

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

**Meeting Date:** October 19, 2020

**Meeting Time:** 7:30 P.M.

**Meeting Location:** Zoom online Planning Board meeting

**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 on October 15, 2020 and the Express Times on October 8, 2020 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; John Musnuff, present; Tom Wescoe, present; Steve Dhein, present.

Also present were Board Attorney Caldwell, Board Engineer Ruschke, Board Planner Dickerson and Board Secretary Barbara Kinsky. No members of the public were 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:** September 28, 2020

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

Motion: Musnuff Second: Giordano Voice vote: Seven ayes, Motion passed.

Motion to approve the September 28, 2020 meeting minutes.

Motion: Musnuff, Second: Giordano\_ Voice Vote: Six ayes, Abstention by Howell, motion passed.

**6. NEW BUSINESS:**

**a.** Resolution PB-09-2020 approval of PB-app-02-2019, Block 19.02, Lot 81, 71 Main Street. Owner: Benjamin Yu.

Motion to approve Resolution PB-09-2020: Musnuff Second: Giordano

Coleen Conroy, aye; Pablo Delgado, aye; William Giordano, aye, Don Howell, abstain; John Musnuff, aye; Tom Wescoe, aye, Steve Dhein, aye .

**b.** Public Hearing for PBapp-02-2020: 145 West Main Street, Block 30, Lot 1. Owner/applicant: Michael Ohl.

Motion to open Public hearing of Public Hearing of PB-app-02-2020: Musnuff Second: Howell Voice Vote: seven ayes, motion passed.

Attorney Caldwell swore in the applicant, Michael Ohl and Planner Christopher Nusser. Because Mr. Nusser has previously testified before the Board the reading of his credentials was waived.

Motion to accept Mr. Nusser as an expert planner: Musnuff, Second: Giordano. Voice voter: seven ayes, motion passed.

Mr. Nusser shared the submitted plans and entered them as exhibit A-1 into the record. Mr. Nusser stated that the property Block 30, lot 1 is just shy of 15,000 square feet. It is located right along the border of Clinton Township. The property itself is really 2 blocks and lots. The applicant's residence is in Clinton Township on Block 65, lot 1, and there is also another small parcel, Block 65, lot 15 that is also owned by Mr. Ohl, the applicant. Mr. Nusser described the applicant's proposal which is to construct a 2,100 square foot garage. The principal use of the proposed building would be an accessory garage to the single-family dwelling that is on the adjoining lot located in Clinton Township. This use is not a permitted use in the MUC zone where this property is located. The property also has some regulated features. There are some wetlands located along the rear property line with a wetland ditch that has no buffer going up to a headwall that discharges run off from the county road. The proposed improvements are located outside all the wetland buffers. The property is also located in the flood hazard area of the South Branch which is located further back on the property such that there are no riparian buffers because it is within the flood plain. Mr. Nusser stated that he has received the permit from the DEP. The Board Secretary confirmed receiving this document and stated that she distributed a digital copy to the Board members. Mr. Nusser explained that there used to be a one

family dwelling on this property and that the only remaining building is a shed that is located to the rear of the property. Mr. Ohl's other properties are located to the South of this parcel. Mr. Nusser described the other lots on the same side of Mr. Ohl's property on West Main Street. He stated that most of the dwellings on the East side of West Main Street are single family dwellings. He informed the Board that the dwelling that previously existed on the property was a single-family dwelling. Mr. Nusser stated that from an engineering perspective the project is straight forward. He said that it meets all of the bulk standards and there is some grading associated with the garage in order to facilitate that the water gets to the rear of the lot so it can drain towards the river. There will also be an addition of gravel towards the front of the garage to provide access to the driveway.

Mr. Nusser explained that the application is a D-1 use variance because the garage is not a permitted use in the MUC zone. He spoke to the suitability of the property as it related to the proposed use. Mr. Nusser stated that the fact that the properties are contiguously owned by Mr. Ohl is advantageous. The property is split between the two municipalities and is split zoned as a result. The zoning in Clinton Township side is SR (suburban residential) which is a single-family residential zone. Mr. Nusser stated that the use on the east side of West Main that is located in High Bridge is also predominantly residential. Mr. Nusser explained that this property has several constraints associated with it. It is deficient with respect to lot frontage. The lot is substandard of the required 65 feet, as it is only 58.92 feet. The property is also in a flood plain which affects most of the lot. This in turn will affect the developability of the property for a conforming use. Mr. Nusser stated that the application advances the purposes of the MLUL 40:55D-2 letter G in that it provides sufficient space and an appropriate location for a variety of uses and allows for an accessory residential garage to be constructed. Mr. Nusser stated that they did explore the possibility of keeping the garage in Clinton Township on the same lot at the house. However, due to the flood plain and wetland restrictions this was not a possible option. Mr. Nusser referred to purpose H in the MLUL 40:55D-2 and stated that no additional traffic over what an approved use would utilize would result from the garage construction. Mr. Nusser then spoke to the negative criteria. He opined that no negative impact on neighboring properties or surrounding uses would result from the construction of an accessory garage. He explained that Mr. Ohl is renting garage space elsewhere to store his collection of classic cars. Mr. Nusser stated that an accessory garage would not generate noise, dust, or traffic in excess of what a permitted use would generate. Overall, he feels this is a less intense use than what is permitted. He stated that it will look consistent with the surrounding properties. At this point Mr. Nusser asked for questions before referencing the letters from the Board's professionals.

