

**ROCKY HILL PLANNING BOARD**  
**Minutes of the June 29, 2006 Special Meeting**

Present: R. Ayrey, R. Batchelder, C. Cann, J. Hasser, G. Morren, C. Pihokken, T. Roshetar, R. Whitlock, A. Youtz

Absent: G. Oakley, J. Yuchmow

Also present: V. Bollheimer 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.

**Approval of Minutes:**

March 30, 2006: Postponed to next meeting.

April 11, 2006: Postponed to next meeting.

May 11, 2006: Postponed to next meeting.

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

**Chairman's Comments and Correspondence**

There were no announcements.

**Borough Ordinance Referral: COAH Fees**

V. Bollheimer, Esq. stated that Borough Council has introduced an ordinance raising affordable housing development fees for residential housing 1.5 percent to 2 percent and for commercial development from 1 to 1.5 percent.

Motion was made by G. Morren and J. Hasser seconded the motion to recommend approval of the ordinance to Council and refer it back for final adoption. The vote was 6-3 in favor. Motion carried.

FOR: Batchelder, Hasser, Morren, Pihokken, Whitlock, Youtz

AGAINST: Ayrey, Cann, Roshetar

ABSTAIN: None

**Borough Ordinance Referral: Rocky Hill Pub Zone Change**

Motion was made by R. Batchelder and C. Cann seconded the motion to recommend approval of the administrative correction to the zone for 153 Washington Street to the R-3 zone designation. The vote was 9-0 in favor. Motion carried.

**APPLICATION REVIEW**

Rocky Hill Estates (continued from May 11, 2006)  
Pulte/Schafer, Preliminary and Final Major Subdivision  
Princeton Avenue; Block 10, Lot 19

Donald Daines, Esq., legal counsel for the applicant, asked the engineer to address the Board. Richard Moralle, previously sworn in referenced a revised illustrative drawing location map (Exhibit A-22) and stated that there was a question about historic buildings in the area. Reduced copies of the exhibit were handed to the Board. Mr. Moralle stated that the only structure on the property is a temporary plant shelter; it is a small tent shaped structure made of plastic and metal and is used to store gardening equipment, fertilizer and is used to raise seedlings for planting. Photographs of the structure are included on the exhibit. Mr. Moralle stated that there are no other historic buildings on the property. V. Bollheimer asked if this structure is visible from the public road and Mr. Moralle said no. Mr. Daines asked the architect to address the Board. David Griffiths, architect for the applicant, previously sworn in stated that he went out to investigate the plant shelter and he submitted a report on his findings dated June 5, 2006. Mr. Griffiths stated that there is no evidence of historic artifacts or evidence of any foundations or remains of historic buildings. He stated that he does not consider the plant shelter as a structure. Five elevations and combined unit designs were presented to staff prior to the hearing and presented a board (Exhibit A-23) showing the elevations of combined units proposed for lots 19.34 & 19.35; 19.32 & 19.33; 19.14 & 19.15; 19.05 & 19.06 and 19.18 & 19.19.

Mr. Daines stated that the architect was asked to do a walking tour of the community to prepare a photographic presentation on the homes in Rocky Hill. Exhibit A-24 was presented. Mr. Griffiths stated that the building proposed on lots 19.14 and 19.15 have front loading garages, the width is 88 feet and he compared this building to 5 Washington Street as viewed from Washington Street. The building is located on a corner lot and has a width of 96 feet on Young and 70 feet on Washington. He stated that both structures are two stories with similar window orientation and shutters on each side of the single window and has a gabled roof. G. Morren advised that this was a farmhouse converted for office space, not residential. T. Roshetar stated that 88 x 84 is the typical building size of the proposed building.

