



Mayor and Common Council Borough of Flemington

September 27, 2021

Online during COVID-19 Emergency

Call to Order (6:30 PM)

Executive Session (6:30 PM)

1. RESOLUTION 2021-199: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING AN EASEMENT FOR A NEW WELL

Work Session (7:00 PM)

Discussion of Certified Local Government designation studied by the Historic Preservation Commission

Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Betsy Driver	Mayor
Caitlin Giles-McCormick	Council President
Jessica Hand	Council Member
Malik Johnston	Council Member
Jeremy Long	Council Vice President
Christopher Runion	Council Member
Kimberly Tilly	Council Member

I. Mayor's Report

II. Council Members' Reports

III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)

IV. Approval of Minutes

Motion To: **Approve Minutes: Sept. 13, 2021 Regular Council Meeting**

1. Motion To: **Approve Minutes: Sept. 13, 2021 Executive Session**

V. Discussion of draft policy regarding recreational marijuana licensing requests

Consent Agenda

1. RESOLUTION 2021-200: RECOGNIZING NATIONAL HISPANIC HERITAGE MONTH, 2021
2. RESOLUTION 2021-201: APPROVING A MEMORANDUM OF UNDERSTANDING WITH FLEMINGTON BOROUGH COMMUNITY GARDEN REGARDING A COMMUNITY GARDEN AT TUCCAMIRGAN PARK

Regular Agenda

1. ORDINANCE 2021-21: SECOND READING, ORDINANCE CHANGING THE NAME OF CENTRAL AVENUE TO CENTRAL STATION
2. ORDINANCE 2021-22: SECOND READING: AMENDING SECTION 3-3 OF THE BOROUGH CODE TO SET FORTH THE PROCESS FOR SELLING OR DISPOSING OF JUNK OR ABANDONED VEHICLES SEIZED BY THE POLICE DEPARTMENT
3. ORDINANCE 2021-23: FIRST READING, AN ORDINANCE TO REPLACE AND SUPERSEDE THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-17 AND AMENDED BY ORDINANCE 2020-16 OF THE BOROUGH OF FLEMINGTON
4. ORDINANCE 2021-24: FIRST READING, AMENDING CHAPTER 14, SECTION 1404 OF THE BOROUGH CODE REGARDING THE HISTORIC PRESERVATION COMMISSION
5. ORDINANCE 2021-25: FIRST READING, ORDINANCE CREATING THE POSITION OF OFFICE ASSISTANT AND SETTING A SALARY RANGE
6. ORDINANCE 2021-26: FIRST READING, ORDINANCE ACCEPTING A WELL SITE, WATERLINE AND ACCESS EASEMENT OVER A PORTION OF BLOCK 45, LOT 1
7. RESOLUTION 2021-202: APPOINTING STACEY MCGLOTHLIN AS THE MUNICIPAL COURT VIOLATIONS CLERK AT AN ANNUAL SALARY OF \$38,000.00 EFFECTIVE OCTOBER 13, 2021
8. RESOLUTION 2021-203: HIRING KAREN SHAEFER AS A BACKUP CROSSING GUARD IN THE EVENT A SHORTAGE OCCURS
9. RESOLUTION 2021-204: APPROVING AN AGENT FOR THE DISPOSITION OF JUNK AND/OR SALABLE TITLES FOR ABANDONED, JUNK, OR UNCLAIMED MOTOR VEHICLES

VI. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

VII. Attorney's Report

VIII. Payment of the Bills

Motion To: **Pay the Bills**

IX. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

X. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-199

DOC ID: 3598

**Retiring into Executive Session for the Purpose of Obtaining
Legal Advice Regarding an Easement for a New Well**

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice on matters related to an easement for a new well; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

pending or anticipated litigation or contract negotiation other than in section (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-started purpose.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-200

DOC ID: 3593

Recognizing National Hispanic Heritage Month, 2021

WHEREAS, each year Americans observe National Hispanic Heritage Month by celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, observance of Hispanic Heritage began in 1968, was later expanded, and begins many significant anniversaries of independence for Latin American countries; and

WHEREAS, The United States has the 2nd largest population of Hispanic and Latinx people in the world; and

WHEREAS, Flemington Borough's residents of Hispanic heritage comprise just under 33% of the Borough's total population, according to 2019 Census estimates; and

WHEREAS, the Mayor and the Borough Council of the Borough of Flemington ask all individuals to celebrate the great diversity of the American people by recognizing residents and friends of Flemington with Hispanic and Latinx heritage who have helped make our Borough prosperous; and

WHEREAS, we encourage the work of those who dedicate their time and efforts to the furthering of a connected and strong local community by recognizing September 15th, 2021 through October 15th, 2021 as National Hispanic Heritage Month;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council hereby recognize September 15th, 2021 through October 15th, 2021 as National Hispanic Heritage Month in the Borough of Flemington.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-201

DOC ID: 3594

**Approving a Memorandum of Understanding with Flemington
Borough Community Garden Regarding a Community
Garden at Tuccamirgan Park**

WHEREAS, a Memorandum of Understanding between the Flemington Borough Community Garden (FBCG), a nonprofit 501(c)(3) corporation of the State of New Jersey, and the Borough of Flemington has been proposed; and

WHEREAS, the sole purpose of this Memorandum of Understanding is to permit the FBCG to construct and maintain a community garden within Tuccamirgan Park; and

WHEREAS, Tuccamirgan Park was preserved using funding from the New Jersey Department of Environmental Protection's ("NJDEP") Green Acres Program and is, therefore, subject to the requirements of N.J.A.C. 7:36-25.1 et seq.; and

WHEREAS, the Borough conducted a public hearing regarding the change in use of Tuccamirgan Park to accommodate the community garden pursuant to N.J.A.C. 7:36-25.6 on March 22, 2021; and

WHEREAS, the Borough was obligated to accept comments regarding the change in use for a period of two (2) weeks after the public hearing and did not receive any such comments; and

WHEREAS, the Borough provided NJDEP with the proof of notice publication and of the hearing (including a recording in lieu of a transcript with consent of NJDEP) in compliance with N.J.A.C. 7:36-25.6; and

WHEREAS, the Borough must provide NJDEP notice that construction will commence on the community garden within ninety (90) days of commencing construction;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington agrees it is in the best interest of all concerned to enter into this Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Common Council of the Borough of Flemington authorizes the Mayor to sign the attached Memorandum of Understanding.

Adopted: September 27, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

**FLEMINGTON BOROUGH COMMUNITY GARDEN (THE "FBCG")
AND
FLEMINGTON BROUGH (THE "BOROUGH")**

DRAFT

THIS AGREEMENT regarding the use of Tuccamirgan Park as a community garden is entered into between the Flemington Borough Community Garden ("FBCG"), a non-profit 501(c)(3) corporation of the State of New Jersey, and the Borough of Flemington (the "Borough"), a municipal corporation of the State of New Jersey.

WHEREAS, the sole purpose of this Memorandum of Understanding is to permit the FBCG to construct and maintain a community garden within Tuccamirgan Park; and

WHEREAS, Tuccamirgan Park was preserved using funding from the New Jersey Department of Environmental Protection's ("NJDEP") Green Acres Program and is, therefore, subject to the requirements of N.J.A.C. 7:36-25.1 et seq.; and

WHEREAS, the Borough conducted a public hearing regarding the change in use of Tuccamirgan Park to accommodate the community garden pursuant to N.J.A.C. 7:36-25.6 on March 22, 2021; and

WHEREAS, the Borough was obligated to accept comments regarding the change in use for a period of two (2) weeks after the public hearing and did not receive any such comments; and

WHEREAS, the Borough provided NJDEP with the proof of notice publication and of the hearing (including a recording in lieu of a transcript with consent of NJDEP) in compliance with N.J.A.C. 7:36-25.6; and

WHEREAS, the Borough must provide NJDEP notice that construction will commence on the community garden within ninety (90) days of commencing construction;

THEREFORE, FBCG and the Borough agree it is in the best interest of all concerned to enter in this Memorandum of Understanding.

1. **Effective Date.** This Memorandum of Understanding is to take effect after all requirements of N.J.A.C. 7:36-25.6 have been met.

2. **Use of Property and Construction.** FBCG will design and maintain an organic garden on the 1/3 acre area of the park where the existing sandbox is located.

a. **Responsibilities of FBCG.**

i. The FBCG will be responsible for erecting and maintaining a fence to exclude the garden from animal pests. Said fence shall be 8 feet tall and include a locking gate.

ii. FBCG shall also be responsible for maintaining the interior of the garden (i.e. the area within the fence) to a desirable aesthetic and sanitation standard consistent with organic community gardens. The garden shall be maintained to be free of trash, standing water, and noxious weeds (i.e. ragweed, poison ivy, poison oak, and poison sumac).

iii. FBCG shall not access the garden with vehicles.

iv. The FBCG commits to maintaining the garden in a way that benefits the community and is open to all residents in compliance with all ordinances, rules, and regulations applicable to Borough property and property preserved with Green Acres funding.

v. The FBCG commits to strictly following organic standards (as defined by the United States Division of Agriculture ("USDA")) in all of its practices.

vi. Garden hours shall be restricted to dawn to dusk and the gate to the garden must be kept locked when members are not present in the garden.

vii. All trash, waste, weeds, etc. shall be disposed of off-site, except for compostable matter. FBCG shall be permitted to maintain a compost pile within an enclosed container that does not emit foul odors.

viii. FBCG shall be permitted to use a nearby fire hydrant to water the garden. FBCG shall only provide the key to the fire hydrant lock to FBCG trustees. FBCG shall provide 24 hours' notice by telephone or email to the Borough when it intends to utilize the nearby fire hydrant to water the garden. In lieu of providing such notice, FBCG may supply the Borough with a watering schedule. The Borough may restrict FBCG's use of the hydrant at any time to protect public health and safety. Water from the hydrant shall only be used to water the garden. When the hydrant is in use by FBCG, FBCG shall ensure that the water meter is attached and working properly. Water must be securely turned off after each use. FBCG shall report any leaks to the Borough immediately.

ix. During the growing season, the Borough shall bill FBCG monthly for water use. FBCG shall remit payment within 30 days of receipt of each bill.

x. All members shall execute an agreement indemnifying and holding harmless the Borough from all injuries and damages arising from use of the garden. This agreement must be in a form approved by the Borough Attorney.

xi. In the event the garden and the fence are not maintained in compliance with this MOU, the Borough shall notify the FBCG. Any conditions noted in said communication shall be rectified within seven (7) days of receipt thereof.

b. Responsibilities of the Borough.

i. The Borough shall perform the initial site preparation and consideration, including marking out space for a fence (with assistance of FBCG staff), relocation of the walking path to go around the garden, and grading the area in a way to prevent runoff from the garden into surrounding waterways.

ii. The Borough shall install a hydrant lock on the fire hydrant closest to the garden and provide a key to FBCG. The Borough shall also install a water meter on such hydrant during the growing season.

iii. The Borough shall maintain the area outside of the fence, as well as the exterior perimeter.

iv. The Borough does not routinely apply fertilizer, insecticide, or weed-killing agents within Tuccamirgan Park. However, in the event it is necessary to treat for pests within 100 feet of the garden, the Borough shall provide notice to FBCG and make best efforts to only use USDA-certified organic materials.

v. The Borough shall cooperate with the FBCG to pursue and maintain Sustainable Jersey Organic Community Garden grants / funding. However, nothing herein shall commit the Borough to expending any monies.

3. **Term.** This MOU will be in effect from the date of execution until such time as the garden may be demolished. Otherwise, this MOU may be terminated in accordance with Section 5: Termination.

4. **Notices.** Any notices required under this MOU shall be provided to the following and may be made by email:

To the Borough:

Sallie Graziano, Borough Clerk
Borough of Flemington
38 Park Avenue
Flemington, New Jersey, 08822
clerk@historicflemington.com

With Copies to:

Mike Campion
Borough of Flemington
38 Park Avenue
Flemington, New Jersey, 08822
mcampion@historicflemington.com

To FBCG:

Flemington Borough Community Garden
20 Village Ct.
Flemington, NJ 08822

5. **Termination.** The Borough and FBCG may terminate their participation in this MOU for any reason upon thirty (30) days written notice. Within thirty (30) days after the effective date of termination (i.e. sixty (60) days from the date of the notice), FBCG shall demolish the garden and restore the area to its condition prior to the establishment of the garden.

6. **Amendments.** This MOU may be amended only with the mutual written consent of the Borough and FBCG.

7. **Indemnification and Hold Harmless.** In consideration for the use of the above-referenced properties, the FBCG agrees to indemnify and hold harmless the Borough, its officers, agents, and/or employees from any liability, claims, costs, including reasonable attorneys' fees, arising out of the FBCG's use of said property. The undersigned understands and acknowledges that this hold harmless and indemnification agreement requires that FBCG be indemnified from any losses or damages resulting from the acts or omissions from any guest, participant, member, or other person using the property as set forth in this Agreement.

8. **Notice of Injuries or Damages.**

The FBCG shall notify the Borough immediately upon any injuries or damages to persons, personal property, or real property arising out of FBCG's operations.

FLEMINGTON BOROUGH COMMUNITY GARDEN

By: _____ Date: _____

BOROUGH OF FLEMINGTON

By: _____ Date: _____
Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2021-21

DOC ID: 3575

Second Reading, Ordinance Changing the Name of Central Avenue to Central Station

Flemington Borough, Hunterdon County

WHEREAS, pursuant to the provisions of N.J.S.A. 40:67-1(k), *et seq.*, the governing body of a municipality may make ordinances to provide for the changing of names of streets within the municipality; and

WHEREAS, the property owners fronting on Central Avenue have requested the street name be changed to "Central Station" in order to recognize the history of the railway in the area and the current operation of the Black River & Western Railroad; and

WHEREAS, it appears that all property owners on Central Avenue on the Borough of Flemington Tax Map Sheet 5 have agreed to the street name change to Central Station; and

WHEREAS, the Borough Zoning Officer has confirmed the availability of the street name "Central Station;" and

WHEREAS, the Borough Council wishes to change the name of the entire length of Central Avenue to Central Station;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. The street name of "Central Avenue," in the Borough of Flemington, County of Hunterdon shall be renamed "Central Station."

Section 2. The Public Works Department of the Borough of Flemington is hereby authorized and directed to install any and all street signs and traffic markings reflecting the change of the street name from Central Avenue to Central Station and the Borough Clerk is hereby authorized to instruct the Borough Engineer to revise the Borough's Official Tax Maps to reflect the change in the street name.

Section 3. The Borough Clerk is hereby further authorized and directed to notify the Borough Residents along said street of the effective date of the name change and to further advise all appropriate agencies, including but not limited to, the United States Post Office, the Police and Fire Departments, the First Aid Squad and the Hunterdon County Department of Planning and Development of the change in said street name.

Section 4. To the extent applicable, a copy of this Ordinance shall be filed in the Office of the Hunterdon County Clerk in accordance with N.J.S.A. 40:67-2.

