

Borough of Rocky Hill
Planning Board
Minutes of the Reorganization/Regular Meeting
January 21, 2016

Planning Board Recording Secretary Christine Witt called the Reorganization/Regular Meeting of the Planning Board to order at 7:30 pm.

NOTICE OF COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT

Ms. Witt 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

Attorney Maziarz administered oaths to the following board members:

Mark Blasch, Class II, term expires 12/31/16
Robert Ashbaugh, Class III, term expires 12/31/16
Linda Goldman, Class IV, term expires 12/31/19
Brian Nolan, Class IV, term expires 12/31/19
Dan Kluchinski, Alternate #2, term expires 12/31/17
Irene Battaglia, Mayor's Alternate, term expires 12/31/16

ROLL CALL

Present: Robert Ashbaugh, Irene Battaglia, Mark Blasch, Michael Giambra, Linda Goldman, Michael Goldman, Dan Kluchinski, Brian Nolan, Raymond Whitlock

Absent: Robert Ayrey, Tim Corlis, and Mayor Jeff Donahue

Also present: Attorney Jolanta Maziarz and Recording Secretary Christine Witt

NOMINATIONS/APPOINTMENTS

Planning Board Chair

Motion was set forth by Mr. Nolan to nominate Michael Goldman as Chairman of the Board. Mr. Whitlock seconded motion. Motion carried on roll call vote.

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

Against: None

Abstain: None

**Meeting was turned over to Chair Goldman*

Planning Board Vice Chair

Motion was set forth by Mr. Whitlock to nominate Brian Nolan as Vice Chair of the Board. Ms. Goldman seconded motion. Motion carried on roll call vote.

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For: Ashbaugh, Battaglia, Blasch, Giambra, L. Goldman, Kluchinski, Nolan, Whitlock,
M. Goldman
Against: None
Abstain: None

Planning Board Secretary

Motion was set forth by Ms. Goldman to nominate Raymond Whitlock as Board Secretary.
Mr. Nolan seconded the motion. Motion carried on roll call vote.
For: Ashbaugh, Battaglia, Blasch, Giambra, L. Goldman, Kluchinski, Nolan, Whitlock,
M. Goldman
Against: None
Abstain: None

Recording Secretary

Motion was set forth by Ms. Goldman to appoint Christine Witt as Recording Secretary.
Mr. Goldman seconded motion. Motion carried on roll call vote.
For: Ashbaugh, Battaglia, Blasch, Giambra, L. Goldman, Kluchinski, Nolan, Whitlock,
M. Goldman
Against: None
Abstain: None

Historic Preservation Subcommittee

Chair Goldman appointed Mr. Nolan and Mr. Kluchinski to the Historic Preservation Subcommittee. Chair Goldman and Zoning Officer Blasch will also sit on the committee.

APPROVAL OF MINUTES

Regular Meeting Minutes December 17, 2015 - Motion made by Mr. Nolan to approve the minutes as amended. Motion seconded by Mr. Blasch. Motion carried on roll call vote.
For: Blasch, Giambra, L. Goldman, Nolan, Whitlock, M. Goldman
Against: None
Abstain: Ashbaugh, Battaglia, Kluchinski

REORGANIZATION RESOLUTIONS

RHPB-2016-01 Meeting Schedule

Mr. Nolan moved to approve the resolution. Ms. Goldman seconded the motion, and motion carried on roll call vote.
For: Ashbaugh, Battaglia, Blasch, Giambra, L. Goldman, Kluchinski, Nolan, Whitlock,
M. Goldman
Against: None
Abstain: None

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RHPB-2016-02 Designation of Official Newspaper: Courier News

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

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

Against: None

Abstain: None

RHPB-2016-03 Appointment of Board Attorney: Woolson Sutphen Anderson

Nolan moved to approve the resolution. L. Goldman seconded the motion, and motion carried on roll call vote.

For: Blasch, Hallman, Harris, Giambra, L. Goldman, M. Goldman, Nolan, Whitlock, Donahue

Against: None

Abstain: None

RHPB-2016-04 Appointment of Board Engineer: Van Cleef Engineering

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

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

Against: None

Abstain: None

RHPB-2016-05 Appointment of Board Planner: Tamara Lee

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

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

Against: None

Abstain: None

APPLICATIONS

None

CHAIRMAN'S COMMENTS

Chair Goldman announced that he and Ms. Goldman have drafted changes to the bylaws to bring them into conformance with the Development Regulation Ordinance (DRO). The proposed changes have been circulated to the Board and will be discussed at the February meeting.

