

Frenchtown Planning Board
Regular Meeting
April 26, 2017
7:30 P.M.

Vice-Chairman John DenBleyker 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

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| Present: | Absent: |
| DenBleyker | Case |
| Dougherty | Eckel |
| Dragt | Musolino |
| Herb | Sullivan |
| Myhre | |
| Suttle | |
| Weeks | |

APPROVAL OF MINUTES

Regular Meeting – March 22, 2017

Mayor Myhre moved to accept the minutes of the March 22, 2017 Regular meeting. Jack Weeks seconded the motion. The minutes of the March 22, 2017 Regular meeting were approved by favorable roll call vote with Cathy Suttle abstaining.

PUBLIC COMMENTS

Vice-Chairman John DenBleyker 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. Vice-Chairman John DenBleyker opened the public comment session. Having no comments, Vice-Chairman John DenBleyker closed the public comment session.

**SITE PLAN /CONDITIONAL USE APPLICATION – BLOCK 46 LOT 5, 49
KINGWOOD AVENUE, JOHN AND NANCY WEST D/B/A RITTENHOUSE INN
(COMPLETION REVIEW)**

Mayor Myhre stepped down on this application due to D variances as part of the application.

Vice-Chairman DenBleyker noted that the Board will do a completion review this evening.

Attorney Michael DeSapio, representing the applicant, noted that he has the review letters from the Board professionals and will address the items in those letters. Vice-Chairman DenBleyker recommended that Attorney DeSapio go through each of the items.

Attorney DeSapio reviewed the following items from Board Engineer Clerico’s review letter:

Item 1 – Administrative Items. Attorney DeSapio noted that the administrative items have been submitted. This item was deemed complete.

Item 2 – Denial of Zoning permit. Attorney DeSapio stated that he could get a rejection letter from the zoning officer. He requested a conditional waiver. This item was deemed incomplete.

Item 3 – Deed of record or documents as to protective covenants/easements/restrictions and title search. Attorney DeSapio stated that he has a copy of the deed which will reference the easements and restrictions. He requested a conditional waiver. This item was deemed incomplete.

Item 4 – Building floor plans are not sealed. Attorney DeSapio stated that he will have the architect do that. He asked the Board for a temporary waiver. The Board agreed to a temporary waiver.

Item 5 –Key map showing the location of the property along with a list of the adjoining property owners. Attorney DeSapio stated that he will provide that information. He requested a conditional waiver. The Board agreed to a conditional waiver and required that this item be provided prior to the public hearing.

Item 6 - Approval signature line on the submitted plan. Attorney DeSapio stated that he will have that added. He requested a conditional waiver. The Board agreed to a conditional waiver and required that this item be provided prior to the public hearing.

Item 7 - Net gross area of property not identified on the survey. Attorney DeSapio stated that he will have the surveyor add the net gross area. He requested a conditional waiver. The Board deemed this item incomplete.

Item 8 - Certified adjoining property owners list. Attorney DeSapio stated that he has submitted to certified adjoining property owners list. This item was deemed complete.

Item 9 - Identify the requirements of the R1 bulk standards of the proposals compliance with the Conditional Use requirements under 309H. Attorney DeSapio stated that he will send an amended letter comparing the property specifications. This item was deemed incomplete.

Item 10 – Detailed environmental features (wetlands, tree locations, etc.). The application is requesting a permanent waiver since no land disturbance is being proposed. The Board agreed to a permanent waiver.

Item 11 - Detailed environmental features (flood plain, SESC, EIS & stream features, etc.). The applicant is requesting a permanent waiver since these items are not applicable to the property or project. The Board agreed to a permanent waiver.

Item 12 – Detail site grading. The applicant is requesting a permanent waiver since there is not site disturbance being proposed. The Board agreed to a permanent waiver.

Item 13 – Detailed historical features on and within 200 foot of the property. The applicant has requested a permanent waiver. Attorney DeSapio noted that there will not be disturbance on the property and this item is not relevant. Cathy Suttle noted that the building is a historic building and has historic features. John West stated that the house was built in 1860. The Rittenhouse

family lived there for many years. The original floor and wood work was just upgraded. The home is pristine and he decided to make it comfortable and modernized but at the same time, he kept the historical features. Attorney DeSapio stated that he could have the architect submit a list of the historical features. He requested a conditional waiver.

Item 14 – Building elevations and existing or proposed site lighting. Attorney DeSapio noted that there are no exterior changes being made to the building. Responding to John Dougherty, John West noted that the entire electrical system was upgraded and the exterior lighting on the back lights up the exterior. There will be no changes to the exterior. John Dougherty asked if the sign will be lit. John West requested a temporary waiver for that. John DenBleyker noted that if changes are required, the Board would have to review it. The Board agreed to a temporary waiver.

