

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

Meeting Date: September 28, 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 and the Express Times on September 17, 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, absent; John Musnuff, present. Tom Wescoe, present; Steve Dhein, present. Board alternate Joseph Suozzo sat in for absent member Don Howell. Also present were Board Attorney William Caldwell, Board Engineer, Kevin Nollstadt, Board Planner Darlene Green and 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, no public present.

5. READING AND APPROVAL OF MINUTES: September 21, 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 21, 2020 meeting minutes.

Motion: Suozzo, Second: Musnuff Voice Vote: Seven ayes, motion passed.

6. NEW BUSINESS:

Resolution PB-08-2020 approval of PB-app-01-2020, Block 7, Lot 5, 78 Main Street, owner: Pablo Delgado.

Motion to approve Resolution PB-08-2020: Giordano Second: Musnuff

Coleen Conroy, aye, Pablo Delgado, abstain; William Giordano, aye, Don Howell, absent; John Musnuff, aye;

Tom Wescoe, aye; Steve Dhein, aye; Joseph Suozzo, aye. Six ayes, one abstention, motion passed,

7. OLD BUSINESS: Continuation of Public Hearing of PB-app-02-2019, Block 19.02, Lot 81, 71 Main Street, owner: Benjamin Yu.

Witnesses Benjamin Yu and Frank Banisch were sworn in. Mr. Banisch put his credentials on the record. He is president of Banisch Associates, Inc. Mr. Banisch stated that he has been a municipal planning consultant since 1972 and a licensed planner since 1975. He also stated that he is a member of the American Institute of Certified Planners, as well as, he is a court appointed Mount Laurel Master in more than fifty cases.

Motion to accept Mr. Frank Banisch as an expert witness: Wescoe Second: Musnuff Voice vote: seven ayes, motion passed.

Motion to open Public hearing of PB-app-02-2019 Giordano: Second: Musnuff Voice vote: Seven ayes, motion passed.

Attorney Bill Robertson is representing the applicant, Mr. Benjamin Yu. Mr. Robertson stated that the renovation of the historic building on 71 Main Street would include a pottery studio on the first floor, a four bedroom apartment on the second and third floors and a one bedroom apartment on the back part of the second floor. He stated that testimony began on August 31, 2020 where testimony was given by the applicant's architect, Mr. Chris Pickell. Mr. Robertson acknowledged that he was not aware as to what exhibits were entered in the record by Mr. Pickell. He said there were no new exhibits only the existing packet that was already submitted. Mr. Robertson listed the exhibits that were submitted with the application.

Mr. Robertson asked the applicant, Mr. Yu to testify. He verified that Mr. Yu owned the property and building at 71 Main Street. Mr. Yu stated that he purchased the property from the Borough of High Bridge in June of 2019. Mr. Yu testified that at the time of purchase the building was vacant and the only a portion was being used for the municipal library. Mr. Yu testified that the library is located on the first floor of the building. Mr. Robertson asked Mr. Yu to explain his intention and vision for the project. Mr. Yu stated that he wanted to preserve the building because of its historic nature. Mr. Yu also stated that he wanted to open a pottery studio on the ground level and that he and his family plan to live on the premises. Mr. Yu elaborated that the pottery studio would be a venue where people could take classes as well as purchase items for retail sales. Mr. Yu testified that the studio would be located on the first floor next to the library. When asked the size of the studio, Mr. Yu responded that he would need to defer to Mr. Pickell for the exact measurements. Mr. Yu confirmed that the retail space would occupy 25% of the space in the studio. Mr. Robertson asked Mr. Yu to testify regarding the number of employees and hours of operation. Mr. Yu stated that the studio would employ himself and his wife. The hours of operation would initially be 5 days a week opening from the afternoon to evening hours. Depending on the success and demand of the business, he may expand to 6 days a week and open late morning. Mr. Robertson asked Mr. Yu if he anticipated receiving many deliveries at the pottery studio. Mr. Yu replied that since most of the necessary supplies are clay, which is extremely heavy, it is more economical to transport the clay themselves. Mr. Robertson also inquired regarding the deliveries received by the library. Mr. Yu stated that there is a van that picks up and drops off books, but there are no large truck deliveries. He also confirmed that the library is still operational, and that he has engaged in a five-year lease with the Borough of High Bridge to keep the library in its current location. Mr. Yu expressed that he is happy to have the library in the building and it is a welcome tenant. Mr. Yu then described his intent for the rest of the building. He explained that for the time being he is leaving the exterior of the building alone and modifying and reconfiguring the interior of the building. The proposed one-bedroom apartment would be located in the back of the building above the garage. Access to this apartment would be from the parking lot in the rear of the building. There would be no Main Street access to this apartment. The second and third floors of the building would be converted into a 4-bedroom dwelling that Mr. Yu and his family plan to occupy. Mr. Yu concluded his testimony and Chairman Dhein asked if any Board members or professionals had any questions for Mr. Yu.