Chairman Dhein asked what direction the door of the garage would be facing. Mr. Nusser replied that it would be on the south side of the building facing Mr. Ohl's dwelling. He also explained that the driveway would be a gravel area.

Board Member Howell asked about the elevation of the building and Mr. Nusser asked that Mr. Ohl give a description of the proposed building. Mr. Ohl explained that the building would be a Morton steel building. He described it as a pole barn with one story and a cement floor.

Board Engineer Ruschke inquired if other rooms would be constructed within the garage. Mr. Ohl explained that there would be an office and a bathroom, no kitchen, or other rooms. He plans to use the existing sewer and water connections that he has been paying for from the demolished dwelling that was on the property before he purchased the lot.

At this point Mr. Nusser addressed the Mott MacDonald technical review letter dated May 28, 2020 from Board Engineer Ruschke. Mr. Nusser explained that the NJDEP flood hazard area permit has been issued and that they are awaiting the finalized copy. He also stated that the flood venting is shown on the plans. Regarding the concrete walkway, Mr. Nusser replied that the walkway will remain as it provides access to the shed. Gravel will be put in the area beyond the walkway. Next Mr. Nusser stated that they have not yet applied for a Soil erosion permit and will do so as a condition of approval. Mr. Nusser stated that since there is no road opening needed he would apply for an exemption for the County Planning Board.

Board Engineer Ruschke referred to the first point in his technical review regarding the plans verifying conformance with Borough code. Mr. Nusser stated that they intend to comply with code the only exception might be that the finish floor and base flood elevation. Because the structure will be a garage and not a dwelling the finish floor will not be 2 feet above the base flood elevation and will be slightly in the flood plain. This is the reason that flood vents are being installed. Mr. Ruschke confirmed that because it is an accessory structure and not a dwelling and this would be permitted. Mr. Ruschke asked if there was going to be any net fill and Mr. Nusser replied that there would not be any net fill with the development of the property. Next Mr. Ruschke inquired if Mr. Nusser had made any provisions that consider the fact that the 100-year flood plain will be 18 inches above the finish floor elevation of the garage. Mr. Nusser replied that no extensive provisions were being made. If there was to be a large event Mr. Ohl understands that he would need to relocate his classic cars. As to the storage of hazardous materials, Mr. Ohl would use best practice and store the materials on a shelf and off the floor.

Mr. Ruschke asked if any consideration was given to join the lots. Mr. Nusser explained that he is not sure of the title but believes that the 2 Clinton Township lots had been joined but were split because of tax purposes. Mr. Nusser stated that keeping the High Bridge lot separate allows for potential change in the future should the owner want to do so. He acknowledged that a change of use in the future would mean another application to this Board.

Board Member Musnuff asked for clarity regarding how the garage would be an accessory building if it is on its own lot. Mr. Nusser explained that it would be the principle building on this lot. It will not be a commercial garage, but an accessory garage to the house on the lot next to it. The garage will be used to personal storage by the applicant, not an active commercial repair garage.

Chairman Dhein asked Attorney Caldwell if approval could be limited to personal use only. Mr. Caldwell affirmed that this could be a condition of approval.

Board Member Howell inquired since the lot with the residence is on a separate lot than the lot with the garage how would the use be affected if one of the lots was sold. Mr. Caldwell replied and explained that the lot with the garage could remain as an accessory structure to a residence. If it was sold separately and the owner wanted to have a commercial garage on the lot, then the garage might have to be demolished. Mr. Howell expressed concerns regarding the implications of the lots remaining separate yet tied together through this use variance. He felt this would make it difficult to sell them independently of each other. Mr. Caldwell explained that the Borough cannot directly prohibit the applicant from reselling the property independently. All we can do is tie his hands through the conditions of approval and make the sale unpalatable. Mr. Caldwell also explained that another option would be for the Borough and Clinton township to enter a tax treaty and transfer the land to Clinton Township so that the lots could be joined. Mr. Caldwell stated that he is also unsure as to how High Bridge will assess the structure, because from a tax point of view that is a principal structure on the lot.

Mr. Howell asked Mr. Ohl to describe the building including any plans for exterior lighting. Mr. Ohl said it would look like a barn and a garage and that lighting would be limited to over the doors. All siding and roof would be steel.