Mr. Griffiths presented an exhibit of the elevations for lots 19.04 and 19.05 (Exhibit A-25) and stated that these are the structures viewed when entering the drive to the development. Also included on the exhibit are the elevations for lots 19.19 and 19.18 and he stated that these buildings are comparable to the twin unit building at 141 Washington Street and the Sante Fe Grill at the corner of Princeton Avenue and Washington. Mr. Griffith stated that the twin unit

building is 75 feet in width. Mr. Griffiths stated that measurement is taken from the face of the building to the edge of the porch. T. Roshetar stated that he measured this building at 58 feet wide. Mr. Griffiths stated that the structure proposed for lots 19.19 and 19.18 were compared to the Sante Fe Grill, it has three stories with two stories at the other end with a gabled roof. Mr. Griffiths stated that the Sante Fe Grill was measured at 84 feet along Princeton Avenue and 51 feet along Washington. Exhibit A-26 was presented with elevations of lots 19.34 and 19.35 which will be viewed on the right when entering the development and 19.32 and 19.33 viewed on the left side of the entry road. The architectural treatment of the proposed buildings have a reverse gable element, porches with a single roof and railings. The alignment is similar to 49 Washington Street and 10 Princeton Avenue. Mr. Griffiths stated that lots 19.32 and 19.33 is comparable to the Outerbridge Morgan building on Princeton Avenue. It has a gabled roof, with no reverse gables, the same trees are proposed as are the window treatments. It is 87 feet in length as compared to 88 feet for the proposed building. He stated that there are other structures in town that are comparable but he did not present photographs of those buildings. He presented a six photographs of buildings not found in the historic district (Exhibit A-27). The photographs included a typical building within the business park; 122 Washington, 30 Princeton Avenue, and; 38 Washington Street. Mr. Griffiths stated that a building within the business park is over 100 feet in width and two stories in height, and the residences are approximately 63 feet wide. Mr. Griffiths presented photographs of five structures within the historic district (Exhibit A-28) including 85 Washington Street; 5 Princeton Avenue and the Church on Washington and Reeve. He stated that the twin unit buildings at 85 Washington and 5 Princeton Avenue is approximately 60 feet in width when viewed from Crescent. The Church is 93 feet wide when viewed from Washington and 137 feet wide on Reeve Street.

Mr. Daines stated that the board asked for supplemental information on the floor plan and the location of the master bedroom. Mr. Griffiths asked if the Planning Board should be concerned about whether these are first floor masters and his opinion is that this should not be a matter of concern. First floor masters may be an option but the plans were not prepared with that elevation.

Board discussion then took place.

T. Roshetar stated that he walked through the historic district recently and he was looking at the homes and not the commercial structures. He stated that his measurements are different than the applicant's measurements. The exhibit should be 1/8-inch scale but the individual on the plan is out of scale, the individual appears to be 6 feet 9 inches in height. The drawings that the Planning Board members received were scaled and it was determined that the plans were not at 1/8-inch scale as required. Mr. Griffiths apologized and stated that he cannot explain why the board received the wrong scale on the elevations. T. Roshetar stated that renderings from Princeton Avenue were requested but the perspective given is 30 to 40 feet further from Princeton Avenue and the homes appear smaller when shown in this manner. He stated that the applicant provided the measurement of every commercial/non residential building in town. Some are close to 88 feet but a majority of the buildings are closer to 60 feet. The buildings proposed in this development are 50 percent larger than the homes in the area and this is not compatible. Mr. Daines reported that the reproduced copies of the plan are less than 1/8-inch

scale. Mr. Griffiths stated that the measurement is 9 feet per inch instead of 8 feet. Mr. Daines apologized for this error.

G. Morren stated that the appearance is very strange because there are older homes in this portion of Rocky Hill. C. Cann stated that third story dormers are not seen on existing homes in Rocky Hill. She stated that these contribute to the mass of the proposed buildings. The vertical lines are as high as a third story and because it is so close to the street it has more of an impact. Michael DeGeronimo, Looney Ricks Kiss, stated that third story dormers are needed along the roof line because without it the roof line would appear worse.

The meeting was then opened to the public.

Richard Dienst, Washington Street, stated that the ordinance calls for a comparison of existing structures. He stated that 14 comparisons were presented but only eight of those were actually residences.

Fred Jacobs, resident, read excerpts of the ordinance advising that the development must comply with the historic guidelines. V. Bollheimer stated that an amendment to the ordinance was adopted and a copy of the amended ordinance can be attained from the Clerk's office.

