MINUTES OF
PLANNING BOARD/BOARD OF ADJUSTMENT
OF HIGH BRIDGE BOROUGH

Meeting Date: August 22, 2022 - **Meeting Time:** 7:30 P.M.
Meeting Location: 95 West Main Street, High Bridge, NJ 08829

1. CALL TO ORDER:
This is a 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 Democrat and the Express Times on, August 11, 2022, 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:
Delgado, present; Ferry, absent; Giordano, present; Lee, present; Mart, present; Suozzo, present; Yu, present; Musnuff, present; Dhein, present; Epstein, present.
Also present were Board Attorney Robert Davidow, Board Planner, Darlene Green, Board Engineer, Kevin Knolstadt, Board Secretary, Barbara Kinsky and seventeen members of the public.

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 three (3) 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. Each person may speak once during a public comments section. 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: July 27, 2022, and August 15, 2022
Motion to dispense with the reading of the prior meeting minutes:
Motion/Second: Musnuff/Giordano Voice vote: Eight yes votes, Mayor lee abstained. Motion passed.

Motion to approve the June 27,2022 meeting minutes.
Motion/Second: Suozzo/Mart
Delgado, abstain; Ferry, absent; Giordano, yes; Lee, yes; Mart, yes; Suozzo, yes; Yu, yes;
Musnuff, yes; Dhein, yes; Epstein, yes. Eight yes votes, Delgado abstained. Motion passed.

Motion to approve the August 15, 2022, meeting minutes.
Motion/Second: Mart/Giordano
Delgado, abstain; Ferry, absent; Giordano, yes; Lee, abstain; Mart, yes; Suozzo, abstain; Yu, yes;
Musnuff, abstain; Dhein, yes; Epstein, abstain. Four yes votes, Delgado, Lee, Suozzo, Musnuff and Epstein abstained. Motion passed.

Mayor Lee left the dais at this time.

Board of Adjustment Meeting Begins at this point.

6. Board of Adjustment NEW BUSINESS:
Public hearing for PBapp—01-2022: 99 Main Street, Block 19 Lot 67, owner/applicant: 99 Main HB LLC.

Board member Musnuff recused himself from the hearing because his property abuts 99 Main Street.

Motion to continue Public Hearing for PBapp-01-2022: Giordano Second: Yu
Voice vote: Seven yes votes, motion passed.

Board Attorney swore in the witnesses. The following witnesses were all sworn in at the same time: Mr. Remo Caputo (applicant attorney), Mr. Norman Russo (applicant and 50% owner of 99 Main HB,LLC), Mr. Edward King (applicant and 50% owner 99 Main HB, LLC) Mr. Michael Pessolano (PP, AICP, applicants' planning professional), and Mr. John Babula (AIA, applicants' architect)

Mr. Caputo described the project and outlined the requested variances, waivers and described the pre-existing non-conforming conditions of the property.

Mr. Russo outlined the plan to rent the building to Marty's bike shop and explained the renovations he has completed and plans to complete.

Mr. King summarized the hours/days of operation of the bike shop, spoke about proposed business operations, charitable events, weekly events, deliveries, parking, and the garbage/recycling plan.

Mr. John Babula's architectural credentials were accepted by the Board. He spoke about the proposed layout for the existing building, the proposed signage, and described the physical attributes of the parcel.

Mr. Michael Pessolano's Planner credentials were accepted by the Board. Mr. Pessolano spoke about the relief requested by the applicant, the suitability of the site for the use requested and Master Plan conformity. He also spoke to the positive and negative criteria proofs required, as well as a possible easement on the front of the property. He added that the applicant takes no objections to any of the comments imposed by the Board's professionals.

Questions/comments:

Planner Darlene Green stated that during the 2010 Master Plan reexamination discussion ensued regarding the desire for a bicycle shop in the Borough.

Board Member Suozzo asked if the business would also rent bikes, why was this not included in the application, if there would be an exterior display of bicycles, where the bikes would be displayed and if the professionals felt the parking was adequate. Mr. Caputo spoke about rentals being part of the retail use. Mr. King spoke about his prior experience with bike rentals, the storage of rental bicycles and the maximum number of rentals planned. Mr. Russo spoke about the plans to display bicycles on a temporary basis in front of the glass door and not impeding parking spots. Darlene Green replied to the parking question and spoke to parking concerns being alleviated after hearing the applicant's testimony.

Board Member Yu asked about the location of rental bike storage. Mr. Russo answered that rental bicycle storage would be inside the building.

