

Frenchtown Planning Board  
Regular Meeting  
September 27, 2017  
7:30 P.M.

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	Dougherty
DenBleyker	Herb
Dragt	Sullivan
Eckel	
Musolino	
Myhre	
Suttle	

**APPROVAL OF MINUTES**

**Regular Meeting – August 23, 2017**

Brad Myhre moved to accept the minutes of the August 23, 2017 Regular meeting. Gerry Case seconded the motion. The minutes of the August 23, 2017 Regular meeting were approved by favorable roll call vote with Rocco Musolino and John DenBleyker 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 comment session.

**SITE PLAN AND VARIANCE APPLICATIONS – BLOCK 12 LOT 5, 28-34 EIGHTH STREET – 8<sup>TH</sup> STREET ASSOCIATES, LLC (COMPLETION REVIEW)**

John DenBleyker and Rocco Musolino stepped down on this application due to proximity.

Chairman Eckel noted that the Mayor and Council representative can sit for the completion review. The Board will review the application for completeness.

Attorney Howard Apgar, attorney in Annandale, noted that he is representing 8<sup>th</sup> Street Associates. He added that there were resubmissions made following Engineer Clerico’s last review letter. In Engineer Clerico’s second review letter, there are a few questions that may need a little testimony from us.

Chairman Eckel noted that Engineer Clerico will go through his memo, dated September 23, 2017. Engineer Clerico noted that his letter notes that he received additional and updated information on the application.

Referring to the Checklist items starting at the bottom of page 2 of Engineer Clerico's review letter, Engineer Clerico noted the following:

Checklist items #1, 2, & 50 – applicant is requesting a temporary waiver from providing 15 copies and has provided 6 copies pending a determination of completeness. The Board agreed to a temporary waiver.

Checklist item #3 – was previously waived by the Board.

Checklist items 4, 18, 30, 47 & 48 – applicant submitted a copy of the Deed and Title Search and signed survey documents. These items are now complete.

Checklist item 12, zoning permit – The Board previously waived this item.

Checklist item 17, approving signature line – The new submissions addresses this item. This item is now complete.

Checklist item 23, natural features – Board previously granted a temporary waiver.

Checklist item 25, 26, 27, 28 & 29, environmentally regulated features – The Board previously granted a Temporary Waiver.

Checklist item 36, identify historical features within 200 feet – The applicant did not indicate which houses are over 50 years old but did show the structures within 200 feet. The Board could grant a temporary waiver. If not, this item will be incomplete. Engineer Clerico deferred this item to the Board. Chairman Eckel stated that it would not be difficult to make a determination that most buildings are over 50 years old. The applicant asked what the advantage is to have that information as they are not touching or impact the houses within 200 feet of the property. Cathy Suttle noted that it is on the checklist and the information was considered important. Maintaining the historical character of the neighborhood is important. Chairman Eckel added that the applicant is seeking variances and the Board will need to know if it is detrimental to the community. Attorney Apgar responded that they will provide that testimony. For completeness purposes, he requested a temporary waiver. Chairman Eckel stated that the Board could grant a temporary waiver and hear testimony on the item at the public hearing. The Board agreed to grant a temporary waiver. Engineer Clerico recommended that the applicant report which buildings are significant.

Checklist item 39, detailed site lighting – The Board previously granted a temporary waiver.

Checklist item 43, stormwater report – A Stormwater Management Report and Soil logs were submitted but a site permeability test data was not submitted. Also, in the Stormwater Management Report, a diminimus exception is being requested because there is one element in reduction of stormwater run off that they cannot meet. We do not have the ability to grant a diminimus exception. This item remains incomplete. Attorney Apgar responded that the applicant will provide the permeability test. Attorney Apgar stated that the applicant is requesting a temporary waiver. Chairman Eckel noted that these items must be provided for the public hearing. The applicant will become complete once it is submitted. It must be submitted 2 weeks prior to the public hearing.

Checklist item 44, utilities extended 200 feet – the submitted Existing Conditions Plan shows the existing utility data extending 200 feet beyond the property but does not show any information to document if the proposed water and sewer connections are in compliance with the Borough’s sewer connection requirement and the NJ American Water connection requirement and that installation will meet the RSIS criteria and if not, if relief is required. The checklist item is complete but additional information is required for the public hearing. Attorney Apgar noted that he will get “will serve” letters.

Checklist item 46, street cross sections – sheets #2 and #3 provides the information. This item is now complete.

Checklist item 51- proposed ownership of the common element – the Board previously granted a temporary waiver.

Checklist item 52, Environmental Impact Statement – The Board previously granted a temporary waiver conditioned upon providing a RAO which has now been provided. This item is complete.

Checklist C – the applicant is requesting temporary waivers from items 1 and 3, requirements to submit 15 copies. Six copies have been submitted and 15 copies will be submitted pending determination of completeness. A temporary waiver can be granted. The Board agreed to a temporary waiver.

Checklist D – the applicant is requesting temporary waivers from items 1 and 4, requirements to submit 15 copies. Six copies have been submitted and 15 copies will be submitted pending determination of completeness. A temporary waiver can be granted. The Board agreed to a temporary waiver. As to item 3, zoning denial, the Board can grant a permanent waiver as was done for item 3 on checklist B. The Board agreed to a permanent waiver for item 3 of checklist D.

