Stockton Borough Planning Board Agenda February 1, 2022 – 7:00 PM ZOOM: https://us02web.zoom.us/j/83897506952

Open Public Meetings Statement

Notice of this meeting has been provided to the Hunterdon County Democrat and the Times of Trenton and was posted on the bulletin board in Borough Hall according to the regulations of the Open Public Meetings Act.

General Policy Statement

The Board's General Policy is to end the presentation of testimony on applications and Board discussions by 9:00 PM and to conclude all Board business by 9:30 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

Attendance Roll Call

Approval of Minutes

December 7, 2021 – (Bonanni, Giocondo, Kennedy, Lutton, Martino, Miller, Torkelson, Vandegrift, Hunt) January 4, 2022 – (Bonanni, Giocondo, Kennedy, Lutton, Martino, Miller, Nemeth, Torkelson, Vandegrift, Hunt)

Presentation of Vouchers

Open to the Public - For discussion on any items not listed on the agenda

Resolutions

New Business - Other

- 1. Discussion: Possible Creation of a Fair Share Housing Subcommittee
- 2. Discussion: Possible Creation of a Master Plan Re-examination Subcommittee

Unfinished Business

Correspondence

- 1. Letter dated 10/5/21 from D. Pasicznyk, re: Borough Master Plan
- 2. Letter dated 10/4/21 from W. Brown, re: Master Plan Review

Open to the Public

Adjournment



STOCKTON BOROUGH PLANNING BOARD MINUTES 7:30 PM via ZOOM: https://us02web.zoom.us/j/84191114093 December 7, 2021 – Regular Meeting

Call to Order/Attendance Roll Call

Chairman Giocondo under the New Jersey Open Public Meetings Act called the meeting of the Stockton Borough Planning Board to order at 7:30 PM.

General Policy Statement

The Board's General Policy is to end the presentation of testimony on applications and Board discussions by 9:30 PM and to conclude all Board business by 10:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

Present:

John Bonanni Steve Giocondo Cheryl Kennedy Laura Lutton Joe Martino Bob Miller Norm Torkelson Don Vandegrift Tom Hunt – Alt. #1

Attorney Cecil Planner Slagle

Excused:

Tim Nemeth

Approval of Minutes

A motion by Cheryl Kennedy, seconded by John Bonanni to approve the Board's 10/5/21 minutes as revised was approved by voice vote with Vandegrift, Martino and Lutton abstaining.

Presentation of Vouchers

It was noted for the record that there were no vouchers listed on the agenda for approval.

Open to the Public

Chairman Giocondo opened the floor to public comment. Board Member Torkelson commented that he would like the Borough to send a Resolution opposing NJDEP's proposed Rockfall Mitigation Project along Route 29. Attorney Cecil suggested this matter be addressed under New Business. Board Member Hunt noted the Park Master Plan was adopted and asked if anyone had any information on it. Secretary Andrews remarked that she had not received anything. Hearing no other comments, Chairman Giocondo closed the floor to public comment.

Resolutions

It was noted for the record that no resolutions were listed on the agenda for approval.

New Business

Discussion: Acknowledgement of Board Attorney's Resignation/Authorization to Seek Replacement Through Non-Fair and Open Process/Establishment of Interview Subcommittee

Stockton Borough Planning Board Minutes – 12/7/21

Chairman Giocondo thanked Attorney Cecil for all of her years of service to the Board. She remarked that she will miss everyone and noted Attorney Anthony Todaro from her firm was on the Zoom meeting this evening and will assist with the transition over to a new Board Attorney.

It was noted for the record that the following people will be on the Interview Subcommittee: Steve Giocondo
John Bonanni
Cheryl Kennedy
Norm Torkelson

Discussion: Fair Share Housing Element and Master Plan Re-examination Report

Planner Slagle referred to her 12/2/21 "Planning Board 2022 Priority Items" memo and commented that the Board should start reviewing the Affordable Housing and Fair Share Plan noting updating these documents is a priority. She suggested the Board then look at the 2014 Master Plan Re-exam along with the 2008 Fair Share Report.

Mr. Torkelson commented on the Court pushing the Borough toward higher density developments. Planner Slagle explained the numbers given to each municipality filter down from the State and she remarked that the Borough can explain there is no available land to meet the 53 unit affordable housing obligation imposed by the Court. Planner Slagle stated the Borough was one of the first municipalities to get sustainable approval on their Fair Share Plan and she commented that now the document just needs to be updated to conform with the State's new regulations.

With regard to the next steps for the Fair Share Housing Element, Planner Slagle noted there is no specific time requirement for the preparation of a new plan, however, she recommended the Board establish a subcommittee to review the existing plan, understand the process and requirements for preparing a new plan, and then begin to review the preliminary documents and necessary studies.

With regard to the next steps for the Re-examination Report, Planner Slagle suggested the Board establish a subcommittee for this as well to conduct the initial work which would include developing a timeline, tasks, public input opportunities, and a review of the existing planning documents.

In the meantime, Planner Slagle remarked the entire Board could start reviewing the existing documents and take time to consider the previous planning goals and objectives as well as existing regulations and identify land use strategies that are still relevant and should be retained as well as those that warrant discussion and possible revision.

Discussion: Rockfall Mitigation Project

Mr. Torkelson referred the Board to the D&R Canal Commission website for further information on the proposed Rockfall Mitigation project. Dr. Kennedy suggested environmental studies be done because of the Bald Eagles in the area. Mr. Torkelson asked that the matter be moved to Borough Council for their review.

Chairman Giocondo opened the floor to public comment. Hearing no one who wished to speak, he closed the floor to public comment.

Stockton Borough Planning Board Minutes - 12/7/21

Unfinished Business

Chairman Giocondo suggested a 7 PM meeting start time and asked the Board to consider it since the meetings will likely continue to be conducted through ZOOM which makes it easier for people if there is no travel time needed to get to Borough Hall for meetings.

Mr. Torkelson suggested a Citizen's Advisory Committee be established to assist with the Land Use Plan Element. Chairman Giocondo noted that during the Master Plan Re-exam there is ample opportunity for public comment. Attorney Cecil explained the Master Plan is done solely by the Planning Board. She clarified that Citizen's Advisory Committees can be created under the Municipal Land Use law by the Mayor but only for very specific purposes.

Correspondence

Chairman Giocondo noted two letters received by the Board regarding the Master Plan. One from David Pasicznyk and the other from William Brown.

Adjournment

A motion by Cheryl Kennedy, seconded by Norm Tokelson to adjourn the meeting was approved by voice vote.

The meeting adjourned at 8:42 PM.

Maria Andrews, Planning Board Secretary

Note: These minutes have not been formally approved and are subject to change at the Board's 2/1/22 meeting.



STOCKTON BOROUGH PLANNING BOARD MINUTES

7:30 PM Stockton Borough Municipal Building January 4, 2022 – Reorganization Meeting ZOOM: https://us02web.zoom.us/j/83897506952

Call to Order/Attendance Roll Call

Secretary Andrews under the New Jersey Open Public Meetings Act called the meeting of the Stockton Borough Planning Board to order at 7:30 PM.

Present:

John Bonanni

Steve Giocondo Cheryl Kennedy Laura Lutton Joe Martino Bob Miller Tim Nemeth Norm Torkelson Don Vandegrift Thomas Hunt Attorney Cecil Planner Slagle Engineer Pollack

Excused:

No one

Oaths of Office

Secretary Andrews (in her capacity as a Registered Municipal Clerk) administered the following Oaths of Office:

Tim Nemeth – Class I – (term expires 12/31/22)

Robert Miller – Class II – (term expires 12/31/22)

Don Vandegrift - Class III - (term expires 12/31/22)

Cheryl Kennedy - Class IV - (term expires 12/31/25)

Laura Lutton – Class IV (unexpired term 12/31/25)

Nominations/Appointments

Secretary Andrews asked for nominations for the Board Chair. A motion by Cheryl Kennedy, seconded by Norm Torkelson to nominate Steve Giocondo as the Board's Chairman was made. Hearing no other nominations, the motion was unanimously approved.

Chairman Giocondo asked for nominations for the Board's Vice Chair. A motion by Bob Miller, seconded by Don Vandegrift to nominate Norm Torkelson as the Board's Vice Chairman was made. Hearing no other nominations, the motion was unanimously approved.

A motion was made by John Bonanni and seconded by Cheryl Kennedy appointing Maria Andrews as the Board's Secretary. The motion was unanimously approved.

Approval of Minutes

It was noted for the record that approval of the 12/7/21 minutes will be listed on the Board's next agenda because Secretary Andrews had not yet drafted them.

Stockton Borough Planning Board Minutes – 1/4/22

Presentation of Vouchers

It was noted for the record that no vouchers were listed on the agenda for approval.

Open to the Public

It was noted for the record that there were no members of the public present on the ZOOM meeting.

Resolutions

Resolution PB#2022-01: Planning Board Meeting Schedule for 2022

Chairman Giocondo requested the meetings start at 7:00 PM. A motion was made by Bob Miller and seconded by Cheryl Kennedy approving the Board's 2022 meeting schedule with the revision of a 7:00 PM start time for all meetings was unanimously approved by voice vote.

Resolution PB#2022-02: Designation of Official Newspaper

A motion by John Bonanni, seconded by Cheryl Kennedy approving Resolution PB#2022-02 was unanimously approved by voice vote.

Resolution PB#2022-03: Designation of Board Engineer and Approval of Contract

A motion by Cheryl Kennedy, seconded by John Bonanni approving Resolution PB#2022-03 was unanimously approved by voice vote.

Resolution PB#2022-04: Designation of Board Attorney and Approval of Contract

A motion by Cheryl Kennedy, seconded by Don Vandegrift approving Resolution PB#2022-04 noting the typo on page 1, #3B will be corrected to reflect \$1500 (not \$5000) and clarifying the contract is only for the first quarter of 2022 was unanimously approved by voice vote.

Resolution PB#2022-05: Designation of Board Planner and Approval of Contract

A motion by Cheryl Kennedy, seconded by Bob Miller approving Resolution PB#2022-05 was unanimously approved by voice vote.

New Business - Other

Mr. Torkelson noted that he had forwarded an email to the Board earlier today, regarding the Lower Delaware Wild & Scenic 2022 mini-grant program and reminded everyone that the application deadline is Friday 1/7/22 at 5:00 PM.

Unfinished Business

Mr. Torkelson thanked Borough Council for their support in opposing the Rockfall Mitigation Project proposed along Route 29.

Adjournment

A motion by Cheryl Kennedy, seconded by John Bonanni to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:14 PM.

Maria Andrews, Planning Board Secretary

Note: These minutes have not been formally approved and are subject to change at the Board's 2/1/22 meeting.

Dear Planning Board Chairman Steve Giocondo and Planning Board Members

I appreciate your combined efforts in updating the Borough's Master Plan to reflect ongoing and new challenges facing Stockton's future.

I respectfully request that the following items be considered for inclusion into the Borough Master Plan.

I have categorized these under the following topics:

Public Health and Safety

Business and Financial Interests

Quality of Life Issues

Public Health and Safety

Stormwater Management

The management of stormwater in the Borough is key to the viability and resilience of Stockton. This process started years ago in the Borough.

Stockton is fortunate that farsighted elected and planning officials decided to preserve the 90+ acre tract, formerly known as the My-Ben property, from development. The development of this land, upslope from the business and residential area "in town" along Main Street, Bridge Street and other streets would have severely increased devastating stormwater runoff. In addition, the plan also proposed installing a drainage pipe descending the steep slope on South Main Street and emptying runoff onto the floodplain.

As was seen in the past two "100 year" storm events, which occurred, ironically within a 10-year period, and which devastated properties adjacent to County Route 523, additional runoff from development of the "My Ben" property would only have added to our problems, with properties along South Main Street being similarly impacted. The drainage pipe, proposed as a 24 to 36 diameter corrugated steel pipe, would have undoubtedly experienced a "blowout" as was seen by a similar structure parallel to Route 523, resulting in public and private property damage — and endangering the lives of those who were impacted by that event.

We are also fortunate that the State Green Acres program also saw fit to preserve 2 additional properties: one at the end of Mill Street and another (the "wetlands") along South Main Street. This not only reduces runoff, but also acts to recharge the groundwater. These properties constitute Green Infrastructure/Best Management Practices relating to Stormwater Management.

But more needs to be done.

We must continue to address these threats to property, businesses, and life by implementing a strong Storm Water Management Plan, guided by experienced engineers and scientists and compliant with the new State Stormwater Management rules, and including it into the Borough Master Plan.

The updated Plan must go beyond the basic format of the previous Plan and the suggested DEP Plan language.

The following should be addressed:

- 1. The new Plan should coordinate with potential runoff "contributors" such as Delaware Township and State and County properties and roads.
- 2. The Plan must "plan for the worst" and simply not include quick-fix options, such as replacing existing drainage infrastructure with the same. Recent experience has shown that many drainage structures should be "beefed up" to reflect increased runoff.
- The Plan should also include existing buildings and structures not just "new" construction. Large additions to existing structures or teardowns, and other increases to impervious surfaces also contribute to stormwater runoff.

Guidance on the Storm Water Management issues is available from the State DEP and Hunterdon County.

The plan is available at https://www.nj.gov/dep/rules/rules/njac7 8.pdf

I encourage the Board to reach out to experts at the State DEP, D&R Canal Commission, Hunterdon County and Lambertville – which also experienced severe flooding - to accomplish this task.

See:

https://www.co.hunterdon.nj.us/pdf/stormwater/HCETModelOrdinanceFINALNov05.pdf

Establish and Implement a Wellhead Protection (WHP) Ordinance

Stockton is fortunate to have a safe water source. This valuable resource should be protected by establishing a Wellhead Protection Ordinance. This will serve to not only protect our drinking water source but can also diminish the need for any additional treatment systems that may arise in the future. WHP ordinances can also limit or prevent the installation of petroleum/chemical-carrying pipelines within the WHP Tiers.

For an example ordinances see:

https://ecode360.com/7665502

http://www.pomptonlakes-nj.gov/DocumentCenter/View/79/Ordinance-04-02-Well-Head-Protection-PDF

In addition, the Hunterdon County Environmental Toolbox developed a sample WHP ordinance.

Ensure a Continuing Safe and Plentiful Water Supply

The State has mandated that Stockton ensure that it has "Firm Capacity" regarding its water supply. This most likely involves drilling a new well and related infrastructure.

This is not only a drinking water issue – it is also important to ensure that we have a sufficient water supply for firefighting, should the need arise. A failure of the Borough's existing wells during a fire would obviously be catastrophic.

Business and Financial Interests

Establish a Historic District

Establishing a Historic District is essential to the quality of life and viability of businesses in Stockton. It was somewhat disappointing to learn that Stockton is the only municipality along the Wild and Scenic Delaware River that does not have a Historic District. Even Trenton and Camden have Historic Districts.

Establishing a Historic District is not redundant with restrictions and oversight of the D&R Canal Commission (Review Zone A). It is not only complimentary, but has Financial Incentives for our Borough Businesses, such as 10 to 20% Federal Tax incentives.

See: https://www.nps.gov/tps/tax-incentives.htm

"The Federal Historic Preservation Tax Incentives program encourages private sector investment in the rehabilitation and re-use of historic buildings. It creates jobs and is one of the nation's most successful and cost-effective community revitalization programs."

A Federal and State recognized Historic District would help our local businesses to restore and maintain their properties and would also add to the value of business and private properties and enhance tourism.

The State of New Jersey has also considered such a tax-relief program. The difference is that, unlike the Federal program, the proposed State program would provide tax benefits to private residential homeowners as well.

The D&R Canal Commission supports the establishment of a Historic District in Stockton, which was formalized in a resolution (*Resolution of the Delaware and Raritan Canal Commission* 2018-1).

The NJDEP SHPO (State Historic Preservation Office) also includes portions of the Borough as eligible for inclusion into a Historic District.

Much of the groundwork for establishing a district was done in the *Phase IB/II Cultural Resource Investigation, 17 December 2003,* by CRCG (copy on file in the Borough). Although this report and its findings need to be updated, it serves as a good starting point.

In addition to potential Federal Tax incentives for businesses, establishment of a Historic District provides for Grant opportunities for the Borough. The *Stockton Borough School building*, listed on the State and National Registers, received over \$350,000 for restoration work several years ago. Similar grants (planning and restoration) may be available to the Borough – IF Stockton establishes a District.

It is also important to note that only 3 properties in the Borough are listed as Historic: The D&R Canal, The Stockton School Building, and the Prallsville Mill Complex. Significantly, neither the Stockton Inn nor Borough Hall are listed. However, these and other properties would be covered if Stockton establishes a District.

It is obvious that there are many financial, tourism and quality of life issues that would be enhanced by the establishment of a Historic District.

Stockton can request the State Historic Preservation office and involve the Delaware Township Society for information, assistance, and support. See: https://dthsnj.org/

Quality of Life Issues

Stockton has many businesses – but it also remains a largely residential community. We must make sure that the "Quality of Life" issues that attracts and retains residents and visitors remain protected. These include, for example:

- Noise control and enforcement. Stockton has a noise ordinance; unfortunately, it is currently difficult to enforce. A cooperative agreement with Delaware Township Police should be explored, similar to the speed limit enforcement agreement currently in place.
 - Noise enforcement must include not only entertainment venues, but also "transient" sources specifically noise from vehicles with inadequate/illegal exhaust systems, blaring sound systems and so on.
- Short-term rental, aka AirBnB-type arrangements. Many communities have had adverse
 impacts from these types of arrangements. The trend towards this type of businesses is
 likely to continue; therefore, a policy addressing these businesses in a manner that does
 not adversely impact either the business or the surrounding homeowners, should be
 addressed.
- 3. "Teardowns" teardowns of historic-eligible buildings and structures can destroy the nature of Stockton. In addition, the impact upon adjoining property owners some of whom are long-time residents should be considered. A "Teardown" policy should be outlined.

I am very happy that the Planning Board is welcoming input on the Master Plan. I am hopeful that Grant funds are also explored to offset the costs relating to any of the above. Help is available on the above issues by various government and civic associations and private citizens.

I respectfully request that the above points be considered for addition into Stockton's new Master Plan.

Thank You.

David L. Pasicznyk

3 Church St.

Stockton NJ

The Stockton Borough Planning Board 2 South Main St. Stockton, NJ 08559

October 4, 2021

Via Email and Hand Delivery:

stocktonplanning@yahoo.com

Dear Chairman Giacondo and Members of the Planning Board,

I am writing as the Board embarks on a critical planning process that will shape the future of the Borough. I am confident that you, like your predecessor Boards, will work to maintain Stockton's character as an overwhelmingly residential community while preserving its small town character.

I have come to better appreciate what you all probably have long known: the quality of life in Stockton is not an accident. Over generations, numerous elected officials, neighbors, and volunteers, ranging from the Stockton Playground Association to State and county agencies to conservation groups have conscientiously worked to set in place policies, plans, and legislation that have helped preserve Stockton, while also funding the purchase, restoration and conservation of environmentally valuable and historically significant properties throughout the Borough.

Prior Planning Boards have adopted Plans, Vision Statements, Elements, and practical recommendations that have over decades determinedly sought to preserve the best in Stockton. Here are some of the factors that have shaped Stockton's residential and small town character.

The Work of Stockton Residents and Officials to Protect Our Quality of Life, History, and Environment

Over the last five decades Stockton's Plans, including its Master Plan, Conservation Element, Land Use Plan, Vision Statement, and Reexamination Reports have consistently reaffirmed the Borough's long standing commitment to preserving its historic character as a small residential community with commercial development constrained by its small area and built residential communities. Those plans have recognized the need to protect its waters, natural habitats, scenic grassland vistas and parks, steep slopes, historic buildings and environmentally valuable and conserved lands. The Borough's planning documents have consistently recognized the need to maintain Stockton's existing scale of development.

The D&R Canal and Canal Path Park

The D&R Canal and Canal Path Park run the entire length of the Borough and shape it in many ways. The Canal Commission's enabling statute and regulations carefully protect its lands and water and preserves habitat and flora. Development is limited to reasonable and sustainable levels that match the scale of existing structures and historic sites, view sheds and historic contexts and Stockton's small residential and restaurant/business district.

The Canal's natural setting provides respite to both canoeists and anglers, while sending critical freshwater to millions in central New Jersey. The Path offers unique recreational uses, including biking, birding, walking, running and photography. Increasingly, it brings visitors and customers to the Borough's commercial businesses.

Conserved Properties

Stockton has benefited from the purchase and conservation of environmentally sensitive or historically important properties throughout the Borough, including the Green Acres deed-restricted Borough Park, the D&R Canal Path, the D&R Canal, the Prallsville Mill complex, the MyBen tract, flood prone Blue Acres sites, the Borough School, the New Jersey Water Supply Authority properties, as well as the Canal and its buffer zones. Million of dollars have been expended to acquire these properties in a town of only 0.6 square acres.

The D&R Canal, and the tributaries that flow into it, are an important source of drinking water for millions down stream. Because storm water drains into the Canal, stringent legal protections and expanded buffers impose additional land use and development requirements to protect against potential contaminants and harmful nutrients (non-point source pollutants) and runoff.

The Borough's own drinking water is drawn from local sources within the Borough. Stockton's Wellhead Protection area, which supplies our own drinking water, lies under a large portion of the Borough.

At the same time, it is beyond clear that water can represent a severe threat to residents, homeowners and businesses. I suggest that your recommendations address the management of storm water in a time of more storms, more sudden and heavy rains, and more dramatic floods. It seems time to take a new look at storm water management and the need to coordinate with the State, the county, and our neighboring towns. What Delaware Township and the County do impacts every resident of this Borough.

The State Development and Redevelopment Plan Recognizes and Protects Stockton's Quality of Life

The New Jersey Legislature first recognized the challenge of balancing economic development against quality of life in the most crowded and congested State in the country in the 1980's. New Jersey's ground breaking Development and Redevelopment Plan directs development into urban and town centers, protects environmentally sensitive areas, and, in conjunction with the State's Smart Growth Plan, promotes rational and efficient transportation systems. The State Plan classifies Stockton as being within Planning Area 4B, (or rural, environmentally sensitive), precisely because it contains valuable ecosystems, wildlife habitats, fresh water resources and unique passive recreational opportunities. Development in Planning Area 4B is restricted by "linking the location, character and magnitude of development to the capacity of the natural and built environment to support new growth and development on a long-term, sustainable resource basis."

These policies should be kept in mind and I hope your plans take the State Plan into account and scale the Borough's growth and development to match its natural and built environment, as well as its size, population and predominantly residential development patterns.

Smart Growth Recognizes the Unique Character and Needs of Small Rural Communities

Planning should take into account smart growth principles. Stockton's limited area, its overwhelmingly residential character, the large proportion of conserved properties, its existing scale of development and the capacity of its infrastructure, including narrow streets and limited water supply and existing storm water management systems are simple realities that should be reflected in any Master Plan.

Emergency Response

The Borough's existing public safety, first responder, enforcement and infrastructure capacity are limited and largely provided by volunteers. Planning should be careful to acknowledge the revenue and funding constraints on these vital services.

State and Municipal Laws Protect People In The Quiet Enjoyment Of Their Homes

Stockton's Nuisance Ordinance allows violators to be fined or worse. Significantly, State law regulates noise as a pollutant and imposes strict noise restrictions. New Jersey's Noise Control Act establishes noise levels of 50 db from 10:00 pm to 7:00 am and 65 db during the day and imposes \$3,000 fines for violations, sanctioned with disorderly persons convictions and fines and penalties. Because noise is a pollutant under New Jersey's Environmental Rights

Act, repeat noise violators can be shut down and required to pay all the legal fees of their adversaries. Prudent planning requires development and uses that will meet State and local noise control requirements. It makes no sense to permit uses that will result in litigation or be shut down.

Summary

Many individuals, officials, and partner organizations have long labored to carefully acquire and knit together lands in and around Stockton to protect wildlife and habitat diversity, buffer water resources, and provide important passive recreational uses. Stockton is a New Jersey crown jewel. It represents the combined efforts of public agencies, conservation organizations and private citizens to protect an environmentally and historically important region and preserve its parks and preserved properties. I urge you to husband and foster the fruits of the efforts of the last half century.

The Borough's plans should guard against rash overreach and protect what is a small town in an environmentally important area that is 90% residential. At the end of the day, the planning process should understand and incorporate the laws, regulations and policies and govern and guide future growth to ensure our quality of life.

I appreciate your attention to my letter. If I can assist the Board in any way, I would be glad to help.

Sincerely, s/s
William C. Brown
19 Broad St.
Stockton, NJ 08559