Board Member Mart inquired about the location of employee parking and the status of the application in regard to the Highlands Council. Mr. Russo answered that there are 2 parking spots in the rear of the building. Darlene explained that the application is exempt from the Highlands.

Chairman Dhein asked if there is lighting on the proposed sign. Mr. Russo replied that the sign will be backlit with low light LED lights that will be turned on only during the hours of operation.

Public Comments:

Rebecca Eigenbauer of Herman Thau Road sent in a letter of support for the bike shop. This letter was read to the Board.

Andrew Schneider of 11 Seal Street spoke about support for the bike shop as a resident, patron of the applicants other establishment, and business owner. .

Harry Ross of 95 North Main Street spoke about support for the bike shop.

Joe Breglia of 93 North Main Street spoke about support for the bike shop and thanked the Board for its due diligence.

John Musnuff (Board member recused from Application) of 21 Fairview spoke as a citizen not Board member. He spoke to his support of the use as a bike shop but also to concerns regarding the type of future retail permitted on the property, and to parking and signage concerns.

Nicole Poko of 56 East Main Street spoke about support for the bike shop as a Main Street business owner.

Daniel Euberall of 18 Indian Spring Lane spoke about support for the bike shop.

Ruddy Alvarez of 37 Street spoke about support for the bike shop as a resident, business owner, and cyclist.

Christina Whited of 76 Main Street spoke about support for the bike shop as a resident, as president of the HBBA and as a business owner.

Cara Collins, 15 Seal Street spoke about support for the bike shop.

Motion to close Public hearing for PBapp-01-2022: Suozzo Second: Delgado
Voice vote: Seven yes votes, motion passed.

Motion to approve PBapp-01-2022: Giordano, Second:Mart

Delgado: Yes, based on testimony heard, spoke to how it compliments businesses on Main Street and proximity to the Columba and Nassau bike trail.

Giordano: Yes, spoke about his prior experience with applicant's other establishment, and his support of the use.

Mart: Yes, for all reasons stated in the testimony and he also spoke about the bike shop being a good fit for High Bridge.

Suozzo: Yes, spoke to the testimony being persuasive, approval of the proofs provided, and he appreciated the flexibility of the applicant.

Yu: Yes, spoke to the testimony proving that the application has more positive than negative impacts.

Dhein: Yes, spoke to the full support of the project with the only negative being about the signage.

Leah Epstein: Yes, spoke to the integrity and humility of the applicants.

Seven yes votes, 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 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. Each person may speak once during a public comments section. No debating between residents. Comments should be addressed to the Chairman and Board members at the public microphone.

Michele Lee of 22 West Main street spoke as a resident and spoke about her support for the bike shop and welcomed the applicants to High Bridge.

8. ADJOURNMENT: Motion to adjourn: Mart Second: Yu Voice vote: seven yes votes, motion passed.

Meeting concluded at 10:06 pm.

Next Meeting Date: September19, 2022
Meeting Location: Rescue Squad Building, 95 West Main Street, High Bridge, NJ 08829
Meeting Time: 7:30 P.M.

BOROUGH OF HIGH BRIDGE PLANNING BOARD
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION NO. PB-10-2022

RESOLUTION OF THE BOROUGH OF HIGH BRIDGE BOARD OF ADJUSTMENT GRANTING APPROVALS FOR A USE VARIANCE, BULK VARIANCES AND DESIGN WAIVERS REGARDING THE PROPERTY IDENTIFIED ON THE BOROUGH OF HIGH BRIDGE TAX MAP AS BLOCK 19, LOT 66 COMMONLY KNOWN AS 99 MAIN STREET, WITHIN THE R-4 ZONING DISTRICT TO 99 MAIN HB, LLC

Application No. PBapp-01-2022

WHEREAS, 99 Main HB, LLC (the "Applicant") is the record owner of certain real property identified on the Borough of High Bridge (the "Borough") tax map as Block 19, Lot 67, more commonly located at 99 Main Street (the "subject property"), within the R-4 High Density Residential (the "R-4 zone"); and

WHEREAS, the Applicant has applied to the Borough of High Bridge Board of Adjustment (the "Board") seeking Site Plan approvals, a use variance pursuant to N.J.S.A. 40:55D-70d(1) bulk variances and design waivers to renovate the existing structure on the property to convert it to a Bicycle Repair and Rental shop to be called "Marty's Reliable Cycles"; and

