

**Borough of Rocky Hill
Planning Board Agenda
February 15, 2018
7:30 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT -
This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 24, 2018. Notice remains continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Borough Clerk.
4. ROLL CALL
5. CHAIRMAN'S COMMENTS
6. APPROVAL OF THE MINUTES
 1. Planning Board - Reorg Meeting - Jan 18, 2018 7:30 PM
7. OPEN PUBLIC COMMENT
8. APPLICATIONS
9. UNFINISHED BUSINESS
 1. 25 Washington Road LLC Resolution
10. NEW BUSINESS
11. FINAL OPEN PUBLIC COMMENT
12. ADJOURNMENT

Borough of Rocky Hill
 Planning Board
 Minutes of the Regular Meeting
 January 18, 2018

The regular meeting of the Planning Board of the Borough of Rocky Hill was called to order by Deputy Clerk Christine Witt at 7:30 PM followed by the salute to the flag.

PLEDGE OF ALLEGIANCE

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

OATH OF OFFICE/APPOINTED MEMBERS

1. Oath of Office Robert Ashbaugh
Mr. Ashbaugh was absent.
2. Oath of Office Mark Blasch
Zoning Officer, Class II
3. Oath of Office Tim Corlis
Mr. Corlis was absent.
4. Oath of Office Connie Hallman
Class IV Member, term to expire December 31, 2021.
5. Oath of Office Eric Hintz
Alternate 2, term to expire December 31, 2019.
6. Oath of Office Phil Kartsonis
Mayor, Class I.

ROLL CALL

Attendee Name	Title	Status	Arrived
Robert Ashbaugh	Council Member	Absent	
Phil Kartsonis	Mayor	Present	
Michael Goldman	Chair	Present	
Linda Goldman	Class IV	Present	
Irene Battaglia	Class IV	Present	
Brian Nolan	Class IV	Present	
Tim Corlis	Class IV	Absent	
Mark Blasch	Zoning Officer	Present	
Eric Hintz	Alternate 2	Present	
Connie Hallman	Class IV	Present	

Also present Planner Tamara Lee, Attorney Jolanta Maziarz, and Recording Secretary Christine Witt.

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NOMINATIONS/APPOINTMENTS

1. Nomination of Planning Board Chair
2. Nomination of Planning Board Vice Chair
3. Nomination of Planning Board Secretary
4. Appointment of Planning Board Recording Secretary
5. Nomination of Planning Board Chair

Mr. Goldman was nominated as Planning Board Chair.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Tim Corlis, Class IV
SECONDER:	Mark Blasch, Zoning Officer
AYES:	Phil Kartsonis, Michael Goldman, Irene Battaglia, Brian Nolan, Tim Corlis, Mark Blasch, Eric Hintz, Connie Hallman
ABSTAIN:	Linda Goldman
ABSENT:	Robert Ashbaugh

6. Nomination of Planning Board Vice Chair

Mr. Nolan was nominated Vice Chair.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Mark Blasch, Zoning Officer
AYES:	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT:	Robert Ashbaugh, Tim Corlis

7. Nomination of Planning Board Secretary

Ms. Battaglia was nominated as Secretary.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Brian Nolan, Class IV
AYES:	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT:	Robert Ashbaugh, Tim Corlis

8. Appointment of Planning Board Recording Secretary

Christine Witt was nominated Recording Secretary.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nolan, Class IV
SECONDER: Linda Goldman, Class IV
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

9. Appointment of Planning Board Subcommittees

Mr. Goldman named Irene Battaglia, Brian Nolan, Mark Blasch and Michael Goldman to the Minor Historic Review Subcommittee.