Planner Darlene Green inquired if Mr. Yu planned to have any signage for the studio. Mr. Yu responded that any signage would conform to the regulations of the Borough. Ms. Green was satisfied by his reply.

Board Engineer Nollstadt questioned Mr. Yu about the number of participants he anticipated in the studio at one time. Mr. Yu responded that during Covid times he would not have more than 4 people besides himself and his wife in the studio at one time. Mr. Nollstadt wanted to ensure that there was adequate parking available. He then inquired about the future phase of the proposed ADA ramp for entry into the studio. Mr. Yu confirmed that this would not be completed during the initial renovation and was not sure when it would be completed. He stated that this would primarily depend on finances and viability of the business. Mr. Yu explained that he wanted to get approval for this future phase of construction so that when he was ready to proceed, he could.

Chairman Dhein inquired about the size of classes once Covid is no longer an issue. Mr. Yu replied that he would optimistically anticipate 6 people per class.

Attorney Robertson called Planner Frank Banisch to testify. He asked Mr. Banisch to explain what work he undertook to review the application. Mr. Banisch stated that he did a site visit, reviewed the Borough's zoning ordinance with regard to the variances that are required, reviewed the architectural plans as prepared by Mr. Pickell, and he evaluated the application pursuant to the MLUL requirements for D and C variances. Mr. Banisch reiterated a detailed description of the proposed project. He explained that Mr. Yu would be living on the property and there for it would be a live-work unit. Mr. Banisch continued with his analysis of the project. He began by stating that permitted uses in the Downtown business zone explicitly include art studios and residential units, such as apartments on upper floors. Mr. Banisch stated that in this instance a maximum of 6 residential units might be permitted if they were all two-bedroom units according to maximum development on a lot between 5,000 and 10,000 square feet. Although the one-bedroom unit is slightly undersized, Mr. Banisch stated that he believes it does satisfy all the requirements to be a complete dwelling unit. Entrance to both dwelling units must be directly from the street or rear of the building, which both dwellings comply with. Mr. Banisch continued his analysis by stating that the mixed used structures can have two or more permitted uses which these have. He stated that live-work units that provide residential and workspace in the same structure are permitted. These typically are configured with the business on the ground floor and the residential use on upper floors. That configuration where one floor serves the business, and the other floor serves the household that occupies the space because they operate the business often requires more than a two-bedroom dwelling. Mr. Banisch opined that although the Borough's requirement or desire for smaller residential units may have other Master Plan or

zoning objectives, as it relates to the live work setting , it seems to undermine the intent of fully operational live-work scenarios. He also stated that the requirements that 15% of the workspace be dedicated to the creation of pottery, 25% dedicated to retail sales and that the property be owner occupied are being met in this application. He also stated his opinion that the minor departure of the size of the one bedroom apartment being 428 square feet compared to the required 450 square feet can be accepted as a reasonable accommodation of using the existing space without having to expand if further. Mr. Banisch also addressed the relief request for having no required loading area. He stated that accommodations of the parking area and the type of vehicles that would visit this site do not necessitate a loading area. Next Mr. Banish spoke to the positive and negative variance proofs. One of the positive criteria Mr. Banisch referred to is the fact that the site is particularly suitable for the proposed development. The first reason being that the live-work unit is an important part of the Downtown business zone. Next, he stated that the substantial parking present can adequately serve the business use and the two residential units. Mr. Banisch stated he feels the benefits that accrue from this proposal include creating a desired live-work environment, increased local business to Main Street, and an expansion to the supply of residential apartments in the Borough. It will also provide for improvements and reinvestments in a historic structure which will enhance its long-term viability. With regards to the negative criteria, Mr. Banisch stated that there is no substantial detriment to the public good because the number of bedrooms requested adequately accommodates the family sized unit required by the live work space which is part of what is intended in the zone plan. He also stated that there will be a substantial reinvestment in a historic structure and upgrading to current standards. This all serves to the long-term viability and benefit of the building. Regarding the zone plan, Mr. Banisch believes that there is no substantial impairment to the intended purpose because this is a use that is intended by the zone plan. Next Mr. Banisch spoke to the negative criteria regarding the relief requested for the loading zone. Mr. Banisch opined that there is no detriment to the public good because parking and loading can be accommodated on the property. He also does not believe any substantial impairment to the zone plan exists because it is an intended use in the zone plan. He feels it will advance the zone plan's objective with an attractive commercial use with safe onsite circulation. The commercial deliveries to the site are not of the nature that would require large commercial vehicles or a reconfiguration of the parking lot. Mr. Banisch concluded his testimony and Chairman Dhein asked the Board and Board professionals if they had any questions or comments for this witness.

Board Member Delgado commented that the Board should be aware that currently there are no parking requirements for businesses in the Downtown Business zone, and only requirements for residential apartments. He also expressed concerns regarding the loading zone size. Mr. Delgado explained that because of other ordinances that restrict tractor trailers from driving on Main Street, there would be no need for a loading zone to accommodate the size of a tractor trailer.

Board Planner Green responded to Member Delgado's comment. She stated that she agrees with Mr. Delgado's concerns and that the Master Plan reexamination addresses this by removing the requirement for a loading zone in the downtown business zone. Ms. Green also stated that she agrees with the testimony of Mr. Banisch. She commented that this use is a hybrid between the live work permitted use and the mixed-use building that is permitted in the Downtown. The only reason that this is not simply a live-work use is due to the one-bedroom apartment that will be rented.

Chairman Dhein asked the architect to describe the decks that are proposed for the building. The architect gave a detailed description of the proposed decks.

There are no members of the Public attending the meeting to comment or ask questions of the applicant or his professionals.

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

Board Member Musnuff stated that he is happy that Mr. Yu is trying to save a historic building. He does feel that the building has some functional issues which begets the one-bedroom and four-bedroom apartments. Mr. Musnuff does not feel the building could be split into 4 two-bedroom apartments and therefore he is in favor of the project.

Attorney Caldwell instructed the Board to discuss the size of the one-bedroom apartment. Chairman Dhein began the discussion by stating that although the apartment is slightly undersized as determined by Borough requirements, he does not feel it is an unreasonable request and the applicant will just need to find someone who is willing to rent this sized apartment.

Board member Delgado stated that he agrees with Chairman Dhein regarding the size of the apartment. He also stated that he is happy that the Yu's are attempting to preserve the integrity of this historic building. He is in favor of the project and is happy that the project also includes an additional rental unit on Main Street.

Chairman Dhein asked Planner Green if there were any affordable housing requirements that needed to be addressed. Ms. Green stated that because this building will only have 2 apartments there is no affordable housing requirement. Ms. Green clarified this by stating that no requirements for units or for fees will be required.

Board Member Suozzo commented that he felt the testimony of the applicant's Planner answered all the questions that he had, and he felt that he was very persuasive in his testimony.

Board Member Wescoe echoed Mr. Delgado's sentiment and commended the Yu's in their diligence in this process. He also agrees that the live- work arrangement along with a rental apartment is one that warrants our approval. He also appreciates the Planner's comments, and his questions were answered by his testimony. Finally, Mr. Wescoe thanked the Yu's for housing the Library at a minimal rate for the next five years.

Board Member Conroy stated that she agrees with all the Board Member's comments especially what Mr. Delgado stated. She said she applauds the Yu's for taking on this project and bringing a viable business to Main Street.

Motion to grant the relief requested and approve PB-app-02-2019 : Giordano Second: Musnuff
Coleen Conroy, aye; Pablo Delgado, aye; William Giordano, aye, Don Howell, aye; John Musnuff, aye; Tom Wescoe, aye, Steve Dhein, aye. Seven ayes, Motion passed

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: Suozzo; Second: Musnuff Voice vote: seven ayes, motion passed.

Next Meeting date: October 19, 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.