

**Frenchtown Planning Board
Regular Meeting
May 27, 2015**

Chairman Eckel called the Regular Meeting to Order at 7:30 P.M. and stated that all the requirements of the “Open Public Meeting Law” have been met. The meeting has been advertised, the Agenda has been posted in the Borough Hall and copies distributed to the designated newspapers.

ROLL CALL

Present:	Absent:
Case	
Cooper	
DenBleyker (Arrived at 7:35 pm)	
Dougherty (Arrived at 8:15 pm)	
Dragt	
Eckel	
Musolino	
Scott	
Sullivan	
Suttle	
Weeks	

APPROVAL OF MINUTES

Regular Meeting – April 22, 2015

Jack Weeks moved to accept the minutes of the April 22, 2015 Regular meeting. Gordon Dragt seconded the motion. The minutes of the April 22, 2015 Regular meeting were approved by favorable roll call vote with Gerry Case and Warren Cooper abstaining.

PUBLIC COMMENTS

Chairman Eckel announced that before we start the public comment section, comments are welcomed on matters not listed on the agenda. Comments related to agenda items should be held until that specific item comes up on the agenda. Chairman Eckel opened the public comment session.

Having no public comments, Chairman Eckel closed the public comments session.

Variance Application – Block 55 Lot 1, 10 Bridge Street – Richard Cahill (Big River Tattoo) – Completion Review

Chairman Eckel noted that the Mayor and Council member must recuse themselves due to the “D” variance. Mayor Cooper and William Sullivan recused themselves from this application.

Chairman Eckel noted that the Board will review the variance application from Rich Cahill for completeness this evening. She also noted that Engineer Clerico has reviewed the application for completeness in his letter dated May 26, 2015. She turned the floor over to Engineer Clerico. Engineer Clerico stated that in his review letter of May 26, 2015, he noted that the applicant seeks to modify the current variance as shown in the floor plan. The applicant needs to provide the property owner’s signed consent, a specific list of requested checklist waivers, a floor plan

sketch drawn to scale, a copy of a current letter of denial from the zoning officer and a current certified list of adjoining owners. Because of the lack of information, the Board would have to deem the application incomplete. The Board could waive the zoning denial letter and rely on the previous denial. The applicant can provide these items (a-e) on his own. The applicant can request waivers and if the Board relies on what is in the file from 2009, the Board could grant waivers. If the applicant made that request and had Items a-e on file, at that point you would have a complete application. Although they did not request a site plan waiver, the Board could defer any action at this point until it hears the application which could trigger a site plan review. The Board could ask the applicant at that point to address those items. If the applicant agrees to provide Items a-e and request waivers of the checklist items within two weeks, the application could be deemed complete at the next meeting.

Chairman Eckel stated that if everything is done and submitted within two weeks, the Board could deem the application complete at its next meeting and go into a public hearing. Given the fact that the applicant is looking for an expansion of the current use, the Board could give a waiver for the letter from the zoning officer.

Engineer Clerico noted that he will not do another memo. Chairman Eckel agrees that the Board could defer the decision on the formal site plan waiver request. Chairman Eckel informed the applicant that he will be facing the burden of proof of positive and negative criteria and that the location is uniquely suited. She recommended that an attorney could help the applicant argue the case although the applicant does not have to have one. Applicant Rich Cahill noted that the checklist questions do not apply. Engineer Clerico stated that if the applicant asked for waivers of the checklist items, the Board could grant them. Chairman Eckel commented that the Board could waive the requirement for a current letter of denial from the zoning officer. She added that there is certain testimony the applicant must provide. She recommended that the applicant go over the application with an attorney and have the attorney advise him. The applicant must address testimony that was provided the last time and why under the current municipal land use law, the applicant meets the criteria. She also recommended that the applicant read the memorandum from the Board Planner. The applicant will need to notice for a public hearing prior to the next meeting. If the notice is proper, the Board can go forward with the application. On motion by John DenBleyker, seconded by Gerry Case and carried by unanimous favorable roll call vote, the Planning Board deemed the variance application for Block 55 lot 1 incomplete pursuant to the review letter from Engineer Clerico, dated May 26, 2015.

