

Borough of Rocky Hill  
Planning Board  
Minutes of the Regular Meeting  
June 21, 2018

The regular meeting of the Planning Board of the Borough of Rocky Hill was called to order by Chair Michael Goldman at 7:30 PM followed by the salute to the flag.

**PLEDGE OF ALLEGIANCE**

**NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT**

**ROLL CALL**

Attendee Name	Title	Status	Arrived
Phil Kartsonis	Mayor	Present	
Michael Goldman	Chair	Present	
Linda Goldman	Class IV	Present	
Irene Battaglia	Class III	Present	
Brian Nolan	Class IV	Present	
Tim Corlis	Class IV	Present	
Mark Blasch	Zoning Officer	Present	
Eric Hintz	Alternate 2	Absent	
Connie Hallman	Class IV	Present	
Peter Morgan	Alternate 1	Absent	

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

**CHAIRMAN'S COMMENTS**

None.

**APPROVAL OF THE MINUTES**

1. Planning Board - Regular Meeting - May 17, 2018 7:30 PM

<b>RESULT:</b>	<b>ACCEPTED [5 TO 0]</b>
<b>MOVER:</b>	Brian Nolan, Class IV
<b>SECONDER:</b>	Mark Blasch, Zoning Officer
<b>AYES:</b>	Phil Kartsonis, Irene Battaglia, Brian Nolan, Tim Corlis, Mark Blasch
<b>ABSTAIN:</b>	Michael Goldman, Linda Goldman, Connie Hallman
<b>ABSENT:</b>	Eric Hintz, Peter Morgan

**OPEN PUBLIC COMMENT**

The floor was open to public comment, hearing none the floor was closed.

**APPLICATIONS**

1. Bank of America Minor Site Plan Application

**Minor Site Plan for Lighting Upgrade:  
Bank of America, 1 Washington Street, Block 5 Lot 24**

Applicant seeks minor site plan approval to remove, replace and add new light fixtures to upgrade the exterior site lighting in the parking lot of the existing bank branch and in order to meet the New Jersey ATM minimum lighting requirements (N.J.S.A. 17:16K-10). In connection with this application, the Applicant seeks a waiver of the Borough's lighting standard (§ 80-59) for average light intensity at ground level.

Attorney Diane Hickey of the firm Riker Danzig introduced the application and presented Engineer Anthony Albano as an expert witness. The Board accepted Mr. Albano as an engineering expert, and Ms. Maziarz swore him in.

Mr. Albano stated that the Bank of America is upgrading light fixtures to LED at all of its branches in the Northeast United States and bringing all ATM machines up to state code. Mr. Albano testified that the Bank of America property in this application is in both Rocky Hill and Montgomery Township and the application seeks approval for the lighting in Rocky Hill, including the ATM in the front of the building and the drive-through ATM at the back of the building.

Exhibit A-1, Site Plan, was presented to the Board.

N.J.S.A. 17:16K-10 indicates that 2 footcandles of light are required at a distance of 50 feet from an ATM machine when the machine is enclosed, as is the ATM at the front of the building. The four proposed pole lights within the grass areas will feature a lantern LED fixture that will be mounted at ten feet above grade to meet the feel of the adjacent historic district and the overall character of the community. Lights throughout the property will be removed and replaced with LED lights. The design calls for antique lamp posts with lower fixtures but more poles than there are currently. Mr. Albano commented that the proposed plan makes a good faith effort to meet the requirements of the Borough and the State. Mr. Albano also noted that the bank's lighting plan cannot take into account the existing street lights because the bank has no control over street lights should they fail to operate.

Ms. Goldman asked if the standards regarding light levels were calculated using the entire property both in Rocky Hill and Montgomery Township, and Mr. Albano answered in the affirmative.

Mr. Goldman asked about the color and warmth of the proposed new lights and what the average footcandle is on the property overall. Mr. Albano answered that the average footcandle on the property is 1.83, which is in excess of the Borough ordinance section 80- 59 which prohibits lighting over 0.5 footcandles.