WHEREAS, the Board considered this application pursuant to its authority and delegated additional power(s) to act as the Zoning Board of Adjustment of the Borough, as permitted by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. (the "MLUL") and the Borough Land Use and Development Ordinance (the "LUDO"); and

WHEREAS, the notice and publication requirements of the MLUL and the LUDO having been met, the Board accepted jurisdiction of the application at its regular meeting on August 15, 2022, and carried the meeting to the Board's regular meeting on August 22, 2022; and

WHEREAS, the Board provided an opportunity for testimony, comments, and questions from interested parties and the public; and

WHEREAS, the Applicant was represented by Remo A. Caputo, Esq.; and

WHEREAS, the Board reviewed the materials presented, and based on said evidence, the information contained within the underlying application, representations made by the Applicant, and the testimony proffered by all participating parties during the hearing, made the following factual findings and conclusions of law:

SUMMARY & STATEMENT IN LIEU OF CERTIFICATE

1. Site Information. The subject property is a ± 0.36-acre rectangular shaped parcel with frontage along the Western side of Main Street. The subject property is in the R-4, High-Density Residential, District on the west side of Main Street at the terminus of the street. The property is surrounded by the Borough's open space known as High Bridge Hollow to the south and west and residential uses to the east and south. There is a vacant lot to the north.

    a. The subject property a 15,741± square foot lot improved with a 3,941±square foot masonry building. The onsite building is proposed to be renovated within its existing footprint, with a new business sign proposed on the outside front wall. The site has an existing paved customer parking area (3 stalls) in front of the building and a gravel driveway for access to an employee parking area (2 stalls) in the rear. Applicant proposes to add a new sign and new striping associated with customer parking stall reconfiguration, and new outdoor light fixtures attached to the building exterior. The Applicant proposes no further outdoor changes to the subject property.

    b. The Application falls under the Applicability section of the Highlands Land Use Ordinance (§200-2.1), which states that the ordinance does not apply to applications creating less than ¼ acre of impervious coverage or disturbing less than 1 acre of land.

Overview & Applicant's Proposal.

1. The Applicant proposes a change in use on the property from the last use of a dental supply laboratory to a retail bicycle shop and associated repairs, which is not permitted in the R-4 District. It should be noted that according to the Existing Floor

Plan (Sheet A2.1 of the Architectural Plans), the existing building contains warehouse and office spaces, which are not permitted in the R-4 District.

2. Applicant's Submissions

a. Plans entitled "99 Main Street", prepared by Paul W. Anderson, PE (NJPE License No. 33410) of Anderson Consulting Services, LLC, dated March 20, 2022, revised through June 9, 2022, consisting of 2 sheets.

b. Plans entitled "Marty's Reliable Cycle", prepared by Babula Architecture, LLC, dated June 15, 2022, consisting of 3 sheets.

c. Survey entitled "Topographic Survey of Property", prepared by Jeffrey S. Grunn, PLS of Lakeland Surveying, Inc., dated February 21, 2022, consisting of 1 sheet.

d. Zoning Board of Adjustment Variance Application, dated April 27, 2022.

e. Highlands Exemption Determination Application, dated April 27, 2022.

f. Site Plan Submission Details and Requirements Checklist, no date.

g. Copy of Deed between Sara Beekman Cregar, Hazel Cregar Benz, and Phillip H. Benz and Liberty Hose Company of High Bridge, dated August 28, 1958.

h. Copy of Deed between William Howard Stires and Ethel Stires and Liberty Hose Company of High Bridge, dated October 15, 1958.

i. Copy of Right of Way Grant between Liberty Hose Company, Inc. and New Jersey Power & Light Company, dated 1969.

j. Copy of Right of Way Agreement, dated December 3, 1969.

k. Copy of Deed between High Bridge Fire Department, Inc. and BL Holding Company, dated August 8, 1997.

l. Copy of Deed between BL Holding Company and Gordon N. Rigby and Patricia W. Rigby, dated February 5, 1999. It should be noted that this Deed contains an old copy of the Borough's Tax Map, which illustrates a 30-foot-wide easement along the north side of the subject property.)

m. Letter entitled "99 Main Street, LLC", prepared by Paul W. Anderson, PE, PP, CME of Anderson Consulting Services, LLC, dated June 10, 2022, consisting of 2 pages.

n. Letter entitled "99 Main HB, LLC", prepared by Jonathan Babula, RA, NCARB of Babula Architecture, LLC, dated June 15, 2022, consisting of 1 page.

o. Letter entitled "99 Main HB, LLC", prepared by Remo A. Caputo, Attorney at Law, dated June 21, 2022, consisting of 4 pages.

