

ROCKY HILL PLANNING BOARD
Minutes of the March 9, 2004 Meeting

Present: Baralt, Bristol, Cann, Harris, Hasser, Hayden, Muser, Nolan, Roshetar, Whitlock, Yuchmow

Absent: None

Also present: G. Muller, S. Kimball, and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

Chairperson's Comments: S. Bristol stated that the draft historic preservation users' guide has been prepared with funding received from the County. The guide will be finalized in the near future.

Open Public Comment Period: The meeting was opened to the public. Being that there were no comments, a motion was made by B. Nolan and seconded by P. Harris to close the public comment period. The vote was 8-0 in favor. Motion carried.

Approval of Minutes:

January 13, 2004 – postponed to next meeting.

February 10, 2004 – Motion made by R. Whitlock and C. Cann seconded the motion to approve the minutes of February 10, 2004 as amended. The vote was 7-0 in favor of those eligible to vote. Motion carried.

February 23, 2004 – Motion made by B. Nolan and J. Yuchmow seconded the motion to approve the minutes of February 23, 2004. The vote was 8-0 in favor of those eligible to vote. Motion carried.

CONCEPT REVIEW

Informal Review – Preservation Plan

Debra Land, 49 Crescent Avenue

Debra Land, 49 Crescent Avenue, addressed the board. Ms. Land stated that she lives in one half of a duplex home and she has informed the other owner of her intent. She advised that her neighbors are in total agreement with the proposed concept plan. She presented an exhibit of photographs of the existing property and drawings of the proposed design. The conceptual plan is for a two-story addition off the rear of the residence providing two bedrooms and two baths. Ms. Land stated that the height and design features are similar to "The Brokaw Building" which abuts her property. On the exhibit are photographs of two homes which are similar in architectural design, 3 Washington Street and 30 Princeton Avenue. She stated that she wished an addition that has its own style but is also in keeping with the historic buildings in the immediate area. The window designs were then described, Ms. Land stated that the circular window on the eastern side has been eliminated. She also stated that having windows in this portion of the home provides a

great deal of sunlight into their living space. S. Bristol stated that the fenestration was awkward and not practical.

P. Hayden stated that elevations from the front and side (western) are needed for adequate review of what can be seen from the roadway. He also suggested that the windows be in harmony with the surroundings. Ms. Land stated that she is unsure of the siding material but whatever is proposed will be carried over to the attached unit. G. Muller stated that the zoning regulations must be adhered to and advised that a variance would be needed for this proposal because it is an expansion to a non-conforming use.

DISCUSSION - COUNTY PARK

Richard Bartolone, Rocky Hill Landscape Architectural Consultant, stated that he was returning in order to answer any questions by the Board or the public in order to address all issues prior to preparing the final plan. He presented the site plan and provided an overview of the proposed County Park. Mr. Bartolone stated that additional wetlands have been located on site, and the revised plan will show the correct information. R. Whitlock stated that three property owners on the southern end of the park may have concerns about the drainage. Mr. Bartolone stated that an improvement to the grading is anticipated and that drainage should be much better than what exists.

Donald Daines, Esq. Hill Wallack, stated that he is representing David Schafer and asked what is proposed in the area adjacent to the Schafer land. Mr. Bartolone stated that they desire a future pedestrian connection to the site. Mr. Daines asked the distance from the property line to the gazebo, Mr. Bartolone responded that it is 175 feet. Mr. Bartolone stated that the gazebo and the parking lot in that portion of the site was a requested element, to keep the active and passive areas separate. Mr. Daines noted that they have concerns of this being a gathering point in the evening. Mr. Bartolone stated that police protection is being discussed and that the park will be closed from dusk to dawn seven days per week. Mr. Daines asked about the drainage in that portion of the site. Mr. Bartolone stated that the grading in that portion of the site will be minimal for the construction of the roadway. Mr. Daines asked if fencing is proposed along the eastern property line, and Mr. Bartolone responded that none is proposed. Mr. Daines asked for an analysis on security. S. Bristol advised that a visual delineation was discussed at the last meeting for the residents of Knoll Way, and they indicated an interest in installing their own landscaping to separate the park from their neighborhood. G. Muller raised the question of whether the same visual delineation treatment offered to the residents of Knoll Way could be available to Mr. Schafer's property. Mr. Daines stated that this will not be done until after the property is developed and asked if the assessment for the landscaping will be the responsibility of the property owner. G. Muller replied that it will not. Mr. Daines asked if any consideration had been given to placing the gazebo near the 30-space parking area. Mr. Bartolone advised that there are wetlands in that area and this was never considered. Mr. Daines suggested that the gazebo be relocated.

Cliff Wilson, Montgomery Township resident, stated that if there is a visual barrier on the eastern side how will the viewshed be affected? Mr. Bartolone stated that landscaping will be installed but they will keep the area open to retain the viewshed.

Carlos Baralt, 202 Knoll Way, stated that he spoke with the residents from Knoll Way and they were considering planting trees along the northern boundary line of the park but did not necessarily want to block the views. S. Bristol stated that selective landscaping is encouraged

and asked for a landscaping plan delineating the public and private properties surrounding the park.

ZONING ORDINANCE REVIEW: Referral by Borough Council of Ordinance #04-02 (Schafer tract) for further consideration.

S. Bristol stated that Borough Council reviewed Ordinance #04-02 and there are two items conveyed. The Planning Board was asked to review the setback along Princeton Avenue and the status of garages in this zone.

a) setback along Princeton Avenue

G. Muller stated that Dan Dobromilsky prepared a design for Board review and handed copies of the illustration to the Board members. T. Roshetar stated that the illustration provided is not relevant to past discussions since it only provides a 150-foot setback. S. Kimball stated that the proposed zoning ordinance with a 150-foot setback requirement would allow for the design depicted in the illustration. P. Hayden stated that a 275-foot setback seems unnecessary but is beneficial for the preservation of open space along the public road. G. Muller stated that a goal for this parcel is the preservation of the greenbelt to the village.

The meeting was then opened to the public. Donald Daines, Esq., Hill Wallack, asked how the town, after receiving 95 acres of open space, can set in place a setback to provide open space and restrict development to the remaining land. He considered the proposed zoning to be spot zoning since the properties across the roadway are much different than the zoning being considered for this parcel. Mr. Daines stated that a resolution had been adopted by Council for 28 units and the Board is considering a change to that zoning. G. Muller stated that the property owner and this counsel are still under the impression that the parcel is locked into zoning for 28 units. G. Muller stated that he and Borough Council have clearly supported the fact that the agreement pertained only to sewer capacity. Municipalities are not permitted to lock in zoning through contract with private parties.

Julia Hasser, 72 Hickory Court, stated that she attended the Borough Council hearing, and it was noted that the ordinance can be amended in the future.

Motion was made by R. Whitlock and C. Cann seconded the motion to close the public portion of the meeting. The vote was 9-0 in favor. Motion carried. Motion was made by J. Yuchmow and J. Muser seconded the motion to recommend approval of the 275-foot setback along Princeton Avenue and to refer the ordinance back to Borough Council without changes. The vote was 8-0-1 in favor, with an abstention from R. Whitlock. Motion carried.

b) status of garages in this zone

S. Bristol stated that the Board has been asked to review whether garages should be detached or could have some type of connection between it and the dwelling. S. Kimball stated that outbuildings typically are behind the principal dwelling, and the ordinance promotes this. S. Bristol stated that the goal of the ordinance is to prevent garages from dominating the streetscape. T. Roshetar stated that a covered walkway as a connector increases the mass of the

building. S. Kimball recommended limiting the connector piece to a one-story unenclosed structure. S. Kimball also noted another option would be to include a limit of 3,000 square foot of habitable space if an attached garage is being considered.

The meeting was then opened to the public. Donald Daines, Esq., Hill Wallack, asked if a variance would be needed for an attached garage. S. Bristol stated that this is only applicable to some options within the zone. He asked that S. Kimball interact with their Planner on this matter. G. Muller stated that the Board has been reviewing this for over a year and now it appears the property owner is requesting that the Planning Board postpone its review.

Andy Metz, 301 Knoll Way, stated that the Borough Council is considering the rezoning of this parcel and the Planning Board is attempting to recommend the best design approach for development.

Motion was made by R. Whitlock and P. Harris seconded the motion to close the public portion of the meeting. The vote was 9-0 in favor. Motion carried. Motion was made by R. Whitlock and T. Roshetar seconded the motion to recommend approval of the ordinance to Borough Council without changes. The vote was 9-0 in favor. Motion carried.

CONSIDERATION OF POSSIBLE AMENDMENT TO ADOPTED COMMUNITY LANDS ORDINANCE (ORDINANCE #04-01)

G. Muller stated that the ordinance was adopted by Borough Council, and it is being referred it back to the Board to review concerns expressed about the proposed regulations dealing with cell tower antennae. G. Muller provided all revisions to the text. S. Kimball recommended a 2.5 story limitation with a full description of what is considered a story.

Board discussion took place, and T. Roshetar asked if community lands include land which is not owned by the Borough. S. Kimball confirmed this and stated that the draft ordinance changes as written by G. Muller satisfies the concerns expressed by the Board. The only change she recommended is the 2.5 story limit.

The meeting was then opened to the public. Being that there were no comments, motion was made by R. Whitlock and J. Yuchmow seconded the motion to close the public portion of the meeting. The vote was 9-0 in favor. Motion carried. Motion was made by T. Roshetar and C. Cann seconded the motion to recommend approval of the amended ordinance to Borough Council. The vote was 9-0 in favor. Motion carried.

Motion was made and seconded to adjourn the meeting at 10:15 p.m. All members present were in favor. Motion carried.

The next meeting is scheduled for Tuesday, April 13, 2004.

Respectfully submitted,

Kerry A. Philip
Recording Secretary