The floor was open to public comment:

Judy Singleton, 49 Knoll Way, asked what the current average footcandle was and noted that the ATM machine is currently bright enough to impact the townhouses on Knoll

Way. Mr. Albano answered that some spots on the property are not currently in compliance and that some areas will remain bright, but the bank will design the changes so that more of the lights will shine towards the bank property.

Mr. Albano presented the current lighting plan, and it was marked as exhibit A-2.

Brian Griner, 303 Knoll Way, asked if a resident of Knoll Way can be involved in the further planning and how much brighter the bank lighting will be. Mr. Albano answered that the Bank's plan is to try to keep all the lighting directed towards the bank.

Ms. Goldman asked the Borough Engineer if the Borough standard of 0.5 footcandles was appropriate for this application and would a waiver be appropriate for the applicant. Mr. Tanner replied that customers using the ATM at night would prefer a well-lit parking lot for safety reasons and that the Borough lighting standard was lower than usual for applications such as bank parking lots.

Mr. Tanner, the Borough Engineer, commented that perhaps more shrubbery should be planted to block the glow of the lights to surrounding properties.

Ms. Lee, the Borough Planner, suggested that using the warmer tones of LED lights might mitigate the overall increase in the level of the lighting.

Mr. Goldman took a straw poll of the Board to see which members thought the applicant should come up with a revised plan to present to the Board at a future meeting and which members thought the application could be conditionally approved. The majority opinion was that the application could be approved with conditions requiring the Board Planner and Engineer to work with the applicant to develop a lighting plan which addressed both public safety and mitigated adverse light effects on surrounding properties.

Ms. Goldman moved the waiver of the Borough lighting standard as a matter of public safety. The Board finds that the Borough half-candle standard would not be appropriate for this application. The applicant and Board professionals will meet with the applicant's engineer to develop a plan to reach the two footcandle standard on the Washington Street side of the property and to reduce as far as possible the footcandle average within the entire site through whatever means necessary, including changing the color and temperature of the lights to lessen the impact on the residential dwellings in the area of the bank. If the applicant and the Borough professionals are unable to reach an agreement on a revised application, then the applicant will need to come before the Board again.

<b>RESULT:</b>	<b>ADOPTED [7 TO 1]</b>
<b>MOVER:</b>	Linda Goldman, Class IV
<b>SECONDER:</b>	Connie Hallman, Class IV
<b>AYES:</b>	Phil Kartsonis, Linda Goldman, Irene Battaglia, Brian Nolan, Tim Corlis, Mark Blasch, Connie Hallman
<b>NAYS:</b>	Michael Goldman
<b>ABSENT:</b>	Eric Hintz, Peter Morgan

2. Bank of America Revised Plans
3. BoA Engineer's Report
4. BoA Revised Planner Review

**UNFINISHED BUSINESS**

*Master Plan Re-Examination*

1. DOC-2018-52 : Public Hearing on the Proposed Adoption of an Amendment to the Master Plan

Ms. Maziarz swore-in Ms. Lee, Borough Planner, to testify regarding the proposed Master Plan Amendment.

Ms. Lee gave an overview of the proposed amendment to the Master Plan to add a cottage zoning overlay zone to the R-1C zone. Ms. Lee explained that the Planning Board is proposing to revise the Master Plan in a focused, specific way as part of the Borough’s affordable housing plan. The purpose of the cottage zoning is to promote small, high-quality, single-family, detached homes for smaller households. Specific design criteria will include: the maximum number of cottage units will be sixty, at least 12 units must be affordable to income qualified households, cottages will range in size from 800-1,200 square feet, basements and individual garages will not be permitted, cottages will be arranged in tightly knit clusters of four to twelve units, development will be governed by a homeowners’ or condominium association, and provisions will be made for creating a few rental units within the development.