3. Requested Relief.

a. The Applicant is requesting a d(1) use variance for the R-4 zone, bulk variances and several waivers for required completeness items on the basis that the application does not include any changes to the current footprint of the building. The Applicant requests the following relief from the LUDO.

i. § 145-404B. – D(1) variance for use. The Ordinance permits single-family dwellings, municipal parks, playgrounds, and other municipal buildings, public buildings of a governmental or cultural nature, community residences and group homes, and the conversion of existing single-family dwellings into two- or multi-family dwellings in the R-4 District. A change in use of the site from an orthodontic/dental study laboratory/office to a retail bicycle store with indoor bicycle display area is proposed.

ii. The MLUL at N.J.S.A. 40:55D-70d authorizes local zoning boards to grant a use variance where: (1) 'special reasons' exist for the variance, known as the 'positive criteria'; and (2) the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zoning ordinance, known as the 'negative criteria'. In seeking a use variance, the burden is on the applicant to show, by an enhanced quality of proof, that the positive and negative criteria are met. See Medici v. BPR Co., 107 N.J. 1 (1987). Generally, there are sufficient "special reasons" for the grant of a "d(1)" use variance under two broad circumstances: (1) when the refusal to allow the project would impose on the applicant an undue hardship and/or (2) when a proposed project promotes the "general welfare" because it carries out a purpose of zoning as defined in N.J.S.A. 40:55D-2 of the MLUL. The Court found in Kohl v. Mayor and Council of Fair Lawn, (1967) that merely demonstrating that a particular use promotes one or more of the purposes of zoning is not enough to satisfy the positive criteria, but the zoning board must find that the general welfare is served because the uses "peculiarly fitted" or "particularly suitable" to the site for which the variance is sought.

b. Pursuant to N.J.S.A. 40:55D-70c (1) and (2), the Applicant requests the following bulk variance relief from the LUDO:

i. § 145-302D. – Variance for signage. The Ordinance permits the exempt signs detailed in Section 145-302C, a nameplate sign of 150 square inches, and freestanding signs for approved multi-family developments, in residential districts. The Applicant proposes a 14 square foot wall sign, which is not a permitted sign type in a residential district.

ii § 145-306C.(3)(p) – Variance for number of parking spaces. The Ordinance requires one parking space for each 200 square feet of gross floor area for retail stores and service businesses. The existing building is 3,941 square feet according to Sheet A2.1 of the Architectural Plans, which requires 20 parking spaces, rounded up from 19.7. The Applicant proposes five off-street parking spaces

iii §145-306C.(5) does not permit a change of use unless it can be shown that sufficient parking is available for the new use. The Applicant proposes five off-street parking spaces, where 20 spaces are required. The Applicant shall provide testimony to demonstrate how the five proposed parking spaces are sufficient for the proposed use.

c. The following pre-existing non-conforming conditions exist:

i. § 145-203 via Section 145-404E.(1) – The Ordinance limits lot coverage to 35% of the lot area in the R-4 District. The existing lot coverage is 43%.
ii. § 145-306D.(1) –The Ordinance requires each non-residential use to provide one loading space for off-street loading and unloading. The site does not have a loading space.
iii. § 145-306D.(2) – The Ordinance requires at least one facility for storage and removal of garbage and recyclable materials for each non-residential building or use. The site does not have an exterior trash area.

d. The Application requires the following waiver:

i. § 145-804B.(2) – Waiver for lighting intensity. The Ordinance requires an average of at least 0.5 footcandles at intersections (driveways) and 0.3 footcandles elsewhere in the area to be illuminated. The Applicant proposes a maximum of 0.1 footcandles where the driveway for the three proposed customer spaces intersects Main Street and zero footcandles where the existing gravel driveway intersects Main Street. Additionally, the western parking space in the rear parking area is illuminated to less than 0.3 footcandles. Finally, the Calculation Summary table indicates the average illumination is 0.11 footcandles.

ii. Additionally, the following pre-existing non-conforming conditions exist regarding design waivers:

1. §45-807A.(1)(a) –The Ordinance requires a five-foot-wide landscape buffer where off-street parking is in the front yard. A paved parking area exists in the front yard without a buffer.

