

**ROCKY HILL PLANNING BOARD**  
**Minutes of the July 8, 2008 Meeting**

Present: R. Ayrey, T. Bremner, C. Cann, T. Corlis, L. Goldman, C. Pihokken, G. White, R. Whitlock, A. Youtz, E. Zimmerman

Absent: D. Kluchinski

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 apologized for his recent absences, he stated that they were business related and thanked everyone who stepped up into the Chair position.

**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.

**Approval of Minutes**

June 10, 2008 – Motion made by E. Zimmerman and T. Bremner seconded the motion to approve the minutes of June 10, 2008 as amended. The vote was 5-0 in favor. Motion carried.

June 10, 2008 (closed) - Motion made by R. Whitlock and L. Goldman seconded the motion to approve the closed session minutes of June 10, 2008 as amended. The vote was 4-0 in favor. Motion carried.

**NEW BUSINESS**

a) COAH Update and Overview

Susan Kimball, Kimball and Kimball, planner for the board stated that in 2004 COAH adopted third round rules but those rules were challenged and overturned by the appellate division in 2007. Within a year revised rules were prepared and there is a second set of revisions since that time. She advised that the most important thing that has happened to affect our fair share plan is the growth projections have been updated. We are obligated for 15 units (11 construction units and 4 rehabilitated units). She advised that we may not have to do a rehab program because there are five units that have been rehabilitated and we may be able to get credit for this if the people are at low to moderate income levels. COAH has increased the obligation based on newer data and she advised that the new housing plan must be submitted by December 21st if Rocky Hill wishes to remain under COAH jurisdiction. There is no penalty if we decide not to do so but this protects us from the Mt. Laurel obligation. The Growth Share ratios (replacement housing and teardowns) have not changed. She stated that reoccupied non residential units will not count as growth as long as the building that was demolished had been occupied within the last year. COAH has also established presumptive minimum densities ranging from 8 dwelling units per acre to a 40% increase in density. Another important aspect is if the actual development turns out to be less than anticipated at the end of the time frame, or if there is no development at all, COAH will recommend that the plan remain in place because they feel that the growth may occur.

She advised that pertaining to compliance mechanisms, a bill passed recently in both houses (#A500) stating that regional contribution agreements are no longer permitted. Ms. Kimson advised that this may be vetoed. Ms. Kimball stated that she will find out what we have to do to get rehab credits and as long as 11 units of new construction begin before 2018, then our obligation will not rise.

Ms. Kimson recommended that the Board go into closed session at the end of the meeting to discuss the implementation of Ms. Kimball's recommendations.

b) Population, Household and Employment Projections Update

Duggan Kimball, Kimball and Kimball, planner for the board, stated that the Somerset County Planning Board has been actively involved with COAH, the Office of Smart Growth and the Planning Commission to determine population, household and employment projections. Once the projections are provided to the County, the County provides the projections to the municipalities and it is left up to the municipalities to respond if they disagree. He stated that the County's calculations were based on past trends and not what we know to be the facts. There are only four properties large enough to result in growth so determining accurate projections in Rocky Hill is relatively a straight process. The County's projections for Rocky Hill were received and he stated that we should respond since the projections are inaccurate. He advised that he prepared a letter following the points of analysis that the County has recommended and by providing our comments in writing, this provides options in the future if we object to COAH's projections.

Mr. Kimball stated that the sequence of development in the report for the four parcels is 1) Pulte; 2) Scacerra tract; 3) Schafer homestead, and: 4) Hayden tract. If the sequence of development changes, it will not change the final build out numbers but it would change the year that the increase would occur. He stated that our employment projections are much lower than the County's projections. Ms. Kimson stated that the report will be used to set accurate numbers. Mr. Kimball provided an overview of the report, the build out projections are all based on the current zoning. He advised that the overall difference between the County's projections and the Borough's projections is that the housing number is higher but the employment calculation is lower.

Motion was made by R. Whitlock and G. White seconded the motion to recommend to Borough Council that the Population Report be forwarded to Somerset County. The vote was 9-0 in favor. Motion carried.

For: Ayrey, Cann, Corlis, Goldman, Pihokken, White, Whitlock, Youtz, Zimmerman  
Against: None  
Abstain: None

c) Permit Extension Act

V. Kimson stated that the Permit Extension Act has been signed. The Permit Extension Act will toll all county and municipal approvals to a date in 2010 if they are to expire prior to that time.

**OLD BUSINESS:**

a) Master Plan and Development Regulations Reexamination

Mr. Kimball stated that the proposed reexamination is a requirement from the State, municipalities are requested to go through certain criteria designed to review what has changed for recommended changes to the Master Plan. This is not an amendment to the Master Plan or the development regulations. He stated that after review of the criteria, he recommended a revision of the Borough's housing element and fair share plan. For accessory apartments the Borough should implement zoning to include the ground rules. He stated that the County and Office of State Planning have recommended that our Master Plan has a Master Plan Implementation Matrix.

E. Zimmerman asked about parking concerns and asked if this should be included in the Master Plan. He advised that restaurant patrons are parking along Washington Street causing problems for the residents. Mr. Kimball stated that this could be noted within the Circulation Element. Another option is to have an additional element listing the properties that we reserve the right to purchase so it is known that the Borough has an interest in that property. This approach gives time to the Borough to put into place condemnation if needed. Ms. Kimson stated that this is a method to identify possible parking areas and this would put those individuals on notice that their property is targeted for this purpose. The only thing that would trigger this is the development of the property; nothing happens if the property is sold. Ms. Kimball stated that some municipalities have found that restricting parking along the street can be done by issuing resident parking permits.

The meeting was opened to the public. Being that no one wished to address the board, public portion of the meeting was closed. Motion was made by R. Whitlock and R. Ayrey seconded the motion to approve the resolution approving the Master Plan and Development Regulations Reexamination. The vote was 9-0 in favor. Motion carried.

For: Ayrey, Cann, Corlis, Goldman, Pihokken, White, Whitlock, Youtz, Zimmerman  
Against: None  
Abstain: None

b) Escrow Accounts: Update

Ms. Kimson stated that there are aged escrow accounts for applications which have been approved. She polled the Borough's professionals and was advised that there are no outstanding bills with the exception of the Pulte (Schafer tract). Motion was made by C. Cann and L. Goldman seconded the motion to release all of the escrow monies to the applicants for projects that have completed the approval process. The vote was 9-0 in favor. Motion carried.

For: Ayrey, Cann, Corlis, Goldman, Pihokken, White, Whitlock, Youtz, Zimmerman  
Against: None  
Abstain: None

Motion was made by G. White and T. Corlis seconded the motion to go into closed session to discuss COAH. The vote was 9-0 in favor. Motion carried.

Motion was made by E. Zimmerman and L. Goldman to open the meeting to the public. The vote was 9-0 in favor. Motion carried.

Motion was made by R. Whitlock and A. Youtz seconded the motion to authorize Kimball and Kimball to work on the fair share plan. The vote was 9-0 in favor. Motion carried.

Motion was made by R. Whitlock and L. Goldman seconded the motion to include ten accessory apartments including group homes and building additions in the fair share plan. The vote was 9-0 in favor. Motion carried.

T. Bremner recused himself from litigation matters. E. Zimmerman made a motion to go into closed session to discuss litigation matters and L. Goldman seconded the motion. The vote was 9-0 in favor. Motion carried.

Being that there were no other matters before the board, motion was made by R. Whitlock and R. Ayrey seconded the motion to adjourn the meeting at 9:45 p.m. Motion carried.

The next meeting is scheduled for Tuesday, August 12, 2008.

Respectfully submitted,

Kerry A. Philip  
Recording Secretary