Susan Bristol, 104 Washington Street, asked if dimensions of the buildings included the options for the porches. Mr. Griffiths stated that 88 feet is the building mass and wrap around porches are an option for several of the buildings and some of the dimensions included the porches. Ms. Bristol stated that the applicant presented the wrong side of the Lyric Hall building to find something compatible in size to the proposed building. The true width of Lyric Hall is 35 feet, 82 feet is the depth of the structure on the lot, and the permit identifies the dimensions of that building to be 35 feet x 76 feet. She stated that she does not feel that the applicant is providing accurate dimensions.

Gabrielle Dietrick, Merritt Lane, referenced the guide to historic preservation and stated that something compatible in that area would provide open space between the buildings; these buildings offer a 30 foot separation. Mr. Griffiths stated that the fronts of the buildings will vary in width on most of the roads, although the grouping of homes on Road 3 will appear as a large wall. He stated that there is a visual impact on the streetscape when walking along Princeton Avenue but the buildings will not appear that wide with the 150 foot setback. He stated that there are numerous existing buildings in Rocky Hill that do not offer 30 feet in between each other.

Constance Greiff, 60 Princeton Avenue, asked Mr. Griffiths how he defines mass and she asked how this building is compatible in mass to existing buildings along Washington. Mrs. Greiff stated that the cubic footage within the building involves the mass of the building. Mr. Griffiths stated that by elevation, mass is defined as primary and secondary. Mr. Daines stated that the movement of the building's front façade affects the massing of the portions that are set back further. Mr. Griffiths stated that when reviewing the buildings he compared the primary massing to the secondary massing and the primary massing is much wider but it is the same façade and

same plane. When the massing of the buildings was discussed with Borough staff and professionals they worked on approaches to break up the mass.

Being that no one else wished to address the architectural element of the proposal, the public portion was closed. The meeting was then opened to the public for discussion on the overall development of the site.

Constance Greiff, 60 Princeton Avenue, stated that she wrote a letter to the Borough and attached photographs. She stated that her comments were about the sidewalk along Princeton Avenue. The proposed sidewalk along the west side of Princeton Avenue has an extremely irregular terrain, to put a sidewalk in would require a substantial amount of cutting and filling but this has not been discussed. Creating a sidewalk would involve the removal of ornamental plantings and she does not feel this serves a purpose. If the sidewalk is needed for accessing the park, a discreet sign should be adequate.

Duggan Kimball, Kimball and Kimball, stated that pertaining to the sidewalk and the Borough Master Plan, the concept was that this development is a dividing line between the historic core and what is symbolically the country side. He stated that a sidewalk has questionable utility but the RSIS requires this so the applicant would be required to request a waiver if a sidewalk is not proposed. The Board had the authority to grant this waiver. Mr. Daines stated that the applicant is willing to do whatever is desired by the Board. Mr. Kimball stated that the sidewalk is a link for the park, there is an internal link through the development and he wanted to ensure a link is accessible to the public. Mr. Daines confirmed that Borough Council wanted public internal access to the park and the plan was designed to make the park accessible.

V. Bollheimer stated that the ordinance provides some design standards for development including a requirement for public access (pedestrian and bicycle) to the park via the internal development. A sidewalk connection was recommended, she stated that this was a design standard but the board can waive this requirement. Richard Moralle, engineer for the applicant, stated that Borough Council deferred the issue of maintenance of the open space from Princeton Avenue to the Planning Board.

Ann Reichelderfer, 19 Toth Lane, stated that the application should be denied because the buildings are out of scale with anything in Rocky Hill other than the commercial buildings.

Jeanette Muser, Montgomery Avenue, asked if the zoning ordinance or the historic ordinance is being followed. V. Bollheimer, Esq., stated that Section 704 is the provision in the ordinance that is applicable to the development, the specific standards that must be followed in order to be in compliance with the historic requirements are noted in this section.