2. §145-807C.(3)(a) –The Ordinance requires all areas of ingress and egress, parking stalls, loading and unloading areas, and major interior driveways or access aisles for non-residential uses to be paved. The site contains a gravel driveway and gravel parking area in the rear of the site.

3. §145-807C.(4) – The Ordinance requires curbing along all paved parking and loading areas and access drives. The existing paved area in front of the building is not noted to have curbing on the Site Plan.

4. §145-807D. – The Ordinance requires driveways serving non-residential uses to be setback at least 25 feet from the side property line and be at least 24 feet wide. The existing driveway is along the northern side property line and extends into the adjacent lot. Additionally, the driveway is approximately 10 feet, six inches to 19 feet wide (including the area on the adjacent property).

5. § 145-807F. – The Ordinance requires parking areas to be setback at least 25 feet from property lines. The existing rear parking area is within 25 feet of the rear property line.

4. Environmental. No environmental issues are expected from the project intended by the Applicant. The Applicant will comply with all Federal, State, and local environmental requirements.

5. Safety & Emergency Services. The intended use and structures will meet all Code requirements.

6. Signage: § 145-302D dictates that this Applicant requires a variance for their proposed signage. The Ordinance permits the exempt signs detailed in Section 145-302C, a nameplate sign of 150 square inches, and freestanding signs for approved multi-family developments, in residential districts. The Applicant proposes a 14 square foot wall sign, which is not a permitted sign type in a residential district.

7. Stormwater Management. No changes or adverse drainage impacts are expected.

8. Staff/Professional Consultant Reports. In addition to the materials submitted by the Applicant, the Board received and considered the following staff and consultant reports:

    a. Planning report dated May 12, 2022 (revised July 7, 2022), prepared by Darlene A. Green, P.P., AICP, of Colliers Engineering & Design, Board Planner.

    b. Engineering report dated May 16, 2022, revised July 12, 2022, prepared by John K. Ruschke, PE, PP, CME, of Mott MacDonald, Board Engineer.

9. Exhibits. The following exhibits were entered on the record at the meeting on August 22, 2022:

    a. A-1-Enlarged plan showing east elevations (existing and proposed)

    b. A-2-Enlared plan showing south elevations

    c. A-3-Enlarged plan showing proposed and existing plans for first floor renovations

    d. A-4-Planning Exhibit consisting of 4 pages showing enlarged photos of existing conditions and zoning map

    e. A-5-Enlarged site plan prepared by ACS Engineering

    f. A-6-Enlarged survey dated February 21, 2022

    g. A-7-Revised plans to show "wheel stop"

10. Witnesses. During the hearing, the Board considered testimony from the following witness(es):

    a. Darlene A. Green, P.P., AICP, of Colliers Engineering & Design, Board Planner.

    b. Kevin Knolstadt, PE, of Mott MacDonald, standing in for John K. Ruschke, Board Engineer.

    c. Norman Russo and Edward King, Applicant partners in 99 Main HB, LLC. Mr. King is also a 50% partner with the owners of Marty's Reliable Cycles of this location.

i. Mr. Russo testified that the Applicant acquired the property in January of 2022 in order to upgrade the property and rent the property to Marty's Reliable Cycle's ("Marty's"). Marty's currently has four (4) other locations; East Hanover, Randolph, Hackettstown and Morristown.

ii. All improvements will be to the structure existing today. The Applicant intends to clean up and paint the outside of the building but will make no other improvements to the outside of the building.

iii. Mr. King testified that the hours of operation for Marty's will be seven (7) days per week, 10:00 A.M.-7:00 P.M., with one late night on Thursday until 8:00 P.M..

iv. The business will be for bicycle sales, service rental, and repairs.

v. Typically, there will be three (3) employees on-site, with the business being owner operated by Mr. King and his partners who will also own the shop.

vi. Mr. King advised that the peak hours for the business should be from noon to 4:00 P.M., with typically 3-5 people at a given time within the store.

vii. Garbage and recycling will be housed inside the building after it is reconfigured.

viii. Deliveries will be made to the property via Federal Express and UPS two to three times per week.

ix. There will be some riding events and rentals organized by the business as well. In season, there will be organized rides out of the shop on local trails. Marty's also intends to hold charitable events for local causes and intends to work with local churches and schools to plan events.

x. Mr. King testified that the proposed 5 parking spaces on-site will be sufficient despite the fact that the Borough code requires significantly more spots because most patrons ride their bicycles to the store on the day of rides. Patrons will also be able and encouraged to drive up to the Columbia Trail parking lot further down Main Street and unload their vehicles when participating in these organized rides.