REORGANIZATION RESOLUTIONS

1. 2018 Meeting Schedule

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nolan, Class IV
SECONDER: Mark Blasch, Zoning Officer
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

2. Designation of Official Newspaper

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Nolan, Class IV
SECONDER: Mark Blasch, Zoning Officer
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

3. Appointment of Board Attorney

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mark Blasch, Zoning Officer
SECONDER: Brian Nolan, Class IV
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

4. Appointment of Board Engineer

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RESULT: ADOPTED [UNANIMOUS]
MOVER: Mark Blasch, Zoning Officer
SECONDER: Brian Nolan, Class IV
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

5. Appointment of Board Planner

RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Goldman, Class IV
SECONDER: Irene Battaglia, Class IV
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

CHAIRMAN'S COMMENTS

None.

APPROVAL OF THE MINUTES

1. Planning Board - Regular Meeting - Dec 21, 2017 7:30 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Linda Goldman, Class IV
SECONDER: Brian Nolan, Class IV
AYES: Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT: Robert Ashbaugh, Tim Corlis

OPEN PUBLIC COMMENT

None.

APPLICATIONS

1. 25 Washington Street Final Subdivision

Attorney Chris Tarr of Stevens & Lee appeared on behalf of the applicant 25 Washington Road LLC. The applicant is seeking final subdivision approval for Block 5 Lots 6 & 7. The applicant provided documentation that it has met the conditions of the preliminary approval granted November 11, 2014 and is seeking final approval. The applicant is planning to move forward with a pending sale of lot 6.01 to Somerset County after final approval is granted.

Attorney Maziarz swore in the applicant's engineer, Kevin Page. Mr. Page testified that the current plans incorporate the recommendations of Planning Board Planner Lee related to the sidewalk, existing trees, and a new retaining wall. The new sidewalk in front of the houses

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will be five feet wide and will run adjacent to the curb except where it will go around existing trees. The Planning Board will need to grant an RSIS waiver for the sidewalk because a sidewalk adjacent to a curb must be six feet wide under RSIS standards. A retaining wall will also be built to protect the trees. The wall will be made of stone and match an existing retaining wall across the street.

Steven DeRochi was sworn in as an owner of the property. Mr. DeRochi responded to a question from Ms. Goldman regarding when the new sidewalk and retaining wall will be built. Mr. DeRochi said that these features will be put in when the new houses are built.

Mr. Page testified that the driveway apron and new shade tree shown on the plans for lot 6.01 will be removed if the sale of that lot to the County goes through.

Mayor Kartsonis asked if there will vehicular access to Van Horne Park from lot 6.01. Mr. DeRochi responded that vehicles will not have access to the park from lot 6.01 and there are no plans to create active recreation space on the lot.

Ms. Battaglia asked how the Dry Well Maintenance Manual will be made available future owners of the new homes. Mr. Page answered that it will be noted on the deed and that an annual report to the Borough Engineer is required by the NJ DEO.

Planner Lee remarked that all of her concerns have been addressed.

The floor was open to Public Comment on the application. Toby Whitlock, 94 Crescent Avenue, commented that he thinks that the sewer line may go through the two lots.

Ms. Goldman moved to approve the application and the RSIS waiver, and Mr. Nolan seconded with the following conditions: the plan is amended to show the removal of the driveway apron on lot 6.01 and one proposed shade tree, the sidewalk and retaining wall is to be drawn as suggested by Planner Lee, all security of bonds will be paid to ensure performance of maintenance, payment of development fees, the Dry Well Maintenance Manual will be recorded with the deed, the sewer line will be traced, and the applicant acknowledges that the NJ DEP had banned any new water connections in the Borough of Rocky Hill.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda Goldman, Class IV
SECONDER:	Brian Nolan, Class IV
AYES:	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch, Eric Hintz, Connie Hallman
ABSENT:	Robert Ashbaugh, Tim Corlis

UNFINISHED BUSINESS

1. Yver Final Subdivision Resolution

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RESULT:	ADOPTED AS AMENDED [6 TO 0]
MOVER:	Linda Goldman, Class IV
SECONDER:	Irene Battaglia, Class IV
AYES:	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Mark Blasch
ABSENT:	Robert Ashbaugh, Tim Corlis
RECUSED:	Eric Hintz, Connie Hallman

Yver Final Subdivision Resolution

NEW BUSINESS

None.

