

**RESOLUTION
BOROUGH OF HIGH BRIDGE
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
CONTRACTED PROFESSIONALS FOR THE YEAR 2021**

NUMBER: PB09-2021

ADOPTED: January 6, 2021

WHEREAS, on January 1, 2007, the “New Jersey Local Unit Pay-to-Play” Law, *N.J.S.A. 19:44A-20.5 et. seq.*, became effective; and

WHEREAS, the Borough of High Bridge has a need to award certain professional contracts for services required by the municipality in calendar year 2021; and

WHEREAS, the Pay-to-Play Law permits such services to be acquired through two processes, including the “non-fair and open” process as defined in *N.J.S.A. 19:44A-20.7* on those contracts where it is anticipated that the total cost will exceed \$17,500.00; and

WHEREAS, the public good and interest of the citizens of the Borough of High Bridge will best be served by the “non-fair and open” process to secure experienced professional services, rather than the “fair and open” process of awarding a contract to the lowest bidder; and

WHEREAS, the Borough C.F.O. has determined and certified in writing that the value of each of these professional services may, in the aggregate, exceed \$17,500.00; and

WHEREAS, each professional will be required to first complete and submit a Business Entity Disclosure Certification which will certify that the said professional consultant and their firm have not made any reportable contributions to a political or candidate committee in the previous one year, and that their contract will prohibit the said professional consultant and their firm from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of High Bridge, County of Hunterdon and in the State of New Jersey as follows:

1. The following 2021 professional contract shall be awarded under the “non-fair and open” process: Mason, Griffin & Pierson: Attorney Anthony Todaro
2. The said professionals, prior to securing such contract, shall execute and file with the Clerk of the municipality, a 2021 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8* and the CFO shall provide a Determination of Value to be placed on file with this Resolution.
3. Each Contract is awarded without competitive bidding and the Board and Borough Clerk are authorized to execute Contracts for these professional services.

Planning Board Secretary

Chairman

2020 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-02-2019 71 Main Street High Bridge, NJ 08829 Benjamin Yu Block 19.02 Lot 81	Applicant seeks approval for a variance application to have a 4-bedroom dwelling on the second and third floors and have an undersized apartment on the second floor in the rear of the building.	Completeness was approved on July 20, 2020. The public hearing was held on September 28, 2020, and the application was approved.
PB App-03-2019 38 Main Street High Bridge, NJ 08829 Jeffrey Angstadt Block 30 Lot 13 & 14	Applicant seeks approval for a D-1 use variance to open a chiropractic office on the first floor.	The public hearing was held on January 7, 2020, and the application was approved.
PB App-01-2020 78 Main Street High Bridge, NJ 08829 Pablo Delgado Block 7 Lot 5	Applicant seeks approval for a variance application to construct a driveway.	Completeness was approved on March 9, 2020. The public hearing was held on September 21, 2020, and the application was approved.
PB App-02-2020 145 West Main Street High Bridge, NJ 08829 Michael Ohl Block 30 Lot 1	Applicant seeks approval for a D-1 use variance to construct a garage on the lot.	Completeness was approved on July 20, 2020. The public hearing was held on October 19, 2020 and the application was approved.

2020 PLANNING BOARD/BOARD OF ADJUSTMENT ANNUAL REPORT

<p>PB App-03-2020 22-24 East Main Street High Bridge, NJ 08829 Drew Elsasser Block 22 Lot 45</p>	<p>Applicant seeks approval for a subdivision and C variances regarding setback lines.</p>	<p>Completeness was approved on December 21, 2020.</p>
<p>PB App 04-2020 95 & 97 Cregar Road High Bridge, NJ 08829 Maureen Hagen Block 19 Lots 16 & 18</p>	<p>Applicant seeks minor subdivision and C variances.</p>	<p>Completeness was approved on December 21, 2020.</p>
<p>PB App 05-2020 103 & 104 West Main Street High Bridge, NJ 08829 Karen Ihling Block 24 Lot 17</p>	<p>Applicant sees a Certificate of Nonconformity.</p>	<p>No action taken in 2020.</p>

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

NUMBER: PB10-2021

March 15, 2021

RE APPLICATION OF MICHAEL OHL, BLOCK 30, LOT 1.

WHEREAS, the applicant has applied for a N.J.S.A. 40:55D-70 (d) (1) variance to construct a garage on property located at 145 West Main Street; and

WHEREAS, on October 19, 2020 the Board received the testimony of Christopher Nusser, PP who was accepted as an expert in planning; and

WHEREAS, based on the testimony the Board makes the following findings of fact and conclusions of law:

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 two 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 in Clinton Township. Mr. Nusser described the applicant's proposal which is to construct a 2,100 square foot garage. The 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 principal 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.

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 associating 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 principal 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 Municipal Land Use Law, N.J.S.A. 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 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

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 for personal storage by the applicant, not an active commercial repair garage.

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 this 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.

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.

AND WHEREAS, the Board concludes from the testimony presented and the documentary evidence that the variance relief requested pursuant to N.J.S.A. 40:55D-70(d)1 is warranted,

NOW, THEREFORE, BE IT RESOLVED, on motion of Giordano, seconded by Musnuff, to grant preliminary approval with the relief requested with the following conditions for PB-app-02-2020:

- All proper permits required are submitted and checked by the Board Engineer.
- 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 shall be submitted and reviewed by the Board Engineer to be consistent with the Municipal code.
- An updated set of plans shall be submitted with all the typos corrected.
- A deed restriction shall be recorded at the County stating the garage is an accessory structure to the residence in

Clinton Township limited strictly to the plans as presented.

- Re-filing the Deed of Conveyance with a copy of the Memorializing Resolution.

Planning Board Secretary
Barbara Kinsky

Board Chairman
Steve Dhein