Item 15 – Site landscaping. The applicant has requested a permanent waiver for the site landscaping. Attorney DeSapio noted that there will be no changes made to the site landscaping. The Board requested that a photograph of the site landscaping be provided as evidence. The Board agreed to consider a temporary waiver.

Item 16 – Detailed information relating to site storm drainage system. The applicant is requesting a permanent waiver for details on site storm drainage since no site disturbance is being proposed. It should be acknowledged that there are notable storm drainage deficiencies along the alley coming from the property to the rear of the site. John Wet noted that his daughter purchased the back lot for the purpose of slowing down development. Attorney DeSapio noted that there are no major issues with water flowing through this property and there will be no disturbance on this property. He requested a permanent waiver for this item. Vice-Chairman DenBleyker stated that the applicant could address questions in the public hearing. John Dougherty stated that the plan provided shows 8 stone parking areas, 4 or 5 on each side of the barn and the applicant is not proposing site alterations that would affect the stormwater. Gordon Dragt noted that there is a requirement for buffering but there is no space for that. Attorney DeSapio stated that it will be addressed at the public hearing and we will be requesting a variance. The Board agreed to a permanent waiver and would hear testimony on the stormwater issues.

Item 17 – Detailed site utility connections. The applicant has requested a permanent waiver for this item. Attorney DeSapio requested the permanent waiver since there will be no site disturbance. The Board agreed to a permanent waiver.

Item 18 -Street cross section details – The applicant has not provided this information. Attorney DeSapio requested a permanent waiver since the property fronts on a County road. The Board agreed to a permanent waiver.

Item 19 – Property monumentation - The applicant has requested a permanent waiver for this item since there will be no site disturbance. The Board agreed to a permanent waiver.

20 – Certification of taxes. Attorney DeSapio stated that he will get a revised tax certification from Tax Collector Laudenbach. This item was deemed incomplete.

21 – Planned development – The applicant is requesting a permanent waiver since there is no site disturbance proposed. The Board agreed to a permanent waiver.

Vice-Chairman DenBleyker noted that as recommended at the bottom of page three of Engineer Clerico's review letter, he is recommending permanent waivers for items 10, 11, 12, 16, 17, 18, 19 and 21. The Board will hear testimony on stormwater issues.

As to items 4, 13, 14 & 15, the Board discussed the granting of temporary waivers. Responding to Gordon Dragt as to the steel fire escapes, John West noted that the structure has been reviewed for life safety. Attorney DeSapio stated that the floor plan was submitted for the conditional use requirements.

Responding to John Dougherty as to the use of the attic space for a bedroom, John West noted that there is no attic. There are three full floors with heat and electric.

Responding to Jeanne Herb as to the traffic circulation, Vice-Chairman DenBleyker stated that the Board will hear testimony on it at the public hearing.

Responding to Jeanne Herb as to the sewer service area for this property, John West noted that property is serviced by sewer. Vice-Chairman DenBleyker stated that the Board will hear appropriate testimony on the sewer service. The Board will require that the sewer authority provide a letter on the sewer capacity for this use.

Responding to Jeanne Herb as to an opportunity to collect data on the historical features within 200 feet, Vice-Chairman DenBleyker commented that the applicant is not changing the outside so it will not impact anyone within 200 feet. Attorney DeSapio requested a temporary waiver for Item 13 and noted that they will provide a narrative on the architectural features for the house. John West added that he is not changing the outside of the house and will keep the building pristine. Cathy Suttle commented that she would like to capture the historic features of the house itself. It would be a huge expense to provide the data within 200 feet and the proposal will not impact that. The Board agreed to a temporary waiver and will request the historical feature data for the house.

As to Item 14, Vice-Chairman DenBleyker noted that the Board agreed to waive the building elevation requirement but would leave the lighting as required by code particularly as to the parking area. There is something in Planner McKenzie's letter about it. Attorney DeSapio requested that a temporary waiver for the lighting and the applicant will provide whatever lighting data is required for the hearing. Cathy Suttle requested that the applicant show the existing lighting since the applicant will not be changing the lighting. Jack Weeks added that additional lighting may be required for safety purposes. John Dougherty asked for a photo of the exterior lighting. The Board agreed to a temporary waiver and may require additional information at the hearing.

As to Item 15, Vice-Chairman DenBleyker noted that the Board agreed to a temporary waiver of the landscaping plan and the applicant will provide photos of the current landscaping.

As to items 4, 13, 14 & 15, subsequent to the Board discussion, the Board agreed to grant temporary waivers and determined that sealed plans must be provided for the hearing, a narrative of historical features on the house must be provided for the hearing, photos of the existing lighting must be provided for the hearing and any additional information required during the hearing and photos of the currently landscaping must be provided for the hearing.