FINAL OPEN PUBLIC COMMENT

None.

EXECUTIVE SESSION (IF NEEDED)

None.

RESULTS OF EXECUTIVE SESSION (IF ANY)

ADJOURNMENT

The meeting adjourned at 8:26 PM.

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**RESOLUTION OF PLANNING BOARD
BOROUGH OF ROCKY HILL
SOMERSET COUNTY, NEW JERSEY**

**25 Washington Road LLC
APPLICATION: PB-17-07**

Applicant: 25 Washington Road LLC
Location: 25 Washington Street
Tax Lot: Block 5, Lots 6 and 7
Hearing Date: January 18, 2018
Relief Requested:

Final Major Subdivision Approval to subdivide two existing lots into four lots.

Relief Granted:

Final Major Subdivision Approval, as requested, subject to the conditions imposed herein.

WHEREAS, on May 13, 2014, Applicant applied to the Rocky Hill Planning Board (hereinafter, the "Board") for preliminary and final major subdivision approval in accordance with Section 80-36 of the Development Regulations Ordinance of the Borough of Rocky Hill ("DRO"); and

WHEREAS, on June 10, 2014, Applicant amended its Application before the Board requesting preliminary major subdivision approval only; and

WHEREAS, on August 12, 2014, the Board granted the Applicant's request for preliminary major subdivision approval with certain conditions and adopted a resolution memorializing said approval on November 11, 2014; and

WHEREAS, on September 14, 2017, the Applicant submitted an application for final major site plan approval in accordance with N.J.S.A. 40:55D-50 to subdivide the two existing Lots 6 and 7 comprising 14.517 acres into four lots, as follows: new lot 6.01 will consist of 10.937 acres, new lot 7.01 will consist of 1.548 acres, new lot 7.02 will consist of 1.016 acres, new lot 7.03 will consist of 1.016 acres; and

WHEREAS, the Applicant is in the process of contracting with the Somerset County Park Commission for the sale of new lot 6.01 which, once acquired by the County, will be used as parkland; and

WHEREAS, the Application submitted by Applicant and reviewed by the Board consisted of the following plans, reports, and/or

documents and each is hereby incorporated by reference into this Resolution:

Application, Major Subdivisions and Site Plans Checklist, dated September 14, 2017;

Letter from Kevin Page, PE, dated December 13, 2017;

"Preliminary Major Subdivision for Block 5 Lots 6 & 7 Tax Map Sheet 4 Borough of Rocky Hill, Somerset County, New Jersey", prepared by prepared by Page Engineering Consultants, P.C., dated April 28, 2014, last revised December 12, 2017 consisting of 6 pages;

"Drainage Report for Proposed Minor Subdivision Washington Street Block 5 Proposed Lots 7.02 & 7.03", prepared by Catherine A. Mueller, PE, dated December 12, 2017;

"Dry Well Maintenance Manual for Proposed Block 5 Lots 7.02 & 7.03", prepared by Catherine A. Mueller, PE, dated June 20, 2017, last revised December 12, 2017; and

WHEREAS, the Board reviewed the following reports submitted by its experts and each is hereby incorporated by reference into this Resolution:

Memorandum from the Board's Planner, Tamara L. Lee, PP, dated January 17, 2018;

Memoranda from the Board's Engineer, William C. Tanner, PE, dated September 22, 2017 and January 10, 2018; and

WHEREAS, a public hearing on the Application was held by the Board on the Hearing Date, at which time the Applicant, represented by Christopher S. Tarr, Esq., was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, Mr. Tarr introduced the Application and discussed same with the Board as more fully set forth on the record; and