Hank Bristol, 104 Washington Street, stated that he measured many buildings in town and he is shocked at the discrepancy between the applicant's measurements and his measurements. The applicant testified that they have designed many developments; his opinion is that he does not believe they have built in an area similar to Rocky Hill and asked for a building design that will

make money for the applicant and is aesthetically pleasing. He stated that one of the proposed buildings is twice as big as a typical house in Rocky Hill.

Richard Dienst, Washington Street, stated that the buildings are 7,000 to 8,000 square feet in size, they are large buildings and seventeen buildings are proposed. This development will appear alien in a colonial village. The ordinance stipulates that the massing should respect the homes of Rocky Hill; the design should be compatible with the village center and asked for buildings more compatible with the massing and scale of the buildings in the Borough.

Gabrielle Dietrick, Merritt Lane, stated that she was attracted to Rocky Hill because of the open space and mature trees and now McMansions are proposed. She asked that the Planning Board request some changes to the design of the buildings. She referenced an article in the Wall Street Journal two weeks ago stated that people prefer smaller homes due to energy costs.

G. Epstein, 117 Washington Street, stated that he considers the proposed plan far from the intended spirit of the historic ordinance. He expressed concern about not following the ordinance how this will impact the town in the future.

Susan Bristol, 104 Washington Street, urged denial of the application because it does not meet the ordinance and is invasive to the scale of the Borough. During a recent meeting of the Office of Historic Preservation there was a discussion about developing within a historic district, the plan must be cohesive and the historic character must be preserved. She stated that she feels the proposal violates the relationship to the width and height in addition to the open space between the buildings. She stated that the recently adopted ordinance 7-04 is poorly written and is not a coherent as it could be. The applicant is proposing buildings take up the entire permitted building envelope and factoring in all of the other requirements of the site, the applicant is proposing a compliant project although the buildings are not compatible with existing buildings. She stated that the governing body should review the project being proposed and whether this development meets the entire ordinance. Ms. Bristol was sworn in and presented a visual aid she prepared called a figure brown (Exhibit P-1) which is a footprint plan of the proposed development amongst the surrounding properties. Exhibit P-2 titled "streetscape" shows the proposed restoration of the Rocky Hill Pub and the two adjacent properties showing the relationship between the buildings and the landscape. A collage of three proposed building elevations was presented (Exhibit P-3) and Ms. Bristol stated that the collage depicts 3 of the 5 homes that would exist at the edge of the development; the length of one of these buildings is equal to two buildings in Rocky Hill and the open space between them. The proposed streetscape is completely alien to Rocky Hill. She presented an exhibit of traditional duplexes that resemble single family homes (Exhibit P-4). A square footage and dimensional analysis prepared by Ms. Bristol was also presented (Exhibit P-5) showing the proposed buildings and the space between the buildings.

Mr. Daines asked Ms. Bristol for clarification on Exhibit P-1. S. Bristol stated that it is the village center portion and this pattern continues up Washington Road in to the historic district. Mr. Daines asked if Ms. Bristol was on the Planning Board in 2004. She advised that she was a member and that it was the end of her term on the board.

Glenda Fallon, Montgomery Avenue, stated that one thing she has been proud of as a resident is that Rocky Hill has the guts to stand up to all of their open space being turned into McMansions and urged the Planning Board to deny the proposal.

Debra Lane, 102 Washington Street, stated that the applicant testified that the proposal is comparable but she feels this is not the case. Some of the measurements included the porches and some did not. There is no building in Rocky Hill comparable in size and the mass of the buildings takes away from what could fit in with Rocky Hill.

Martin Engelbrecht, 88 Crescent Avenue, stated that he has been a resident of Rocky Hill for many years. He has seen things change and now the residents of homes constructed on good farmland are complaining about another development. He wanted to remind the Board that there was a lot of taxpayer money spent on the discussions for this zone and if the proposal is denied this may involve litigation. Borough Council members in 2004 agreed unanimously on the settlement for this parcel and this should have some validation. Borough monies should be spent on other matters and not litigation.

Linda Goldman, 184 Washington Street, asked the board to consider how people will get in to Van Horne Park if the sidewalk is eliminated. She asked that it not be eliminated or that there be a provision for public access.