xi. The shop will also have a maximum of ten (10) rental bicycles. The Applicant has had experience with rentals at their other locations and do not believe it will have a drastic impact on the parking for the site. For rentals, Mr. Russo advised that the Applicant would encourage patrons to park in the parking lot for the Columbia Trail.

xii. The Applicant agreed that no bicycles will be left out on the property overnight or stored outside other than during business hours.

d. Jon Babula, AIA, Applicant's Architect, provided testimony regarding the new proposed layout for the existing building. The onsite building is proposed to be renovated within its existing footprint, with a new business sign proposed on the outside front wall. The site has an existing paved customer parking area (3 stalls) in front of the building and a gravel driveway for access to an employee parking area (2 stalls) in the rear. No site improvements are proposed other than signage, new striping associated with customer parking stall reconfiguration, and new outdoor light fixtures attached to the building exterior. The Applicant proposes interior remodeling to fit the building for the proposed use, new front doors, a new garage door, wall mounted lighting, and one wall sign. No site improvements are proposed other than parking space striping and wheel stops.

    i. Applicant is proposing to reconfigure the first floor of the building to now include another bathroom for the office space. The retail space will be in the front of the building with the service area and repair shop in the back of the building. Some walls will be added to separate utility areas and the newly proposed indoor trash area.

    ii. The sign will be 72" x 28" (4,126± square inches, 14± square feet), and be wall mounted and backlit with blue lighting. Backlit signs are not permitted in the R-4 zone, leading to the need for the variance as described above. The sign will

only be lit during the hours of operation. Applicant will note the proper size and location of the sign on the final plans submitted to the Borough for approval.

e. Michael Pessolano, PP, AICP, Applicant's Planning professional. Mr. Pessolano reiterated that there will be no change in existing improvements, access, or buildings on the lot. Moreover, the Applicant takes no objection to any of the comments, requests, or conditions imposed by the Board's professionals. In connection with the variance relief, Mr. Pessolano opined that granting the sought relief would be consistent with the Borough's Master Plan and further the purposes of the MLUL by promoting local business and the efficient use of available land. Mr. Pessolano advised the Board that the instant application advances multiple purposes of zoning, including the following:

i. The promotion of the general welfare by putting a suitable use on this property where several non-suitable uses could be put in by right as permitted within the zone.

ii. The site is particularly suitable for the use and provides adequate protection from fire, flood and other emergencies.

iii. The project will address a recreational need for the Borough and promote the overall health of the general public by enhancing the beauty of the site and general area of Main Street.

iv. Lastly, Mr. Pessolano believed that the project will advance public policy be reinvigorating a property that was originally constructed through public investment and repurposing a suitable building for a new use that will stimulate the local economy.

v. Mr. Pessolano further testified that the Applicant is seeking a use variance for a building that has never been used before for residential purposes. Prior to the dental laboratory, the existing building was originally a firehouse. Mr. Pessolano advised the Board that although the building sits within a residential zone, it is particularly suited to host a commercial use given its history, remote nature, surroundings, and lot size, as all of these characteristics track with a non-residential use. The lot size is substantially larger than the minimum required in the R-4 zone.

vi. Mr. Pessolano provided testimony that the design waivers can be granted without issue as they all request information that is not relevant to the instant application.

vii. As to the pre-existing non-conforming conditions existing on the site, Mr. Pessolano advised that conditions have been embraced and absorbed into the community and the property and do not pose any issues on the property.

viii. Mr. Pessolano testified that because the Applicant will only have three employees present at one time, the parking available from the municipal lot for the Columbia Trail offsets the need for additional parking on the site and should alleviate any concerns regarding the same. While 20 spaces are required based on square footage of the building, the proposed use is consistent with the five (5) parking spaces proposed by the Applicant.

ix. In terms of the negative criteria, Mr. Pessolano advised that the deviations from the LUDO may be granted by the Board without a substantial detriment to the public and will not amount to a substantial departure from the Master Plan.

x. Specifically, the Applicant's proposal cannot cause any serious negative implication(s) because there is no physical change to the subject property or surrounding area because of the special distance and seclusion from the neighboring residential properties. The longstanding nature of the conditions already existing on the site which are not conforming for which Applicant is seeking relief also indicate that there will be no negative impact caused by these conditions on site.