WHEREAS, a member of the public, Raymond Whitlock, appeared to comment with regard to the presence and location of a sewer line on the Property, as more fully set forth on the record; and

WHEREAS, the Applicant presented testimony to the Board from the following individuals:

1. Kevin G. Page, P.E., Applicant's Engineer;
2. Steven DeRochi, Member of 25 Washington Road, LLC, Applicant; and

WHEREAS, the Applicant's witnesses presented testimony to the Board as more fully set forth on the record, as follows:

1. Kevin Page provided his qualifications and was accepted by the Board as a professional engineer. Mr. Page provided engineering testimony on behalf of the Applicant as follows and as more fully set forth on the record regarding the final major subdivision. Mr. Page addressed the Board Planner's concerns regarding the effect that the proposed sidewalk would have on existing street trees in front of the existing dwelling. Mr. Page explained that in order to prevent damage to the roots of the existing street trees, the sidewalk would be constructed without a grass strip between the sidewalk and the curbing at the location of those trees. The Applicant proposes to install a five foot wide sidewalk across all of the new lots. In accordance with the State's Residential Site Improvement Standards ("RSIS"), sidewalks that are five feet in width must contain a grass strip between the sidewalk and the curb otherwise the sidewalk is required to be six feet in width. Mr. Page proposed, and the Board Planner agreed, that the sidewalk in front of the existing dwelling should continue to be five feet in width and should be constructed to abut the curb in that location in order to save the existing street trees. Mr. Page requested that the Board waive the RSIS requirement and allow the sidewalk to abut the curb on that relatively short stretch of sidewalk in front of the existing dwelling. Mr. Page noted that the proposed sidewalk will match the sidewalk on the other side of the street which directly abuts the curb. Mr. Page also indicated that the Applicant will add stone detail to the proposed retaining wall, as recommended by the Board Planner, to match the streetscape across the street from the Property.

With regard to runoff, Mr. Page indicated that any water discharge is aimed to run downhill, toward the backyard which is a meadow. Mr. Page testified that the first three inches of rainfall that flow off of a rooftop will run into the drywell. Mr. Page determined the drainage calculations for the entire property and concluded that there will be an overall reduction of runoff from the entire tract. Mr. Page testified with regard to the maintenance of the drywells indicating that owners of the new lots would be required to inspect the drywells on a yearly basis and to maintain the drywells in accordance with a maintenance manual that would be provided to new owners upon closing of title of each of the new lots. The Applicant will record the maintenance manual with the deed to each of the lots containing a drywell.

In response to a public question regarding the location of sewer lines on the Property, Mr. Page indicated that the Applicant plans to trace the sewer lines to determine location.

2. Steven DeRochi testified indicating that no improvements were proposed for the staff of the flaglot, new lot 6.01. Mr. DeRochi stated that the plans will be amended to remove one street tree and the concrete apron in front of new lot 6.01. With regard to the sale of new lot 6.01 to the County, Mr. DeRochi indicated that he believes that the County will append the new lot to existing adjacent parkland, Van Horn Park, and that the County does not currently have plans for any active recreation on new lot 6.01. Mr. DeRochi further indicated that vehicles will not have