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Ms. Goldman added that the Planning Board forms also need to be updated.

UNFINISHED BUSINESS

Resolution: Approval of Application for Variance from Impervious Surface Requirement, 97 Washington Street

Mr. Nolan moved to approve the resolution, and Mr. Blasch seconded the motion. Motion carried on roll call vote.

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

Against: None

Abstain: Ashbaugh, Battaglia

Not Eligible: Giambra, Kluchinski

Resolution: Approval of Application for Historic Preservation, 97 Washington Street

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

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

Against: None

Abstain: Ashbaugh

Not Eligible: Giambra, Kluchinski

Resolution: Approval of Major Historic Preservation Plan, 38 Washington Street

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

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

Against: None

Abstain: Ashbaugh

NEW BUSINESS

Mr. Kluchinski asked how the Planning Board could make application materials more readily available to the public considering the Borough's limited office hours. Ms. Witt replied that applications are usually in the library for public access.

FINAL OPEN PUBLIC COMMENT

None

ADJOURNMENT

Mr. Nolan moved to adjourn at 8:19 PM. Motion seconded by Mr. Blasch. Motion carried on voice vote.

Respectfully Submitted:

Christine Witt
Recording Secretary

BOROUGH OF ROCKY HILL PLANNING BOARD

RESOLUTION NO. RHPB 2016-01

RESOLUTION TO ADOPT 2016 MEETING SCHEDULE:

BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, County of Somerset, State of New Jersey that the following is hereby established as a schedule of regular public meetings of the Planning Board for the year 2016, all meetings starting at 7:30 PM in the Rocky Hill Borough Hall, 15 Montgomery Avenue, Rocky Hill, New Jersey:

February 18, 2016

March 17, 2016

April 21, 2016

May 19, 2016

June 16, 2016

July 21, 2016

August 18, 2016

September 15, 2016

October 20, 2016

November 17, 2016

December 15, 2016

January 19, 2017 (Re-Org meeting)

Attest:

Christine Witt
Recording Secretary

Dated: January 21, 2016

BOROUGH OF ROCKY HILL

RESOLUTION NO. RHPB 2016-02

OFFICIAL BOROUGH NEWSPAPER

WHEREAS, official newspapers must be designated for purposed adherence to the Open Public Meetings Act and for other official public communication purposes; and

WHEREAS, the Somerset Spectator has been deemed to be the most local weekly newspaper; and

WHEREAS, the Courier News has been determined to be the most appropriate daily area newspaper.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Rocky Hill of Somerset, State of New Jersey that the Somerset Spectator and Courier News are hereby designated as the official Borough newspapers for the Borough of Rocky Hill, County of Somerset, State of New Jersey for the year 2016.

The above is a copy of a Resolution adopted by the Borough of Rocky Hill Planning Board on January 21, 2016.

Christine Witt, Recording Secretary

BOROUGH OF ROCKY HILL PLANNING BOARD
RESOLUTION NO. RHPB 2016-03

PROFESSIONAL SERVICES -PLANNING BOARD ATTORNEY

WHEREAS, there exists a need for the services of a planning board attorney to the Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, Jolanta Maziarz, Esq., of Woolson Supthen Anderson, PC, has submitted a proposal indicating she will provide legal services for the Borough of Rocky Hill Planning Board at a rate not to exceed \$140.00 per hour for attorney time and \$60.00 per hour for all paralegal services; and

WHEREAS, Jolanta Maziarz, Esq., of Woolson Supthen Anderson, PC., has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit her from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the county of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with Jolanta Maziarz, Esq., of Woolson Supthen Anderson, PC, as attorney to the Board for the period January 1, 2016 through December 31, 2016.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice a recognized profession, and it is not required to obtain competitive bids.
3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.
4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

The above is a copy of a Resolution
adopted by the Borough of Rocky Hill
Planning Board on January 21, 2016.