Section 5. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 7. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: September 13, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

INTRODUCED

ORDINANCE 2021-22

DOC ID: 3564

Second Reading: Amending Section 3-3 of the Borough Code to Set Forth the Process for Selling or Disposing of Junk or Abandoned Vehicles Seized by the Police Department

WHEREAS, the Flemington Police Department lawfully causes the seizure of improperly operated or parked motor vehicles; and

WHEREAS, some of the motor vehicles being seized become abandoned or go unclaimed by the owners; and

WHEREAS, The Borough Council desires to amend the Borough Code to set forth the process for proper disposal of unclaimed or abandoned vehicles in accordance with N.J.S.A. 39:10a-1.1 et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon and State of New Jersey, as follows:

SECTION 1. Section 3-3 of the Borough Code shall be renamed "Abandoned or Unclaimed Motor Vehicles" and amended as follows (Additions noted in bold italics *thus*):

§ 3-3.1. Definition.

ABANDONED MOTOR VEHICLE

Shall mean any vehicle propelled otherwise than by muscular power, including vehicles which run upon rails or tracks, which are found in any public street, highway or lands and either not bearing current registration plates or, if bearing current registration plates, remaining stationary and unused on the public street, highway or lands for more than 14 days consecutively. ***Said definition shall include junk vehicles remaining stationary and unused on a public street, highway, or lands for more than 14 consecutive days.***

JUNK VEHICLES.

Shall mean a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof.

§ 3-3.2

Prohibition. No person shall abandon a motor vehicle upon the public streets, highways and lands.

§ 3-3.3

Police Department Possession.

A. All abandoned motor vehicles shall be taken in possession by the police department and removed to a storage place. The police department shall then follow the procedures established by R.S. 39:10A to sell the abandoned motor vehicle at public auction.

B. Abandoned Vehicles. *If an abandoned vehicle is unclaimed by the owner or other person having legal right thereto for a period of 20 business days, the towing contractor shall notify the Chief of Police or his designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale pursuant to N.J.S.A. 39:10A-1 and 4.*

C. Junk Vehicles. *If a junk vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, the towing contractor shall notify the Chief of Police or his designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale. The Borough shall supply titles for abandoned junk vehicles in accordance with N.J.S.A. 39:10-1 and 3.*

D. Conduct of Sale. *Sales of all junk and abandoned vehicles shall be conducted in accordance with the provisions of N.J.S.A. 39:10A-1 et seq.*

E. Proceeds from Sale. *Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the subject vehicle. Excess proceeds shall be paid to the Borough. If the proceeds are insufficient to cover the accumulated costs, such excess cost shall be waived by the towing contractor or title agent and no further funds will be due from the Borough or the purchaser of the vehicle. This section will be administered in accordance with N.J.S.A. 39A:10-1 et seq.*

F. Failure to Follow Statutory Procedures. *Any towing contractor found to be disposing of vehicles in violation of this procedure will be charged with misapplication of entrusted property (N.J.S.A. 2C:21-15) and will be prohibited from providing service for the Borough.*

G. Rights of Owners

1. *The owner of any vehicle towed shall have the right to remove property belonging to him or her from the stored vehicle unless a "police hold" is marked on the towing form.*

2. *The vehicle owner or his or her authorized representative shall have the right to take photographs of stored vehicles.*

3. *If the Police Department receives any complaints arising from the towing and storage of motor vehicles required by the Borough without the consent of the owner, such complaints shall be heard and decided by the Chief of Police or his designee.*

H. *Public Inspection. This chapter, all regulations adopted by the Police Chief and the fee schedules of individual towers and title agents shall be available to the public during normal business hours.*

I. *Liability of Borough. There shall be no privity of contract between the Borough and any towing operator on the rotation list or agent authorized to apply for junk or saleable vehicle titles and utilized by the Police Department pursuant to this section. Except to the extent that the Borough will use the proceeds from the sale of abandoned and junk vehicles to satisfy towing and storage charges pursuant to this section, the Borough will not be liable for any towing or storage or related charges for services rendered pursuant to this chapter.*

SECTION 2. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: September 13, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED

ORDINANCE 2021-23

DOC ID: 3600

**First Reading, an Ordinance to Replace and Supersede the
“2017 Union Hotel Redevelopment Plan” as Adopted by
Ordinance 2017-17 and Amended by Ordinance 2020-16 of
the Borough of Flemington**

Flemington Borough, Hunterdon County

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the “**Initial Redevelopment Area**”), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, pursuant to Borough Council Resolution 2014-44, adopted February 10, 2014, the Borough Council designated the area south of the Union Hotel property, inclusive of properties located at 78 Main Street, 80 Main Street, 82 Main Street, 90-100 Main Street, 104 Main Street, 110 Main Street, 7 Spring Street, 19 Spring Street, 3 Chorister Place and 6 Chorister Place, identified on the Borough Tax Map as Block 22 Lots 5, 6, 7, 8, 9, 10 and 12 and Block 23, Lots 1 and 7 as an area in need of redevelopment pursuant to the Redevelopment Law (such properties, together with the Initial Redevelopment Area, is the “**2014 Redevelopment Area**”) and, subsequently, on March 7, 2014, the Borough enacted an ordinance adopting a redevelopment plan for the Redevelopment Area (the “**2014 Redevelopment Plan**”); and

WHEREAS, on July 10, 2017, the Borough Council via Resolution 2017-130, designated Block 22, Lots 13 and 14 (23 Bloomfield Avenue and 21 Bloomfield Avenue) and Block 24, Lots 1, 2, 3 and 5 (2 Spring Street, 8 Spring Street, 12 Spring Street) (the “**Study Area**”) to be included in the “Union Hotel Redevelopment Area” (2014 Redevelopment Area and Study Area collectively referred to herein as the “**Redevelopment Area**”); and

WHEREAS, on December 11, 2017 the Borough Council adopted Ordinance 2017-17 approving the 2017 Union Hotel Redevelopment Plan dated October 19, 2017; and

WHEREAS, on October 13, 2020, the Borough Council adopted by Ordinance 2020-16 the “Union Hotel Redevelopment Plan Amendment #1” (“Amendment #1”); and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Redevelopment Area would be stimulated by replacing and superseding the 2017 Union Hotel Redevelopment Plan and Amendment #1 as set forth in the attachment to this Ordinance entitled “Union Hotel Redevelopment Plan Amendment #2”; and

WHEREAS, the Borough Council desires to replace and supersede the 2017 Union Hotel Redevelopment Plan and Amendment # 1 and to provide notice thereof in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey, as follows:

Section 1. The 2017 Union Hotel Redevelopment Plan and Amendment #1 be and hereby is replaced and superseded with the Attachment to this Ordinance entitled “Union Hotel Redevelopment Plan Amendment #2”.

Section 2. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 3. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced: September 27, 2021

Adopted:

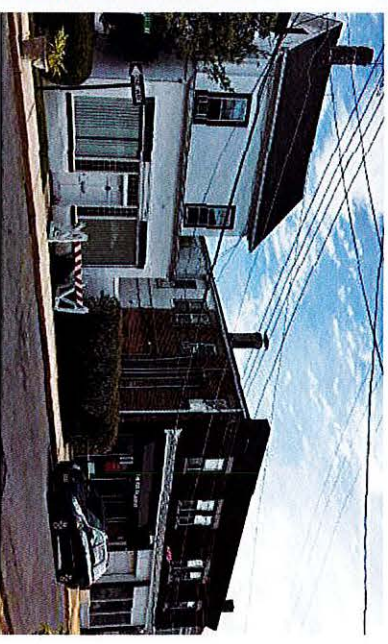
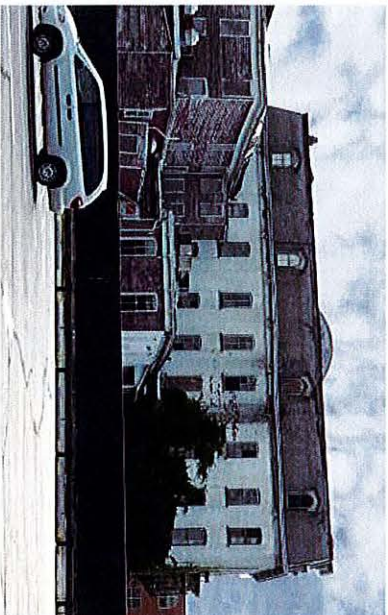
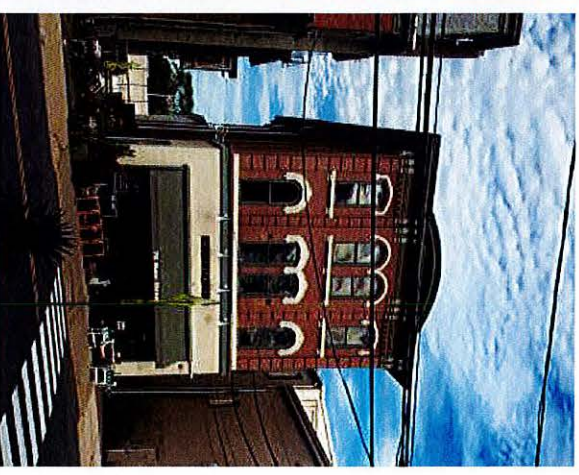
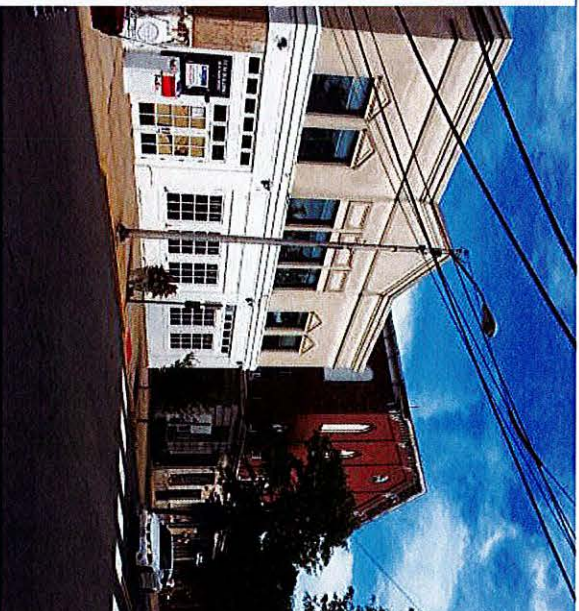
Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- Redevelopment Plan, revised, final (PDF)



DRAFT UNION HOTEL REDEVELOPMENT PLAN AMENDMENT #2

UNION HOTEL REDEVELOPMENT AREA

September 3, 2021

BOROUGH OF FLEMINGTON
HUNTERDON COUNTY, NEW JERSEY



ACKNOWLEDGMENTS

2021 Borough Mayor & Council

Mayor Betsy Driver

Council President Caitlin Giles-McCormick

Council Vice President Jeremy Long

Councilperson Kimberly A. Tilly

Councilperson Malik Johnston

Councilperson Chris Runion

Councilperson Jessica Hand

Borough Clerk – Sallie Graziano, RMC

Borough Attorney – Tara Ann St. Angelo, Esq.
(Gebhardt & Kiefer, P.C.)

Borough Engineer – Robert Martucci, PE (Martucci
Engineering, LLC)

Borough Planner – Elizabeth McManus, PP, AICP,
LEED AP (Kyle + McManus Associates)

Borough Redevelopment Attorneys – Joseph
J. Maraziti, Jr., Esq. and Andrew M. Brewer, Esq.
(Maraziti Falcon, LLP)

2021 Planning Board

Jeffrey Doshna, Chairperson

Susan Englehardt, Vice-Chairperson

Brian Budney

Michael Campion

Todd Cook

Mayor Betsy Driver

Karen Giffen

Marc Hain

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DRAFT

UNION HOTEL REDEVELOPMENT PLAN AMENDMENT #2

UNION HOTEL REDEVELOPMENT AREA

BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY

Adopted by the Borough Council _____

Prepared By:

This Amendment #2 was prepared with the assistance of Clarke Caton Hintz, the firm that prepared the 2017 Union Hotel Redevelopment Plan.



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SECTION

1

Introduction

The following amendment to the 2017 Union Hotel Redevelopment Plan hereinafter referred to as the “2021 Union Hotel Redevelopment Plan Amendment #2” shall replace and supersede the 2017 Union Hotel Redevelopment Plan and the 2020 Union Hotel Redevelopment Plan Amendment #1.

Notwithstanding the foregoing, the designated Redeveloper received preliminary and final site plan approval from the Flemington Planning Board on March 23, 2021, as memorialized in a written resolution of approval dated April 27, 2021 (Resolution #2021-08). Any and all related approvals granted pursuant to the 2017 Redevelopment Plan, as amended by the 2020 Redevelopment Plan Amendment #1, are vacated.

The Union Hotel Redevelopment Area, originally designated as an area in need of redevelopment in 2010 and expanded in 2014, was expanded to its current area on July 10, 2017 (Resolution 2017-130) by the Borough Council. The following Redevelopment Plan addresses all lots in the Union Hotel Redevelopment Area and supersedes previously adopted Redevelopment Plans.

The Union Hotel Redevelopment Area is a approximate 3.92 acre area located in the downtown and historic district of the Borough of Flemington. Flemington is known for its historic charm and walkable downtown. The Borough also holds a role of regional importance by being the county seat of Hunterdon County.

The Redevelopment area consists of 15 lots situated on Main Street, Chorister Place, Bloomfield Avenue and Spring Street in the Borough’s DB Downtown Business zone district. The majority of lots in this area have frontage on Main Street and Spring Street with the exception of two lots on Bloomfield Avenue and two lots along Chorister Place, as set forth on the map on the following page. The entire study area is located in the Borough’s Historic District.

There are no environmental constraints, such as wetlands or special flood hazard areas, within the Study Area and none of the lots are listed on the NJDEP Known Contaminated Sites List.

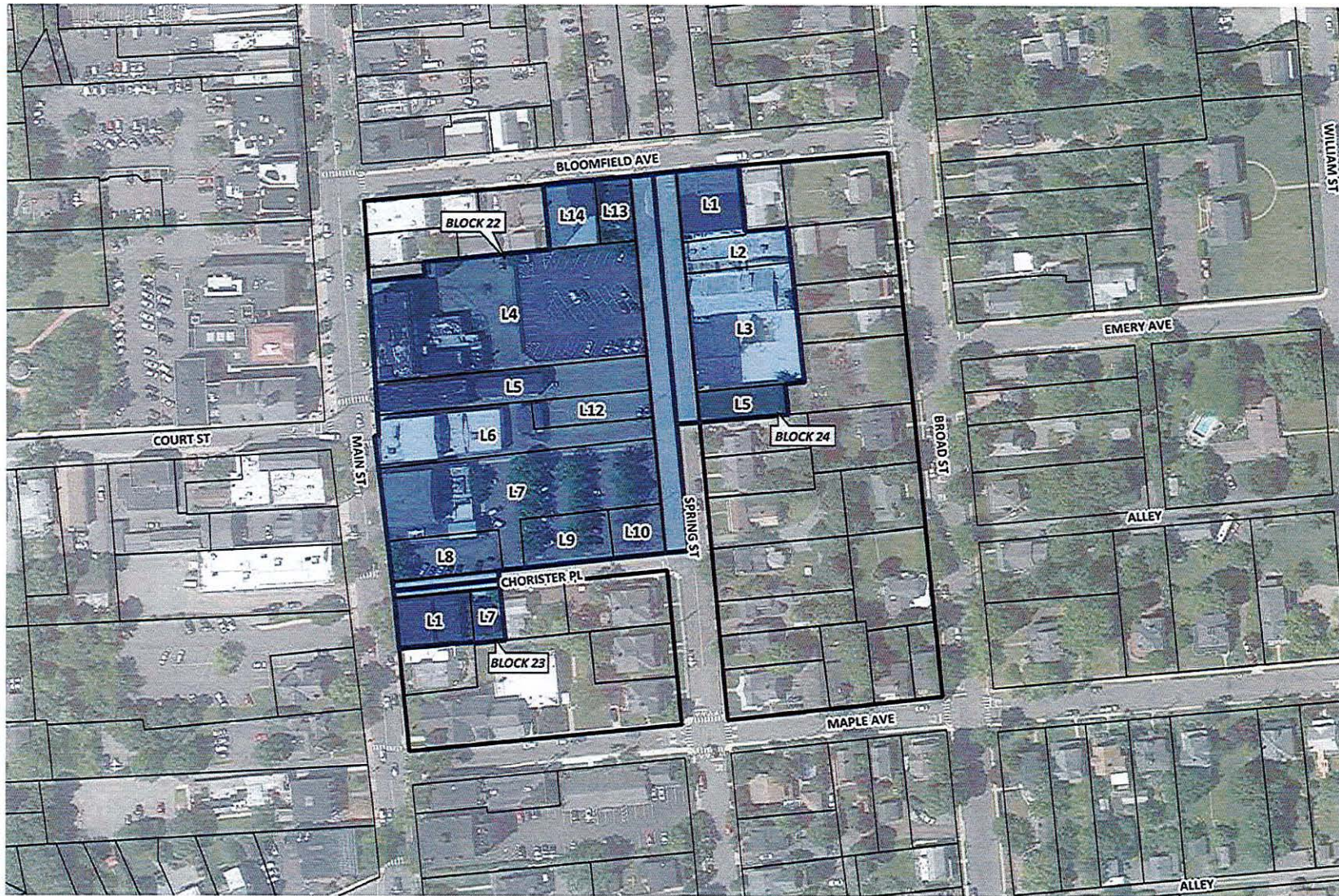
The Borough’s downtown has a long history of redevelopment efforts. Subsequent to the Union Hotel’s 2008 vacancy, portions of the Union Hotel Redevelopment Area was the subject of two failed

redevelopment efforts that took place between 2010 and 2015.

After review of a conceptual proposal, the Borough designated Flemington Center Urban Renewal, LLC the redeveloper for the Union Hotel Redevelopment Area. The August 22, 2016 Concept Plan depicts redevelopment of the existing Union Hotel Redevelopment Area, as well as the lands along Spring Street. This Concept Plan was amended in June 2017 to retain for adaptive reuse the portions of the Union Hotel building at 74 Main Street (Block 22, Lot 4) and the 90-100 Main Street building (Block 22, Lot 7) identified as “significant” in the Borough’s Historic Preservation Plan.

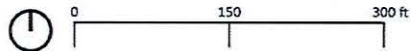
The Concept Plans for the Redevelopment Area were further amended in 2020 and included in the 2020 Union Hotel Redevelopment Plan Amendment #1, and they were amended in 2021 and reflected herein.

This Redevelopment Plan provides the policy and regulation for a revitalized downtown Flemington. The Redevelopment Area is envisioned as a mixed-use commercial place that includes a hotel, retail businesses, restaurants and multi-family residential uses within a vibrant and socially engaging atmosphere.



UNION HOTEL REDEVELOPMENT AREA

FLEMINGTON BOROUGH, HUNTERDON COUNTY, NJ



LEGEND



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August 20, 2020

Union Hotel Redevelopment Area

Block	Lot	Address	Owner	Acreage
22	4	70-74 MAIN ST	FLEMINGTON CENTER URBAN RENEWAL LLC	1.00
22	5	80 MAIN ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.30
22	6	82 MAIN ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.35
22	7	90 MAIN ST	FLEMINGTON BOROUGH	0.66
22	8	104 MAIN ST	FLEMINGTON BOROUGH	0.15
22	9	6 CHORISTER PL	FLEMINGTON BOROUGH	0.14
22	10	19 SPRING ST	FLEMINGTON BOROUGH	0.08
22	12	7 SPRING ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.11
22	13	23 BLOOMFIELD AVE	FLEMINGTON CENTER URBAN RENEWAL LLC	0.07
22	14	21 BLOOMFIELD AVE	FLEMINGTON CENTER URBAN RENEWAL LLC	0.11
23	1	110 MAIN ST	110 MAIN STREET LLC C/O DAVID HAY	0.13
23	7	3 CHORISTER PL	COUNTY OF HUNTERDON	0.05
24	1	2 SPRING ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.14
24	2	8 SPRING ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.11
24	3	8 SPRING ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.42
24	5	12 SPRING ST	FLEMINGTON CENTER URBAN RENEWAL LLC	0.09
Total Area				3.92 acres

SECTION

2

Statutory Authority and Process

Under New Jersey's Local Redevelopment and Housing Law (LRHL; N.J.S.A. 40A:12A et seq.), municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement redevelopment projects. The statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise these powers lawfully. This process is summarized below :

1. The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of the LRHL.
2. The planning board must then prepare a map showing the boundaries of the Study Area and the location of the various parcels therein.
3. The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution.
4. Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
5. Upon designation, the planning board or governing body then prepares a redevelopment plan, which establishes the land development goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
6. The redevelopment plan, after a review and recommendation by the planning board, is referred to the governing body.
7. Upon receipt of any comments or recommendations to the redevelopment plan from the planning board, the governing body may act to adopt the plan by ordinance. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

Only after completion of this public process is a municipality able to exercise the powers granted under the LRHL for areas in need of redevelopment. These powers include but are not limited to:

- Acquire land or building identified for redevelopment acquisition in the redevelopment plan through lease, purchase or eminent domain for condemnation redevelopment areas only.

- Offer long-term tax abatements and exemptions for a period of up to 30 years from the completion of the project, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity.
- Clearing an area, install, construct or reconstruct streets, facilities, utilities and site improvements.
- Negotiating and entering into contracts with private redevelopers or public agencies for the undertaking of any project or redevelopment work.
- Making loans to redevelopers to finance any project or redevelopment work.
- Entering buildings or property to conduct investigations or make surveys; contracting with public agencies for relocation of residents, industry or commerce.
- Enforcing laws, codes and regulations relating to use and occupancy; repairing, rehabilitating, demolishing or removing buildings.
- Exercising other powers, including the power to do all things necessary or convenient to carry out its plans.

This Redevelopment Plan meets the requirement listed under step 5, above.

SECTION

3

Redevelopment Plan Objectives

The Union Hotel Redevelopment Plan is intended to provide a framework for redevelopment for the area. This Redevelopment Plan is guided by the following objectives.

1. Redevelop the area consistent with the Borough's overall economic goals and regional market forces to ensure any proposed redevelopment is economically feasible.
2. Promote the revitalization of an active downtown Flemington using a key redevelopment project with elements that will attract visitors and residents and will be the impetus for future investment in the Borough.
3. Create complementary land uses that will attract residents and visitors to the downtown area including hotel, retail, restaurant with a liquor license, and entertainment within the redevelopment area.
4. Create diverse housing opportunities in the form of multi-family residential and townhouse units that accommodate a mix of incomes and household sizes.
5. Ensure a unique sense of place and compatibility with the Historic District through preservation of the facades of the Union Hotel, 78 Main, 90 Main buildings and creation of distinctive design features in the project architecture and streetscape.
6. Provide appropriate site design and performance standards to guide and facilitate redevelopment that reflects the Borough's historic development pattern, architecture, style, charm and character.
7. Create a central gathering place and public amenity that fosters social interaction and contributes to a vibrant downtown.
8. Enhance the public realm of the redevelopment area by creating a pedestrian plaza area that connects Main Street and Spring Street.
9. Require the project's parking demand to be satisfied on-site in a manner that mitigates any negative impact to the surrounding street network and neighborhood.
10. Encourage sustainable practices including the use of green infrastructure and green building techniques.

4

Applicability & Relationship to Land Development Ordinance

The Redevelopment Plan envisions the creation of a revitalized downtown Flemington. The Union Hotel Redevelopment District is envisioned as a mixed-use commercial place. The vision for this key area of Flemington's downtown includes a hotel, retail businesses, restaurants, entertainment and multi-family residential uses within a vibrant socially engaging atmosphere.

The standards of this 2021 Union Hotel Redevelopment Plan Amendment #2 shall replace those in the 2017 Redevelopment Plan, as well as Amendment #1.

This 2021 Union Hotel Redevelopment Plan Amendment #2 shall also supersede the zoning provisions of the Flemington Borough Land Development Ordinance. However, where the regulations and standards of the Redevelopment Plan are silent, the standards of the Land Development Ordinance shall apply to the

redevelopment area as permitted by N.J.S.A. 40A:12A-7.a(2). Notwithstanding, the design standards in the Borough's Historic District Review Ordinance, Section 1631.B-J., shall not apply.

As specified herein, redevelopment, and any plan approved by the Planning Board depicting said redevelopment, shall be substantially similar with the Concept Plans depicting redevelopment of the area, and which are included herein.

The zoning map of the Borough of Flemington shall be amended upon the adoption of this Plan in accordance with N.J.S.A. 40A:12A-7.c to reflect this new classification.

Notwithstanding the foregoing, the lots along the south side of Chorister Place - Block 23, Lots 1 and 7 - shall not be subject to this Redevelopment Plan. Instead these lots shall be subject to the zoning in place at the time of any development application or improvement; at this time the lots are located in the DB Downtown Business district.

SECTION

5

General Provisions

REDEVELOPMENT AUTHORITY

The Borough Council shall act as the "Redevelopment Entity" pursuant to N.J.S.A. 40A-12A-4.c for purposes of implementing this Redevelopment Plan and carrying out redevelopment projects. In doing so, the Borough Council shall have the powers set forth in N.J.S.A. 40A-12A-8 to effectuate all of its duties and responsibilities in the execution and implementation of this Redevelopment Plan. Acquisition of any land or building which is necessary for the redevelopment project, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L. 1971, c.361 (C.20:3-1 et seq.), is not permitted for Block 22, Lots 13, 14, Block 24, Lots 1, 2, 3, and 5 as these properties were declared in need of redevelopment as part of the 2017 "non-condemnation" "Spring Street Preliminary Investigation".

REDEVELOPER SELECTION

The Borough Council has selected a single redeveloper - Flemington Center Urban Renewal, LLC - for the redevelopment of those lots which this Redevelopment Plan applies to. Any subsequent selection of a new redeveloper shall be based on the entity's experience, financial capacity, ability to meet deadlines, flexibility in meeting market demands within the framework of the Redevelopment Plan, and additional criteria that demonstrate the redeveloper's ability to implement the goals and objectives of the plan.

REDEVELOPMENT AGREEMENT

The Borough Council first executed a Redevelopment Agreement with the selected redeveloper, Flemington Center Urban Renewal, LLC, on April 12, 2017 and a Second Amended and Restated Redevelopment Agreement was executed on October 13, 2020. The Borough Council may adopt a revised Redevelopment Agreement in the future. These Redevelopment Agreements comport with the requirements

of N.J.S.A. 40A:12A-9. Any new or amended Redevelopment Agreement shall also comport with the requirements of N.J.S.A. 40A:12A-9.

Any development or construction within the redevelopment area shall be undertaken in accordance with the contractual Redevelopment Agreement between the Borough Council and the selected redeveloper. The Redevelopment Agreement shall be in full force and effect prior to the redeveloper making application to the Planning Board for any site plan or subdivision approval.

EFFECT OF REDEVELOPMENT AGREEMENT

The execution of the Redevelopment Agreement shall convey the right to prepare a site plan or subdivision application for development to the Flemington Land Use Board in accordance with the terms of the Redevelopment Agreement and Redevelopment Plan, among other rights that may be granted by the Borough Council. Nothing herein shall prevent the Borough Council from amending the Redevelopment Plan as it sees fit.

EXPIRATION

The Redevelopment Plan shall remain in full force and effect for thirty (30) years.

ACQUISITION OF PROPERTY

No property is proposed to be acquired by public entities in the Union Hotel Redevelopment Area as part of this Redevelopment Plan.

RELOCATION PROVISIONS

The redevelopment area includes one occupied housing unit. The local housing market includes adequate housing, both for sale and rent, to accommodate relocation of the residents of said housing unit.

APPLICATION FOR DEVELOPMENT

The application for development shall include a major site plan that includes the entirety of the Redevelopment Area (excluding Block 23, Lots 1 and 7). An applicant shall seek preliminary site plan approval for the entirety of the Redevelopment Area; however, final site plan approval may be granted, at the approving authority's discretion, for individual phases of the project. The application shall be submitted in such form, and accompanied by such maps, documents, and materials as are prescribed in the Borough Land Use Ordinance.

The order in which final site plan approval is sought and redevelopment occurs shall not be limited by this Plan. Notwithstanding, no building shall be demolished prior to the lot which it sits being subject to a preliminary site plan approval, unless required for public safety, as determined by the Borough of Flemington.

DEVIATION REQUESTS

Any application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the requirements of public notice as set forth in the Local Redevelopment and Housing Law (N.J.S.A. 40:55D-12a and b.). The Borough of Flemington Planning Board may grant deviations from the regulations contained within this Redevelopment Plan that are "c" variances pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-70c), with the below-listed exceptions. Any deviations from the following sections of the Redevelopment Plan shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Council:

1. Use Regulations (pages 10-12), and
2. Bulk Standards (pages 12-13).

SECTION

6

Redevelopment Regulations

The Redevelopment Plan provides the policy and regulation for a revitalized downtown Flemington. The Redevelopment Area is envisioned as a mixed-use commercial place that includes a hotel, retail businesses, restaurants and multi-family residential uses within a vibrant and socially engaging atmosphere.

USE REGULATIONS

Use regulations for the Redevelopment Plan shall be organized into mandatory uses, permitted uses, and accessory uses.

A. Mandatory Uses

The following uses shall be developed within the Redevelopment Area. Mandatory uses in a mixed-use building that are open to the public may contribute to the floor area requirements; examples include, but are not limited to, a restaurant located in a hotel. Any deviation from mandatory uses shall require an amendment to the Redevelopment Plan.

1. Hotel with not less than 50 hotel rooms, and associated hotel operations. Hotel operations may include, but may not be limited to, a lobby, office, lounge, fitness facility, conference space, etc.
2. Multi-family and townhouse residential units of not less than 195 units.
3. Affordable housing, not less than 5% of the total housing units or 14 units, whichever is greater.