access to Van Horn Park from new lot 6.01. In response to a Board question regarding the installation of the new sidewalk and the retaining wall, Mr. DeRochi testified that the improvements will be installed when the homes are built on the two new unimproved lots.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property, identified as Block 5, Lots 6 and 7, is a 14.517 acre site comprising two lots located in the R-1 and VO Zoning Districts with 560 feet of frontage along Washington Street. The Property abuts parkland on its East and South sides. Applicant's three proposed residential lots will be located in the R-1 Zoning District and the proposed flag lot will remain located entirely in the VO Zoning District.
2. Applicant received preliminary major subdivision approval with conditions in November of 2014, as indicated above, and now requests final major subdivision approval to subdivide the two existing lots into four new lots. The new subdivision will be comprised of two new 1.016 acre residential lots (lots 7.02 and 7.03), one new 1.548 acre residential lot containing the existing buildings (lot 7.01), and one new 10.937 acre flag lot (lot 6.01) that the Applicant intends to sell to the County of Somerset for use as parkland.
3. Applicant has not requested any use or bulk variances in conjunction with the Application and Applicant has satisfied the conditions imposed in the preliminary major subdivision approval granted on November 11, 2014 related to drainage and stormwater management issues, as evidenced by the Board Engineer's memorandum dated January 10, 2018.
4. The Board is satisfied that Applicant's proposal to install a five foot wide sidewalk abutting the curb on a portion of new lot 7.01, while not in compliance with the applicable RSIS requirement, is appropriate as it will preserve the existing street trees and will correspond to the sidewalk across the street from the Property.
5. Applicant has shown sufficient evidence to authorize the approval of a final major subdivision of the Property in accordance with N.J.S.A. 40:55D-50, with a waiver of the RSIS requirement regarding the sidewalk width, as indicated above, subject to the conditions imposed herein.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Planning Board does hereby GRANT the Relief Granted as noted above, subject to the following conditions:

1. Applicant is required to comply with the following condition(s):
 - a. Applicant shall comply with the recommendations in the memoranda of the Board Planner dated January 17, 2018.
 - b. Applicant shall comply with the conditions imposed upon Applicant in the Board's Resolution of approval of Applicant's preliminary major subdivision dated November 11, 2014 to the extent that they have not yet been satisfied, except as modified herein.
 - c. Applicant shall comply with the residential development fee requirement, in accordance with the DRO.
 - d. Applicant shall post guarantees to ensure the performance and maintenance of any public improvements in accordance with the DRO and applicable law.
 - e. Applicant shall modify Applicant's plans to reflect that the proposed retaining wall will be consistent in size and appearance with the stone retaining wall across the street from the Property.
 - f. Applicant shall modify Applicant's plans to reflect the removal of the concrete apron and one street tree from the front of new lot 6.01.
 - g. Applicant shall record a copy of the drywell maintenance manual with each of the deeds of the lots containing the drywells.
 - h. Applicant shall comply with Applicant's representation to the Board regarding locating and tracing the sewer lines on the Property, to the satisfaction of the Board Engineer.
2. Applicant is required to comply with Applicant's representations to and agreements with the Board during the hearing on this Application.
3. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Development Regulations Ordinance of the Borough of Rocky Hill, other Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.
4. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
5. The grant of this Application shall not be construed to reduce, modify or remove the current ban on new water service connections in the Borough that has been imposed by the New Jersey Department of Environmental Protection and over which the Board does not maintain jurisdiction.

6. Applicant is required to comply with all recommendations of outside agencies having jurisdiction over the Application including but not limited to the Somerset County Planning Board.

7. All fees assessed by the Borough of Rocky Hill for this Application and the hearing shall be paid prior to any construction.

BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2018, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Kartsonis, M. Goldman, L. Goldman, Battaglia, Nolan, Blasch, Hintz, Hallman; No: None; Abstain: None; Not Eligible: None; Absent: Ashbaugh, Corlis.

RESOLUTION DATE:

ATTEST:

Christine Witt,
Planning Board Secretary

Michael Goldman,
Chairman

VOTE ON RESOLUTION					
MEMBERS	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
CHAIRMAN MICHAEL GOLDMAN					
MAYOR PHILIP KARTSONIS					
COUNCILMAN ROBERT ASHBAUGH					
MARK BLASCH					
IRENE BATTAGLIA					
TIM CORLIS					
LINDA GOLDMAN					
CONNIE HALLMAN					
BRIAN NOLAN					
VACANT, ALT 1					
ERIC HINTZ, ALT II					

Attachment: 25 Washington Road Final Subdivision Resolution (25 Washington Road LLC Resolution)