

Borough of Califon Planning/Zoning Board
MINUTES
May 19, 2021
7:30 PM

Zoom Meeting Information is below

NOTICE IS HEREBY GIVEN THAT THE PLANNING AND ZONING BOARD OF THE BOROUGH OF CALIFON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY WILL HOLD A REGULARLY SCHEDULED PUBLIC MEETING ON WEDNESDAY, MAY 19, 2021 AT 7:30 PM BY WAY OF A ZOOM WEBINAR ONLY. THE FOLLOWING IS AN AGENDA FOR SAID MEETING AND FORMAL ACTION MAY OR MAY NOT BE TAKEN ON A PORTION OF THIS AGENDA. THE PUBLIC IS INVITED AND MAY ATTEND SAID MEETING SUBJECT TO THOSE AREAS OF CONSIDERATION DESIGNATED, IF ANY, FROM WHICH THE PUBLIC MAY BE EXCLUDED PURSUANT TO SECTION 7B & 8 OF THE LAWS OF 1975.

PUBLIC MEETING 7:30 P.M. VIA ZOOM WEBINAR ONLY

The Planning/Zoning Board will hold a regular meeting by web-based platform providing remote access as the meeting will be open to the public remotely. Details for public participation will be posted on the website at califonboro.net. Public can register at Zoom.us and to join by clicking on the link below to join the webinar:

Topic: Borough of Califon Planning/Zoning Board Meeting

Time: May 19, 2021 07:30 PM Eastern Time (US and Canada)

<https://zoom.us/j/94939282969?pwd=WE9iOVFaSDVRMmJtV0ZhcmI0aFRRUT09>

Meeting ID: 949 3928 2969

Passcode: 182948

OR Telephone Dial In by location:

+1 646 558 8656 (New York); +1 301 715 8592 (Washington DC); +1 312 626 6799 (Chicago);

+1 669 900 9128 (San Jose); +1 253 215 8782 (Tacoma); +1 346 248 7799 (Houston)

Meeting ID: 949 3928 2969

Passcode: 182948

In the event any member of the public cannot access the public file documents or exhibits, and/or cannot access the Zoom web-based virtual meeting room, they may contact the Board Secretary at: cinnella@califonboro.net

I. CALL TO ORDER & OPEN PUBLIC MEETING STATEMENT: Chairman, Art Owens called the meeting to order at 7:45 pm and read the Open Public Meeting Statement.

This is a regularly scheduled meeting of the Borough of Califon Combined Land Use Board. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act as follows: Notice was sent to and published in the Hunterdon County Democrat and the Hunterdon Review and the notice of this meeting was posted on the bulletin board in the Borough Municipal Building and filed with the Borough Clerk.

II. PLEDGE OF ALLEGIANCE: Chairman Owens led all present in the pledge.

III. ROLL CALL

Mayor Daniel: Present	Arthur Owens: Present
Leo Janas: Present	Gill Smith: Absent
Thomas Bedell: Present	John Lynch: Present

Also present were: Jonathan Testa, Board Attorney,
Beth McManus, Planner (standing in for James Kyle, Board Planner),
and Catherine Innella, Recording Secretary

IV. OLD BUISNESS

1. Approval of Minutes of February 24, 2021: Minutes tabled until June meeting
Motion to table minutes: Tom Bedell Second: Leo Janas
*A note was also made that Tom Bedell did not receive a copy of the minutes or agenda. The Board Secretary will check that she has the correct email for Mr. Bedell.
2. Resolution 2021-05: Amending the Meeting Schedule of the Borough of Califon Planning and Zoning Board for the period of May 2021 through January 2022
Meetings will now be on the third Wednesday of every month. In addition, the Board will be going back to in person meetings beginning with the June meeting.

Motion to approve new schedule and in person meetings: Charles Daniel
Second: Tom Bedell

Roll Call: Mayor Daniel: yes	Arthur Owens: yes
Leo Janas: yes	Gill Smith: Absent
Thomas Bedell: yes	John Lynch: yes

V. NEW BUSINESS

1. APPLICATION NO.

APPLICANT/OWNER: Califon Group, LLC
LOCATION: 101-103 Philhower Avenue, Borough of Califon
BLOCK(S): 31 **LOT(S):** 1 **ZONE:**

Applicant is seeking a determination from the Board as to the completeness review of an application for Preliminary and Final Major Final Site Plan with use variances, and a waiver from supplying items 12, 15, and 20 of Borough Code Section 16.20.060(b) "Details Required for Preliminary Major Site Plans," to the Board with regard to plans depicting the locations and species of all existing trees having a caliper of eight inches and the proposed location of all proposed plantings; a soil erosion and sediment control plan; and proposed screening, buffering and a landscape plan.

Guy Wilson, Attorney introduced himself stating that we was there to represent the Califon Group. He went on to state that the applicant was seeking three waivers from the Checklist and in hopes that it would be determined that they have a complete application and a hearing could be scheduled. Mr. Wilson stated that in the Board Engineers review letter dated April 27, 2021 it was addressed that items 12, 15, and 20 were missing and the waivers would need to be approved by the board. The items are described as follows:

Item 12 - Tree locations and species of trees having a caliper of eight (8") inches or more. Existing 8" diameter trees along common property line with Lot 3 are not shown. The Applicant has requested a waiver from supplying tree information.

Item 15 – Plans for soil erosion and sediment control. Disturbance is shown to create handicap parking and a dumpster enclosure area. The Applicant has requested a waiver from supplying a soil erosion and sediment control plan.

Item 20 – Proposed screening, buffering, and landscaping, including a landscaping plan. The Applicant has requested a waiver from supplying a screening, buffering and landscaping plan.

Mr. Wilson introduced the principals of the applicant, Peter Near and Audrey Hoagsteen. And Mr. Reza Ashemi of Aponte Consulting Engineers (Applicant's Engineer)

Mr. Testa clarified that if the waivers are granted, technical review will still have to take place by the engineer as well as the administrative aspects of the application.

Mr. Testa swore in the Peter Near, Audrey Hoagsteen and Reza Hashemi.

Item 12: Tree locations and species of trees having a caliper of eight (8") inches or more.

Mr. Wilson then asked Mr. Near to describe the reason for his request for waiver from item 12 of the checklist. Mr. Near stated that the lot consists of 2 buildings, a parking lot, sidewalks and gardens, there are very few trees on the property. Mainly there are trees along the northern part of 103 along Philhower Avenue.

The trees are mostly small except for one larger one which is on the entrance of the driveway. He was uncertain if the tree was his or the neighbors.

Mr. Wilson asked if there were any plans to remove any of the trees. Mr. Near stated that whatever is there will remain unless there is a dead tree. They have been constantly planting, gardens and trees. Mr. Near did not believe there were any Ash trees. Mr. Near pointed out that the locations of the gardens can be seen on the plans.

Mr. Testa asked if the board had any questions. Leo Janas asked if there was any knowledge of there were any trees on the property that were in danger of any of the issues such as the Ash trees. Mr. Near said he does not see any of these trees. Mr. Tom Bedell asked if the survey shows the location of the trees. Mr. Near stated that the trees are shown as being on the property line.

Mr. Reza Hashemi showed the board the existing plan which depicts the line of trees. He stated that the surveyor showed that most of the trees were on the line or on the neighbor's property. He then showed photos of the trees along the driveway. Mr. Hashemi said they were asking for the waiver because there were really no trees above an 8" caliper.

Mr. Testa shared with the board 16.20.060 item 12 of the code book which detailed what was being asked for more specifically. He pointed out that this section asks for proposed plantings as well.

*The location and species associations of all existing individual trees or groups of trees having a caliper of eight inches or more measured three feet above the ground level shall be shown within the portion(s) of the tract to be disturbed as a result of the proposed development. The proposed location of all proposed plantings shall also be indicated and a legend provided listing the botanical and common names, the sizes at time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.

Leo Janas asked if the granting of the waiver would effect the removal of a hazardous tree. Mr. Testa stated that this would not have an impact on this, this was only to determine if a waiver should be granted.

In regard to Item 20, Tom Bedell stated that if he understood correctly the request for waiver of item #20 was because every area had already been planted. Mr. Near confirmed that they have been planting since 2018. If the board determined that more plants be added they would do so.

Chairman Owens said that looking at the site plan date July 28, 2019 it says a 20' alley on the tax map. The trees are planted on the applicants side of the alley. There is also a stream that runs thru this alley. Question is who actually owns the trees. Mr. Owens is concerned about who is responsible for the trees.