As to the conditional waiver for Items 5 & 6, the Board determined that the items must be provided prior to the hearing.

As to Items 2, 3, 7, 9 and 20, the Board deemed these items incomplete and will require these items be provided prior to the hearing.

Vice-Chairman DenBleyker noted that the submissions must be provided 10 business days or two calendar weeks prior to the next meeting.

On motion by Gordon Dragt, seconded by Jack Weeks and carried by unanimous favorable roll call vote, the Planning Board deemed the site plan/conditional use application for Block 46 lot 5 incomplete for items 2, 3, 7, 8, 9 and 20 and granted conditional waiver for items 5 & 6 which items must be provided 10 business days or two calendar weeks prior to the public hearing. The Board granted temporary waivers for 4, 13, 14 & 15 and required that sealed plans must be provided for the hearing, a narrative of historical features on the house must be provided for the hearing, photos of the existing lighting must be provided for the hearing and any additional information required during the hearing and photos of the currently landscaping must be provided for the hearing. The Board also grant permanent waivers for items 10, 11, 12, 16, 17, 18, 19 and 21 with the Board to hear testimony on stormwater issues.

Vice-Chairman DenBleyker noted that in the past, the Planning Board has deemed applications complete at the following meeting and then allowed the public hearing to proceed. Attorney DeSapio noted that there are issues with the D variances which were not in the public notice. According to the Planning Board Planner, it is a D variance deviation of the conditional use variance. He will get clarification on the matter. Vice-Chairman DenBleyker noted that the Board attorney's position is that you will need a planner to testify at the public hearing.

Mayor Myhre returned to meeting.

VOUCHERS

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

VOUCHER LIST 4/26/17

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| Archer & Greiner | Professional Services for General Representation through 3/31/17 | \$ 300.00 |
| Albert Cruz | Professional Services for Declaratory Judgement through 3/31/17 | \$ 1,206.72 |
| Elizabeth McKenzie | Professional Services for General Representation through 3/31/17 | \$ 612.50 |
| Elizabeth McKenzie | Professional Services for Affordable Housing through 3/31/17 | \$ 1,182.25 |
| Banish Associates | Professional Services for Affordable Housing through 3/30/17 | \$ 75.00 |

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| Banish Associates | Professional Services for Affordable Housing through 3/30/17 | \$ 3,640.33 |
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael’s Escrow

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| Elizabeth McKenzie | Professional Services for Michael through 3/31/17 | \$ 87.50 |
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ESCROW ACCOUNT – BLOCK 59 LOT 7 -Hanley/Cipoletti

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| Archer & Greiner | Professional Services for Hanley/Cipoletti through 3/31/17 | \$ 80.00 |
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On motion by Rocco Musolino, seconded by Gordon Dragt, and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

A) Technical Review Committee report

Mayor Myhre reported that the Borough had a successful park clean up day. There were over 50 volunteers. There was new railing installed on the walking trail across from the suspension bridge. The trails are in the best shape in years.

Mayor Myhre also reported that the Borough will be adopting the 2017 Municipal Budget at a special meeting in May. The sewer rates will remain flat. The municipal rate will increase by 2 cents. This covers a new ambulance for Milford Holland Rescue Squad.

Mayor Myhre also reported that they had an informal meeting for the ceramics plant. There is an active contract with a different developer. The developer wants to be as cooperative as possible. There are still issues on the sellers end before the Board will see any action. The agreement was signed with contingencies. The developer is doing an environmental study. The developer is a larger firm and has done larger developments, designing and building developments. At the informal, Planner McKenzie addressed COAH in accordance with the settlement plan. Responding to the Board as to access to environmental data, Mayor Myhre noted that he will ask Attorney Hirsch about the Borough’s right to obtain the environmental clean up information. Previous data was not provided to the Borough. Underground tank removal is public record. Responding to Jack Weeks as to dust during construction, Vice-Chairman DenBleyker noted that the Hunterdon County Soil Conservation regulates dust, etc.

As to the River Mills project, Mayor Myhre noted that he expects that the developer will start on Building G, the one closest to the towpath. Council approved to allow Building G to commence prior to Building A because currently there is no demand for commercial space. He has a couple of units sold in Building G and needs the capital from that building to get Building A going. We need him to build Building A where the COAH units are concentrated.

Mayor Myhre reported that the Borough’s Safe Routes to School grant project will commence next year. There will be new sidewalks on Harrison Street from Second Street to Seventh Street

with ADA compliant concrete with aprons at the intersections. The Borough may be required to get a review from SHPPO.

ADJOURNMENT

Jeanne Herb moved adjournment at 8:30 PM, and Jack Weeks seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary