

ROCKY HILL PLANNING BOARD
Minutes of the September 11, 2007 Meeting

Present: R. Ayrey, C. Cann, G. Dietrich, L. Goldman, C. Pihokken, R. Whitlock, A. Youtz,
J. Yuchmow, Zimmerman

Absent: B. Griner, J. Hasser

Also present: V. Kimson 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: Chairman Pihokken requested a moment of silence in respect for the victims of September 11th.

Open Public Comment Period: The meeting was then opened to the public, being that no one wished to address the board the public portion of the meeting was closed.

G. Dietrich stepped down for the following discussion.

Application – Extension of Historic Preservation Approval

Pulte Homes of NJ, Limited Partnership and David Schafer; Rocky Hill Estates
Block 10, Lot 19

V. Kimson stated that the applicant has complied with notice requirements and therefore the Planning Board has jurisdiction. Henry Chou, legal counsel for the applicant, stated that the Planning Board granted the applicant historic preservation and site plan approval on September 12, 2006. The historic preservation approval expires in 12 months if a permit has not been issued. He stated that the applicant has not been able to proceed with the project due to litigation. The site plan approval is good for two years so the applicant is requesting an extension of the historic preservation approval to coincide with the site plan approval date.

C. Cann asked how much time remains on the clock when litigation is resolved. V. Kimson stated that the litigation began 44 days after approval. Mr. Chou stated that the applicant would like both terms to be coterminus, to terminate at the same time. V. Kimson stated that the applicant's final approval will expire on 9/12/08 and they can come back and ask for three one-year extensions.

The meeting was opened to the public.

Constance Greiff, Princeton Avenue, stated that the historic preservation ordinance clearly states that approval is for one year. She recommends the ordinance be changed to allow historic preservation approval to run concurrently with the site plan approval.

Susan Bristol, 104 Washington Street, stated that the applicant's application form and site plan appears to be updated. Mr. Chou stated that the plan is the same one that was approved and filed with the Borough. She stated that since the clock for the approval stopped when litigation began, there is no necessity to do this tonight and recommended approval not be granted.

Tom Bremner, 17 Crescent Avenue, asked when the applicant intends to begin building and hazardous conditions. V. Kimson stated that nothing about hazardous conditions was stated during testimony.

Gabriele Dietrich, 11 Merritt Lane, asked if there is no urgency would the board's action tonight influence the judge? E. Zimmerman stated that the reason they are here tonight is because the permit would have expired tonight if there was no litigation.

Being that there were no other comments, the meeting was closed to the public.

L. Goldman stated that she recommends approval for the one year extension request so it is concurrent with the site plan approval. R. Whitlock seconded the motion. The vote was 7-1 in favor. Motion Carried.

For: Ayrey, Goldman, Pihokken, Whitlock, Youtz, Yuchmow, Zimmerman

Against: Cann

Abstain: None

G. Dietrich left the meeting.

Subcommittee – Master Plan Update

C. Pihokken stated that the following members of the board expressed their interest in being on the Master Plan Subcommittee: C. Pihokken, E. Zimmerman, L. Goldman, G. Dietrich and as an alternate to the subcommittee J. Hasser.

V. Kimson stated that the Chairman is allowed to appoint a subcommittee without formal motion.

Ordinance Review

a) Flood Damage Prevention Ordinance #8, 2007.

V. Kimson stated that Council has requested the Planning Board review the ordinance because new state flood hazard maps have been drawn and in order to participate in a flood damage program an ordinance must be adopted. The draft document has been tailored for the Borough by the Borough's Engineer, William Tanner. E. Zimmerman advised that the maps are available

for review in the Clerks office. L. Goldman advised of a few typographical errors and stated that she would like the property owners impacted by this made aware of the ordinance and its restrictions.

Motion was made by L. Goldman and C. Cann seconded the motion to refer the ordinance back to Council as amended. The vote was 8-0 in favor. Motion carried.

For: Ayrey, Cann, Goldman, Pihokken, Whitlock, Youtz, Yuchmow, Zimmerman

Against: None

Abstain: None

Report from the Zoning Officer:

L. Raffaelli provided the following:

1. Trinity Church – day care center. An application is needed identifying the number of people on site and the layout.
2. Princeton Business Park – plumbing supplies storage. Approved subject to construction department approval.
3. 17 Crescent – fence approved
4. 48 Crescent – pool fence approved subject to construction department approval
5. 74 Crescent - backyard shed approved
6. 10 Montgomery – an application is needed for changes to the property.
7. Clarke house – front porch. Complaints have been received about deterioration of the porch. E. Zimmerman stated that this is being reviewed by the State.
8. 133 Washington Street – signage on business. New owners of the hair salon, new sign installed which is the same size as the prior sign but different in color. A freestanding sign is also on the property. This requires approval by the board.
9. 130 Washington Street - post office. There is a question regarding the safety of the insulation in the building. He was advised by a representative of the Post Office that this is a federally protected facility and even though they are renting they are exempt from code requirements.
10. 153 Washington Street – dumpster. There is a question about the dumpster location because it can be seen from the street.
11. Number inconsistency on Princeton Avenue - L. Raffaelli stated that 16 Princeton Avenue is before 14 Princeton Avenue. A change may be needed because this is important for emergency response vehicles.

Being that there are no other matters before the Board, motion was made by R. Whitlock and C. Cann seconded the motion to adjourn the meeting at 8:30 p.m. The vote was 8-0 in favor. Motion carried.

The next meeting is scheduled for Tuesday, October 9, 2007.

Respectfully submitted,

Kerry A. Philip
Recording Secretary