

Borough of Rocky Hill
Planning Board
Regular Meeting
April 16, 2015

Planning Board Chair Michael Goldman called the Regular Meeting of the Planning Board to order at 7:30 pm.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Chair Goldman read the following statement into the record: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Courier News and Somerset Spectator on January 21, 2015. Notice remains continuously posted as required under the Statute. A copy of this notice is available to the public and is on file in the Borough Hall.

OATH OF OFFICE

Chair Goldman announced that Peggy Harris has resigned her seat as Alternate #2 on the Planning Board, and Mayor's Alternate Dan Kluchinski has been appointed Alternate #2. Chair Goldman thanked Ms. Harris for all the work she has done for the Borough over many years.

Planning Board Attorney Maziarz administered the oath of office to Dan Kluchinski, Alternate #2, term expires 12/31/15.

ROLL CALL

Present: Robert Ayrey, Mark Blasch, Tim Corlis Linda Goldman, Michael Goldman, Dan Kluchinski, Brian Nolan, Raymond Whitlock

Absent: Michael Giambra, Connie Hallman, and Mayor Jeff Donahue

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

APPROVAL OF MINUTES

Reorganization/Regular Meeting Minutes January 15, 2015 - Motion made by Nolan to approve the minutes as presented. Motion seconded by Blasch. Motion carried on roll call vote.

For: Blasch, L. Goldman, M. Goldman, Nolan, Whitlock

Against: None

Abstain: Ayrey, Corlis, Kluchinski

OPEN PUBLIC COMMENT

None

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APPLICATIONS

William C. Martin, 10 Princeton Avenue (Block 11, Lots 2 and 3)

Relief Requested:

Use Variance, pursuant to N.J.S.A. 40:55D-70d, from the provisions of Section 80-89 of the Development Regulations Ordinance of the Borough of Rocky Hill ("DRO") to permit an office building in the R-2, village residential zoning district;

Minor site plan approval, pursuant to the provisions of N.J.S.A. 40:55D-46.1, in accordance with Article V of the DRO;

A bulk variance, pursuant to N.J.S.A. 40:55D-70c, from DRO Section 80-89 for lot depth, where 150' is required and 123.33' is the existing lot depth; and

A waiver from Section 80-46 of the DRO for the design of the necessary landscape buffer.

Class I and III Board members were recused from participating in this application.

The Applicant's was represented by Eric Goldberg of Stark & Stark.

The Applicant applied to the Rocky Hill Planning Board for the relief requested in order to eliminate an existing 1,564 square foot residential apartment and convert it to office space, to add 329 square feet of new office space, and to increase the existing parking area on the site to include 5 additional parking spaces. Applicant's property consists of an existing mixed use, office and residential, building, an existing paved parking area and a driveway on a 24,814 square foot lot.

The Board determined, based upon the review of proof of service and proof of publication, that the Applicant had provided proper, timely and adequate notice of the Application by having published, in the official newspaper of the Borough and by having provided, by certified mail, notice to all property owners located within 200 feet of the Property and to other persons and entities required to be provided with notice thereof, and, consequently, the Board was vested with jurisdiction to hear the Application.

The Application submitted by Applicant and reviewed by the Board consisted of the following plans, reports, and/or correspondence: Amended Application for Minor Site Plan and Variance with checklists; Proposed Floor Plans for First and Second Floors, prepared by John Gutierrez, Architect, dated March 10, 2015, consisting of two pages; Survey, prepared by Michael S. Lynch, PLS, dated October 31, 2001; Plans entitled "Minor Site Plan Application for Raging Capital Management, LLC", prepared by Engineering and Land

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Planning Associates, Wayne J. Ingram, P.E., dated March 2, 2015, last revised March 30, 2015, consisting of three sheets.

The Board reviewed the following reports submitted by its experts: A memorandum from the Board's Planner, Tamara L. Lee, PP, last revised April 10, 2015; and a memorandum from the Board's Engineer, William C. Tanner, PE, dated April 15, 2015.

The Applicant presented testimony to the Board from the following individuals:

1. William Martin, Applicant;
2. Christopher Nusser, Applicant's Engineer;
3. John R. Gutierrez, Applicant's Architect; and
4. Carlos Rodriguez, Applicant's Planner;

Mr. William Martin testified that he purchased the Property in 2011. At the time of purchase, the existing building on the Property contained an office component and a residential apartment component. Mr. Martin testified that he has since operated his business, a financial investment firm, in the office portion of the building and had rented the residential portion to a tenant until June of 2014. Mr. Martin described the interior and exterior improvements made to the Property since 2011. Mr. Martin further described his business indicating that the hours of operation are approximately 8:00 a.m. to approximately 6:00 p.m. The business rarely operates on weekends. There are 10 employees on site and rarely do clients visit the Property. Mr. Martin indicated that the addition of more office space will allow for the growth of the business and will provide an additional measure of privacy for the business' clients.

Mr. Christopher Nusser testified in his capacity as a Civil Engineer. The Board accepted his qualifications. Mr. Nusser described the exterior of property, the existing condition of the parking lot, and the existing buffering on the property including a row of shrubs and street trees and an existing fence that belongs to a neighboring property. After a discussion between the Board Planner, Board members and Mr. Nusser with regard to the Property's buffering, the Applicant agreed to work with the adjoining property owner to extend the existing fence and agreed to defer to the Board Planner's recommendations with regard to buffering the balance of the Property. Mr. Nusser testified explaining that the existing parking lot was approved, in 2001, as a gravel lot, but that the gravel was eventually replaced with asphalt. The Applicant's proposal is to add asphalt to the existing parking lot to create the additional 5 parking spaces. Mr. Nusser further indicated that an A.D.A. compliant handicap access parking space will be constructed in the parking lot. Mr. Nusser explained that he did not believe the proposed site improvements would substantially increase stormwater runoff from the Property. After discussion with the Board's Engineer, Mr. Nusser conceded that the runoff is measurable and agreed to work with the Board

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Engineer to create an acceptable water mitigation plan. Mr. Nusser described the proposed site triangle area. After discussion with the Board's professionals, Mr. Nusser indicated that the Applicant is amenable to redesigning the site triangle area and providing for banked parking spaces.

Mr. John Gutierrez testified in his capacity as an Architect. The Board accepted his qualifications. Mr. Gutierrez described the existing interior of the building and explained the proposed changes. Specifically, that the existing residential apartment will be converted to "backup" space for the office component, a break room, a conference room, and access to a fire stair. Mr. Gutierrez indicated that the square footage of the entire building, including non-usable stair space, is 4764 square feet. Mr. Gutierrez described the exterior of the building indicating that changes are not proposed. Two existing HVAC units in the rear of the building and one existing HVAC unit in the front will remain and no other units are proposed. Mr. Gutierrez further testified that the interior of the building will continue to maintain the original open footprint and that the third floor will not be occupied.

Mr. Carlos Rodriguez testified in his capacity as a Professional Planner. The Board accepted his qualifications. Mr. Rodriguez testified with regard to the original design of the building indicating that the residential component was added at a later date. The building was originally conceived as non-residential therefore the loss of the residential component will not alter the character of the building. Mr. Rodriguez testified that the proposed improvements promote the general welfare, preserve the neighborhood, and promote the goals of historic preservation. Mr. Rodriguez stated that the Applicant's business promotes the economic life of the community by locating jobs close to residential housing. Mr. Rodriguez indicated that the site is particularly suited to the use because the site had never been used exclusively as a residence. The proposed office use is low impact and is separated from other residential dwellings by open space, buffering and parking. Mr. Rodriguez indicated that the proposed use is not inconsistent with the Master Plan and will not cause any detriment to the zone plan or zoning ordinances as the building exists, the office use exists, and no alteration of the exterior of the building or of the existing office use is proposed.