xi. Mr. Pessolano testified that the proposed project will promote the general welfare of the public, advance public

policy and promote the overall health and wellness of the public. In addition, the proposed use will also bring tourism money to the Borough. The project also promotes the efficient use of property where there has been a change in circumstances with the dental laboratory no longer in operation.

xii. Mr. Pessolano testified that the intensity of the proposed use does not support the need for a loading area.

xiii. The Board's Planner corroborated that based upon testimony, her initial concerns regarding the amount of parking spots is no longer an issue. There are ample options for patrons to park on the street and in the Columbia Trail parking lot. In addition, the employees can also park in the open space area in the rear of the building.

xiv. The Board's Planner opined that as part of the 2010 Master Plan Reexamination for the Borough, it was pointed out that the Borough did not have a bicycle shop and that one was desired and in the best interests of the Borough. Ms. Green advised that this further expounded on the advancement of public policy noted by Mr. Pessolano as one of the zoning goals being advanced by this application.

xv. A 490± square foot portion of the property along the northwest corner crosses over the property line and into

Main Street. The Board Planner advised that an easement or right of way for this portion of the property is likely not necessary but if required by the Borough, the parking spots in front of the building can simply be moved up closer to the building so that the spaces will not encroach into the new right of way easement area or into the right of way that already exists for the front of the property along Main Street. To the extent it is determined that an easement or right of way is necessary at the time the Applicant is seeking final approvals, the Applicant has agreed to provide the same at the request of the Borough.

11. Public Portion of Hearing. The following members of the public spoke during the public portion of the hearing:
    a. Andrew Schneider, 11 Seal Street
    b. Harry Ross, 95 North Main Street
    c. Joe Breglia, 93 North Main Street
    d. John Musnuff (Board member recused from Application) 21 Fairview Avenue
    e. Nicole Poko, 56 East Main Street
    f. Daniel Euberall, 18 Indian Spring Lane
    g. Ruddy Alvarez, 37 Main Street
    h. Christina Whited, 76 Main Street

i. Cara Collins, 15 Seal Street

FINDINGS WITH RESPECT TO PROOFS

After considering the testimony provided above and reviewing the materials submitted in connection with the underlying application:

12. The Board finds that the granting of the use variance, bulk variances and design waivers would not cause a substantial detriment to the Borough or its residents.
13. The Applicant has satisfied the positive and negative criteria for requesting variance relief in accordance with N.J.S.A. 40:55D-70(d)(1), which requires in this matter a demonstration that: (1) the subject property is particularly suited for the proposed use in light of the deviations or failure to meet the conditions and standards imposed by the LUDO, and that the Applicant's proposal advances the general welfare and purposes of zoning; and (2) there will be no substantial detriment to the public good and there will be no substantial impairment of the intent and purpose of the zoning plan or zoning ordinance by reason of the granting of the requested relief.
14. For the sake of completeness, the Board also finds that, pursuant to, N.J.S.A. 40:55D-70(c), the purposes of the MLUL would be advanced by a deviation or departure from the applicable requirements of the LUDO, and that the benefits of the requested bulk variances outweigh any detriment. It is determined that the requested bulk variance relief will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

15. Specifically, the Board concludes that the proposed project as a whole advances several purposes of zoning as testified to by the Board Planner and the Planner for the Applicant.
16. The Board believes that the application will advance the general welfare and promote the bike trails which are engrained in the community.
17. Most importantly, the Board believes that the proposed project will have a large positive impact on economic development within the Borough, specifically on Main Street.
18. Several Board Members opined that the parking situation along Main Street will not be changed by this project. The Board did not believe that the project will have a negative impact or exacerbate the parking situation along Main Street. The parking along Main Street is already a situation that exists and must be monitored by the local police, who do a great job of doing so.
19. With respect to the Board's obligation to consider the underlying application in terms of the negative criteria of N.J.S.A. 40:55D-70, which provides that "no variance may be granted without a showing that the relief can be granted without substantially impairing the intent and purpose of the zone plan," the Board finds that this threshold has been met, as the deviations with the above-referenced Sections of the LUDO will neither cause a detrimental impact to the public good nor a substantial detriment to the zone plan or zoning ordinances by reason of the grant of the variances. Furthermore, the Board's granting of the sought relief will

not have a detrimental impact on the neighboring properties and will not impair or impede the goals of the Township Master Plan or LUDO.

a. The Applicant's proposal is a substantial improvement to the specific site and the community as a whole.
b. The Board found that while not all proposed businesses make sense for this location, the proposed bicycle shop is a use specifically fits within this particular property site given its proximity to the Columbia Trail.
c. The Board also determined that the proposed use will not only promote local businesses, but also be complimentary to the existing infrastructure and further promote the economic development of the Borough.
d. The Board found that given the current conditions surrounding the parking on Main Street, the plan on-site for only 5 parking spaces will not cause any change in the existing conditions along the road or be an issue for the patrons of the business.
e. Based on the testimony proffered and materials submitted, the Board is satisfied that any potential negative implications associated with the Applicant's need for relief from certain sections of the LUDO are dwarfed by the benefits inherent to the Applicant's activities, and will not create a cognizable negative impact on the public good and surrounding community.