On motion by Brad Myhre, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board deemed the site plan and variance application for Block 12 Lot 5 complete granting temporary waivers for Checklist Items 36 and 43, which items must be submitted prior to the public hearing, and granting waivers for the waiver requests on Checklists C & D.

Chairman Eckel noted that the applicant will submit the required documents with the additional copies two weeks prior to the October 25<sup>th</sup> Planning Board meeting. If these documents are submitted on time, the applicant can start the public hearing. Attorney Apgar noted that the historical information may be delayed. Chairman Eckel stated that if the applicant advertised for the October 25<sup>th</sup> meeting and does not meet the deadline for submission, the Board can carry the public hearing to the November meeting.

Attorney Apgar delivered a letter to the Board that the applicant requests the applications to be considered under the new zoning and is waiving the “Time of Application”. The application will now function under the September 27<sup>th</sup> memo from Planner McKenzie dealing with the new zoning.

John DenBleyker and Rocco Musolino returned to the meeting.

**VOUCHERS**

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

**VOUCHER LIST 9/27 /17**

Albert Cruz	Professional Services for Declaratory Judgement through 7/31/17	\$ 690.00
Van Cleef Engineering	Professional Services for General Representation through 8/31/17	\$ 135.00
Archer & Greiner	Professional Services for General Representation through 8/31/17	\$1,925.36
Elizabeth McKenzie	Professional Services for Affordable Housing through 5/31/17	\$ 6,316.67

**ESCROW ACCOUNT – BLOCK 12 LOT 5 – 8<sup>th</sup> Street Associates**

Elizabeth McKenzie	Professional Services for 8 <sup>th</sup> Street Assoc. through 8/31/17	\$ 918.75
Archer & Greiner	Professional Services for 8 <sup>th</sup> Street Assoc. through 8/31/17	\$ 740.00
Van Cleef Engineering	Professional Services for 8 <sup>th</sup> Street Assoc. through 8/31/17	\$1,397.50

**ESCROW ACCOUNT – BLOCK 3 LOT 1 – Frenchtown 7**

Elizabeth McKenzie	Professional Services for Frenchtown 7 through 11/30/15	\$1,881.25
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On motion by Gerry Case, seconded by Mayor Myhre, 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**

Chairman Eckel reported that she has formed a subcommittee to review and revise the checklists. William Sullivan, John DenBleyker and Gordon Dragt volunteered to be on the subcommittee. Vice-Chairman DenBleyker recommended that Engineer Clerico redo the checklists and work with the subcommittee and stated that the subcommittee would like input from the engineer as to what he needs to do a review. Engineer Clerico noted that he did a modification for Milford and it is now in an excel document. Chairman Eckel stated that the subcommittee will bring the

recommendations back to the Board. Then, the Board will have to recommend to Council to adopt.

As to the historical district documents, Vice-Chairman John Denblyeker noted that he gave the notebook to Jeanne Herb. Chairman Eckel stated that she will reach out to Jeanne Herb to get a copy for the Borough.

Chairman Eckel noted that we have another subcommittee to search for a new planner. Rocco Musolino and Jeanne Herb have volunteered. She would like another member on that committee. John DenBleyker volunteered. Chairman Eckel added that Planner McKenzie has some candidates in mind for the Borough.

Chairman Eckel reported that John Dougherty recommended her for the Board of Directors of the New Jersey Planning Officials. She will be on the ballot and the term starts in January.

Responding to John DenBleyker as to an existing property that new zoning makes non-conforming, Engineer Clerico responded that the owner would need a zoning variance unless there is a provision in the ordinance for pre-existing non-conforming lots. Chairman Eckel commented that the house on Everittstown Road that Jack Opdyke is building was a non-conforming lot that already had a single family home on it. Engineer Clerico referred to Article 301(b) of the Land Use Ordinance wherein it says if you want to build on a lot you have to meet yard area. Undersized lots need a variance.

Mayor Myhre reported that the Borough's 150<sup>th</sup> Birthday Celebration is Saturday, September 30<sup>th</sup>. At 2:30 pm, there will be a town portrait taken in front of the elementary school. The opening ceremony will be at 3:30 pm. There will be a beer garden with local craft brewers. There will be a fireworks display at dusk. The Fire Department will bring out the old steamer. The raindate is October 1<sup>st</sup>. A call will be made in the morning if it will be postponed until the next day. Postcards on the event are in the mail.

Mayor Myhre also reported that the Generator Project will be completed by the end of the year. The generator will service Borough Hall and the Police Department.

Mayor Myhre also reported that the Council will be awarding a contract for the Park Improvement project at the October meeting. We had to scale back the project and rebid it. The duck and whale will be part of the entrance exhibit. We have a lot of good volunteers doing some of the work. The Borough also received another grant of \$1,000.00 toward the project. We will be breaking ground this year.

Mayor Myhre stated that he met with the residents of River Mills in reference to the lighting fixtures and wattage of the bulbs. They indicated that the light comes into their windows. They are also worried about the project getting done as well as their assessments. In addition, we have to work on signage for the Third Street parking area.

Responding to Gerry Case about the neon sign for the tattoo studio, Mayor Myhre stated that it has to go to the Board for sign approval.

Chairman Eckel reminded the Board members to bring their Land Use Ordinance books to the meeting.

**ADJOURNMENT**

Gerry Case moved adjournment at 8:25 pm PM, and seconded by John DenBleyker. The motion passed on favorable voice vote.

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Brenda S. Shepherd  
Planning Board Secretary