Mayor Cooper and Council member William Sullivan returned to the meeting.

Sign Application – Block 4 Lot 1, 1110 Harrison Street – Secret Garden Montessori

Chairman Eckel noted that this application was continued from last month. Jessica Humphry noted that she submitted a letter very late today. She added that the application is for a 2 foot by 10 foot sign to be erected on the front of the building on Harrison Street which will be a teal green color and the same font with the rest of the building. The length of the building is 95 feet and the space between the four center windows is 11 feet. The space between the windows and the lights is 3 feet. Chairman Eckel noted that the signable area is 95 feet by 3 feet for a total of 285 square feet and the sign is 20 square feet which complies with the requirement.

Chairman Eckel noted that the Board did not approve any of the signs from last month. Illumination was a question. Jessica Humphry commented that she understood that they meet the requirement of no more than 75 watts. Chairman Eckel noted that the signs were approved

from the previous applicant but if the wording changes, it must come before the Board to look at the items of information and compliance.

Attorney Anthony DeSapio, owner of the building and representative of Ardito and Secret Garden Montessori, noted that he spoke with Dick DeCroce, former zoning officer, who said that the sign location and sizes were approved on the original site plan along with lighting and as long as you did not change the size or location, you did not have to come before the Planning Board. He added that when you have a multi-tenant building all signs have to match and that is the reason all the signs are the same color. Chairman Eckel noted that when Secret Garden came, they were in one space and then they expanded.

Chairman Eckel stated that the Board will review all the signs. Referring to the signs over the door on the north and south entrances, the Board concluded that the building has multiple frontages and Secret Garden Montessori can have signs on the three sides. She added that the signs on the north and south side are identical in size, 2 feet by 8 feet. The north side contains 9 items of information and the south side contains 8 items of information. The signs will be illuminated with 75 watts or less. Attorney DeSapio noted that the overhanging lights each containing three 25 watt compact florescent lights that shine down on the building.

Chairman Eckel noted that the sign on the west side of the building is 2 feet by 10 feet for a total of 20 square feet. The signable area is 285 square feet so the sign is 7% of the signable area. There are 8 items of information on that sign. It will be illuminated with 3 lights, 25 watts each. Jack Weeks asked that the window signs be address. Jessica Humphry noted that the window sign on the north side of the building was removed. She will remove the window sign on the west side once she installs the new sign in two to three weeks. Chairman Eckel noted that the single ginkgo leaf and "SGM" was not approved. On motion by Randi Eckel, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board approve the sign application for Block 4 Lot 1 (Secret Garden Montessori) and the following resolution:

RESOLUTION #2015-23

FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION GRANTING APPROVAL FOR INSTALLATION OF A SIGN

WHEREAS, Applicant Jessica Humphry of Secret Garden Montessori has applied to the Planning Board for permission to install advertising signs on the premises located at Block 4 Lot 1;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on May 27, 2015:

1. The signs will read in accordance with the sketch attached hereto.
2. There are 3 walls signs which are allowed because the building has multiple frontages.
3. The walls sign on the north and on the south sides of the building will measure 2 feet by 8 feet each as previously approved.

4. These walls signs are the same style and colors of the other signs on the multi-tenant building.
5. The wall sign on the north side of the building contains 9 items of information as defined in the Land Use Ordinance #564.
6. The wall sign on the south side of the building contains 8 items of information as defined in the Land Use Ordinance #564.
7. The wall sign on the west side of the building will measure 2 feet by 10 feet for a total of 20 square feet and the signable area is 285 feet. The sign is 7% of the signable area and meets the requirements.
8. The wall sign on the west side of the building contains 8 items of information as defined in the Land Use Ordinance #564.
9. The wall sign on the west side of the building will be the same color and style as the other signs.
10. All three wall signs will be illuminated with 75 watts or less.
11. The window signs will be removed within 2 to 3 weeks when the wall sign on the west side is installed. The ginkgo leaf and the initials "SMG" will be removed from the windows.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 27, 2015.

Votes on Adoption of Motion

_____	9	_____	AYES
_____	0	_____	NAYS
_____	0	_____	ABSTAIN
_____	0	_____	RECUSED

Brenda S. Shepherd, Secretary

Sign Application – Block 52 Lot 6.01, 19 Trenton Avenue – Frenchtown Wine & Liquors

Hitasch Patel, owner of the property and liquor store, stated that he is applying for permission to install advertising signs. He noted that the signs on the north and south sides of the building will measure 4 feet by 6 feet. The signable area on the north side of the building is 64 square feet and the signable area on the south side of the building is 128 square feet. The sign on the north side is 37.5% of the signable area and the sign on the south side is 18.7% of the signable area. The signs will be in a wood frame with a dark purple background with white lettering. The signs contain 7

items of information and will be illuminated with 50 watt bulbs and the lights will be facing down on the sign. There will be one on each side of the building. The signs will be wood frames that will be bolted to the wall with screws. Mr. Patel also stated that there are 4 windows measuring 53 inches by 55 inches each. He will have stickers on those windows for promotional items, what he carries in the store and they will change. Those signs are facing Trenton Avenue. He also has an LED open sign to let everyone know he is open because he was not getting noticed. The windows look dark from the outside. Chairman Eckel stated that you cannot have interior lit signs. Jack Weeks recommended that he use a flag for open and close. Chairman Eckel noted that the stickers are considered temporary but to capture the amount of window signage, it is less than 25%. Mr. Patel noted that there are temporary signs on the building now and he has a sidewalk sign. Responding to Chairman Eckel, Mr. Patel stated that he has a retail food handler license. Chairman Eckel stated that you can have a sandwich board sign which cannot be larger than 4 square feet and it has to be taken in every night. She added that the sidewalk sign cannot block the sidewalk and has to be located outside the street right of way. Chairman Eckel asked Mr. Patel what the sidewalk sign was made of? Mr. Patel responded that it is varying plastic with an aluminum frame. Chairman Eckel commented that if you have to replace the sandwich board, she asked that it be wood. Mr. Patel noted that he has a wooden one. He will take down the Coors Light signs that are up now temporarily. On motion by Cathy Suttle, seconded by Warren Cooper and carried by unanimous favorable roll call vote, the Planning Board approve the sign application for Block 52 Lot 6.01 and the following resolution:

RESOLUTION #2015-24

FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION GRANTING APPROVAL FOR INSTALLATION OF A SIGN

WHEREAS, Applicant Hitasch Patel of Frenchtown Wine & Liquors has applied to the Planning Board for permission to install advertising signs on the premises located at Block 52 Lot 6.01;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on May 27, 2015:

1. The signs will read in accordance with the sketch attached hereto.
2. The walls sign on the north and south sides of the building will measure 4 feet by 6 feet.
3. The signable area on the north side of the building is 64 square feet and the signable area on the south side of the building is 128 square feet. The sign on the north side is 37.5% of the signable area and the sign on the south side is 18.7% of the signable area.
4. The colors of the wall signs will be wood frame with a dark purple background with white lettering.
5. The signs contain a total of 7 item of information as defined in the Land Use Ordinance #564.

6. The walls signs will be lit with 50 watts each shining down onto the signs.
7. The 4 window signs will be temporary stickers on the bottom of the windows measuring 10” by 45” each that will change periodically and will be no more than 25% of the window area.
8. The sandwich board sign will be taken in every night and will conform to the ordinance as to size and location.
9. The open sign will be a flag.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 27, 2015.

Votes on Adoption of Motion

_____ 9 _____	AYES
_____ 0 _____	NAYS
_____ 0 _____	ABSTAIN
_____ 0 _____	RECUSED

Brenda S. Shepherd, Secretary

Sign Application – Block 4 Lot 1, 1110 Harrison Street – Ardito & Co. LLP

Attorney Anthony DeSapio, building owners, noted that he is here on behalf of the tenant requesting permission for the advertising signs. He noted that the sign on the building measures 2 feet by 8 feet. Responding to Chairman Eckel, Mr. DeSapio noted that the letters on the sign are taller than 3 inches. Chairman Eckel stated that there are more than 15 items of information on that sign and only 10 is allowed. If you drop Certified Public Accountant and put CPA, it would conform. Mr. DeSapio stated that he will measure it to see if it exceeds 3 inches. If it does, he will speak with the business owner about putting CPA or making certified public account smaller than 3 inches. The Board could approve the application with several possible outcomes. He agreed to Certified Public Accountants being less than 3 inches. Chairman Eckel noted that the sign is 16 square feet and will be lit with three 25 watt lights shining on the sign. She added that the size of the signs on the building were approved as part of the site plan. Mr. DeSapio noted that the size of the signs were approved in 1996. Responding to Chairman Eckel as to the window signs, Mr. DeSapio noted that the letters are less than three inches. Jack Weeks noted that the window signs look like a logo. On motion by Sarah Scott, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board approve the sign application for Block 4 Lot 1 (Ardito & Co. LLP) and the following resolution:

RESOLUTION #2015-25

FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION

GRANTING APPROVAL FOR INSTALLATION OF A SIGN

WHEREAS, Applicant Anthony DeSapio representing Ardito & Co. LLP has applied to the Planning Board for permission to install advertising signs on the premises located at Block 4 Lot 1;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on May 27, 2015:

1. The signs will read in accordance with the sketch attached hereto.
2. The wall sign measures 2 feet by 8 feet for a total of 16 square feet and is replacing a sign approved as part of a site plan.
3. The wall sign is the same style and color of the other signs on the multi-tenant building.
4. The applicant will change the wording Certified Public Accountant/CPA to be less than 3 inches in height.
5. The signs contain a total of 7 item of information as defined in the Land Use Ordinance #564.
6. The wall sign will be illuminated with 75 watts or less and will shine down on the sign.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 27 , 2015.

Votes on Adoption of Motion

_____9_____	AYES
_____0_____	NAYS
_____0_____	ABSTAIN
_____0_____	RECUSED

Brenda S. Shepherd, Secretary

Sign Application – Block 41 Lot 5.01, 29 Race Street, Suite 1C – Freedom Art & Music

Chairman Eckel noted that this is the second month that the applicant has not shown up. We will notify the Zoning Officer.

Sign Application - Block 55 Lot 1, 10 Bridge Street, Suite 4 – Outside Art Gallery

Chairman Eckel noted that this is the second month that the applicant has not shown up. We will notify the Zoning Officer.

Sign Application – Block 52 Lot 1, 26 Race Street – Monkey Mill Art

Fritz Hughes and Ted Kimber, owners of Monkey Mill Art, stated that they are requesting permission for an advertising sign. The signable area of the building is 6.5 feet by 26 feet for a total of 172.25 feet. The sign is 3 feet by 8 feet for a total of 24 square feet. The sign will be made of wood with gold letters and leafing. It will be on black walnut. The word “meets” is less than 3 inches. The other letters are 9 inches. Responding to Chairman Eckel, Fritz Hughes stated that the business is retail and a gallery to do arts. If someone wants something done, they can come back an hour later. He spoke with the zoning officer. Responding to Chairman Eckel as to lighting, Mr. Hughes stated that the lights are existing on the building. They may illuminate the sign and he will not have it on all night. Chairman Eckel stated that the lighting can be 75 watts combined and the lights need to cast down. She added that if “Monkeymillwood.com” is less than 3 inches, it can be on there. Jack Week stated that it would be 6 items of information. Mr. Hughes commented that he would like to increase the sign to 4 feet by 8 feet and he may carve the monkey on the sign. Chairman Eckel noted that the sign would be 18.6% of the signable area. Gordon Dragt asked that if the Board approves the sign, are we approving the current usage of the space? He stated that there is a lot more construction and manufacturing being done in this location. Mr. Hughes stated that they are in the midst of renovating with a show case. They are trying to stay in two locations. Ted Kimber added that it is a landing point for our customers and we bring people to town. We closed the store to renovate the show room so people could walk in and pick something out and/or place an order. We are doing the majority of our work in Upper Black Eddy. We will keep it simple. Chairman Eckel stated that we have received complaints about the renovation. Mr. Hughes stated that we have been working late getting things done. We want to conform to the town’s way of doing business. Chairman Eckel noted that the sign approval is different from a use approval. She asked if there was any other signage proposed? Mr. Hughes stated that there is no other signage approved. There “Open” illuminated sign has not been on. Chairman Eckel recommended that they get a flag for an open sign. On motion by Cathy Suttle, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board approve the sign application for Block 41 Lot 12 and the following resolution:

RESOLUTION #2015-26

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION
GRANTING APPROVAL FOR INSTALLATION OF A SIGN**

WHEREAS, Applicant Fritz Hughes and Ted Kinder of Monkey Mill Art meets Wood has applied to the Planning Board for permission to install advertising signs on the premises located at Block 41 Lot 12;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on April 22, 2015:

1. The signs will read in accordance with the sketch attached hereto.
2. The wall sign will measure 4 feet high by 8 feet wide for a total of 32 square feet. The sign is 18.6% of the signable area of 172.25 square feet.
3. The sign will be made of wood with a dark background and carved lettering with gold. The monkey will be painted or carved.

4. The word “meets” will be less than 3 inches. Monkeymillartwood.com may be added to the sign and if so, would add an additional item of information.
5. The signs contain a total of 6 item of information as defined in the Land Use Ordinance #564.
6. The sign will be affixed to the building and will be illuminated with by an existing light of no more than 75 watts and will shine down on the sign.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 27, 2015.

Votes on Adoption of Motion

_____ 9 _____	AYES
_____ 0 _____	NAYS
_____ 0 _____	ABSTAIN
_____ 0 _____	RECUSED

Brenda S. Shepherd, Secretary

Outdoor Display – Block 52 Lot 1, 26 Race Street – Monkey Mill Art

Fritz Hughes stated that they are requesting an outdoor display permit. We will show the stuff we make and we have had music events. Mayor Cooper noted that the music events are not an outdoor display. It would be a special event that you must get permission from the Council for. Chairman Eckel stated that if you have noise going over the property line, you are in violation of the noise ordinance. You can get an exception with a special events permit. When the Frenchtown Business and Professional Association has Bastille Day, they get a special events permit from Council. You can have music in your shop.

Gordon Dragt stated that you must display outside, what you sell inside. You did construction outside. Mr. Hughes stated that they display what is sold on site. They may cut a piece of wood or do light sanding. Mayor Cooper noted that the concern is if someone wants something cut, you are cutting inside. William Sullivan noted that it has to do with what is the permitted use of the property. Jack Weeks stated that it became a retail space and what you are building there is considered light manufacturing. William Sullivan noted that if you are in violation of the use, it would be between the zoning offer and the court. You would have to come to us for a variance. Ted Kimber noted that they are changing the way they are doing business. Chairman Eckel stated that the Board is bound to follow the Municipal Land Use law. A furniture store and gallery is approved. You must display merchandise that is sold in the store. Responding to Chairman Eckel, Mr. Hughes noted that the sidewalk space is strange. JC Rogers, the owner of the building, said there is no sidewalk. In the front is a 7 car parking lot with no sidewalk. We will leave 4.5 feet open from the edge of the road barring there is no telephone poles. Responding to Chairman Eckel, Mr. Hughes stated that the merchandise and displays will be brought in at night. The applicant asked if they could paint a sidewalk to continue from the next

Brenda S. Shepherd, Secretary

NEW BUSINESS

Resolution #2015- 22 - Resolution endorsing the filing of a Declaratory Judgment Application and a motion for temporary immunity to allow the Borough to revise its certified Third Round Housing Element and Fair Share Plan and obtain a Judgment of Compliance and Repose

Chairman Eckel noted that she received an email late this afternoon recommending that the Planning Board and Council adopt these resolutions at the special meeting on June 3rd at 6:00 pm. Mayor Cooper stated that one concern is to make sure we will have a quorum on June 3rd. Subsequent to polling the Board, a quorum will be present for the June 3rd meeting. Resolution #2015-22 was tabled. Chairman Eckel noted that if the Board wishes to discuss this, the Board must go into executive session.

EXECUTIVE SESSION - Potential litigation-In Re the Borough of Frenchtown Declaratory Judgment Action Seeking Approval of the Borough's Housing and Fair Share Affordable Housing Plan.

On motion by Randi Eckel, seconded by John DenBleyker and carried by unanimous favorable voice vote, the Planning Board approved to go into executive session at 9:25 pm and approved Resolution #2015-28 as follows

PLANNING BOARD RESOLUTION #2015-28
EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Planning Board is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by t the Frenchtown Planning Board, in the County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - A. Potential litigation-In Re the Borough of Frenchtown Declaratory Judgment Action Seeking Approval of the Borough's Housing and Fair Share Affordable Housing Plan.
3. The Planning Board may take official action on those items discussed in Executive Session upon completion of the Executive Session.

4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

I, Brenda S. Shepherd, Planning Board Secretary, do hereby certify that the foregoing is a true copy of a resolution adopted by the Frenchtown Planning Board at a meeting held on May 27, 2015.

Brenda S. Shepherd
 Planning Board Secretary

The executive session was concluded at 9:32 pm.

VOUCHERS

Brenda Shepherd, Board Secretary, presented the following vouchers for approval:

VOUCHER LIST 5/27/15

Elizabeth McKenzie	Professional Services for General Representation through 4/30/15	\$ 1,400.00
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ESCROW ACCOUNT – BLOCK 3 LOT 1 – Redevelopment Study

Pickell Architecture	Professional Services for Redevelopment through 4/30/15	\$ 290.00
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Pickell Architecture	Professional Services for Redevelopment through 5/15/15	\$ 290.00
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Elizabeth McKenzie	Professional Services for Redevelopment through 4/30/15	\$1,093.75
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Maser Consulting	Professional Services for Redevelopment through 3/8/15	\$ 270.00
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael Escrow

DiFrancesco, Bateman, Coley, Yospin, Kunzman	Professional Services for Michael	\$ 45.00
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael Inspection Escrow

Van Cleef Engineering

Professional Services for Michael
through 4/30/15

\$ 204.75

On motion by Warren Cooper, seconded by William Sullivan, and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

Chairman Eckel stated that she was talking to Brenda Shepherd and we have \$17,000.00 in COAH set aside. We can use 20% of that for administrative costs. This may help with the cost of the Declaratory Judgment Action.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

Chairman Eckel asked that John Dougherty take his Oath of Office as a Class IV member. Brenda Shepherd administered the Oath of Office to John Dougherty and he accepted his Oath of Office as a Class IV member of the Planning Board.

Chairman Eckel noted that the two applicants that did not show up for their sign application have not for two months. The largest part of one of the applications included a sandwich sign. The sign applicants are 60 days overdue by the amnesty. William Sullivan noted that they will be issued a summons of violation by the zoning officer. The violation would be for unapproved signs. He will contact the zoning officer.

Chairman Eckel commented that we had a joint meeting on February 28th. Zoning Officer John Barczyk went around and handed out letters about the amnesty. Gordon Dragt noted that both businesses are not very visible so they have signs out. Jack Weeks noted that Freedom Gallery is new. The other business has been in existence for 6 years. Responding to John Dougherty, Brenda Shepherd noted that letters were sent out by the zoning officer by certified mail. Jack Weeks recommended that another letter go out. The florist shop moved its location and moved the sign from Harrison Street to Race Street. William Sullivan noted that he is working with the zoning officer under the Council. He got the consent to deal directly with the zoning officer. He has spoken to him and met with him on Thursday. The zoning officer works for a lot of towns and appreciates the direction. He has spoken to him about coming up with a system to track complaints and any actions taken. William Sullivan commented that he would like to know what the Planning Board wants him to bring to the zoning officer. As a consensus, we want to expand his hours and get him approved for times other than his office hours. We have put money in the budget for that. He would like input from the Planning Board. John DenBleyker recommended that any application that the Board approves goes to him and he inspects it. He inspects a sign and then stamps it inspected or approved. A final photo should go into the file. We then will know if the approved sign was altered. John DenBleyker added that in the approved Stem Brothers application, we asked them to take things down and they complied. Because they changed their lighting system, all signs go out except the gas prices lighting. William Sullivan noted that if there is a violation, the zoning officer will address it. The zoning officer would only like to address complaints. We will have a method to contact him and the extra money will be for hours on Saturday or Sunday. Jack Weeks commented that he can see the outdoor displays. Mayor Cooper noted that a complaint can be filed anonymously. Chairman Eckel added that she does not believe it will be a huge amount of work. It will be great communication between Council, Planning Board and the businesses. William Sullivan noted that the zoning officer did not seem hesitant to comply with our requests. We need to allow him to develop a system. He

can pull the file and put a final photo in the file. John DenBleyker commented that this is a great starting point. The Planning Board thanked William Sullivan.

Sarah Scott asked if the land use ordinance is available on line? Mayor Cooper stated that we do not have someone to do the job and it is expensive to have someone do it. We have had 3 to 5 volunteers. It starts and then stops.

Chairman Eckel noted that the sign committee is trying to get together. She added that we have volunteers to make the wayfinding signs and paint the signs for downtown. It may include arrows “to shops”.

Gordon Dragt noted for the record the he would not have to recuse himself for the Monkey Mill applications because he is not an owner. He is a renter.

Mayor Cooper noted that the deadline for George Michael’s development is August 2016. He is required to pave Third Street and a portion of Second Street. We received a letter from Michael Atheras. Inadvertently, in our decision to limit heights of the buildings, they choose to use a floor joist structure that is susceptible to heat and known to collapse under high heat which changes the way they fight fires. Michael Atheras wanted us to be aware of that going forward if we get a request like that for height. We did not tell George Michael to use a specific structure. We should be more mindful. The fire department is on the distribution list for applications. Chairman Eckel noted that what George Michael is building is still within code. Trusses do not affect the height. Mayor Cooper stated that in using the standard 2 by 12, it prevents proper distribution of ventilation, piping HVAC, etc. John DenBleyker stated that they cannot get the same spans. Mayor Cooper commented that it should come up in discussion with the Eighth Street property. Referring to the George Michael development, John DenBleyker stated that the Fire Department was concerned that they could not get access from the river. Chairman Eckel noted that on the kitchen side, there is no access. We will keep the Fire Department involved in all developments. Mayor Cooper stated that there are sprinkler systems in the building but it does not matter under the right conditions if the fire is in that portion of the structure. Gordon Dragt added that after all the time and effort spent in the details, it looks nice.

Jack Weeks noted that the property on Twelfth Street came on the market again. Access is difficult. They cannot develop without proper access. No one granted them access.

ADJOURNMENT

Gerry Case moved adjournment at 10:18 PM, and John DenBleyker seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary