

Borough of Rocky Hill
Planning Board
Regular Meeting
December 17, 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 Act. 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.

ROLL CALL

Present: Robert Ayrey, Irene Battaglia, Mark Blasch, Tim Corlis (7:32), Michael Giambra, Linda Goldman, Connie Hallman, Dan Kluchinski, Brian Nolan (7:50 pm), Raymond Whitlock, Michael Goldman

Absent: Mayor Donahue

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

CHAIRMAN'S COMMENTS

None

APPROVAL OF MINUTES

Regular Meeting Minutes November 19, 2015 - Motion made by Ms. Goldman to approve the minutes as presented. Motion seconded by Mr. Whitlock. Motion carried on roll call vote.

For: Ayrey, Battaglia, Blasch, Corlis, Giambra, L. Goldman, Kluchinski, Whitlock, M. Goldman

Against: None

Abstain: Hallman

Executive Session Minutes November 19, 2015 - Motion made by Ms. Battaglia to approve the minutes as presented. Motion seconded by Mr. Whitlock. Motion carried on roll call vote.

For: Ayrey, Battaglia, Blasch, Corlis, Giambra, L. Goldman, Hallman, Kluchinski, Whitlock, M. Goldman

Against: None

Abstain: None

OPEN PUBLIC COMMENT

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

UNFINISHED BUSINESS

Resolution: Approval of Preliminary Major Subdivision, 38 Washington Street

Mr. Whitlock moved to approve the resolution, and Ms. Goldman seconded the motion. Motion carried on roll call vote.

For: Ayrey, Battaglia, Blasch, Corlis, L. Goldman, Kluchinski, Whitlock, M. Goldman

Against: None
Abstain: None
Not Eligible to Vote: Giambra, Hallman

APPLICATIONS

Application for Bulk Variance and Historic Preservation: 97 Washington Street, Michael and Allison Giambra

Board Member Michael Giambra was recused from hearing this application because he is the applicant.

Board Member Dan Kluchinski was recused from hearing this application because he resides within 200 feet of the applicants.

Mr. Giambra was sworn in as a witness. David Schmidt was accepted as an expert in engineering and sworn in as a witness.

Bulk Variances: variance from the set back requirement, a variance from the impervious surface requirement

*Connie Hallman, Class I Board Member, and Irene Battaglia, Mayor's Alternate, did not sit for this portion of the application because they are not members of the Zoning Board of Adjustment. Mr. Nolan arrived at 7:50 pm.

Mr. Giambra described his plans to build a 12-foot side porch on his house that will match his front porch. The proposed porch would encroach upon the 5-foot setback requirement by 2-feet and exceed the 50% impervious surface coverage by approximately 4%.

Chair Goldman asked Mr. Giambra to address how the application meets the requirements of undue hardship for a C variance. Mr. Giambra responded that a larger porch would maximize his family's enjoyment of their living space.

Chair Goldman read the requirements for a C variance to the Board. Attorney Maziarz clarified that the hardship is in regard to the land, not the property owner.

The floor was opened to public comment, and Brad Bradherring, 101 Washington Street, asked if the figures used in Mr. Giambra's calculations were based on the foundation or the overhang. Mr. Giambra responded that the calculations are based on the roof overhang.

Chair Goldman polled the Board regarding the applicant's request for a C variance from the setback requirement. The Board unanimously agreed that the applicant did not meet the criteria for a C variance for the setback. Mr. Giambra agreed to reduce the porch to stay within the side-yard setback requirements and withdrew his request for a variance from the setback requirement.

The Board then considered the applicant's plan to mitigate the impervious surface coverage. Board Engineer Tanner recommended the applicant plan to mitigate 4 inches of rain with a French drain and underground trench. This plan will decrease runoff to the neighbor's property by re-routing drainage from the front of the house. If there is more than 4 inches of rain, the

runoff will flow to Route 518. Planner Lee noted that the criteria for whether or not to grant a variance from the impervious surface requirement is whether the benefits outweigh the detriments.

The floor was open to public comment, and Brad Bradherring, 101 Washington Street, asked if instead of a French drain and underground trench, all runoff could be routed to Route 518. Chair Goldman responded that historically the Borough has required remediation for impervious surface overages to manage the excess water on the applicant's property.

Mr. Whitlock moved to approve the variance from the impervious surface requirement. Mr. Nolan seconded the motion. Motion carried on roll call vote.

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

Against: None

Abstain: None

Not Eligible: Battaglia, Hallman

Recused: Giambra, Kluchinski

Historic Preservation

Zoning Office Mark Blasch deemed the application minor, and the Board considered the application. Board Members Hallman and Battaglia sat for this portion of the application.

Mr. Giambra explained that he intends for the side porch to match with the current look of the house and will use the same materials, roof and gutters.

Ms. Goldman commented that the house is currently a perfect example of a side-gabled craftsman-style house and that the applicant should take pictures of the house for the file.

Brad Bradherring, 101 Washington Street, asked if there will be stairs from the back of the porch, and Mr. Giambra said yes.

Dan, Kluchinski, 101 Washington Street, asked if the stairs will be covered, and Mr. Giambra answered no.

Mr. Nolan moved to approve the Historic District Preservation application with the conditions that the porch be no more than 10 feet wide so as to comport with the side-yard setback requirements and that the applicant take photographs of the existing property. Mr. Blasch seconded the motion, and motion carried on roll call vote.

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

Against: None

Abstain: None

Recused: Giambra, Kluchinski

**B. Major Historic Preservation Application: 38 Washington Street,
Antoine and Gaud Yver**

This application was carried from the November meeting of the Planning Board. The applicants are seeking permission to rebuild the barn that was previously located on the property and dismantled with the intent to rebuild it on another section of the property.

Attorney Jared Witt represented the applicant. Mr. Witt submitted Exhibit A-1, a replacement page for page S2 of the architectural plans.

Roy Dedic was sworn in and accepted as an expert in structural engineering. Mr. Dedic clarified the orientation of the drawings and explained the plans.

Antoine Yver, the applicant, was sworn in a witness. Mr. Yver clarified where the driveway will be on the property. Mr. Yver explained that as much of the original barn materials as possible will be used to rebuild the barn with the use of some new materials to make the structure safe. Mr. Yver showed the Board examples of the roofing and siding materials he intends to use.

Public Comment

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

Mr. Whitlock moved to approve the application for Historic Preservation and recommend that necessary permits be issued. Mr. Nolan seconded the motions, and motion carried on roll call vote.

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

Against: None

Abstain: None

Not Eligible: Hallman

NEW BUSINESS

None

FINAL OPEN PUBLIC COMMENT

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

ADJOURNMENT

Mr. Whitlock moved to adjourn at 9:45 PM. Motion seconded by Mr. Ayrey. Motion carried on voice vote.

Respectfully Submitted:

Christine Witt
Recording Secretary

**RESOLUTION OF PLANNING BOARD
BOROUGH OF ROCKY HILL
SOMERSET COUNTY, NEW JERSEY**

**ANTOINE AND GAUD YVER
APPLICATION: PB-15-11**

Applicant: Antoine and Gaud Yver

Property: 38 Washington Street

Hearing Date: November 19, 2015

Relief Requested: Preliminary and final major subdivision approval.

Relief Granted: Preliminary major subdivision approval subject to the conditions imposed herein.

Supporting Plans and Documents Submitted:

Major Subdivision Concept Plan, dated October 20, 2015, prepared by Carroll Engineering; and Preliminary and Final Major Subdivision Plan, dated October 20, 2015, prepared by Carroll Engineering.

WHEREAS, Applicant applied to the Rocky Hill Planning Board (hereinafter, the "Board") for preliminary and final major subdivision approval in accordance with Section 80-36 (formerly codified as Section 503 of Article 5) of the Development Regulations Ordinance of the Borough of Rocky Hill ("DRO") and pursuant to N.J.S.A. 40:55D-48 and N.J.S.A. 40:55D-50; and

WHEREAS, all jurisdictional requirements have been met in connection with the Application; and

WHEREAS, a public hearing on the Application was heard by the Board on the Hearing Date, at which time the Applicant, represented by Attorney Jared Witt, was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the Board reviewed the following reports submitted by its experts and each is hereby incorporated by reference into this Resolution:

Memoranda from the Board's Planner, Tamara L. Lee, PP, dated November 13, 2015; and Memoranda from the Board's Engineer, William C. Tanner, PE, dated November 17,