Mr. Wilson stated that this would be determined by the deed. He also said that even though they are asking for a waiver from placing the trees on the plan they will certainly show the ownership with other forms of documentation and will prepare testimony to show this.

Item 15: Proposal for soil erosion and sediment control as determined by state statute

Mr. Hashemi stated that back in 2015/2016 when they were installing their septic system they went before Hunterdon County. The system is a chamber type system which is under the parking lot where they can only put gravel. As part of this application, they are not proposing any more than 500 sq. ft. of soil disturbance. Based on law if they were disturbing more than 5000 sq. ft. they would need to go before Soil Conservation however they are not coming anywhere near that so they will not need that permit.

There were no questions from the board on this item

Item 20: Proposed screening, buffering, and landscaping, including a landscaping plan.

Mr. Hashemi stated that in his opinion there were no areas that would need landscaping or buffering. On back of property there is a shadow fence as well as stone walls and landscaping. And on the other sides there is heavy landscaping. In general, he felt that this was sufficient unless the board felt otherwise and then this could be looked at.

Mr. Testa asked if there were ariel views of the property. Mr. Hashemi said that he could show the site plan as well as photos which show the fencing and other areas. Mr. Hashemi did not have ariel photos.

Mr. Testa asked if there were residential uses bordering this property. Mr. Near said that the home to the east behind the fence was residential. The building on the corner is an upholstery business.

Mr. Hashemi showed a photo of the parking lot with the fence. He then showed the site plan and pointed out the adjoining properties and clarified their uses.

Mr. Testa asked if the board or Ms. McManus, planner had any questions.

Chairman Owens stated that the application appears complete. That the applicant had provided a lot of information. Mr. Owens just wanted to clarify when septic was installed. Mr. Near clarified that the septic was done in Fall 2018. Septic was approved and completed before they could close. They purchased the property in 2019.

Mr. Testa commented in reference to item 15 they just want to make sure that there will not need to be any disturbance relative to the septic. Applicant confirmed there would not need to be.

Mr. Wilson proposed that enough information had been provided to the board to allow for waivers for purposes of completeness. If board indicates requirements during the hearing the applicant will certainly address those matters.

Tom Bedell expressed some concern regarding not knowing the exact location of the trees on the property line. Charlie Daniel pointed out that the applicant had made testimony that they had no intention to remove the trees if they are on their property. And if they are on the neighbors property the applicant will not remove the trees. Tom Bedell just wanted to make sure that this did not leave the board in jeopardy. Mr. Testa clarified that this was only being looked at for completeness. During the hearing if this matter comes up the board can ask for certain item to provide further clarification. It can also be addressed as conditions of approval.

Motion to approve waiver of item #12 for purposes of completeness: Tom Bedell
Second: Leo Janas

Roll Call: Mayor Daniel: yes Arthur Owens: yes
 Leo Janas: yes Gill Smith: Absent
 Thomas Bedell: yes John Lynch: yes

Motion passed to grant waiver of item #12

Motion to approve waiver of item #15 for purposes of completeness: Tom Bedell
Second: Charlie Daniel

Roll Call: Mayor Daniel: yes Arthur Owens: yes
 Leo Janas: yes Gill Smith: Absent
 Thomas Bedell: yes John Lynch: yes

Motion passed to grant waiver of item #15

Motion to approve waiver of item #20 for purposes of completeness: Tom Bedell
Second: Charlie Daniel

Roll Call: Mayor Daniel: yes Arthur Owens: yes
 Leo Janas: yes Gill Smith: Absent
 Thomas Bedell: yes John Lynch: yes

Application is deemed complete. Subject to administrative requirements, technical review and adequate notice. Hearing will be tentatively scheduled for June 16, 2021 in person.

2. Discussion with Planner Beth McManus regarding reexamination of the Master Plan

Beth McManus stated that Jim Kyle prepared a proposal for the reexamination report as well as the open space and recreation plan.

She provided an overview of the proposal. Califon is already engaged with the Highlands in their grant process. Such that Califon has an existing grant with an implementation schedule for a variety of documents that range from land use plans, to housing plans, to special studies. It is the understanding that some of these items are incomplete, and also that there is substantial funding available for the completion of these items in the amount of about \$51,000.00. This is relevant because the highlands council provides funding for the reexam as well as the open space and recreation plan however Califon will need to complete the existing contracted documents first. It is the hopes that the existing documents can be completed, at that time there will be some portion of the \$51,000.00 left over, Califon could then enter into a new agreement with the Highlands council and this could partially help fund the reexam and open space and rec. plan.

If the borough wants to move in this direction the planner will need to begin by speaking to the Highlands council to see what needs to be done.

Chairman Owens asked how fast the Highlands reimburses the borough. Beth McManus stated that once the items are complete and the eligible bills have been submitted they do not delay. Charlie Daniel confirmed that in his experience the Highlands was fairly quick with reimbursement. This money could come out of the open space funding and then be reimbursed.

Beth McManus spoke gave an overview of what is included in the Open Space Plan. Typically, they look to the standards of green acres for what should be included in the plan. This means that the borough would not need to do amendments in the future if they wanted to access green acre funding. The plan would include an executive summary, goals and policies, inventory, needs analysis, resource assessment, action plan (summary of recommendations), and map of borough with open space lands categorized as well as changes made.

In terms of meetings there is one public hearing required. The board will need to determine the type of participation that they would like from the public.

The budget was estimated by the planner to be about \$7500.00

Chairman Owens asked Mayor Daniel the status of the extra land around Island Park. Mayor Daniel said request has been put into county and the borough has asked for environmental studies to be done. The county is a bit reluctant on this. This will hopefully be discussed at an upcoming meeting that Mayor Daniel will be participating in.

Mayor Daniel asked what the Open Space and Recreation plan will address. Beth McManus stated it will address both passive and active recreation.

Leo Janas asked what other type plans will need to first be completed. Beth McManus said that work may still need to be done on the Historic Preservation Plan, Housing Element and Fair Share Plan, Wastewater Management Plan and Land Use Plan. The first step is to work with the Highlands Council to see what needs to be done and the most efficient way to proceed.

Scope of Reexamination report: This is required to be done every 10 years. Califon's was last done in 2007. The reexamination requires about five steps. It will identify goals and policies that were set forth in the last Master Plan or Reexamination. Then identify what has changed in the Borough, new state laws that impact land use, and what other trends are there. Last part is to identify recommendations. If for instance the town feels a Circulation plan is necessary or to recommend small changes.

The planner has identified a budget between \$5000 to \$7500. Price will be dependent on changes the Borough would like to make.

Chairman Owens stated he felt it was important that John Lynch's sliding scale on impervious coverage is brought into the plan. He felt it effects the master plan because it effects how impervious coverage is carried out thru the zones. Beth McManus confirmed that this could be important and could be listed as a recommendation.

Public Participation: Although there is only one meeting required Beth McManus wanted to get a feel for what type of participation the Board would like. Public input could be done with public meetings, in addition or alternatively it can be done as a survey. The survey can be done online, as well as paper copies placed at key locations. Chairman Owens said that the newsletter could be a great way to circulate the survey.

This is a Planning Board Document. The Planning Board will own this document.

The board will think about how they want to handle public participation.

The planning board will need to make a resolution authorizing the planner to move forward. John Testa asked if there was an allocation in the budget for the planning board for these items. Charlie Daniel said he believed there was however this would need to be checked. John Testa said he would prep a draft resolution subject to the determination of the amount of funding. We will need to have the CFO certify the funding. We will deal with this in the June meeting.

Review and approval of the resolution will occur at the meeting in June.

Tom Bedell asked if we have dissolved the Historic Preservation Commission. Mayor Daniel stated that he believes that they adopted the ordinance to combine the HPC with the Planning board. Leo Janas confirmed this.

Leo Janas asked if there is a way that members can participate remotely if necessary. He will not be able to attend in person in June. Mayor Daniel said that they are looking into a way to do this.

VI. PUBLIC COMMENT

Mr. George Cassa from Tewksbury, co-owner of Shannons Fly and Tackle in Califon. He expressed his support of the Open Space and Recreation Plan. He believes that the town can benefit from a good recreation plan.

VII. COMMENTS FROM BOARD MEMBERS

Comments from the Land Use Board, Non-Agenda Items, Other Business to come before the board: None

VIII. ADJOURNMENT

Motion to adjourn: Charlie Daniel

Second: Leo Janas

Meeting adjourned at 9:44 pm

Prepared by Catherine Innella Planning/Board of Adjustment Secretary

Catherine Innella

Approved 6-16-21