Mr. Musnuff inquired about the height of the building and if the building would be heated. Mr. Nusser said that the building will be 15-18 feet including the roof. Mr. Ohl affirmed that the building would be heated.

Mr. Suozzo asked if the Board engineer was satisfied with the DEP's non habitational conditions being met. Board engineer Ruschke answered that he was satisfied and that the DEP does scrutinized the plans.

Mr. Nusser then went through the June 5, 2020 Maser letter. First, he listed the variances and the preexisting non-conforming conditions as written in the letter from Maser. Planner Nick Dickerson asked Mr. Nusser to elaborate on what changes have occurred in the community since the adoption of the Zoning Ordinance and the Master plan that would justify approval of this application. Mr. Nusser replied that the zone where this property is located has been recently modified. He stated that the recent development of the multi residential building at 81 West Main Street as well as the existence of several single-family homes already present in this zone are not negatively impacted by the construction of an accessory structure. He also stated that with respect to the current global situation, the need for commercial building is not an economically viable option. Mr. Nusser also went over the general comment section in the Maser letter. He stated that his testimony answered item number one. Item two in the Maser letter had to deal with the proof of ownership of one of the lots. Mr. Nusser explained that this was a recording error, and all has been updated and the records reflect Mr. Ohl is the owner of the lot in question. Mr. Nusser stated that his testimony regarding the size of the garage confirmed that this would be solely for residential use. Mr. Nusser stated that item four was an issue on the plan. They had thought the minimum lot size in the zone was 25,000 square feet when it is 15,000 square feet. Therefore, this lot is conforming to size. Item number 5 questions the height of the garage. Mr. Nusser stated that he does not know the exact height, but it will be somewhere between 15-18 feet high. This is below the maximum 35 feet.

At this point Chairman Dhein questioned whether Mr. Ohl would be able to add a second story after approval. Attorney Caldwell stated that the approval will limit the structure to what has been presented with out any further additions.

Item number six asked for testimony regarding building materials and colors. Mr Ohl testified that the building will be a gray color with a darker gray roof. Item number seven asked that the plans reflect the dimensions of the stone driveway and Mr. Nusser agreed to update the plans. Finally, item number eight encouraged an appearance of a rural village and natural scenic qualities. Mr. Nusser stated that although Mr. Ohl may plant trees, this is not a site plan as it is a residential use variance, and there the Board cannot require planting as a condition of approval.

Chairman Dhein asked the Board if they had any questions. Board Member Musnuff asked a question regarding the first page of the submitted plans. It stated on page one of the plans that the impervious coverage is 35,000 square feet. This exceeds the property size and Mr. Nusser stated that it is a misprint and should be 4,907 square feet. They will update the plan.

Board Engineer Ruschke asked if Mr. Ohl was planning to use the lot for outside storage, and if he planned to have any cars parked outside the garage. Mr., Ohl stated if any cars were parked outside the garage, they would not be seen. Mr. Nusser also stated that Mr. Ohl would comply with any local ordinances that pertain to the parking of cars on a lot.

Mr. Nusser stated that he has completed his testimony.

Motion to close Public hearing of Public Hearing of PB-app-02-2019: Giordano Second: Musnuff Voice Vote: seven ayes, motion passed.

Motion to grant preliminary approval with the relief requested with the following conditions for PB-app-02-2020: Giordano, Second: Musnuff

- all proper permits required are submitted and checked by the Board Engineer.
- that this structure would be an accessory structure for the residential lot in Clinton Township, with no expansion vertically or horizontally.
- Limit the parking outside the garage to fully functional vehicles.
- Architect plans submitted and reviewed by the Board Engineer to be consistent with the Municipal code.
- An updated set of plans with all the typos corrected.
- Deed restriction recorded at the County regarding this being an accessory structure to the residence in Clinton Township.

Roll call:

Conroy: Aye, as long as conditions are met.

Delgado: Aye, use is reasonable considering the limitations developing the site

Giordano: Aye, as long as all conditions are met, and state that he is familiar with the look of the steel building being constructed.

Howell: No, without the architectural elevations he is unable to determine if the building fits in with the surrounding area, and having the two lots tethered with the variance could cause future negative impact that could outweigh any good that could come from the use variance.

Musnuff: Aye, shares Mr. Howells concerns, but feels there is limited utility and feels this is probably the best utility of this property.

Wescoe: Aye, but does feel there are many unanswered questions and feels that the conditions are important.

Dhein: Aye, has reservations and wants the plans, but is familiar with steel buildings.

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: Howell; Second: Musnuff Voice vote: Seven ayes, Motion passed.

**Next Meeting date:** November 16, 2020

**Meeting Location:** High Bridge Rescue Squad, 95 West Main Street, High Bridge, NJ 08829 or Zoom online meeting

**Meeting Time:** 7:30 P.M