motion to approve Resolution PB07-2019 with a determination that the Borough's action is consistent with the Transportation Plan as indicated. Zappa, 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 carried.

Discussion: Chairman Dhein explained to the Board that capital projects that are referenced in the Master Plan need to be reviewed by the Board. He also explained that due to the fact that Streetscape also involves State and Federal monies that this project is also being reviewed by the Board. Mr. Milne ask if the project was already done on Washington and if this review is after the fact. Mr. Dhein explained that yes it is after the fact, but we were not aware that this needed to be done and now that we are we will checking on future capital projects. Mayor Lee asked if the next phase of Washington Avenue will need to be brought to the Board. Chairman Dhein confirmed that it would. Councilman Zappa explained that the job is being done in phases due to grant monies.

B. A review of Ordinance #2019-029 for consistency with the Master Plan.

Discussion: Chairman Dhein expressed his concern and dissatisfaction regarding not being notified about this Ordinance until the day of the meeting. He stated that in the future he will advise the Board not to act on material when received so late.

Councilman Zappa explained the events that led up to the creation of this ordinance, in short that a homeowner on Mine Road whose lot is less than half the size compared to other lots in the R-2 zone. This homeowner came to a Council meeting and spoke to Council regarding wanting to put an addition on the back of his house where there is plenty of space to build. Because of his lot size he does not meet the zoning requirements. Mr. Howell expressed concerns as to how the Ordinance is written, and he stated that as it is written it would allow the homeowner to encroach even further past set back lines. Mr. Milne inquired as to why an ordinance was written for a single resident and Councilman Zappa explained

that this is not the case, it simply has brought to light an issue that already affects many residents in the Borough. Mayor Lee explained that the forming of this Ordinance was based on similar Ordinances used in other towns. Mr. Milne stated that his understanding of the ordinance was that it would avoid the need for a homeowner to get a variance and save money. Mr. Zappa explained that this would give relief to homeowners whose lots became non-conforming after the last zoning laws were passed. Mr. Howell expressed his concern that this Ordinance would make each lot custom fit and have different requirement. Mayor Lee reminded the board that a zoning permit would still be required, and would not open the door for every house that was built before 1980 to do whatever they want. Concerns were also expressed regarding how this would not allow the Board to weigh in on such issues. The Board also expressed concerns regarding the large number of non-conforming houses in the Borough and how this Ordinance would affect them. A discussion ensued regarding the possible effects on those non-conforming lots. The Board also discussed what a non-conforming lot entails. Mr. Delgado expressed his concerns regarding how complicated the variance process is and how an Ordinance could help simplify issues for homeowners.. The Board attorney, Mr. Caldwell, was asked by the Board to review the variance process. Mr. Caldwell also explained to the Board what their role is in regards to the Master Plan, and what consistency with the Master Plan means.

Motion to accept Ordinance #2019-029 as being consistent with the Master Plan: Motion; Giordano Second: Zappa
After discussion the Board declined to vote.

Motion to table the above motion and ask Council to defer the 2nd reading until after the Board can review it: Zappa
Second: Giordano. Nine ayes, motion carried.

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.

7. VISITOR:

A. Introduction of new Borough Engineer, John Ruschke.

Chairman Dhein explained that Mr. Modzelewski did sign the service agreement at the beginning of the year which means that we do have a contract with Mott Mac and therefore Mr. Ruschke will now be our Planning Board engineer.

Mr. Ruschke introduced himself to the Board and gave a brief overview of his experience and credentials.

8. 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

9. ADJOURNMENT: Motion to adjourn: Milne; Second: Howell Voice vote: Nine ayes, Motion carried.

Next Meeting date: November 18, 2019

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

Meeting Time: 7:30 P.M.

Introduction
Publication (summary)
Planning Board
Adoption
Publication (Title)

ORDINANCE 2019-038

**BOROUGH OF HIGH BRIDGE
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

Amend Land Use Ordinance for Nonconforming Lots

WHEREAS, the Land Use Ordinance has certain provisions regarding nonconforming buildings, structures, uses and lots, and the Borough wishes to clarify the treatment of certain nonconforming lots.

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:

1. Chapter 145 of the Code of the Borough of High Bridge, “Land Use and Development” (2005), Section 305 entitled “Nonconforming buildings, structures, uses and lots,” is hereby amended and supplemented so that Section 145-305(I) shall now provide as follows:

I. Nonconforming lots

- (1) Whenever any nonconforming lot which legally existed as of December 23, 2004 is smaller than the minimum lot size currently required in the subject zoning district for the proposed use, and such lot is at least one-half the minimum lot size currently required in its subject zoning district, the Zoning Officer shall issue zoning permits and the Construction Official shall issue construction permits for said lot and no variance shall be required for the substandard lot area, provided that the lot width is the size which was allowed by the approving authority at the time the lot was created, the yard setbacks are in line with the setbacks of existing structures on the lot, and no other variances are required. In no event shall a non-conforming structure be enlarged in any manner that would either create a new or additional noncompliance with any bulk regulations or increase the degree of noncompliance with respect to any bulk regulations.
- (2) Whenever the owner of a lot existing at the time of adoption of this chapter has dedicated or conveyed land to the Borough, County or State in

order to meet the minimum street width requirements of this chapter, and the area or depth of the lot has been rendered substandard only by virtue of such dedication or conveyance, and the owner has no other adjacent lands with which to satisfy the lot area or lot depth requirements of the zone in which the lot is located, the Zoning Officer shall issue zoning permits and the Construction Official shall issue construction permits and certificates of occupancy for said lot as if these requirements were met, and no variance shall be required for the substandard lot area and/or lot depth, as applicable.

2 All other Ordinances or parts of Ordinances inconsistent herewith are hereby amended only as to such inconsistency.

3. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

4. This Ordinance shall take effect upon final passage and publication in accordance with the law, and upon filing a certified copy thereof with the Hunterdon County Planning Board.

Michele Lee, Mayor

ATTEST:

Adam Young, Municipal Clerk