The floor was open to public comment:

Raymond Whitlock, 94 Crescent Avenue, voiced his support of the proposed cottage overlay zone.

Tom Bremner, 17 Crescent Avenue, noted that his property is adjacent to the proposed site of the cottage overlay zone and said he is supportive of the plan.

Hearing no other public comment, the floor was closed.

Mr. Nolan moved to adopt the amendment to the Master Plan to include a cottage overlay zone. Ms. Goldman seconded the motion, and all voted in favor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Nolan, Class IV
<b>SECONDER:</b>	Linda Goldman, Class IV
<b>AYES:</b>	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Tim Corlis, Mark Blasch, Connie Hallman
<b>ABSENT:</b>	Eric Hintz, Peter Morgan

2. 1682 : CFO Budgetary Analysis

The CFO was not available to discuss his report with the Board. Ms. Goldman commented that her research found that a dwelling's use does not change its taxes, and that taxes go up only when a building is made bigger. Therefore, a change from residential to commercial use will not necessarily lead to more tax revenue. Ms. Lee suggested that changes to the Borough through the Master Plan are long-range and the idea is to start the process now. Mayor Kartsonis commented that he will work with the CFO to develop a long-range needs assessment in order to provide a framework for the discussions of expanding the commercial areas of the Borough.

3. 1687 : Master Plan Survey Results

Ms. Battaglia provided an overview of the survey results. There was a 20% response rate with a good sampling of different groups. Mayor Kartsonis recommended that the survey results be used to identify areas where transformative changes can be made.

M. Goldman updated the Board on the Somerset County Preservation Plan meeting which focuses on open space, farmland preservation, and historic preservation. The County has a goal of every resident living within 200 feet of a path to a park and providing safe transit for walkers and cyclists to open space. Mr. Goldman also mentioned that the draft County plan has a mid-November target date; and, that since the plan will incorporate future projects, the Borough should consider offering, in a timely fashion, ideas to the county for Borough improvements that fit within the County's goals.

Ms. Goldman updated the Board on the Somerset County Library System strategic planning meeting. The library system is looking for ways to be more relevant to the community.

**NEW BUSINESS**

Ms. Battaglia brought to the Board's attention concerns of the Harrington's of 50 Crescent Avenue regarding lighting and tree removal by Salon Azzurro. Mr. Goldman explained that these issues are not within the Planning Board's jurisdiction.

**FINAL OPEN PUBLIC COMMENT**

Tom Bremner, 17 Crescent Avenue, commented that the Harrington's believe there were changes made to the Salon Azzurro parking lot. Mr. Bremner asked if a path to Van Horne Park was included in the plans for 25 Washington Street. Mr. Goldman answered that it was not, but that there is the potential for a path once the County has purchased the property. Mr. Bremner said that the Business Park has installed a new fence that blocks entrance from Crescent Ave. to the park. Mr. Goldman replied that there is a public easement, that the Borough does not maintain, which would link Crescent to the Park. Mr. Bremner also asked if the respondents of the Master Plan survey were geographically diverse, and Ms. Battaglia responded in the affirmative.

**EXECUTIVE SESSION**

1. 1690 : To Retire into Executive Session for the Purpose of Litigation-Schafer v. Borough of Rocky Hill, et al.

Executive Session began at 9:52 PM.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Connie Hallman, Class IV
<b>SECONDER:</b>	Linda Goldman, Class IV
<b>AYES:</b>	Phil Kartsonis, Michael Goldman, Linda Goldman, Irene Battaglia, Brian Nolan, Tim Corlis, Mark Blasch, Connie Hallman
<b>ABSENT:</b>	Eric Hintz, Peter Morgan

2. Schafer Complaint
3. Answer to Schafer

**RESULTS OF EXECUTIVE SESSION (IF ANY)**

None

**ADJOURNMENT**

Meeting adjourned at 10:16 PM.