CONCLUSION

For the justifications stated herein, the Board has determined that the requested Use and Bulk variance relief and waivers may be granted, provided that the Applicant adheres to and

complies with its representations, and the conditions recommended by the Board and its professionals.

NOW, THEREFORE, be it resolved that based upon the aforesaid findings, determinations and conclusions which are all specifically made a part hereof, by a vote of seven (7) in favor and none opposed, the Borough of High Bridge Planning Board in Hunterdon County, New Jersey, hereby grants the use and bulk variance relief, together with requested waivers as requested by the Applicant at the hearing on August 22, 2022, and as stated in application no. PBapp-01-2022. This approval is conditioned, however, on the Applicant's adherence and satisfaction of the following:

1. The improvements and the Applicant's project shall conform to the size, design, layout, and location shown on the application and materials presented to the Board during the August 22, 2022 public hearing.
2. The Applicant shall prepare and duly record with the Hunterdon County Clerk's Office the following deeds: (i) deeds for all easements and right-of-way dedications, if same are deemed required by the Board professionals; and (ii) any and all dedication deeds, to the extent needed. All deeds shall be subject to the prior review and approval of the Board's professionals, including, but not limited to the attorney, planner, and engineer, confirming the limitations and requirements, prior to recordation. All deeds shall be filed and recorded with the Hunterdon County Clerk's Office along with a copy of this Resolution.
3. The Applicant shall obtain all necessary certificates of occupancy, or since the structures already exist, certificates of continued occupancy. Consistent with the

representations made during the hearing, the Applicant will complete all steps necessary to obtain same.

4. The Applicant will submit revised plans consistent with the comments of the Board's professionals and testimony provided during the hearing.
5. The Applicant shall comply with all comments and conditions set forth on the record and in the Board's professionals' reports, except as specifically modified by the provisions of this Resolution.
6. The Applicant will pay all development, application, escrow, and inspection fees attendant to this application within thirty (30) days of the date of adoption of this Resolution.
7. Evidence of the attainment of the outstanding conditions set forth in this Resolution shall be in writing by the professional or entity having oversight or jurisdiction and placed in the Applicant's file with the Borough.

A. The approval(s) granted by this Resolution and development pursuant thereto, is subject to compliance at all times with all applicable Federal, State, County, and Borough laws and regulations, including, without limitation, all environmental, health, and building and property maintenance codes. The project effectuated pursuant to these approvals, including demolition and construction, shall be maintained in good condition and kept in compliance with these approvals in perpetuity, except as may be permitted by the Borough.

B. The date of the decision shall be August 22, 2022, except that the date of the adoption of this Resolution, September 19, 2022, is the date of the decision for the purposes of: (i) mailing a copy of the decision to Applicant within ten (10) days of the date of the decision; (ii) filing a copy of the decision with the administrative officer; and (iii) publication of a notice of this decision.

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ROLL CALL VOTE ON THE MOTION TO APPROVE THE APPLICATION
August 22, 2022

Moved by:	Mr. Giordano
Seconded by:	Mr. Delgado
Those in Favor:	Chair Dhein, Ms. Epstein, Mr. Delgado, Mr. Giordano, Mr. Suozzo, Mr. Yu, Mr. Mart
Those Opposed:	None
Those Abstaining:	None
Those Absent:	None
Those Recused:	Vice Chair Musnuff

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ROLL CALL VOTE ON THE RESOLUTION OF MEMORIALIZATION
September 19, 2022

Moved by:

Seconded by:

Those in Favor:

Those Opposed:

Those Abstaining:

Those Absent:

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Borough of High Bridge Planning Board at a meeting held on September 19, 2022.

ATTEST: **Borough of High Bridge Planning Board**

_____ _____

Barbara Kinsky, Board Secretary Steve Dhein, Chairperson