Larry Raffaelli, 122 Washington Street, stated that the buildings are ugly and if they are to be constructed then they should be hidden with landscaping. The property has a retention basin with a pond and fencing, he stated that he would like to a fountain and suggested this be called the fountains of Rocky Hill. He would also like to see a rose garden in the village green along with a promenade. Smaller homes along the western end of the property should be proposed and he suggested an access to the property from Crescent and Washington.

The meeting was closed to the public.

Mr. Daines stated that the owner of this land in 2005 dedicated 95 acres for the county park after settlement negotiations about this development. The zoning ordinance was changed and the master plan was changed for consistency. The application follows all the standards in the ordinance, no variances are associated with the proposal.

Board discussion then took place.

V. Bollheimer identified the outstanding issues for board determination. A lighting waiver is requested since the lighting standards have not been met. The driveway width for the access drive on the western side of the parcel requires 18 feet; the applicant would like to propose a 12 foot width. The Board must determine if the open space should be landscaped or remain a meadow and the board must determine whether a sidewalk should be required.

G. Morren recommended the sidewalk issue be deferred back to Council. Motion was made by R. Batchelder and G. Morren seconded the motion to defer this issue to Council. The vote was 6-3 in favor. Motion carried.

FOR: Ayrey, Batchelder, Cann, Morren, Pihokken, Youtz

AGAINST: Hasser, Roshetar, Whitlock

ABSTAIN: None

Motion was made by T. Roshetar and G. Morren seconded the motion to approve a 12 foot width for the access drive. The vote was 9-0 in favor. Motion carried.

Motion was made by R. Whitlock and J. Hasser seconded the motion to approve the waiver from the lighting requirement. The vote was 9-0 in favor. Motion carried.

Motion was made by R. Whitlock and G. Morren seconded the motion to approve the application subject to the conditions recommended by the professionals. The vote was 4-5 in favor. Motion denied.

FOR: Batchelder, Morren, Pihokken, Whitlock

AGAINST: Ayrey, Cann, Hasser, Roshetar, Youtz

ABSTAIN: None

Motion was made by R. Whitlock and G. Morren seconded the motion to open a discussion the matter. The vote was 9-0 in favor. Motion carried.

T. Roshetar stated that when the Master Plan was revised in 2002 the Planning Board reviewed the undeveloped lands in town and determined a development approach for these tracts of land. The Planning Board fought about the zoning of this parcel when the ordinance was being discussed. Several board members wanted the applicant to be required to present the plan before the historic board but this was not required in the ordinance. He stated that he thinks the application does not comply with the ordinance, the size of the buildings is the area of concern and the applicant referenced commercial buildings when comparing building sizes. The applicant could have come in with a proposal for 17 normal sized homes but the proposed buildings are very large. He asked for further board discussion about a building that should respect the general scale and proportion of the district.

G. Morren stated that he has concerns about litigation and the costs involved if the applicant takes the Borough to court. A. Youtz stated that the massing of the building is subjective because of the wording within the master plan; the square footage proposed is consistent with what is noted in the ordinance. C. Cann stated that a developer has the right to build out to the fullest footprint but they are not obligated to do this. There should be a way to design and market a unit so that it is not out of scale with the community. R. Ayrey stated that the massing of the building is a concern and recommended the applicant go back to the drawing board and develop homes that are more in scale with the community. C. Pihokken stated that there was a settlement agreement involving this parcel and professionals were called in by the Borough to offer advice on what type of development would be permitted on this property. He stated that the Board has not heard that this application does not meet the standards within the agreement.

Motion was made by G. Morren and J. Hasser seconded the motion to approve the application with conditions. The vote was 6-3 in favor. Motion carried.

FOR: Batchelder, Hasser, Morren, Pihokken, Whitlock, Youtz

AGAINST: Ayrey, Cann, Roshetar

ABSTAIN: None

A motion was made and seconded to adjourn the meeting at 11:15 pm. The vote was 9-0 in favor. Motion carried.

The next meeting is scheduled for Tuesday, July 11, 2006.

Respectfully submitted,

Kerry A. Philip  
Recording Secretary