Christine Witt, Recording Secretary

BOROUGH OF ROCKY HILL PLANNING BOARD
RESOLUTION NO. RHPB 2016-04

PROFESSIONAL SERVICES - PROFESSIONAL ENGINEER

WHEREAS, there exists a need for the services of a professional engineer to the Planning Board as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.04 and 20.5; and

WHEREAS, the firm of Van Cleef Engineering Associates has submitted a proposal indicating they will provide engineering services for the Borough of Rocky Hill Planning Board at the rate not to exceed \$150.00 per hour; and

WHEREAS, the firm of Van Cleef Engineering Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering Associates has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit Van Cleef Engineering Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the County of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with William Tanner, P.E., of Van Cleef Engineering, as professional engineer to the Board for the period January 1, 2016 through December 31, 2016.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice a recognized profession, and it is not required to obtain competitive bids.
3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.
4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

The above is a copy of a Resolution
adopted by the Borough of Rocky Hill
Planning Board, on January 21, 2016.

Christine Witt, Recording Secretary

BOROUGH OF ROCKY HILL PLANNING BOARD

RESOLUTION NO. RHPB 2016-05

PROFESSIONAL SERVICES - PLANNING CONSULTANT

WHEREAS, there exists a need for the services of a planning consultant to the Planning Board as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5; and

WHEREAS, Tamara Lee Consulting, P.P., has submitted a proposal indicating she will provide planning services for The Borough of Rocky Hill Planning Board at the rate of \$105.00 per hour and \$125 per hour for legal or court work; and

WHEREAS, Tamara Lee Consulting, P.P. has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Borough of Rocky Hill in the previous one year, and that the contract will prohibit her from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for professional services without competitive bids and the contract itself be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rocky Hill, in the County of Somerset, as follows:

1. The Chairman and Secretary are authorized and directed to execute a contract for professional services with Tamara Lee Consulting, P.P., as Planning Consultant to the Board for the period January 1, 2016 through December 31, 2016.
2. This contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services are performed by a person or persons authorized by law to practice a recognized profession, and it is not required to obtain competitive bids.
3. Payment under the contract will not exceed amount appropriated in the municipal budget or obtained by escrow, for such purpose, and payment shall be contingent upon certification of available funds.
4. That the Business Disclosure Entity Certification and the Determination of Value will be placed on file with this resolution.

The above is a copy of a Resolution
adopted by the Borough of Rocky Hill
Planning Board on January 21, 2016.

Christine Witt, Recording Secretary

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

MICHAEL AND ALLISON GIAMBRA
APPLICATION: PB-15-11

Applicant: Michael and Allison Giambra

Property: 97 Washington Street

Hearing Date: December 17, 2015

Relief Requested: Bulk variances for a proposed increase in impervious coverage and encroachment into the side yard setback to construct a porch.

Relief Granted: Bulk variance for the proposed increase in impervious coverage subject to the conditions imposed herein.

Supporting Plans and Documents Submitted:

Plan of Survey, prepared by Goldenbaum Bail Associates, Inc. dated July 25, 2012, consisting of one page;

Plan entitled, "Drainage Detail", undated, consisting of one page; and

Four copies of photographs entitled: "2008 View", "2011 View", "2015 View", and "Existing Home, Proposed Porch Addition".

WHEREAS, Applicant applied to the Rocky Hill Planning Board (hereinafter, the "Board") for bulk variances pursuant to N.J.S.A. 40:55D-70c; 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, appearing pro se, 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 Applicant presented testimony to the Board as more fully set forth on the record from the following individuals:

1. Michael Giambra, Applicant; and
2. David Schmidt, P.E., Applicant's Engineer.

WHEREAS, Applicant's witnesses testified, in part, as follows:

1. Michael Giambra testified describing the Application. Mr. Giambra described the existing home stating that it is a craftsman style home. Mr. Giambra testified that the proposed side porch was designed to be twelve feet wide and located on the side of the existing home. The proposed side porch was intended to match an existing front porch. Mr. Giambra indicated that an internet search regarding craftsman style homes revealed that such side porches as the proposed side porch are in keeping with the craftsman style. Mr. Giambra testified that the proposed porch would encroach into the five foot side yard setback by two feet and exceed the 50% maximum permitted impervious surface coverage by approximately 4%. After discussion with the Board, Mr. Giambra withdrew his request for the minimum side yard setback variance and agreed to reduce the size of the proposed porch in order to comply with the minimum side yard setback requirements. Mr. Giambra indicated that he complied with the Board Engineer's suggestion to install a French drain and underground trench in order to ensure that groundwater is routed away from the neighboring property. During Mr. Giambra's testimony, the Board took notice of the neighbors' concern regarding an existing water drainage problem.
2. David Schmidt testified and answered questions regarding the technical aspects of the Application. Mr. Schmidt indicated that the proposed drainage plan would not only mitigate the proposed addition of impervious coverage to the Property but would alleviate an existing drainage problem on the neighboring property.

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

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

1. The Property currently consists of an historic craftsman style single family home with an existing front porch. The Applicant proposes to construct an extension of the front porch onto the side of the home that will extend into the side yard.

2. The Applicant has applied to the Board for bulk variances from the addition of impervious coverage that exceeds the 50%

maximum by approximately 4% and from a two foot encroachment into the minimum allowable side yard setback of 5 feet. The Applicant, during testimony before the Board, agreed to reduce the size of the side porch in order to avoid encroaching into the side yard setback. The Applicant also proposed a drainage plan utilizing a French drain and an underground trench in order to mitigate the additional impervious coverage and to decrease the amount of stormwater drainage onto the neighbor's property.

3. The Board finds that the Applicant's proposed drainage plan not only mitigates the addition of additional impervious coverage but operates to decrease the amount of stormwater draining onto the neighboring property, an existing issue. The Board also finds that the appearance of the proposed side porch is in keeping with the appearance of the existing front porch and the historic character of the existing craftsman style home and the neighborhood.

4. The Board finds that the Application's benefits, specifically the alleviation of drainage problems onto the neighboring property, outweigh any detriments. Thus, the Applicant has shown sufficient evidence to substantiate the need for relief pursuant to N.J.S.A. 40:55D-70c, subject to certain conditions.

5. The grant of the Relief Requested will not alter the general character of the neighborhood as the proposed side porch is in keeping with the historic nature of the home and the neighborhood 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.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with Applicant's representations to and agreements with the Board during the hearing on this Application.

2. Applicant's proposed construction shall not encroach into the five foot side yard setback on the Property.

3. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Development Regulations Ordinance of the Borough of Rocky Hill, other Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.

4. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

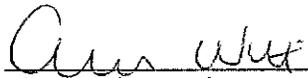
5. Applicant is required to comply with all recommendations of outside agencies having jurisdiction over the Application including but not limited to the Somerset County Planning Board, the Delaware and Raritan Canal Commission, and the Somerset-Union Soil Conservation District.

6. All fees assessed by the Borough of Rocky Hill for this Application and the hearing shall be paid prior to any construction.

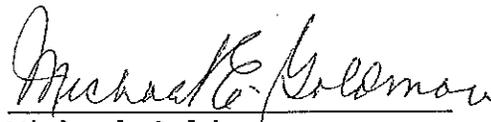
BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2016, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Ayrey, Blasch, Corlis, L. Goldman, Nolan, Whitlock, M. Goldman; No: None; Recused: Giambra, Kluchinski; Not Eligible: Battaglia, Hallman; Absent: Donahue.

RESOLUTION DATE:

ATTEST:



Christine Witt,
Planning Board Secretary



Michael Goldman,
Chairman

| VOTE ON RESOLUTION | | | | | |
|-----------------------------------|--------------------|----|--------------------|-----------|--------|
| MEMBERS | YES | NO | NOT ELIGIBLE | ABSTAINED | ABSENT |
| CHAIRMAN MICHAEL GOLDMAN | ✓ | | | | |
| MAYOR'S DESIGNEE, IRENE BATTAGLIA | | | <i>handwritten</i> | ✓ | |
| ROBERT AYREY | <i>handwritten</i> | | | | ✓ |
| MARK BLASCH | ✓ | | | | |
| TIM CORLIS | | | | | ✓ |
| LINDA GOLDMAN | ✓ | | | | |
| ROBERT ASHBAUGH | | | | ✓ | |
| BRIAN NOLAN | ✓ | | | | |
| RAYMOND WHITLOCK | ✓ | | | | |
| MICHAEL GIAMBRA, ALT 1 | | | ✓ | | |
| DAN KLUCHINSKI, ALT II | | | ✓ | | |

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

MICHAEL AND ALLISON GIAMBRA
APPLICATION: PB-15-11

Applicant: Michael and Allison Giambra

Property: 97 Washington Street

Hearing Date: December 17, 2015

Relief Requested: Recommendation that the Administrator Officer issue a Preservation Permit in accordance with the Rocky Hill Development Regulations Ordinance Section 80-40 (previously Section 419B) to permit the addition of a side porch to an existing craftsman style home built before 1930.