Affordable housing units, consisting of very low, low, and moderate income units shall comply with the Borough's affordable housing regulations and the Uniform Housing Affordability Control rules (N.J.A.C. 5:80-26.1 et. seq.).
4. Commercial use of not less than 18,000 square feet on the first floor located along Main Street, in the municipal building known as 90 Main Street and along the pedestrian plaza. Said commercial space may consist of

one or more of the following (the following uses are not required to be implemented):

- a. Retail sales and services,
- b. Personal services,
- c. Restaurant,
- d. Brewery,
- e. Fitness uses,
- f. Museum,
- g. Art studio (painting, sculpture, music, dance, etc.),
- h. Art gallery,
- i. Performing arts space,
- j. Municipal facilities, including municipal offices; and/or
- k. Medical and professional offices; however, these uses shall not face Main Street.

5. Restaurant with liquor license (this mandatory use may constitute a portion of the required 18,000 square feet of commercial space). Liquor licenses may be shared by multiple uses, subject to applicable state regulation.
6. Pedestrian plaza connecting Main Street and Spring Street.

B. Permitted uses

The following uses may be developed in the Redevelopment Area. Any approval of uses not identified as permitted, mandatory, or accessory shall require an amendment to the Redevelopment Plan.

1. Hotel in excess of 50 hotel rooms and associated hotel operations. Hotel operations may include, but may not be limited to, a lobby, office, lounge, fitness facility, conference space, etc.
2. Multi-family housing in excess of 195 units, up to a maximum of 260 units.
3. Commercial use in excess of 18,000 square feet composed of the following uses:
 - a. Retail sales and services,
 - b. Personal services,
 - c. Restaurant,
 - d. Brewery,

- e. Fitness uses,
- f. Museum,
- g. Art studio (painting, sculpture, music, dance, etc.), and/or
- h. Art gallery.

4. Medical and professional offices.
5. Parking structures.
6. Parks and plazas.
7. Live/work housing units.
8. Educational and Training facilities (defined to include higher education, vocational training or career training).
9. Performing Arts Space.

C. Accessory Uses

The following uses are permitted accessory uses. They shall be subject to the applicable standards herein or the Borough Land Development Ordinance with exceptions as noted.

1. Temporary special events;
2. Outdoor dining along the sidewalk and plaza in accordance with §2627(O.).
3. Outdoor display in accordance with §2620

F(3), with the exception that outdoor display may also be located along the pedestrian plaza.

4. Outdoor information kiosk (plaza location only) of not more than 50 s.f.
5. Off-street parking.
6. Temporary stand-alone vendors and vendor carts.
7. Signs.
8. Fences and walls.
9. Solar or photovoltaic energy roof top generating facility.
10. Other uses customarily incidental to a permitted or mandatory principal use.
11. Public and private roof top outdoor amenities, such as seating areas and gardens.
12. Rooftop outdoor dining and bar area.
13. Parking canopy solar or photovoltaic energy generating facilities.
14. Electric vehicle charging stations.
15. Outdoor activities and Special Events.

D. Use Location

1. Mandatory, permitted and accessory uses may be developed through out the project, unless otherwise addressed in the following, provided the relevant standards herein are met:
 - a. The structured parking shall be constructed on Block 22 in the location shown on Concept Plan A, herein.
 - b. The first floor of the former Union Hotel Building on Block 22, Lot 4 shall be utilized for a hotel or commercial use.
 - c. The following uses shall be located on the first floor, along Main Street and along both sides of the plaza within 75 feet of Main Street: hotel, commercial, brewery, museum, art studio, art gallery, medical and professional offices, educational and training facilities and/or municipal facilities. Residential units and live work units shall not be located in this area. Medical and professional offices and education and training facilities shall not be located along Main Street.
 - d. Uses facing Spring Street and Bloomfield Avenue, on Block 22, shall be residential. Exceptions include a lobby or other residential accessory use.

Additionally, a first floor commercial use of not more than 3,000 square feet may be located at the corner of Bloomfield Avenue and Spring Street (applicable to Block 24 only).

- e. Uses facing Chorister Place, with the exception of not more than 170 feet from Main Street, shall be residential (including accessory uses) or structured parking.
- f. The following uses are permitted on Block 24: education and training facilities, multi-family and townhouse residential units, live/work units, medical and professional office, structured parking, surface parking, and park and plaza.

BULK STANDARDS

1. Site design for Block 22, including building placement, setbacks in upper stories along public streets, pedestrian and vehicular access, and plaza location shall be consistent with the preliminary and final site plan approval granted to Block 22 by the Flemington Planning Board on March 23, 2021, as memorialized in a written resolution of approval dated April 27, 2021 (Resolution #2021-08). Additional details follow.

2. Site design for Block 22, including building placement, setbacks in upper stories along public streets, pedestrian and vehicular access, and plaza location shall be substantially similar to Concept Plan A, herein, unless otherwise stated. Exceptions and clarifications follow. Where there is a conflict between Concept Plan A, and the building renderings in Concept Plans B, C, D, E, F, and G, the building renderings shall govern. Where there is a conflict with the preliminary and final site plan an/or between the Concept Plans, the preliminary and final site plan approval referenced in item 1 herein, shall govern.
3. The front facade of the 78 Main Street building, located on Block 22, shall be maintained with the exception of the porch addition depicted in the Concept Plans and changes necessitated by compliance with applicable building codes (including but not limited to compliance with the Americans with Disabilities Act). The porch constructed for the 78 Main Street building shall be consistent with the rendering in Concept Plan D. Where there is a conflict between this Porch in Concept Plan D and Concept Plans A, B, C, E, F, or G, Concept Plan D shall govern.
4. The front facade of the Union Hotel building and 90 Main Street building, shall be compliant with the approval issued by the

New Jersey State Historic Preservation Office.

5. The surface parking lot shown on Block 24, at the corner of Bloomfield Avenue and Spring Street, may be developed with one or more permitted uses identified for Block 24.
6. The pedestrian plaza connecting Main Street and Spring Street:
 - a. The plaza design is not required to be substantially similar to Concept Plan A. However, the design characteristics and amenities should be generally reflective of Concept Plan A.
 - b. The plaza shall have a width of not less than 45 feet and shall have a width of not less than 70 feet at its intersection with Main Street excluding terraces as shown in the Concept Plans. The plaza is encouraged to be widened at its intersection with Spring Street as well. Any widening of the plaza at its intersection with Main Street or Spring Street shall not prevent the project from being deemed substantially similar to the Concept Plans referenced herein.
 - c. The plaza shall include not less than 20% of its area devoted to outdoor amenity space. Such amenities shall include trees, planting beds, benches and outdoor seating. Additional amenities may also be provided, such as but not limited to an information kiosk.
- d. The plaza shall be composed of decorative streetscape materials that are complementary to the Main Street streetscape and shall have a design that is complementary to the Main Street streetscape.
7. Surface parking and loading are prohibited between a building and a publicly accessible area with the following exceptions: Block 24, the pick-up / drop-off area on Block 22 along Bloomfield Avenue as shown in the Concept Plans, and the existing parking on Block 22 along Chorister Place as shown in the Concept Plans.
8. Minimum lot area: 30,000 s.f.
9. Minimum lot width: 150 ft.
10. Minimum front yard:
 - a. Main Street: 0 feet
 - b. Bloomfield Avenue: 7 feet
 - c. Spring Street: 2 feet
 - d. Chorister Place: 16 feet
11. Minimum side and rear yards:
 - a. Lot lines interior to the Redevelopment Area: 0 feet
 - b. Lot lines abutting lots outside the Redevelopment Area on Block 22: 0 feet
 - c. Lot lines abutting lots outside the Redevelopment Area on Block 24: 10 feet
12. Permitted encroachments:
 - a. Steps, porches, canopies, awnings, bay windows and other architectural features may encroach the front yard to a setback of 0 feet.
 - b. Canopies, awnings, bay windows and other architectural features may encroach three (3) feet into the Main Street right-of-way.
13. Maximum impervious surface ratio (exempt from Section 2637): 1.0
14. Building Height:
 - a. The permitted building height for Block 22, including top of roof, and all penthouses and roof structures, as well as stepbacks in upper stories along public streets, shall be consistent with the preliminary and final site plan approval granted to the site by the Flemington Planning Board on March 23, 2021, as memorialized in a written resolution of approval dated April 27, 2021 (Resolution #2021-08).

- c. Block 24 maximum building height: 4 stories or 50 feet.
15. No centralized area for outdoor storage, trash collection or compaction, loading or other such uses shall be located within 20 feet of any public street, internal collector street, public sidewalk, or internal pedestrian walkway, excluding sidewalks to service entrances. The pick-up / drop-off area, as shown in the Concept Plans, on Block 22, along Bloomfield Avenue, is exempt from this requirement.
 16. The municipal use on Block 22, Lot 8 and partially on Lot 7 may be redeveloped with one or more buildings consistent with the uses and bulk standards set forth in this Redevelopment Plan. Block 24 may be redeveloped with one or more buildings consistent with the uses and bulk standards set forth in this Redevelopment Plan.
 17. Parking canopy solar or photovoltaic energy generating facilities shall not be located less than 10 feet from any property line and shall not have a height that exceeds 22 feet.
- PARKING & CIRCULATION**
1. The Borough's Connectivity and Complete Streets Standards, Section 1634, shall apply. Exceptions and clarifications follow.
 2. Cross-access easements shall be required between properties to permit shared parking and access across property lines.
 3. Required bicycle parking (per Section 1634.g.) for residential units shall be provided in the parking garage or within the common areas of the building. Required bicycle parking for nonresidential uses shall be provided outdoors in the pedestrian plaza or in or adjacent to a surface parking lot.
 4. Off-street parking requirements. Parking shall be based on a shared parking scenario. An applicant shall demonstrate adequate parking through a demonstration that 2 or more parking generators have complementary parking demand as demonstrated using accepted shared parking analyses. The following parking generators shall guide the provision of parking in the Redevelopment Area.
 - a. Residential:
 - One-bedroom units: 1.3 per unit
 - Two-bedroom units: 1.5 per unit
 - Three-bedroom units: 1.8 per unit
 - b. Hotel, including not more than 4,500 s.f. of conference space: 1.25 spaces per hotel room
 - c. Retail sales and service, personal service: 4.5 per 1,000 s.f.
 - d. Restaurant, brewery, up to 10,000 s.f.: 4.5 per 1,000 s.f.
 - e. Education and training facility, up to 300 students: 1 space per 2 students and one space for each projected staff member
 - f. Fitness: 4.5 per 1,000 s.f.
 - f. Medical and professional office: 4.5 per 1,000 s.f.
 - g. Museum: 4.5 per 1,000 s.f.
 - h. Art Studio (painting, sculpture, music, dance, etc.): 4.5 per 1,000 s.f.
 - i. Art Gallery: 4.5 per 1,000 s.f.
 - j. Any proposal to increase the hotel conference space beyond 4,500 s.f., the number of residential units beyond 240 units, restaurant space beyond 10,000 s.f., or students beyond 300 shall be required to seek approval from the Planning Board and shall submit a shared parking analysis to determine that the available parking is adequate.
 - k. Off-site parking is permitted. Parking requirements may be satisfied through

an agreement to provide off-site parking in surface or parking structure facilities within 500 feet of the building which contains the associated use(s) generating the off-site parking demand. The distance shall be measured in a straight line ("as the crow flies") at the nearest point between property lines. The applicant must provide an agreement, consistent with the off-site parking proposal, between the applicant and the operator of the shared parking facility.

- I. One space per residential unit shall be reserved for residential use only.
5. On-street parking shall not contribute toward the required parking.
6. Valet parking is permitted, provided it is not used to meet the minimum required parking.
7. Loading spaces are not required. However, the applicant shall demonstrate how on-street loading will be accommodated where no off-street loading is provided.
8. Up to 15% of the required parking may be provided as compact parking spaces with minimum dimensions of 8 feet by 16 feet.

PLANTING & BUFFER DESIGN

1. The Borough's Landscape Standards, Section 1632, shall apply. Exceptions and clarifications follow.
2. Concept Plan A. shall not be relied upon for the purpose of planting and buffer design.
3. The nonconforming buffer and reverse frontage buffer in Section 1632 shall not apply.
4. Surface parking lots shall be screened from the street with evergreen shrubs, or a wall not greater than 3 feet in height. The minimum screening height at planting shall be three (3) feet and shall have a height of at least four (4) feet within three years of installation for a parking area. Any wall shall be composed of the same material as the material of the principal building on the lot.
5. Surface parking lots shall be screened from adjacent lots, outside the Redevelopment Area, using the windbreak / heavy screening buffer in Section 1632.d.
6. Off-street loading areas visible from a public right-of-way or internal street or drive or pedestrian walk shall be screened with a minimum height of eight (8) feet at planting and shall achieve a height of at least twelve

(12) feet five (5) years after installation when feasible.

7. Surface parking areas within or beneath installed parking canopy solar or photovoltaic energy generating facilities shall be exempt from landscape and planting requirements. Notwithstanding, such surface parking areas shall be screened from adjacent lots using the windbreak / heavy screening buffer in Section 1632.d. and shall be screened from the street with evergreen shrubs.

LIGHTING DESIGN

1. The Borough's Lighting Standards, Section 1633, shall apply. Concept Plan A. shall not be relied upon for the purpose of lighting design. Exceptions and clarifications follow.
2. All outdoor lighting should be coordinated as to style, material and color. Light fixtures illuminating the sidewalk and plaza shall be those specified for the Main Street Streetscape Improvements. Notwithstanding, fixtures may be substituted as necessary based on availability of materials and engineering constraints. Any substituted materials shall be similar in appearance and quality.
3. Lighting throughout the site should overlap, creating an even level of illumination throughout the developed area.

4. Mounting height of pole-mounted lights shall not exceed twelve (12) feet. This shall not apply to light fixtures along Main Street, which shall be consistent with the Main Street Streetscape Improvements.
5. Pedestrian level lighting shall be used along any pedestrian walkway not illuminated by street lighting. The minimum illumination of pedestrian areas shall be one-half (0.5) horizontal foot-candles.
6. The use of light emitting diode (LED) fixtures is encouraged. Any such lamps shall emit a color temperature between 3200°K and 5000°K with a minimum color rendering index of 70 or higher.
7. Fixtures shall be full cut-off luminaires to avoid glare and the “skyglow” effect.

STREETSCAPE DESIGN

1. Sidewalks along Spring Street, Bloomfield Avenue (drop-off/pick-up drop of facility shall be exempt) and Chorister Place shall be not less than 8 feet in width. Street trees shall be planted pursuant to Section 1632. The Chorister Place streetscape shall include a planted edge treatment along the building and/or planting strip along the curb.
2. The Bloomfield Avenue, Spring Street, and Chorister Place streetscape shall include streetscape amenities (such as but not

limited to benches, light fixtures, garbage receptacles, etc.) that are the same or substantially similar in materials and styles as the streetscape amenities located along Main Street.

ARCHITECTURAL DESIGN STANDARDS

1. Architectural design shall be substantially similar to Concept Plans B, C, D, E, F and G, herein. Exceptions and clarifications follow.

Substantially similar, in the context of architectural design, shall mean as shown on Concept Plans B, C, D, E, F and G including building design, building materials, architectural details and articulation, and building mass and proportions.

2. It is strongly encouraged that the height of buildings on Block 22 be reduced and that the setback of buildings on Block 22 along Spring Street be increased. Any such changes shall not prevent the project from being deemed substantially similar.
3. The front façade which faces Main Street and not less than 50% of the side façade of the following buildings: the portion of Union Hotel building at 74 Main Street (Block 22, Lot 4) identified as “significant” in the Borough’s Historic Preservation Plan and the portion of 90-100 Main Street Building (Block 22, Lot

7) identified as “significant” in the Borough’s Historic Preservation Plan. The front façade of the 78 Main Street building (Block 22, Lot 5), which faces Main Street, shall be retained, preserved and adaptively reused. ADA and building code improvements, as well as structural repairs and replacements and aesthetic improvements, shall be permitted to the front facades and portion of the side facades that shall be retained, preserved, and adaptively reused. Rear facades are not required to be retained.

- a. Exterior alterations shall not destroy the distinguishing qualities or character of the property and its environment, and the removal or alteration of any historical material or architectural features is not permitted.
- b. Deteriorated architectural features should be repaired rather than replaced wherever possible, and in the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
- c. Repair or replacement of missing architectural features should be based on accurate duplication of original features, substantiated by physical or pictorial evidence rather than on

conjectural designs or the availability of different architectural features from other buildings.

- d. Original materials shall be retained wherever possible. No existing brick or stone shall be covered for cosmetic reasons, and the repair and restoration of existing materials deemed of architectural value is strongly encouraged. Great care shall be taken in the cleaning and repair of existing materials. The gentlest, effective means shall be used in all cases. "Sandblasting" and other abrasive cleaning techniques, as well as harsh chemical cleaning methods are not to be used under any circumstances.
- e. Flat, metal panels and mirrored glass surfaces are prohibited, as are flush metal, composite or wood doors on visible facades.
- g. Facade renovations should be consistent with the original architectural style of the building. Original details should be retained; when it becomes necessary to introduce new features, they should harmonize with existing features. If windows and doors must be replaced or added, new windows

and doors that match the original design should be used. Window and door sizes and shapes should not be altered by any building renovation. Changes to window and door sizes and configurations may be considered if a building is being restored to an earlier, documented, historic appearance. Replacement doors, windows and trim on the visible facades should match the appearance, configuration and materials of the original feature. Windows, doors and railings may be added or altered for handicap accessibility and safety.

- 4. The visual landmark shall not be required where a surface parking lot is provided at this location on Block 24. A visual landmark shall be required at the time a building(s) is constructed, or a park is developed, on Block 24, Lot 5 and/or Lot 3 and said building or park will be visible from the plaza interior. Any building constructed on Block 24 in the location of the visual landmark shall meet the visual landmark requirements in the following item 5.
- 5. This visual landmark shall include distinguishing architectural treatments that extends the height of the portion of the building that serves as the visual landmark. Notwithstanding, the maximum building height herein, with exceptions permitted in

the Borough Land Development Code, shall be met. This treatment shall serve to highlight the visual terminus at the end of the plaza. The design of the visual landmark need not be substantially similar to that shown in Concept Plans B, C, D, E, F and G. Example architectural treatments include, but are not limited to the following:

- a. Use of contrasting or special building materials,
 - b. Use of contrasting or special window design,
 - c. A corner window with an important view into the building,
 - d. Balconies or bay windows that wrap the corner, and/or
 - e. A "tower" element to emphasize the corner.
- 6. Buildings located on Block 24 need not be substantially similar to that shown in the Concept Plans. Notwithstanding, the architecture of buildings in this location shall comply with the requirements herein and shall have a building design, building materials, architectural details and articulation, and building mass and proportions that are complementary to Concept Plans B, C, D, E, F and G..

Buildings should have architectural features and patterns that provide variety and visual interest.

7. A drop-off / pick-up location shall be provided on Block 22, along Bloomfield Avenue, as depicted in Concept Plan A.
8. Blank walls shall not be permitted along any exterior wall facing a public street or pedestrian plaza. Walls in these locations shall comprise a minimum of 25 percent window area and a maximum of 75 percent window area, with windows interspersed across the facade. This shall not apply to building facades which are retained. For parking structures, this shall be reduced to a minimum of 25 percent and a maximum of 75 percent window area; openings with decorative screening shall be eligible to meet the window requirements.
9. Ground floor facades of nonresidential uses facing a street or pedestrian plaza shall comprise a minimum of 40 percent clear window area, with windows providing views of display areas or the inside of the building. These ground floor windows shall begin not higher than 24 inches above ground level and shall end above 86 inches above ground level. This shall not apply to building facades which are retained.
10. The facade(s) of a parking structure facing a public street shall be composed of the same or complementary materials as the adjacent structures within the Redevelopment Area.
11. Parking garages along the ground floor, including those partially submerged, shall not be visible along Main Street or Bloomfield Avenue. Not more than 20 percent of the length of the facade along Spring Street shall include exposed parking garage, including those partially submerged. Not more than 50 percent of the length of the facade along Chorister Place shall include exposed parking garage, including those partially submerged.
12. Buildings shall be designed to achieve a fine-grained texture by dividing large facades into the appearance of several sections or smaller buildings through the use of vertical and horizontal elements to provide shadow lines, breaks and banding so as to avoid the appearance of a large monotonous building mass.
13. Any wall exceeding 30 feet in length shall include at least one (1) change in wall plane (as measured by the building setback), such as projections or recesses, having a depth of at least 1.5 feet. This shall not apply to historic buildings which are retained for adaptive reuse.
14. Any wall exceeding 3 stories in height shall include at least one horizontal break in material, accent band and/or change in wall plane. This shall not apply to historic buildings which are retained for adaptive reuse.
15. All primary building entrances shall be accentuated including entrances that are recessed or protruding, by the use of a canopy, portico or overhang.
16. Doorways, windows and other openings in the facade of buildings should be proportioned to reflect pedestrian scale and movement and encourage interest at the ground level and be provided for buildings facing adjacent public streets and any internal drive or street, not including service drives.
17. Variations in roof lines shall be used to add visual interest to and reduce the scale of the buildings. These architectural features may include varying cornice treatments, roof overhangs with brackets, overhanging eaves, stepped parapets, richly textured and/or differently colored materials.
18. Windows shall be recessed, or project as bays from the main wall, a minimum of four inches from the facade so as to create texture and shadows on the facade for

visual interest. Windows shall not be flush with the surrounding wall surface.

19. Balconies shall include decorative metal railing that is complementary in materials and styles to the building to which it is affixed.
20. EIFS (exterior insulated finish system) or stucco material shall not be used on first floor facades. Acceptable materials include brick, stone, cast stone, etc.
21. Rooftop mechanical equipment shall not be visible from a public street or pedestrian plaza. Where necessary, it shall be screened by a parapet.
22. Outdoor storage, utility meters, HVAC equipment, recycling containers, trash dumpsters, trash compactors, and other such service functions shall be incorporated into the overall design of the project. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be screened to reduce visual and acoustic impacts of these functions in conjunction with walls, plantings and/or enclosures are fully contained and out of the view from general passersby.

23. All ventilation openings for structured parking shall include a decorative metal grate that is complementary in materials and styles to the building to which it is affixed.
24. Awnings shall not be placed so as to conceal or disfigure any architectural feature or detail. Plastic, rounded and/or internally illuminated awnings are prohibited. If the building has several tenants, the overall awning design should be coordinated and compatible across the entire facade.

Signs

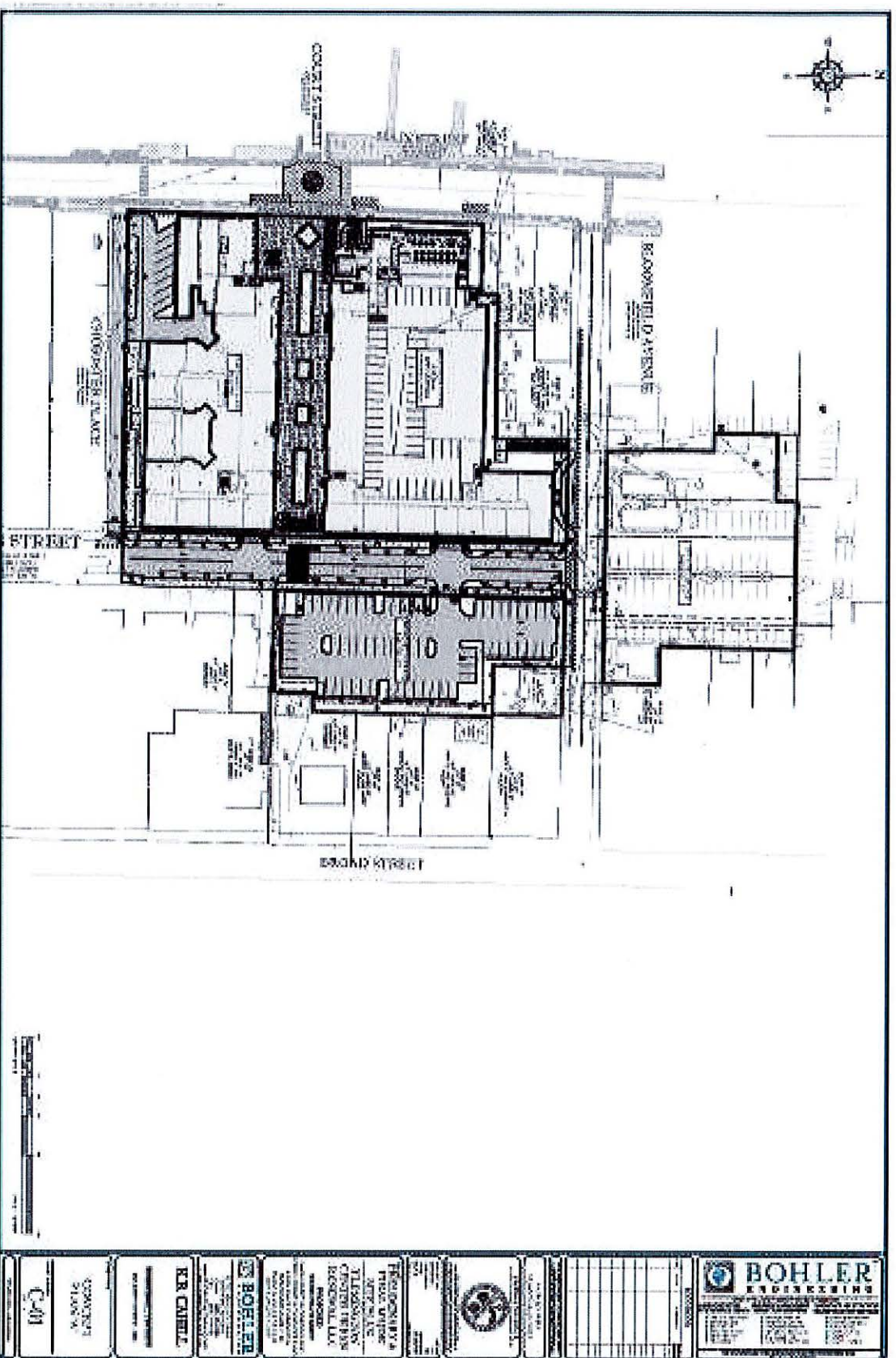
1. Creative and varied sign designs are encouraged in order to promote the uses in the Redevelopment Area and to create a more interesting streetscape and pedestrian plaza.
2. With the exception of the components addressed in the following, the Borough's Sign Standards applicable to the DB Downtown Business district, Section 2631, shall apply.
3. Freestanding and monument signs are prohibited.
4. Signs shall not be composed of plastic or similar material.
5. Individual tenant signs that identify the name/identity of a use shall be in the form

of a facade (wall), projecting and/or awning sign. Signs may be used to identify tenants and building uses, including not only commercial tenants but also multi-family residential uses and structured parking. Multiple signs for a single use shall be permitted.

- a. The maximum area for all signs affixed to a particular facade shall not exceed the linear frontage of the facade to which the sign is affixed, or 50 s.f., whichever is smaller. Notwithstanding facade and awning signs shall not exceed 30 s.f. each and projecting signs shall not exceed 16 s.f. The height requirements in Section 2631 for facade (wall) and projecting signs shall not apply.
 - b. Where upper story uses differ from those in lower stories, facade (wall) signs shall be permitted on upper story facades, provided other applicable standards are met.
6. Directory signs shall be permitted as follows:
 - a. Signs may advertise multiple uses within 750 feet of the sign.
 - b. The maximum area of a directory sign shall be 12 square feet.

- c. The maximum area devoted to each use shall be 100 square inches.
 - d. Directory signs may be located freestanding in the plaza or may be affixed to a building. They shall not contribute to maximum area of tenant signs.
- 7. Signage on an informational kiosk shall be limited to facade (wall) signs of not more than 4 s.f. per side of the informational kiosk to which it is affixed. Information posted to the kiosk shall not be subject to sign regulation.
 - 8. All signs shall be externally illuminated. Light fixtures shall be of a material and design that is compatible with the design of the building to which it is affixed.
 - 9. Signs shall fit within existing facade features and shall not interfere with door and window openings.
 - 10. Signs should be positioned to emphasize or accent building elements such as storefront openings, entrances or architectural elements.
 - 11. Whenever possible, signs located on buildings within the same block should be placed the same height in order to create a unified sign band.

Concept Plan A



Concept Plan B



View from Courthouse steps

Concept Plan C



Main Street, looking east toward the plaza

Concept Plan D



Porch for 78 Main Street Building

Concept Plan E



MAIN STREET & CHORISTER STREETVIEW

DATE: 06/24/2020

MINNO WASKO
ARCHITECTS AND PLANNERS
80 LAMBERT LANE, SUITE 101, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM

FLEMINGTON CENTER
URBAN RENEWAL LLC.

COURTHOUSE SQUARE
FLEMINGTON, NJ

15-0772-01
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Concept Plan F



SPRING STREET & BLOOMFIELD AVE. PERSPECTIVE
DATE: 8/22/2020

MINNO WASKO
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40 CAMPBELL LANE, SUITE 100, LAMBERTVILLE, NEW JERSEY 08530 MINNOWASKO.COM

FLEMINGTON CENTER
URBAN RENEWAL LLC.

COURTHOUSE SQUARE
FLEMINGTON, NJ
15,077 SQ. FT.
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Concept Plan G



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7

Relationship to Planning & Objectives

The following provides this Redevelopment Plan's relationship to definite local objectives and any significant relationship to the Master Plans for surrounding municipalities, the County and the State Development and Redevelopment Plan.

BOROUGH ZONING

The project is located entirely within the DB Downtown Business zone district. The proposal aligns with the purpose of the DB district, as identified below and located at §2620.A. of the Land Development Ordinance:

The purpose of the Downtown Business (DB) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) Zone and the Village Artisan Shopping (VAS) Zone.

Many of the uses proposed, but excluding hotels, are permitted in the DB district. The proposed building height exceeds the maximum

of three stories and the impervious cover exceeds the maximum of 75%.

BOROUGH 2015 REEXAMINATION REPORT

The Borough adopted a Master Plan Reexamination Report in August 2015 (hereinafter the "Reexamination Report") that includes several goals, objectives and policies that should be considered in the evaluation of the redevelopment proposal.

There are several goals and objectives that are relevant to the proposal. See the following relevant goals and objectives from pages 23 and 29 through 30 of the Reexamination Report:

- 2) Preserve, protect and enhance the integrity of Flemington's historic district and the historic resources within.
- 3) Employ strategies to encourage community and economic development within the Borough.

5) Strengthen and enhance the commercial sector of the Borough, with an emphasis on attracting specialty retail and restaurants, and encouraging the redevelopment of underutilized properties particularly those within the Downtown Business District.

6) Encourage redevelopment solution for the Union Hotel property that protects and enhances the site as a significant historic resource and at the same time ensures the site's long-term financial viability.

2) Use density, a mix of uses, and public open space to enhance the downtown. (newly created goal)

3) Provide opportunities for appropriately scaled and located residential development to encourage redevelopment/revitalization of underutilized properties and to provide opportunity for additional market support for the retail, service, and entertainment portions of Main Street (Downtown

Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area. (newly created goal)

The Reexamination Report reiterated the goals and objectives of the Historic Preservation Element. See the following relevant goals and objectives from pages 24 through 26 of the Reexamination Report:

- 1) Locate, designate, protect and maintain Flemington's most important historic sites and district(s).
- Develop mechanisms to preserve the contexts of historic resources.
- 2) Maintain the historic character of Flemington's historic commercial and institutional resources while encouraging their development as commercial and cultural assets.
- Encourage preservation and adaptive reuse.
- 4) Contribute to the improvement of the economy of Flemington by encouraging expenditures for the restoration and/or adaptive reuse of historic buildings for local purposes and to encourage and promote tourism.

- Work to prevent deterioration and demolition of historic structures.
- Encourage preservation and rehabilitation of all historic structures in the Historic District to preserve and enhance Flemington's historic character and ambiance, thus encouraging heritage tourism.

The Reexamination Report also reiterated the goals and objectives of the Borough's Green Building and Environmental Element. See the below relevant goals and objectives from pages 26 through 29 of the Reexamination Report.

- 1) Capitalize on the Borough's center-based development pattern to decrease the environmental footprint of Borough residents, institutions and businesses.

Objective 1.a. Support the Borough's mixed-use and commercial areas by encouraging complementary infill development and removing barriers to success, such as but not limited to, permitting a variety of complementary and supporting uses and encouraging shared parking.

Objective 1.b. Support the Borough's diverse housing stock in order to accommodate a mix of incomes and

household sizes.

Objective 1.c. Locate community amenities, such as schools and recreation amenities in areas within one-quarter mile of residential neighborhoods.

- 2) Focus the Borough's remaining development potential on lands that can support compact development, are well served by transportation infrastructure, and are in proximity to employment and service centers.

Objective 2.a. Support the Borough's mixed-use and commercial areas by encouraging complementary infill development and removing barriers to success, such as but not limited to, permitting a variety of complementary and supporting uses and encouraging shared parking.

Objective 2.b. Support the Borough's diverse housing stock in order to accommodate a mix of incomes and household sizes.

The Reexamination Report addressed redevelopment of the Union Hotel in the context of an evaluation of the proposal set forth by the Flemington Business Improvement District in the "Downtown Strategic Plan". Note that the discussion only pertains to the Union Hotel site and the building at 90 Main Street; the other properties subject to this Redevelopment Plan are not addressed. Page 34 offered the following:

This site includes the Union Hotel and 90 Main. The Downtown Strategic Plan proposes 51 stacked flats, 90 luxury apartments, an operational Union Hotel, structured parking, 13,500 sf. of retail, and 6,000 sf. of restaurant/tavern space for the site. The proposed residential density is 72 units per acre.

The overall concept of incorporating additional residential units to this area, including along Spring Street, is positive and consistent with Borough goals to concentrate commercial activity in the retail area of downtown and to permit residential development as a strategy to encourage reuse of underutilized properties and to create the opportunity to provide market support to the Borough's commercial districts. However, the residential density proposed may exceed the capacity of the site.

The Reexamination Report also provided the following relevant discussion items for the DB district on pages 31 through 34:

First floor residential uses should be a conditional use.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. First floor residential uses in the downtown are appropriate where they do not disrupt first floor active commercial uses; as such, first floor residential uses may be appropriate where they do not face a public street or where the unit occupies a minimal area to accommodate the residential entrance....

The bulk standards should be revised for predictability and to permit strategic increases in density and intensity.

The Borough should revise the bulk standards to better encourage redevelopment to be consistent with the district's development pattern and incentivize redevelopment in appropriate locations. Increases in permitted density or height should not upset the existing historic fabric of the district's frontages.

The minimum front yard setback should be changed from a minimum of 25 feet to a minimum of approximately 0 feet and a

maximum of approximately 10 feet. While the zoning currently states the front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building, the smaller setback is voluntary and therefore the district permits buildings to be setback significant distances from the street. The change to a minimum and maximum setback would eliminate the potential for new buildings to be setback from the street such that they create a void in the commercial activity.

The Borough should conditionally permit buildings of up to four (4) stories where the development advances other Borough goals, such as providing parking which serves the surrounding area, providing affordable housing, and/or providing recreation or entertainment space (open space, plaza, etc.). Additionally, any increase in building height in the district must be sensitive to the historic buildings and nearby residences – many of which are two, or perhaps three, stories.

Portions of the Reexamination Report are aligned with this Redevelopment Plan. Examples include providing opportunities for increased residential development, supporting a mix of uses and adaptive reuse of the Union Hotel building at 74 Main Street (Block 22, Lot 4)

and the 90-100 Main Street Building (Block 22, Lot 7). Additionally, it should be noted that the maximum permitted residential density of approximately 66 du/ac (260 maximum units / 3.92 acres) is less than the density in the Flemington Business Improvement District's "Downtown Strategic Plan" concept plan for the site. However, other portions of the of the Reexamination Report differ from the proposal. Examples include demolition of buildings identified as "contributing" in the Borough's Historic Preservation Element of the Master Plan, and building heights of up to 7 stories where as up to 4 stories was considered under specified conditions.

BOROUGH 2017 HOUSING PLAN

The Borough adopted a Housing Element and Fair Share Plan in 2017 that seeks affordable housing credit for 14 affordable housing units constructed within the redevelopment area. This Redevelopment Plan aligns with the Housing Element and Fair Share Plan.

SURROUNDING MUNICIPALITY

Flemington Borough is entirely surrounded by Raritan Township. The Redevelopment Area is not adjacent to any portion of Raritan Township. The nearest boundary with Raritan Township is approximately one-half mile from the Redevelopment Area. Residential neighborhoods, and commercial uses on Route

31 are located between the Redevelopment Area and the Raritan Township boundary. Given this distance and the variety of uses between the Redevelopment Area and the Raritan Township boundary, this Redevelopment Plan has no significant relationship to the Master Plan of Raritan Township.

HUNTERDON COUNTY

Hunterdon County has undertaken a number of planning initiatives that make recommendations for land use and other policy matters to municipalities. In 2007 the County Planning Board adopted the 2007 Hunterdon County Growth Management Plan. The growth management plan is a strategic planning document and sets forth a set of actions to be undertaken by them to address how and where growth is to occur. All of the area is anticipated to be served by public water and sewer. For the most part, the growth management plan serves as a guide for municipalities to use when undertaking their own master plan work and does not contain specific land use recommendations for the redevelopment area. Notwithstanding, the community design principles contained therein are reflected in this Redevelopment Plan.

In 2014 the County approved the "Hunterdon County Comprehensive Economic Development Strategy" or "CEDS Plan". The Plan provides

an analysis of key socioeconomic, real estate, and industry trends (as well as analysis of other topics) facing the County. It also provides a Goal and Objectives which are relevant, as well as aligned, with this Plan:

Goal:

Channel growth and development in the County in an efficient, context sensitive manner.

Objectives:

Repurpose existing underutilized commercial and industrial properties.

Create revitalized and vibrant communities by focusing development in town centers and for transit oriented development.

Support housing variety and density in centers that seek redevelopment/revitalization.

This Redevelopment Plan aligns with these Goal and Objectives providing support for redevelopment in town centers, such as the Borough of Flemington. This Redevelopment Plan capitalizes on the Borough's center based development pattern by permitting multi-family and townhouse residential units, commercial uses, office uses and education and training in a compact development pattern.

STATE OF NEW JERSEY

In 1986, the New Jersey Legislature passed the New Jersey State Planning Act, which created the State Planning Commission and required the preparation and adoption of the State Plan. The most current adopted plan is dated March 1, 2001. The purpose of the State Plan is to:

Coordinate Planning Activities and establish statewide planning objectives in the following area: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services and intergovernmental coordination. (N.J.S.A. 52:18A-200(f), the state planning act)

The State Plan uses a policy map to differentiate areas from highest growth to lowest growth based on information, such as natural resources, sewer availability, etc. These differentiations are called planning areas, which range from PA1-Metropolitan to PA-8 State Park.

Flemington Borough is located in PA3-Fringe Planning Area; however, it was declared a designated Town Center in 2001. The State Plan envisions designated centers, as well as other specified Planning Areas, to be a place

where growth and redevelopment is promoted. The intent of the State Plan is to direct growth and development into areas served by public infrastructure as a means of more efficiently using public resources. This over arching goal has been consistent since the first State Plan was adopted in 1987. This means that municipal efforts to promote growth should be met with support, from both a financial and regulatory perspective, by the State. As such, the growth envisioned in this Redevelopment Plan is aligned with the State Plan.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-24

DOC ID: 3574

**First Reading, Amending Chapter 14, Section 1404 of the
Borough Code Regarding the Historic Preservation
Commission**

See attached document.

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- HPC Ordinance - Revised 9.23.21 (DOCX)

**ORDINANCE AMENDING CHAPTER 14, SECTION 1404 OF THE BOROUGH CODE
REGARDING THE HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Borough of Flemington Historic Preservation Commission has suggested the following amendments to the ordinances regarding the Commission's establishment, powers, and review procedures.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon and State of New Jersey, as follows:

SECTION 1. Section 1404 of the Borough Code, entitled "Establishment of the Historic Preservation Commission" is hereby amended as follows (Additions noted in bold italics ***thus*** and deletions noted with a strikethrough ~~thus~~):

- A. A Historic Preservation Commission (HPC) is hereby established consisting of 5 regular members and 2 alternate members, each of whom shall be appointed by the Mayor, of the following 3 classes:
 - 1. Class A - Persons who are knowledgeable in building design and construction or in architectural history;
 - 2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history.
 - 3. Class C - Persons who are residents of the municipality and who hold no other municipal office, position or employment except for membership on the Planning Board.
 - 4. There shall be at least one regular member from each class. ***A majority of members shall be Class C. Class A and Class B members need not be residents of the municipality.***
 - 5. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.
- B. Terms of Membership.
 - 1. The term of each regular member shall be 4 years and the term of each alternate member shall be 2 years.
 - 2. Alternate Members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."
 - 3. The term of any member in common with the Planning Board shall be for the term of membership on such Board.
- C. Role of Alternate Members. Alternate members may participate

in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.

- D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term, only. ***All vacancies shall be filled within 60 days.*** § 1404
- E. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
- F. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.
- G. Conflict. No member or alternate member of the HPC shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Commission on the hearing of such matter, nor shall participate in any discussion or decision.
- H. Organization. The HPC shall elect from its members a chairman and vice-chairman and select a secretary who may or may not be a member of the HPC or a municipal employee.
- I. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission.
- J. Rules and Procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
 - 1. A quorum for any action by the HPC shall be 3 members.
 - 2. All HPC minutes and records shall be public records.
 - 3. All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq.).
 - 4. HPC meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the Planning Board, governing body, or construction official.
- K. Role of the HPC.

1. For applications that would otherwise not require Planning Board review, the Zoning Officer shall refer the application to the HPC for a written report on the application ***in accordance with ordinance §1631*** and its compliance with the Borough's Historic District regulations. This report shall be submitted to the Zoning Officer, who shall issue a written approval or denial based on the HPC report, pursuant to N.J.S.A. 40:55D-111. The report of the HPC shall also be provided to the applicant and the Planning Board. The report shall be sent to the Zoning Officer within 45 days of the referral to the HPC. Failure of HPC to report within the forty-five-day period shall constitute a determination that the application is consistent with the Historic District regulations and that no condition on the issuance of the permit shall be imposed.
2. For applications that require Planning Board review based on provisions of the Borough Land Development Ordinance, ***Planning Board shall refer*** the application ~~shall be referred to~~ the HPC for a written report on the application ***in accordance with ordinance §1631*** and its compliance with the Borough's Historic District regulations. This report shall be submitted to the Planning Board which ***shall issue a written approval or denial based on the HPC report, pursuant to N.J.S.A. 40:55D***~~shall make a final decision on the matter.~~ The report of the HPC shall be sent to Planning Board, ***Zoning Officer*** and applicant within 45 days of the referral to the HPC~~or prior to the scheduled public hearing before the Board on the matter, whichever is sooner.~~ Failure of the HPC to report shall constitute a determination that the application is consistent with the Historic District regulations and that no condition shall be imposed on the issuance of any approval.
3. An applicant may appeal any determination of the Zoning Officer to the Borough Planning Board. Said appeal shall occur within 45 days of the final determination by the Zoning Officer.
- L. The HPC shall advise the Planning Board from time to time through the process of amending the Historic Preservation Element of the Master Plan.
- M. The HPC shall ~~recommend to the Planning Board guidelines for review to be utilized in~~ determinations of historic landmark status and ~~for review of development applications or permits affecting historic landmarks or improvements within historic districts~~ ***in accordance with ordinance §1631***. The Planning Board may ~~recommend modifications of the guidelines.~~

SECTION 2. Section 1405 of the Borough Code, entitled "Powers and Responsibilities of the Historic Preservation Commission" is hereby amended as follows (Additions noted in

bold italics ***thus*** and deletions noted with a strikethrough ~~thus~~):

The Historic Preservation Commission shall have the following duties and responsibilities:

- A. To prepare a survey or surveys of historic sites and districts pursuant to criteria established in such survey;
- B. To make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications of any other Element on the preservation of historic sites and districts;
- C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;
- D. To advise the Planning Board on applications for development;
- E. Provide written reports on the application of the zoning provisions of this Ordinance or other land development regulations on historic sites and districts;
- F. Provide technical assistance upon request to property owners on the preservation, restoration, and rehabilitation of historic structures;
- G. To carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality.
- H. To review applications in accordance with and for compliance with the Historic District Review Ordinance (Ordinance §1631) and Ordinance §1404.***
- I. To review and recommend to the Governing Body the designation of landmark and historic districts in accordance with Ordinance §1404.***

SECTION 3. Section 1631 of the Borough Code, entitled "Historic District Review Ordinance" is hereby amended as follows (Additions noted in bold italics ***thus*** and deletions noted with a strikethrough ~~thus~~):

- A.** Introduction. The requirements of this Historic District Review Ordinance shall apply to all development, including new construction, repair, renovation, alteration, reconstruction, demolition, relocation, and additions to existing buildings, structures, real property, natural objects or configurations or any portion or group of the foregoing which are located in the Flemington Borough Historic District, or specifically identified as historic sites within the Historic Preservation Plan of the Master Plan pursuant to N.J.S.A. 40:55D-28b(10). These requirements do not apply to normal maintenance (including in-kind repair of existing building features, repainting of existing color schemes, in-kind repair of an existing roof, etc.). Prior to construction or alteration of buildings or structures in the Historic District, an Application for Review by the Flemington Historic

Preservation Commission must be submitted to the Flemington **Historic Preservation Commission** Borough Clerk, and the project must be reviewed at one of the Commission's regularly scheduled meetings. See Chapter 14 of the Flemington Borough Land Development Ordinance for additional information regarding project review.

- 1. Definitions. In addition to the definitions set forth in Ordinance 1201, the following definitions apply in Ordinances 1404, 1405 and 1631:**

Addition shall mean an extension or increase in the size, floor area or height of any building, structure, site, object, or improvement added at some time after the completion of the original.

Alteration shall mean any change in the exterior features of any building, structure, site, object or improvement.

Application shall mean a request to the Commission made pursuant to this ordinance for the purposes of obtaining approval or other action by the Commission hereunder specified.

Building shall mean any man-made structure created principally to shelter any form of human activity as well as its functionally related appurtenances such as a house and a barn.

Commission shall mean the Historic Preservation Commission established pursuant to the provisions of Ordinance Sections 1404 and 1405.

Construction Official shall mean the officer in charge of granting building or construction permits in the Borough.

Contemporary shall mean any buildings, structures, sites, objects, or improvements in a historic district which date from a later period but possess some architectural importance and/or visually contribute to the cohesiveness of the district's streetscapes.

Contributing shall mean any buildings, structures, sites, objects or improvements which are integral components of a historic district either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant.

Demolition shall mean the partial or total razing, dismantling or destruction, whether entirely or in significant part, of any building, structure, site, object or improvement. Demolition includes the removal of a building, structure, site, object or improvement from its location or the removal or destruction of its facade or surface.

Designated historic landmark or historic district shall mean an individual building, structure, site, object, landscape, park, viewshed, improvement or district which has been determined to have historical significance pursuant to the provisions of this ordinance.

Emergency repairs shall mean immediate repairs to preserve the continued habitability and/or the health and safety of occupants or others, performed in accordance with Borough codes without first submitting an application. A consultation with the Commission or its staff is still required.

Facade shall mean the face or front of a structure or any vertical surface thereof adjacent to a public way.

Historic shall mean having historical, cultural, architectural, archaeological, economic, social, or other significance as defined by the provisions of this ordinance.

Historical shall mean of, relating to, or having the character of history. Historic district shall mean a significant concentration, linkage or continuity of buildings, structures, sites, objects, or improvements united historically by plan or physical development which qualifies for designation under this ordinance including those which were formerly designated.

Historic district resources shall mean those resources classified as either significant, contributing, or noncontributing, which are defined as follows:

- a. Significant shall mean any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for historic landmark status;***
- b. Contributing shall mean any buildings, structures, sites, objects or improvements on the site which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant:***
- c. Noncontributing shall mean any building, structure, site, object or improvement on the site which do not have significant historical value because they neither date from a time period nor represent an architectural type, period or method which is historically significant***

Historic landmark shall mean any building, structure, site, object or improvement which qualifies for designation under this ordinance.

Historic site shall mean any building, structure, site, landscape, object or improvement determined to be of historical, archeological, cultural, scenic or architectural significance in accordance with the provisions of this ordinance.

Improvement shall mean a building or other structure, or any work constituting a manmade alteration of, or addition to, any building, structure, site or object.

In-kind shall mean construction or construction materials that match construction or construction materials being replaced on a designated structure or object, thereby maintaining historic composition, design, color, texture and other visual qualities.

Integrity shall mean the authenticity of a building, structure, site, object, improvement or district evidenced by the survival of the physical characteristics that existed during its historic or prehistoric period.

Encroaching shall mean any buildings, structures, sites, objects or improvements in a historic district which date from a later period and do not visually contribute to the cohesiveness of the district's streetscapes.

Inventory shall mean a list of historic properties determined to meet criteria of significance specified herein.

Landscape shall mean the visual character of the land, including but not limited to architecture, building setbacks and height, fences, hedgerows, plantings, lawns trees as well as man-made features including, but not limited to, sculptures, patterned walks, fountains, reflecting pools and vistas.

Lot shall mean any designated parcel, tract, or area of land established by a plat or otherwise, as permitted by law and to be used, developed, or built upon as a unit.

Master plan shall mean the master plan of the Borough of Flemington, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

Municipal Land Use Law shall mean the Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1, et seq.), as amended from time to time.

National Register Criteria shall mean the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R. 60.4, et seq.

Non-contributing shall mean any buildings, structures, sites, objects or improvements in a historic district which do not have significant historical value because they neither date from a period of significance nor represent an architectural type, period or method which is historically significant, or due to alterations, disturbances, additions, or other changes, no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period.

Object shall be used as a term to distinguish from buildings and structures those constructions or features that are primarily artistic in nature or are relatively small in scale and simply constructed. Examples include, but are not limited to, fountains, sculptures, statuary and similar items. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Ordinary maintenance and repair shall mean the repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship.

Owner shall mean the owner of record as shown on the current tax list of the borough tax collector; the mortgage holder of record, if any, as shown in the mortgage records of the borough; and any purchaser under a land contract.

Partial Demolition shall mean the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the structure.

Permit shall mean any required approval issued by the construction official pursuant to applicable building or construction codes for exterior work to be performed on any historic landmark or on any building, structure, object or site located within a historic district, which exterior work will be subject to public view. Said permit shall include but not be limited to a building permit, a demolition permit or a permit to move, convert, relocate or remodel or to change the use or occupancy of any landmark or any building, structure, object or site located within an historic district. "Permit" shall also include

all exterior work to be performed on windows, doors, roofing, fences, signs, awnings, porches, railings, steps, lighting and sidewalks and any other work subject to public view which would alter the exterior appearance of historic landmarks or properties located within a historic district or their sites.

Person shall mean any individual, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, firms, companies, corporations, entities or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.

Preservation shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic landmark. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Protection shall mean the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

Reconstruction shall mean the act or process of reproducing, by means of new construction, the form, features and detailing of a non-surviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and in its historic location when documentary and physical evidence is available.

Rehabilitation shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic values.

Replacement shall mean the act or process of replicating any exterior architectural feature that is used to substitute for an existing deteriorated or extensively damaged architectural feature. Restoration shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of later work or the replacement of missing earlier work.

Secretary of the Interior's Standards shall mean the publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties," 36 C.F.R. 68, revised and supplemented from time to time.

Site shall mean the location of a significant event, a prehistoric or historic occupation or activity, a building or structure, or a burial ground or cemetery, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure.

Significant shall mean any buildings, structures, sites, objects or improvements in a historic district which, due to their extraordinary significance, would individually qualify for historic landmark status.

Staff means the Historic Preservation Consultant, the Zoning Officer and such other consultants or officials as may from time to time be retained and/or employed to provide application review services to the Commission.

Streetscape shall mean the visual character of the street including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, sidewalks, curbing and landscaping.

Structure shall be used as a term to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter, such as a bridge, a walkway, driveway and sometimes referred to as a type of improvement, meaning a combination of materials that becomes a part of, is placed upon, or is affixed to real estate.

Survey shall mean the inventory of buildings, structures, sites, objects, improvements and districts located within the Borough of Flemington which is conducted by the Commission for the ascertainment of their historical significance pursuant to the provisions of this ordinance.

Survey data shall mean the raw data produced by the survey; that is, all the information gathered on each property and area investigated.

View, vista or viewshed shall mean the view by the public of a building, structure, site, object, improvement or landscape from any

point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

B. The purposes of the Historic District Review Ordinance include:

1. Safeguarding the heritage of Flemington Borough by preserving its historical, cultural, social, economic and architectural resources;
2. Encouraging the continued use of historic buildings, structures and sites and to facilitate their appropriate re-use;
3. Maintaining and developing a harmonious setting for the historically significant buildings, structures, sites, objects and District;
4. Preventing the unnecessary demolition or relocation of historic resources;
5. Preventing new construction or development which is not in keeping with or that negatively impacts the ambience and character of the Historic District;
6. Encouraging the proper maintenance, per the Borough's existing Property Maintenance Code Chapter 9B, and preservation of buildings, structures and sites within the Historic District so as to promote Flemington Borough as an attractive area to live, work and visit;
7. Protecting and enhancing property values;
8. Promoting civic pride in and appreciation of Flemington Borough's historic resources for the education, pleasure and welfare of its citizens and visitors; and
9. Fostering beautification and private reinvestment.

C. General Guidelines.

1. **Building Design.** All development that is situated within the Flemington Borough Historic District and all development that affects individual historic sites shall be designed to reflect the design vocabulary, massing, proportion, directional expression, height, width, scale, orientation, windows, roof, details and materials of vernacular 18th and 19th and early 20th-century styles found in the Borough of Flemington. These styles include Georgian, Federal, Greek Revival, Gothic Revival, Italianate, Second Empire, Queen Anne, Shingle, Romanesque Revival, Colonial Revival, Neoclassical and Tudor Revival styles. Acceptable styles and examples from

the relevant periods can be found within the following references, which are maintained for review in the Borough Hall and the Public Library:

- a. Historic District Guidelines; Flemington Historic Preservation Commission-(~~McCormick-Taylor,~~ 2006)-See for definitions of general architectural, style and building terminology, as well as more detailed design recommendations.
 - b. What Style Is It? A Guide to American Architecture (Poppeliers, John C., John Wiley & Sons, Inc., ~~1983~~)
 - c. A Field Guide to American Houses (McAlester, Knopf~~1984~~)
 - d. Identifying American Architecture (Blumenson, Norton)
 - e. The Secretary of the Interior's Standards for the Treatment of Historic Properties (www.nps.gov/history/hps/tps/standards_guidelines.htm): See for definitions regarding historic preservation terminology including
"preservation," "restoration," "rehabilitation,"
"reconstruction," "renovation," etc.
2. Procedures for review by the Flemington Historic Preservation Commission are contained within Chapter 14 of the Flemington Borough Land Development Ordinance.
 3. New buildings are not required to copy historic examples. Individual architectural expressions that incorporate the stylistic tenets of historical buildings are acceptable, provided that the design principles in the above references are adhered to. New buildings shall show a harmony of design with their surroundings, and any shapes, massing, materials, signs, lighting, colors and other characteristics which might cause a new building to call excessive attention to itself and create disharmony within the historic district, shall be avoided.
 4. All buildings shall be related harmoniously to the context of the site, the neighborhood as a whole and to existing buildings and other structures in the vicinity that have a visual relationship to the proposed building or buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing/proposed buildings or the creation of focal points. With respect to public spaces, building design/orientation may have to be adjusted in order to

maintain a positive spatial relationship or to preserve visual access to community focal points, either natural or man-made.

5. The selection of building design elements, for example in the use of materials, windows, color, texture, and other design considerations, should ensure that such treatment is generally consistent with traditional and vernacular 18th and 19th and early 20th- century architectural styles. If the applicant is an existing building, the design elements shall be consistent with the existing building's style and configuration.
6. Building additions and renovations should be designed to reflect the existing building in terms of scale, materials, massing, window and door configuration and color.
7. Appearance of the side and rear elevations of buildings shall receive architectural treatments comparable to that of any proposed front façade only if said elevations are generally within the public view.
8. Buildings should, where appropriate, strengthen the particular design features of their neighborhood by, for example, reinforcing the "street wall", or continuing a particular design feature or statement. Such construction should complement the existing historic building designs in the Borough.
9. Buildings deemed to be "Significant" and indicated as such on the Flemington Historic District Map, shall be reviewed with particular care and have special requirements that are described later in this section (see Subsection C17). These are buildings that have been determined to be particularly important to the character of the Historic District.
10. Buildings located on Main Street, from the Traffic Circle to the Monument, along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue, are also considered to be particularly important to the character of Flemington and the Historic District, partly through their location along the busiest thoroughfare and partly from the quality of buildings along this route. Many of these structures are indicated to be "Significant" on the Flemington Historic District Map. Because of the importance of this area to the character of the Borough, all of these buildings will be reviewed ***for strict compliance with the Historic Guidelines*** with particular care. ~~Some Buildings that are particularly prominent or visible ***by the Historic Preservation Commission*** shall~~ be reviewed using the same criteria as "Significant" structures, even if they are not

listed as such on the Historic District Map.

11. Contemporary designs for new buildings and for additions to existing buildings or landscaping in the Historic District are not discouraged if such designs are compatible with the character, scale and materials of the neighborhood and its environment.
12. New additions or alterations to buildings should be done in such a manner that they reflect the materials, massing and scale of the existing building. In addition, alterations and additions should be designed such that they are reversible, i.e. that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.
13. Exterior alterations should not destroy the distinguishing qualities or character of the property and its environment, and the removal or alteration of any historical material or architectural features is not permitted.
14. Deteriorated architectural features should be repaired rather than replaced wherever possible, and in the event, replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
15. Repair or replacement of missing architectural features should be based on accurate duplication of original features, substantiated by physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings.
16. Wherever possible, there should be compliance with the standards set forth in the "Secretary of the Interior's Standards for the Treatment of Historic Properties", as periodically amended and available through the National Park Service.
17. Alternative Materials. The use of nonhistoric, alternative materials may be considered under certain circumstances. These materials include, but are not limited to: vinyl or composite siding (smooth finish only); vinyl, fiberglass or composite railings and porch columns, particularly when these materials are paintable; fiberglass or composite trim, brackets or moldings; composite porch floor decks; vinyl, clad, or aluminum windows and doors; fiberglass/asphalt shingle roofing; etc. The use of these materials will be limited on all buildings or structures deemed to be "Significant" on the Flemington Historic District Map, or that are located along Main Street, from the Traffic Circle to the Monument,

along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue, as indicated in Subsection C10 above. Specifically, the use of vinyl siding or windows and doors of alternative materials will be prohibited on the public sides of "Significant" structures. Where visible roofs need to be replaced on "Significant" structures, using replacement materials and methods that match the historic materials is preferable. If the use of historic materials is not feasible, particular care will be taken in selecting alternative materials that match the historic appearance as closely as possible. Composite materials that are painted and that match the configuration of the historic materials are considered to be more acceptable than other replacement materials. Buildings in other parts of the Historic District that are considered to be "Contributing", "Non-Contributing" or "Encroaching" will be permitted to use alternative materials, provided that the following conditions are met:

- a. Vinyl or composite siding shall be smooth (i.e. not textured) and shall be of a scale and color compatible with the buildings in the immediate vicinity of the applicant property. Existing decorative trim shall not be removed or covered by new vinyl siding or trim casing. This trim shall be retained and repaired so that the building's distinguishing historic features shall remain.
- b. Replacement windows and doors shall fit the existing openings exactly and shall be configured to match the historic appearance and detail. Existing window and door openings shall not be "infilled" or made smaller to accommodate standard window or door sizes.
- c. Alternative materials may only be used to replace existing porches if the historic porch is not repairable, if the new porch configuration and appearance closely matches the original, and if the new materials that are clearly visible from a public way are painted. The Commission will consider additional new materials as they become available.
- d. Alternative materials may be considered for visible roofs when existing slate, copper, wood shakes, etc., are shown to be beyond repair. The alternative materials on the visible facades shall match the

existing appearance as closely as possible.
Alternative materials are acceptable to be used on
roofs that are not visible from public streets.

