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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE  
MINUTES**

**FEBRUARY 20, 2008 - AGENDA SESSION**

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## **CALL TO ORDER**

The mayor called the meeting to order at 7:30 PM. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

## **ROLL CALL**

Present: Kelly, Malay, Spitzer, Carpenter  
Absent: Pavlini  
Also Present: CFO/Administrator McArthur, Engineer/Planner Messina, Attorney Belardo, Clerk/Assist. Admin. Szabo

## **AMEND AGENDA**

Motion by Malay, second by Kelly, and unanimously agreed to amend Resolution #080119 to include a discussion regarding attorney client privilege and litigation concerning Tilcon and Millington Quarry, Inc.

## **EXECUTIVE SESSION – [Resolution #080119](#)**

Motion by Malay, second by Kelly to approve Resolution #080119 and the meeting temporarily adjourned to executive session at 7:32 PM.

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - Personnel Matters Interview for Assistant Township Engineer
  - Land Acquisition Block 3601, Lot 4  
Block 177, Lot 17; 59 acres  
Block 9601 lots 8, 9, 11, 12, 13, 14
  - Attorney Client Privilege & Litigation Millington Quarry and Tilcon, Inc.
3. It is anticipated that the minutes on the subject matters of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The committee will come back into open session and may take further action.
5. This resolution shall take effect immediately.

The meeting resumed in open session at 8:03 PM, and then concluded executive session discussions at the end of the public portion of the meeting.

## **ORDINANCE #2000 - NON-CONFORMING USE/STRUCTURES – DISCUSSION**

Dennis Bettler, Construction Code Official, was present and participated in the discussion.

The committee discussed the proposed ordinance. The purpose of this ordinance is to clarify and establish the conditions under which a nonconforming structure may be restored or repaired without conforming to the zoning ordinance requirements currently in effect for the construction of new structures. In Township of Lacey v. Mahr, 119 N.J. Super. 135 (App. Div. 1972), the municipality had an ordinance which defined total destruction as destruction of 75% of a nonconforming structure. A nonconforming restaurant/inn building sustained a fire. The Township asserted that 60% of the building was totally destroyed, and 14% was badly gutted. The owner contended that 33% of the structure remained. The owner sought to restore the building. In determining if the building was partially destroyed, the Court refused to consider the objective percentage standard contained in the ordinance. The Court recognized the ordinance was invalid. The property owner argued that the Legislature intended the words “partial destruction” to mean all destruction less than total. The Court did not reach that issue. Instead, the Court relied upon the expert produced by the municipality and found: “The use of the building as an inn was substantially totally destroyed by the fire and therefore its destruction exceeded partial destruction within the meaning of the statute.” Id. at 138. Thus, if by design or accident, a structure is “**substantially totally destroyed**”, such destruction exceeds partial destruction, and the nonconforming status is lost. This ordinance adopts the Mahr Standard in defining when destruction exceeds partial destruction.

The committee agreed to introduce the ordinance on 2/26/08.

### **COAH (Council on Affordable Housing)**

Planning Board Planner Frank Banisch participated in these discussions.

#### Overview Round 3 New Rules

Belardo provided an overview of the rules.

In December 2007, COAH proposed the repeal and replacement of its third round methodology and rules. The rule proposal follows the decisions issued by the courts which affirmed in part, reversed in part, and remanded portions of the rules back to COAH for rulemaking.

The third round methodology continues the growth share approach to determine affordable housing obligations, in which affordable housing is provided in proportion to market rate growth that takes place in a municipality. Under the revised ratios released by COAH, one affordable unit must be provided among every five residential units and one affordable unit must be provided for every 16 new jobs, based on square footage of new nonresidential construction.

#### Housing Allocations

Messina provided a report on COAH housing allocations;

Bernards Township has received a COAH household projection of 1,141 dwelling units from 2004 to 2018. As full time Township Engineer and Planner for Bernards Township (starting in 1978) I am acutely aware of all developments and potential developments in the Township. I have systematically prepared build

out analysis for over twenty years. I have also prepared detailed records of certificates of occupancy's for all new construction since January 1, 2004.

Since 2004, Bernards Township has granted Certificates of Occupancy and Building permits as follows:

- New residential (C.O.'s) 61 D.U.
- New residential (Building Permits) 26 D.U.
- Total (2004 to End of 2008) 87 D.U. (Average 17 CO/year)
- Approved/Pending Developments 98 D.U.
- Anticipated Developments (2008-Full Buildout) 154 D.U.  
(Utilizing drafted subdivision designs for each parcel)

Total full Buildout starting from 2004  
(Possibly longer than 2018) 339 D.U.

The COAH projection of 1,141 D.U. therefore off by 802 units that equates to a 337% difference (339 vs. 1,141).

The numbers of households presented above are from actual C.O.'s from January 2004 to December 31, 2007, plus actual Building Permits issued, plus approved/pending Planning Board applications, plus actual designs of subdivisions for each of the remaining 77 parcels available for development/redevelopment.

Each of the 77 parcels were analyzed for environmental constraints, zoning information, geometry of lots, roadway and infrastructure layout. This detailed information cannot be derived from the utilization of GIS data. In addition, the COAH forecasters undoubtedly did not evaluate the effects of the new NJDEP regulations requiring substantially greater riparian buffers.

The use of long term historical housing trends in Bernards Township is very misleading and will cause the high projections as seen in the COAH documents. In Bernards Township the number of C.O.'s issued per year for the last 10-years is as follows:



Bernards Township had explosive growth in the 1980's and 1990's, however has seen very little recent growth, (11 new houses in 2007). Therefore use of long term historical trends without using the latest

year's data is fruitless. If a 2004-2018 projection was made utilizing actual/projected growth from 2004 to 2008, a household projection of approximately 261 units would be calculated. (Average 17.4 CO/year) The above mentioned buildout analysis (339 D.U.) is the full buildout of the township that may well be longer than 2018.

As the growth in Bernards Township rapidly accelerated in the 1980- 1990's, due to the first two COAH rounds, the amount of available land, especially in the sewerred areas has dwindled considerably. Only six of the 22 parcels anticipated for future development are in the sewerred area. The non-sewerred area has a mix of soil types that may or may not allow future development.

Furthermore, the C.O.'s presented in UCC reports to the DCA probably do not distinguish between inclusionary units and major home rehabilitation that require a new Certificate of Occupancy.

In summary Bernards Township is very concerned with the high projection of housing units by COAH. The COAH projection cannot be supported by actual land use analysis and therefore would be a waste of municipal resources to prepare a Fair Share Housing Element based upon a fallacious projection.

**In summary....**

**Credits**

Going into 3 <sup>rd</sup> Round =	+ 45
New VA Homeless Shelter	59
• OUR House - Group Home	8
• YMCA - Group Home	8
• Extension of Expiring Controls	<u>224</u>
Total Credits	328

**COAH Obligation**

Bernards projected residential development 2004 - 2018 = 339 D.U.  
Bernards residential obligation (1 within 5) = 68  
Bernards projected Commercial development (2004 - 2018) = 1670 Jobs  
Bernards Commercial Obligation = 1670/16 = 105 D.U.  
Total Bernards Obligation = 68 + 105 = 173

**Using COAH's Projection Data**

Residential projection 1,141 new households 2004 - 2018  
Residential obligation 1,141/5 = 229 D.U.  
Commercial projection = (-) 564 Jobs  
Commercial obligation = (-) 36 D.U.  
Total COAH projected obligation = 229 (-) 36 = 193 Affordable D.U.

Apparently the 328 affordable unit credits the township has will offset the township's projected 173 affordable D.U. or even the 193 D.U. projected by COAH.

**[Our House Group Home](#)**

The committee reviewed a letter from OUR HOUSE, Inc., an organization which owns a group home in Bernards Township. They are interested in being part of the townships COAH plan.

**[7 Towns Group](#)**

Kelly asked the committee to consider joining the 7 Towns Group. It's a very informal group, who has been effective over the past few years on several regional projects. The group consists of a group of mayors from over 10 towns, including Hunterdon, Somerset and Warren. They are currently tackling the COAH issue.

*Concluding review and discussion on all COAH information listed, the committee agreed to proceed as follows:*

1. Prepare a plan to submit to COAH with reasonable growth estimates
2. Prepare comments to be submitted to COAH before 3/22/08. The substance of the comments will be similar to those prepared by Attorney Stuart Koenig for the 7 Towns Group.
3. Join the 7 Towns Group with Carolyn Kelly acting as the liaison for the committee

### **FARMSTEAD PARK MASTER PLAN – PRESENTATION**

Julie Keating, Chairperson of the Pathway, Parks & Recreation Committee, and Jennifer Gander, Director of Parks & Recreation made the following presentation to the committee:

#### **Objective of this Master Plan for Farmstead Park and the KMSF:**

Seamlessly integrate --

- Active recreation on the multipurpose field and the river
- Passive recreation on the wooded and undeveloped land
- Cultural aspects of the fine and performing arts on the historic KMSF

The ambiance of the entire 36 acres should reflect the historical significance of the site, encourage individual and family activities that are creative and contemplative, and encourage a step back in time. KMSF will become a focal point for fine arts, and performing arts and crafts in a campus-like atmosphere. Historic preservation, fine and performing arts, and active and passive recreation will be mutually reinforcing partners to enrich the lives of Bernards Township residents by encouraging cross pollination of cultural arts users of the KMSF with users of the active and passive recreational activities of Farmstead Park.

In order to assure the realization of these objectives, this master plan calls for ongoing and regular consultation with the Friends. (The lease between the Township and the Friends states "The Tenant shall have the right to review and comment on any plans for contiguous township owned land.")

#### **Proposed Uses for Farmstead Park (32 acre tract)**

##### **Multipurpose Field** (This will be the only active-recreation field.)

Uses: Soccer, lacrosse, kite flying

Constraints:

No lighting or wiring of the field (this would destroy the ambiance of the KMSF).

Other than a comfort station building, no permanent structures such as bleachers or field houses, backstops for baseball, or goal posts for football.

**Fishing & bird watching:** The Passaic River is currently stocked with trout by the State Division of Fish and Wildlife. The river is fished by some residents of our town and neighboring communities. Farmstead Park provides lengthy river frontage. A sign posting the kinds of fish, the times of year the state stocks the river, and what type of birds may be seen here, would encourage fishing and bird watching.

**Walking Path Along River:** Ultimately tie in with Township walking path system. (The path will be cleared of brush and marked but undeveloped, like the Dead River Trail.)

Constraints:

Flood plain requirements prohibit paving or permanent structures. The route of the path should be designed to preserve existing vegetation as much as possible. This vegetation provides homes and food for animals and it contributes to the passive-recreation atmosphere of the park.

**Bike Path:** A bike path will parallel King George Road to the east of the existing tree line along the road. This route will reduce soil disturbance, save trees that now border the road, and be esthetically pleasing for bikers. It will ultimately tie in with the Township bike path system.

**Canoe Landing:** The Recreation, Parks and Pathways Committee will work with neighboring Long Hill and Warren Townships to make canoe access points up and down the river more accessible and to allow for longer canoe trips. Attachment B includes a map and descriptions of five potential canoe access sites. Three are in Long Hill or Warren Townships. Based on future use of the river and the positioning of other canoe landings, it may be desirable to provide an unimproved place to put in and take out canoes and kayaks on the shore of Farmstead Park. If this is done the following considerations would apply.

Location -- Convenient to parking provided to serve Farmstead Park, and down- river far enough from the KMSF tract to discourage any access from parking on that tract. Access path from parking lot south of multi purpose field -- Path design and materials must conform with flood plain restrictions. It is expected that canoe and kayak users will carry their boats from their vehicles to the landing area. A map of the river and its several landing areas, with smaller maps available for canoers/kayakers to take with them, should be provided in the parking lot. Publicizing the availability of these maps would attract newcomers, families and scout troops, and make beginners feel more at ease. Also, at this location would draw people to park here, as opposed parking to on the KMSF tract.

**Skating:** Provision of a primitive skating pond in the flood plain next to the river has been discussed as a possibility. A gasoline powered pump would be used to provide water from the river. Moveable containment would be employed to conform with flood plain restrictions. The pond would be located well down stream from the KMSF tract to assure that skaters would park in the Farmstead Park lots rather than in the KMSF lots.

*Concerns about establishing this use:*

Installation and storage of the containment materials could be complex and/or expensive. There have been few periods in recent winter cold enough to freeze a pond. Snow must be removed promptly and properly from the surface of a frozen pond to produce a surface suitable for safe skating.

**Picnic Area(s):** Location: Not yet determined.

Constraints: No permanent structures and no barbeque facilities.

**Scotch Pine Grove:** Plans to be developed.

### **Proposed Uses for the Kennedy-Martin-Stelle Farmstead (KMSF) (4 acre tract)**

**Uses of KMSF Buildings --** The lease agreement between the Township and Friends states "...the Tenant was organized for the express purpose of (b) Conducting civic and historic programs or any other activities for the benefit of the general public, providing such cultural arts programs or activities that are well-suited for these historic structures....if said activities are in compliance with all local and state regulations including Chapter XXVII of the Bernards Township Open space General Ordinance or N.J.S.A. 40:12-15.7-9..." Within these limits the Friends shall determine the use of these four historic buildings and the four acre KMSF tract. The following uses represent the Friend's current concepts for possible uses.

#### **English Barn:**

Art classes, exhibits & shows

Drama workshops

Small community theater for dramas and musicals (audience 60 to 90)

Small-group musical performances -- trios, quartets.

Barn dances

Film nights

Parties -- reunions, birthday parties, wedding receptions. \*(Concerns about noise levels, hours of occupancy and whether alcohol would be permitted must be carefully considered for their impact on the quality of life of neighboring residents in deciding the conditions under which any of these uses could be permitted.)

**Farm House:**

Rental of second floor rooms at Farm House for artists in residence, studio space, etc.

Art classes, exhibits & shows

Education projects related to history and environmental science for all ages (working with school groups, Scouting, mid-life and senior groups and organizations.)

Parties -- reunions, birthday parties, wedding receptions. \*(See note about "Concerns...."above.)

**Wagon House:**

Small scale sculpting, pottery making, wood carving, or possibly a Teen Coffee House, supervised on a year-round basis

**Cow Shed:**

Agricultural equipment display space

**Other Uses; KMSF and/or Farmstead Park**

Bird watching (provide bird feeders and bird-attracting plantings.)

Camping space for Cub Scouts & Brownies

Large tents for parties, etc. \*(See note about "Concerns...."above.)

Archaeological projects involving public participation

Farmers' market events?

Community Gardens?#

Wild Flower Meadow?#

Herb Garden?

Slope for sledding and bunny skiing?#

Tot Lot?#

\*(Possibly in Farmstead Park, not on the KMS Farmstead)

**Farmstead Park Parking and Interior Road:**

Vehicular Access for the multipurpose field and all other recreational uses of Farmstead Park will be exclusively through the driveway that serves the existing lot for 30 cars that is to the west of the multi purpose field just off King George Road. A new parking lot for 50 cars will be installed just to the south of the multi purpose field. (In recent years the existing 30 space lot has been too small -- parents of children using the multi purpose field have been using the KMSF driveway to reach the brow of the slope that overlooks the multi purpose field so they can park on the grass there.)

A drive way will be installed from the east end of existing 30 car lot, around the south western corner of the multi purpose field to the west end of the new lot. This drive way will accommodate two-way traffic. Fencing or curbing will border the lots and driveway to prevent driving or parking on the grass. Fencing materials and design will be consistent with the historic nature of the KMS Farmstead.

Additional parking to serve Farmstead Park may be added to the east of the multipurpose field if needs dictate.

**KMSF Parking and Interior Road:**

All vehicular access to the KMSF will be via the existing driveway from King George Road that now passes the English Barn and terminates at the Farm House. This drive way will accommodate two-way traffic. It will be widened if the need became apparent.

This driveway currently accesses a graveled parking lot just to the south west of Farm House. This lot will be expanded to the west, and to the south once the c. 1950 cabana is removed. Also, currently in place are several parking spaces to the east of the Wagon House, and to the east of the English Barn. These two areas may be retained or expanded for use as handicapped-access parking for the Farm House, Wagon House and English Barn.

A parking lot for as many as 40 spaces will be provided to the west of the Cow Shed when needs for additional parking for KMSF uses become apparent. These parking spaces may be installed in phases depending on demonstrated need.

As stated above, once the new lot is installed in Farmstead Park south of the multi purpose field, it is anticipated that users of Farmstead Park will no longer use the driveway on the KMSF tract.

Fencing or curbing will border the lots and driveway as necessary to prevent driving or parking on the grass. Fencing materials and design will be consistent with the historic nature of the property.

**Constraints:**

ADA parking and access to KMSF buildings will be provided during day and evening hours

Lighting of roadways and parking areas must consider light pollution effect on neighbors. Light pollution from auto head lights will be considered in planning orientation of parking stalls, and traffic patterns. Berms and evergreen screening may be appropriate in some cases.

Surface materials, to the degree that it is practical, will be consistent with the historic nature of KMSF, environmentally friendly, using minimal impervious surfaces.

Archaeological survey results must be considered in planning parking lot and roadway locations in Farmstead Park as well as on the KMSF tract.

**Comfort Station:**

Location & design: A comfort station will be located near the northeastern corner of the multi purpose field. The building will have a foot print of about 20 x 24 feet. Building materials and design will be consistent with the appearance of existing KMSF structures.

Water service: Will be provided to the comfort station from an existing water line that now extends to the south end of Crest Drive. The Township has secured agreement from a home owner at the corner of Crest Drive and Sun Road for an easement to run a water line across his property. This line will continue via an easement across the KMSF tract to the comfort station. This access route greatly reduces Township expense because the closest public water source to the comfort station is the pipeline that ends at the south end of Crest Drive. (The houses on Sun Road and King George Road do not have public water and must rely on wells.) Without the easements across the home owners lot and the KMSF tract, a water line would have to be run the length of Sun Road, down King George Road, down the KMSF driveway, and finally to the comfort station.

Sewer service: Will be provided via a gravity-fed line from the comfort station across the KMSF tract to a pumping station near the Farm House. From there effluent will be pumped up a sewer line to be installed up the existing KMSF driveway to a sewer connection in King George Road.

Electric service: Will be from the existing pole line that now serves the KMSF Farm House via an underground line across the KMSF tract to the comfort station.

**Pathways:**

Objectives -- To provide easy pedestrian access from the multi purpose field parking to the KMSF tract, and from the KMSF to the comfort station in Farmstead Park. However, it should be impossible for vehicles to drive between the two tracts. This may require appropriate fencing along the tree/brush line-boundary between the two tracts.

Pathway routes -- In addition to the walking path along the river and the bike path discussed above, there will be several other paths. An existing grass path now runs north and south to the east of the multi purpose field. It will be extended the south and then curve east into the flood plain. It will also be extended north into the KMSF.

A new grass path will run due east to the river from the east end of the new parking lot that will serve the multi purpose field. This path will cross the existing path described above. A grass path will extend from the comfort station eastward to join the north/south path described above. Materials for path surfacing should be consistent with the historical ambiance of the KMSF.

Lighting -- Pathways and parking areas that serve evening activities of the KMSF maylighting. The intensity and positioning of lighting fixtures must be considerate of neighboring residents.

**Drinking Fountains:** There should be a water fountain close to the multi purpose field, probably by the comfort station.

**Guidelines for Planning Infrastructure and Landscape**

Take into account all “Proposed Uses” listed above.

Incorporate the KMSF tract seamlessly with the rest of the entire 36 acre adjacent municipal parkland to encourage cross pollination of cultural arts users of the KMSF with users of the active and passive recreational activities of FP.

Plan and maintain the buildings and landscape in a historically and environmentally sensitive manner.

Maintain the site’s secluded and serene rural setting to retain an atmosphere which encourages a step back in time, quiet contemplation and reflection on the rural roots of our past.

Retain the existing farm lane, field demarcations, and rolling terrain to convey the historical character of the farm setting.

Keep land contour changes to a minimum.

Preserve existing vegetation (hedgerows, copses, trees, etc.)

Select plant materials and planting designs for the KMSF tract consistent with the historical nature of the property.

Provide directional signs if necessary to protect the KMSF track from unwanted parking for river access to certain areas, such as canoe/kayak/fishing and skating areas.

Consider findings of archaeological surveys performed on the KMSF when planning any effort that involves land disturbance (i.e., interior roads, comfort station, pathways, or utility lines) within or near the four acre KMSF tract.

Project Title	Estimated Total Cost	Amount Appropriated in Prior Years	Project Proposed	
			2008	2009
Farmstead Park Comfort Station	\$ 80,000.00	\$ -	\$ 80,000.00	\$ -
Farmstead Park Restroom Utility Connection	\$ 140,000.00	\$ 100,000.00	\$ 40,000.00	\$ -
Farmstead Park Parking Lot - Improvement of existing access driveway to the park and paving of existing lot. Addition of connecting driveway and additional parking lot	\$ 150,000.00	\$ -	\$ 100,000.00	\$ 50,000.00
King George Road Bikeway - From existing Farmstead Park driveway to Spring Valley Boulevard	\$ 55,000.00	\$ -	\$ -	\$ 55,000.00
KMS Farmstead Parking Lot – Located on park property	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00

**CONSIDERATION OF SIDEWALKSNOW/ICE REMOVAL BY RESIDENTS**

Malay asked that this matter be listed for consideration.

The committee reviewed a memo from DPW Director Pat Monaco:

*The Bernards Township Department of Public Works is responsible for snow and ice clearing operations for our roadways, municipal buildings, firehouse/first aid buildings, parks, municipal parking lots, and approximately 25 miles of sidewalks throughout the township.*

*We have always faced the challenge of responding to our varied responsibilities in an aggressive manner so we can restore access and provide safe roads, buildings, and sidewalks for our residents.*

*Over the last several years, our operations have been put under ever growing stress. With the cost of insurance and the increasing fuel cost, we have had a very difficult time hiring independent contractors for snow removal for our roads. As a result, we have re-organized our operations to include more grounds personnel and equipment into our street clearing crews. This change was*

necessary. We feel the number one priority has to be our roads, emergency/municipal buildings and our schools. We continue to respond with the remaining grounds crew to plow the designated 25 miles of sidewalk and bikeways throughout the township. The labor and equipment necessary to provide this service is substantial.

Through the years many residents have requested we clear their sidewalks. We have explained that we can only clear those on our approved school walking route map. Interpretation of this map has created a difficult situation for us. It is very difficult to look at the existing map and establish a formal policy that is consistent with how we chose the walks designated to be maintained. Many of the walks were added throughout the years because of their proximity to the school, or as a collector route to the school, or because of high traffic roadways. Without a formal policy, the sidewalk maintenance operation will continue to be difficult to explain to the resident that wants service on their sidewalk frontage.

It should be noted that there remains approximately 50 miles of sidewalk/bikeways that we do not currently maintain. These areas have sparked much interest this year. We have had perhaps a dozen inquires on how the residents can go about requesting an ordinance change requiring that property owners maintain their frontage. Many are curious why residents are not mandated to clear these many miles of sidewalks (not currently on our map) thereby providing a safe walking route for all to use.

In light of these concerns I am comfortable going on record supporting a change in our sidewalk maintenance policy should the committee adopt an ordinance requiring owner maintained sidewalks. I do so for the following reasons:

1. This will free up valuable township resources allowing us to concentrate on the primary priority of roads, schools, emergency buildings, and municipal buildings.
2. Provide a consistent policy where all residents are put on a level playing field, each responsible for their own sidewalk.
3. Recognize that the remaining 50 miles of sidewalk not currently maintained by the township should be cleared for the safety of all that walk the various neighborhoods.
4. Lowered contractual obligations with private contractors that are currently hired to supplement our township personnel during snow emergency operations.

McArthur advised the committee that surrounding communities have snow removal ordinances.

The committee needed more analysis regarding financial impact, hardship cases and enforcement issues to assess a policy. Kelly went on record on outright opposition to the policy.

## **OVERVIEW OF ORDINANCE RESTRICTIONS CONCERNING FENCES**

Messina reviewed the high points of the ordinance:

- Fences and walls located in the front yard shall not exceed four feet in height and shall be constructed so that at least 50% of the fence or wall is open
- Fences and walls located in any side or rear yard shall not exceed six feet in height
- All fences or walls shall be symmetrical in appearance; shall have posts or columns separated by identical distances; shall consist of material conforming to a definite pattern or size; and shall be constructed so that a finished side faces outward away from the property on which it is constructed.

- No fence or wall shall be constructed of any material harmful to humans or animals. Electrically charged fences are permitted subject to the provisions of subsection 21-16.2.d
- No portion of a fence or wall shall be located within six inches of any property line
- Private swimming pools shall be fenced as specified in Subsection 21-18.3
- No fence or wall shall be located within a clear-sight triangle
- A permit is required

The committee felt there was ambiguity in the ordinance regarding where the fence height was measured from. For example was the height measure from ground level if there was artificial mounding of earth underneath the base of the fence. They suggested they refer the ordinance to the Planning Board for clarification. No artificial mounding.

**TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

**PUBLIC COMMENT**

John Campbell, 20 Wedgewood Drive, commented on the annual report from the Friends of the Farmstead.

Carry Bennet, 19 Dayton Street, of the Mavrick Soccer Club, commented on plans for Farmstead Park.

John Crane, 39 Decker Street, Basking Ridge, commented on the Flood Hazard Rules.

**EXECUTIVE SESSION**

The committee resumed executive session discussion at 10:44 PM.

**ADJOURNMENT**

The committee resumed in open session to briefly discuss the Farmstead Annual Report.

By unanimous consent, the meeting adjourned at 11:27 PM.

Respectfully submitted

\_\_\_\_\_  
Denise Szabo, Municipal Clerk

\_\_\_\_\_  
John Carpenter, Mayor