- c. With regard to the third comment, Mr. Holzmann testified with regard to the driveway's interface with the public way and other properties. Mr. Holzmann proposed installing a standard concrete driveway apron, with the driveway remaining a gravel driveway beyond the apron.
 - d. With regard to comment four, Mr. Holzmann indicated that the Applicant will comply.
 - e. With regard to comment five, Mr. Holzmann testified that an application has been submitted to the DRCC and that the Applicant will address any concerns and comply with all DRCC requirements. In addition, Mr. Holzmann agreed to provide new grading plans.
 - f. With regard to the sixth comment, Mr. Holzmann agreed to provide drainage calculations for proposed lots 3.02 and 3.03.
 - g. Mr. Holzmann agreed to comply with comments seven and eight of the Engineer's report.
4. The Applicant, Antoine Yver, testified with regard to the silo indicating that he has had the structure inspected and that it is sound. The silo, therefore, will remain on the Property.

WHEREAS, four members of the public appeared to ask questions with regard to the Applicant's Engineer's testimony in support of the Application; and

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

1. The Property, known locally as the "Hayden House", is an historically significant home located on a 7.6 acre lot on the North side of Washington Avenue in the R-IA Planned Residential A zoning district. The Applicant proposes to subdivide the Property to create three new additional lots. The Applicant proposes to cluster the three new lots at the rear of the Property on the Northeast corner.

2. The Property currently consists of two single family homes, a garage, a barn and a pool with a pool house. All of the existing buildings will remain with the exception of the existing barn. The Applicant proposes to remove the barn, salvage the material, as practicable, and construct a dwelling using the barn material on one of the newly subdivided lots. The remaining two newly subdivided lots will contain single family dwellings.

3. The Applicant has applied to the Board for preliminary and final major subdivision approval. However, the Applicant's submissions to and testimony before the Board was inadequate in

- b. The Applicant shall comply with the recommendations in the Board Planner's report, dated November 16, 2015, as referenced herein, with regard to the comments in Sections 3.0 and 4.0.
- c. The Applicant shall comply with all comments in the Board Engineer's report, dated November 17, 2015, as referenced herein, in accordance with the Board Engineer's recommendations and Applicant's representations before the Board.
- d. The Applicant shall post all required security, whether in the form of bonds or letters of credit, to ensure performance and maintenance of the improvements and to cover inspection fees, in accordance with the DRO and applicable law.
- e. The Applicant shall amend the Plans to include the lot coverage percentage information.
- f. The Applicant shall apply to the fire official for a written determination regarding which of the proposed driveway configurations complies with the fire official's requirements. The Applicant shall amend the Plans to comply with the fire official's determination and shall submit the fire official's written report to the Board.
- g. The Applicant shall determine whether placing a fire hydrant on the Property is required, to the satisfaction of the Board Engineer. If a fire hydrant is required, the Applicant shall enter into a Developer's Agreement with the Borough to ensure that the hydrant is maintained by the owner of the property upon which the hydrant is located. The deed that corresponds to the property upon which the hydrant is located shall contain a reference to said Developer's Agreement, to the satisfaction of the Board Attorney.
- h. The Applicant shall prepare deeds for each of the proposed lots in the subdivision, each of the deeds containing accurate references to all easements and requirements and containing accurate surveys, to the satisfaction of the Board Attorney and Board Engineer.
- i. The Applicant shall revise the Plans to show the proposed concrete driveway apron and its interface with the public way and sidewalk.
- j. The Applicant shall revise the Plans to provide for the remediation of runoff caused by the addition of new impervious coverage, to the satisfaction of the Board Engineer.
- k. The Applicant shall prepare and submit a grading plan,

BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2015, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes:

No: None; Abstain: _____ ; Not Eligible: _____ ; Absent: _____ .

RESOLUTION DATE: _____

ATTEST:

Christine Witt,
Planning Board Secretary

Michael Goldman,
Chairman

VOTE ON RESOLUTION					
MEMBERS	YES	NO	NOT ELIGIBL E	ABSTAIN D	ABSENT
CHAIRMAN MICHAEL GOLDMAN					
MAYOR'S DESIGNEE, IRENE BATTAGLIA					
ROBERT AYREY					
MARK BLASCH					
TIM CORLIS					
LINDA GOLDMAN					
CONNIE HALLMAN					
BRIAN NOLAN					
RAYMOND WHITLOCK					
MICHAEL GIAMBRA, ALT 1					
DAN KLUCHINSKI, ALT II					