The Board has made the following findings of fact and conclusions of law:

1. The Property is located in the R-2, Village Residential Zoning District on the Northwest corner of the intersection between Princeton Avenue and Grove Street.
2. The Property is located within a residential district but has historically been used for non-residential purposes. The structure on the Property was originally

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constructed as a church in the late 1800s and has continued to be used for non-residential purposes since that time. The property is currently used as a mixed-use development with office space and an apartment by virtue of a Board approval dated October 9, 2001. Thereafter, the Board allowed an expansion of the types of office uses permitted on the Property in a resolution dated October 11, 2011. The Board also approved an expansion of internal floor space on April 9, 2013.

3. Applicant requests minor site plan, a use variance, and bulk variance approval, in conjunction with a waiver from certain landscape buffering design requirements, to allow the Applicant to eliminate the existing residential apartment in order to expand the office use into that space and to allow the addition of 5 parking spaces to an existing parking lot.
4. The Property is particularly suited for the proposed office use. Although the Property is located in a residential area, the current office use has occupied part of the structure on the Property for many years and, as noted above, the Property has never been used as a residential dwelling. The Property is located adjacent to a collector street, Princeton Avenue, on a corner lot, which is appropriate for the traffic generated at the site. The Property is located within 100 feet of other commercial type uses on Washington Street.
5. The Applicant has shown sufficient evidence to substantiate the need for relief pursuant to N.J.S.A. 40:55D- N.J.S.A. 40:55D-70d, and N.J.S.A. 40:55D-70c, subject to certain conditions.
6. The grant of the Relief Requested will not alter the general character of the neighborhood as the character of the neighborhood has always included a non-residential use at this location. The Board finds the proposed office use to be compatible with the "village" of Rocky Hill, and conveniently located on Princeton Avenue within walking distance of the businesses on Washington Avenue and as such, the granting of the Relief Requested, as conditioned in this Resolution, will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

Applicant is required to comply with the following conditions:

1. Applicant shall comply with the recommendations in the memorandum of the Board Engineer dated April 15, 2015 and shall construct a storm water management system to the satisfaction of the Board Engineer.

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2. Applicant shall extend the existing fence on the Easterly property line, subject to the neighboring property owner's approval. In the event the neighboring property owner is not amenable to granting permission for the fence extension, Applicant shall provide an appropriate buffer to the satisfaction of the Board Planner.
3. Applicant shall modify the proposed plant selection in the parking lot area to comply with the Board Planner's recommendations.
4. Applicant shall redesign the site triangle and the landscape buffering in that area to the satisfaction of the Board Planner.
5. Applicant shall provide for a "banked" parking space that may be required to be constructed upon a determination by the Zoning Officer that it is needed.
6. Applicant shall not construct any additional lighting in the parking lot area.
7. Applicant shall not allow any more than three HVAC units on the Property.

Whitlock moved to approve the use variance, minor site plan, bulk variance and waivers, with the conditions listed. Nolan seconded the motion, and motion carried on roll call vote.

For: Ayrey, Blasch, Corlis L. Goldman, M. Goldman, Nolan, Whitlock

Against: None

Abstain: None

Not eligible: Kluchinski

CHAIRMAN'S COMMENTS

Chair Goldman reminded Board members to file their Financial Disclosure forms. Chair Goldman asked Zoning Officer Blasch for an update on the work being done at the former Hayden property. The owners must prove that the work is replacement in kind to be exempted from the Historic District Ordinance.

UNFINISHED BUSINESS

None

NEW BUSINESS

COAH Discussion

Planner Lee discussed with the Planning Board how the Borough should proceed with its fair housing obligations under the New Jersey Supreme Court ruling voiding COAH regulations. The Borough's previous position was that there is no buildable land in the

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Borough, but this position is no longer viable in light of the fact that Pulte Homes never perfected the conditions of the resolution granting building rights on the Schaffer Tract. Planner Lee recommends adding an affordable housing overlay on the Shaffer Tract. The Planning Board agreed with Planner Lee's recommendation.

FINAL OPEN PUBLIC COMMENT

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

ADJOURNMENT

Whitlock moved to adjourn at 10:00 PM. Motion seconded by Nolan. Motion carried on voice vote.

Respectfully Submitted:

Christine Witt
Recording Secretary