Relief Granted: Recommendation that the Administrator Officer issue a Preservation Permit, as requested.

Supporting Plans and Documents Submitted:

Plan of Survey, prepared by Goldenbaum Baill Associates, Inc. dated July 25, 2012, consisting of one page;

Plan entitled, "Drainage Detail", undated, consisting of one page; and

Four copies of photographs entitled: "2008 View", "2011 View", "2015 View", and "Existing Home, Proposed Porch Addition".

WHEREAS, Applicant has applied to the Rocky Hill Planning Board (hereinafter, the "Board") acting in its capacity as the Historic Preservation Commission of the Borough of Rocky Hill for a recommendation that the Administrative Officer issue a Preservation Permit in accordance with the Rocky Hill Development Regulations Ordinance Section 80-40 (previously Section 419B) to permit the addition of a side porch to an existing craftsman style home built before 1930; 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, appearing pro

se, 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 Applicant presented testimony to the Board as more fully set forth on the record from the following individual:

1. Michael Giambra, Applicant.

WHEREAS, Applicant's witness testified, in part, as follows:

1. Mr. Giambra testified describing the Application and the existing front porch and proposed side porch. Mr. Giambra acknowledged that the proposed side porch would comply with all side yard setback requirements. As to the appearance of the side porch, Mr. Giambra indicated that he intends for the side porch to match with the current appearance of the house and will use the same materials to construct the side porch, its roof and gutters.

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

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

1. The Board acknowledges that the Application was deemed to be a Minor Preservation Plan application by the Administrative Officer.

2. The Application and the testimony presented in support thereof confirm that a Preservation Permit may be issued for the proposed addition of the proposed side porch, as the proposal is in keeping with the craftsman style of the home.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with the following condition(s):

- a. The Applicant is required to comply with Applicant's representations to and agreements with the Board during the hearing on this Application.

- b. The Applicant shall ensure that the new side porch be no more than ten feet wide so as to comport with the side-yard setback requirements

- c. The Applicant shall take photographs of the existing property and submit said photographs to the Administrative Officer. No Preservation Permit shall issue without the submission of the photographs.
- d. The Applicant shall obtain all necessary permits and approvals from all governmental agencies having jurisdiction over this project, as may be applicable.
- e. The Preservation Permit shall lapse 12 months after the date of its issuance unless prior thereto a building permit for the work authorized by the permit is secured or the time is extended by the Planning Board. If a building permit secured in a timely manner thereafter lapses, the Preservation Permit shall lapse as well.

2. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Development Regulations Ordinance of the Borough of Rocky Hill, other Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.

3. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

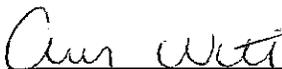
4. Applicant is required to comply with all recommendations of outside agencies having jurisdiction over the Application including but not limited to the Somerset County Planning Board, the Delaware and Raritan Canal Commission, and the Somerset-Union Soil Conservation District.

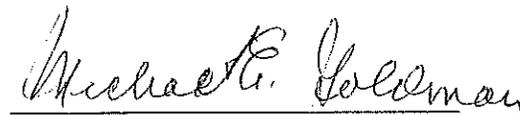
5. All fees assessed by the Borough of Rocky Hill for this Application and the hearing shall be paid prior to any construction.

BE IT FURTHER RESOLVED, that this Resolution, adopted on 1/21/2016, 2016, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Ayrey, Battaglia, Blasch, Corlis, L. Goldman, Hallman, Nolan, Whitlock, M. Goldman; No: None; Recused: Giambra, Kluchinski; Not Eligible: None; Absent: Donahue.

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 | ✓ | | | | <i>km</i> |
| ROBERT AYREY | | | | | ✓ |
| MARK BLASCH | ✓ | | | | |
| TIM CORLIS | | | | | ✓ |
| LINDA GOLDMAN | ✓ | | | | |
| ROBERT ASHBAUGH | | | | ✓ | |
| BRIAN NOLAN | ✓ | | | | |
| RAYMOND WHITLOCK | ✓ | | | | |
| MICHAEL GIAMBRA, ALT 1 | | | ✓ | | |
| DAN KLUCHINSKI, ALT II | | | ✓ | | |

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

ANTOINE AND GAUD YVER
APPLICATION: PB-15-09

Applicant: Antoine and Gaud Yver

Location: 38 Washington Street

Hearing Date: December 17, 2015

Relief Requested: Major Historic Preservation Plan Approval to permit the reconstruction of an existing barn structure constructed before 1930 that had been previously demolished.

Relief Granted: Approval of Applicant's Major Historic Preservation Plan, as requested.

Supporting Documents Submitted:

Architectural Plans prepared by Roy Dedeic & Associates, Inc. dated December 7, 2015.

WHEREAS, Applicant has applied to the Rocky Hill Planning Board (hereinafter, the "Board") in its capacity as Historic Preservation Commission of the Borough of Rocky Hill for approval of a major historic preservation plan in which Applicant proposes to rebuild a barn built before 1930 that had been demolished; and

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

WHEREAS, a public hearing on the Application was held 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, one exhibit was submitted for the Board's consideration as follows:

Exhibit A-1, a replacement page for page S2 of the Architectural Plans submitted by Applicant.

WHEREAS, no members of the public appeared to ask questions or testify with regard to the Application; and

WHEREAS, the Applicant presented testimony to the Board as more fully set forth on the record from the following individual:

1. Roy Dedeic, Applicant's Structural Engineer; and
2. Antoine Yver, Applicant.

WHEREAS, the Applicant's witnesses testified, in part, as follows:

1. Roy Dedeic testified with regard to the architectural drawings and clarified their orientation. Mr. Dedeic further testified describing the plans for the reconstruction of the barn.
2. Antoine Yver testified 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.

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

1. The Applicant is committed to retaining the historic appearance of the Property and to maintaining, restoring and reusing the historic resources that exist on the Property to the greatest extent possible.

2. The Application and the testimony presented in support thereof confirm that the Applicant's proposed plan utilizes, to the greatest extent possible, the historic resources on the Property and does not detract from the Property's historic appearance from the public way.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Board of Adjustment does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with the following condition(s):

- a. The Applicant is required to comply with Applicant's representations to and agreements with the Board during the hearing on this Application.
- b. The Applicant shall obtain all necessary permits and approvals from all governmental agencies having jurisdiction over this project, including, but not limited to, the Borough of Rocky Hill, County of

Somerset and State of New Jersey, as may be applicable.

2. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Development Regulations Ordinance of the Borough of Rocky Hill, other Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.

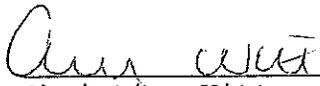
3. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

4. All fees assessed by the Borough of Rocky Hill for this Application and the hearing shall be paid prior to any construction.

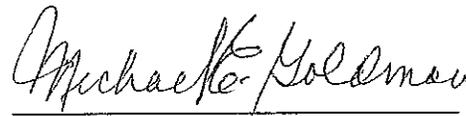
BE IT FURTHER RESOLVED, that this Resolution, adopted on _____, 2016, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Ayrey, Battaglia, Blasch, Corlis, Giambra, L. Goldman, Kluchinski, Nolan, Whitlock, M. Goldman; No: None; Abstain: None; Not Eligible: Hallman; Absent: Donahue.

RESOLUTION DATE:

ATTEST:



Christine Witt,
Planning Board Secretary



Michael Goldman,
Chairman

| VOTE ON RESOLUTION | | | | | |
|-----------------------------------|-----|----|--------------|-----------|--------|
| MEMBERS | YES | NO | NOT ELIGIBLE | ABSTAINED | ABSENT |
| CHAIRMAN MICHAEL GOLDMAN | ✓ | | | | |
| MAYOR'S DESIGNEE, IRENE BATTAGLIA | ✓ | | | | |
| ROBERT AYREY | | | | | ✓ |
| MARK BLASCH | ✓ | | | | |
| TIM CORLIS | | | | | ✓ |
| LINDA GOLDMAN | ✓ | | | | |
| ROBERT ASHBAUGH | | | | ✓ | |
| BRIAN NOLAN | ✓ | | | | |
| RAYMOND WHITLOCK | ✓ | | | | |
| MICHAEL GIAMBRA, ALT 1 | ✓ | | | | |
| DAN KLUCHINSKI, ALT II | ✓ | | | | |