18. Sustainable Energy Sources and Energy Efficiency. This Ordinance is not intended to discourage the installation and use of sustainable energy sources, including solar panels, geothermal wells and wind turbines, provided that the installations meet all required building, zoning and safety codes, etc., and that they are installed to have as minimal an impact on the visible portions of the historic property as possible. Particular care shall be taken to reduce the impact on buildings listed as "Significant" on the Flemington Historic District Map or that are located along Main Street, from the Traffic Circle to the Monument, along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue.
19. This Ordinance is not intended to discourage the improvement of the energy efficiency characteristics of the historic structures in Flemington. However, where energy efficiency improvements are being considered, care should be taken to reduce negative impacts on the historic character of the building. In particular on all buildings or structures deemed to be "Significant" on the Flemington Historic District Map, or that are located along Main Street, from the Traffic Circle to the Monument, along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue, it is important to keep, repair or restore existing character-defining features that affect energy efficiency, including original doors and windows. Energy efficiency improvements for these features can be achieved through weather-stripping, interior storm windows, appropriate exterior storm windows or doors and other appropriate measures. See the Borough's "Historic District Guidelines" for suggestions.
20. Additional Matters Considered. In regard to all applications, additional pertinent matters may be considered, but in no instance shall interior arrangements be considered except as it may result in exterior changes important to the integrity of the historic structure, such as additions, chimneys, roof design, blocking of windows or similar changes.
21. ***Emergency reviews of applications to the Historic Preservation Commission may be requested for construction or repair work that is required to be***

undertaken before the next scheduled meeting of the Historic Preservation Commission. The applicant shall notify the Historic Preservation Commission and request an emergency review and the Historic Preservation Commission shall determine if an emergency review is required and the format of the review. Any work done by the applicant prior to formal approval by the Historic Preservation Commission shall be at the sole risk of the applicant.

- a. In the event an applicant requires an emergency review, the applicant shall pay all fees incurred by the Commission to properly advertise an emergency meeting of the Commission.***

D. Building Massing and Scale of New Buildings and Additions.

1. Scale of Building. The size of a proposed building or addition and the mass of a proposed building or addition in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the other buildings and built features to which it is visually related.
2. On proposed buildings and additions, long, horizontal facades should be broken down into segments having vertical orientation and tall vertically oriented facades shall be broken down into horizontal components through use of appropriate design features in proportions complementary to the overall architecture and design.
3. New buildings or additions with expansive blank walls are prohibited, particularly on sides of the building facing public ways.
4. New buildings and additions should be designed so that facades are the prominent architectural feature and the roofs are visually less dominant in the total design. Architecturally accurate roof styles shall be consistent with the surrounding historic context.
5. A pedestrian scale should be achieved at ground level and along street frontages and entryways through the use of such scale elements as windows, doors, columns, plazas, awnings, canopies, and site furnishings.
6. In new infill construction, the alignments of proposed facades shall be consistent with the existing setback of

nearby buildings to the extent permitted by this Ordinance.

7. Height. The height of any proposed structure and landscaping shall be visually compatible with adjacent structures.
8. Proportion of Building's Front Façade. The relationship of the width of any new building or addition to the height of the front elevation shall be visually compatible with the nearby buildings and structures.
9. Proportion of Openings. The relationship of the width of windows to the height of windows in a new building or addition shall be visually compatible with the nearby buildings and structures.
10. Rhythm of Solids to Voids on Facades Fronting on Public Places. The relationship of solids to voids in facades of new or altered buildings shall be visually compatible with the nearby buildings and structures.
11. Rhythm of Spacing of Structures on Streets. The relationship of any new structure to the open space between it and adjoining structures shall be visually compatible with the nearby buildings and structures.
12. Rhythm of Entrance and/or Porch Projection. The relationship of new or renovated entrances and porch projections to the street shall be visually compatible with the nearby buildings and structures.
13. Roof Shapes. The roof shape of a new building or addition shall be visually compatible with nearby buildings and structures.
14. Walls of Continuity. Features of a proposed building or addition, such as walls, open-type fencing, evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of any structure with the nearby buildings and structures.
15. Directional Expression of Front Elevation. A new or altered building shall be visually compatible with nearby buildings and structures, whether this is a vertical, horizontal or nondirectional character.

E. Facade Treatment.

1. The Flemington Historic Preservation Commission is particularly concerned with elevations of buildings that are visible from public ways. Rear and side elevations that are not visible will have greater flexibility in terms of design and materials.
2. Multi-tenant buildings shall provide uniform store fronts, doorways, windows, awnings and other design features for all ground floor tenants. Upper floors of said buildings shall at a minimum be coordinated with the ground floor through common materials and colors.
3. New buildings should use windows of similar sizes and shapes or incorporate other façade elements that establish the same pattern as other buildings in the immediate area.
4. Design elements that carry through a block such as store front patterns, window spacing, entrances, canopies or awnings, etc., should be incorporated into new or renovated facades.
5. Exterior mounted mechanical and electrical equipment (e.g. air conditioning units, satellite dishes, etc.) shall be located so that they are not visible from public ways, or shall be completely screened from public view with opaque architectural elements that are unobtrusive and visually compatible with the character of the Historic District and the nearby structures.
6. Facade renovations should be consistent with the original architectural style of the building. Original details should be retained; when it becomes necessary to introduce new features, they should harmonize with existing features. If windows and doors must be replaced, new windows and doors that match the original design should be used. Window and door sizes and shapes should not be altered by any building renovation. Changes to window and door sizes and configurations may be considered if a building is being restored to an earlier, documented, historic appearance. In buildings that are listed as Significant or which are located along Main Street, from the Traffic Circle to the Monument, along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue, replacement doors, windows and trim on the visible facades should match the original materials. On other buildings, alternative materials may be used. See Subsection C10 for more information.

7. The use of overly dramatic and/or intrusive lighting designs and fixtures is not permitted.

F. Building Materials, Colors and Texture.

1. On existing buildings, original materials shall be retained wherever possible. No existing brick or stone shall be covered for cosmetic reasons, and the repair and restoration of existing materials deemed of architectural value is strongly encouraged. Great care shall be taken in the cleaning and repair of existing materials. The gentlest, effective means shall be used in all cases. "Sandblasting" and other abrasive cleaning techniques, as well as harsh chemical cleaning methods are not to be used under any circumstances.
2. Where appropriate, building renovations shall incorporate elements of the original structure into the renovation design.
3. The use of brick, stone, clapboard, shakes and other façade materials of a traditional and vernacular nature is strongly encouraged. In general, a maximum of 2 principal facade materials shall be permitted for new structures.
4. Flat, metal panels and mirrored glass surfaces are prohibited on all existing, historic buildings, as are flush metal, composite or wood doors on visible facades. On buildings indicated as "Significant" on the map of the Flemington Historic District or buildings located along Main Street, from the Traffic Circle to the Monument, along East Main Street to Hopewell Avenue, as well as North Main Street from the Monument to Hopewell Avenue, the use of vinyl or aluminum siding on facades visible from public ways shall also be prohibited.
5. The painting of buildings in patterns, checks, stripes or overly bold colors is not permitted.
6. The use of colors generally associated with traditional building design is required on all buildings. Accent or complementary colors which harmonize with the main façade colors shall be permitted for trim, awning and other building details. Acceptable paint colors from the relevant periods can be found within the following reference, which is maintained for review in the Planning Office: Paint in America, the Colors of Historic Buildings (Moss, Roger, John Wiley & Sons, Inc., 1994)

7. Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related, especially those immediately adjacent.

G. Demolition.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. The demolition or partial demolition of any structure deemed Contributing or Significant in the Historic District is not permitted, except when public health or safety is at risk, as certified by a licensed structural engineer ***or, following a minimum 12 month period from the date of application for demolition to the Historic Preservation Commission and demonstration to the satisfaction of the Historic Preservation Commission that all alternatives to avoid demolition have been fully explored.***
2. Applications to demolish any structure within the Historic District must be presented to the Flemington Historic Preservation Commission and must address the following issues, as well as any other factors the Historic Preservation Commission considers to be relevant:
 - a. The structure's historic, architectural and aesthetic significance;
 - b. Its current use;
 - c. Its condition;
 - d. Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest;
 - e. The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty;
 - f. The extent to which its retention would promote the general welfare;
 - g. The extent to which its retention would encourage study and interest in Flemington's history, stimulate interest and study in architecture and design, educate citizens in

American culture and heritage, or make the municipality a more attractive and desirable place in which to live; and

- h. The probable impact of its removal upon the character and ambience of the Historic District.

H. Relocation of Structures Out of the Flemington Historic District.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. Therefore, the review of applications for the relocation of any structure currently located within the Flemington Historic District to a location outside of the District will be undertaken with the greatest care. The relocation of any structure deemed Contributing or Significant in the Historic District is generally not permitted, except when public health and safety is at risk.
2. Applications to relocate any structure currently located within the Flemington Historic District to a location outside of the District must be presented to the Flemington Historic Preservation Commission and must address the following issues, as well as any other factors the Historic Preservation Commission considers to be relevant:
 - a. The structure's historic, architectural and aesthetic significance;
 - b. Its current use;
 - c. Its condition;
 - d. The extent of the historic and architectural loss to the site and District that results from moving the structure from its original location;
 - e. The reasons for not retaining the structure at its present site;
 - f. The proximity of the proposed new location to Flemington Borough, including the accessibility by the residents of Flemington Borough and other citizens;
 - g. The probability of significant damage to the structure during the relocation.
 - h. The extent to which its retention would encourage study and interest in Flemington's history, stimulate interest and study in architecture and design, educate citizens in

American culture and heritage, or make the municipality a more attractive and desirable place in which to live; and

- i. The probable impact of its relocation upon the character and ambience of the Historic District.

I. Relocation within Flemington Borough.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. Therefore, the review of applications for the relocation of any structure currently within the Flemington Historic District to another location within the District will be undertaken with the greatest care. The relocation of any structure deemed Contributing or Significant in the Historic District is not permitted.
2. Applications to relocate any structure currently located within the Flemington Historic District to another location within the District must be presented to the Flemington Historic Preservation Commission and must address the following issues, as well as any other factors the Historic Preservation Commission considers to be relevant:
 - a. The structure's historic, architectural and aesthetic significance;
 - b. Its current use;
 - c. Its condition;
 - d. The extent of the historic and architectural loss to the site and District that results from moving the structure from its original location;
 - e. The reasons for not retaining the structure at its present site;
 - f. The probability of significant damage to the structure during the relocation;
 - g. The extent to which its retention would encourage study and interest in Flemington's history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage, or make the municipality a more attractive and desirable place in which to live;
 - h. The probable impact of its relocation upon the character and ambience of the Historic District; and

- i. The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the intent and purposes of this Ordinance.

J. Other Requirements.

1. Signage. Appropriately designed signage can be an important design feature in the Historic District. A member of the Historic Preservation Commission is appointed by the HPC Chair to the SRC (Sign Review Committee) and participates in the review of proposed signage on properties within the Historic District, whether or not they will be attached to a structure. Relatively small, painted signage either mounted to the face of the building as part of the storefront design, or perpendicular to the face of the building, is encouraged. Large, contemporary, neon or neon-like, or plastic internally illuminated signs are not permitted, as are signs that conceal important architectural features. All signs must also meet the requirements of the Flemington Land Development Ordinance, Chapter 26, Zoning. **[Amended 6-10-2019 by Ord. No. 2019-12]**
2. Awnings. Appropriately designed awnings may be acceptable on residential and nonresidential buildings. All awnings shall be constructed and installed so that the frame and fabric of the awning is integrated into the overall building design. Awnings shall not extend beyond a dimension appropriate with the size and scale of the subject building. Awnings shall not be placed so as to conceal or disfigure any architectural feature or detail. Awning materials shall be limited to cloth, canvas and similar materials; metal and aluminum awnings are prohibited. Plastic and/or internally illuminated awnings are also prohibited. Awnings may be solid or striped, but colors shall complement the façade colors. If the building has several tenants, the overall awning design should be consistent and compatible across the entire façade.
3. Public Art. All art visible from public ways, including murals, outdoor sculpture, etc., that is being permanently attached or applied to structures in the Historic District shall be reviewed by the Flemington Historic Preservation Commission for compatibility with the design of the building and neighboring structures.
4. Street Furniture. The installation of all street furniture, including benches, fencing, trash cans, lighting, planters,

etc., that is visible from public ways must be reviewed by the Flemington Historic Preservation Commission. The items should be selected to fit the scale, materials and character of the Historic District.

5. **Building and Accessibility Codes.** The Flemington Historic Preservation Commission does not review applications for compliance with relevant building or accessibility codes. Compliance with these codes is the responsibility of the applicant. The Flemington HPC review in no way supersedes or alters building code or accessibility requirements, although these codes, including the Rehabilitation Subcode and Barrier Free Subcode of the Uniform Construction Code of the State of New Jersey, take into account existing conditions and the special characteristics of historic buildings. Any changes to the exterior of a building in the Flemington Historic District that are necessitated by requirements of building and handicapped accessibility codes should be designed to complement the character and style of the existing building to the greatest degree possible.

K. Violations and Penalties.

1. Any person who undertakes an activity which would cause a change in the exterior architectural appearance of any improvement within the Flemington Historic District or on any individually listed structure by addition, alteration, relocation, demolition or replacement without obtaining the approval of the Flemington Historic Preservation Commission shall be deemed to be in violation of this Ordinance.
2. Upon learning of the violation, the Construction Official for Flemington Borough shall personally serve upon the owner of the lot or property whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the property, structure or improvement to the condition it was in prior to the violation occurring. If the owner cannot be personally served within the municipality with this notice, a copy shall be posted on the site and a copy sent to the owner at his or her last known address as it appears on the municipal tax rolls.
3. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the Construction Official shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging

violation of this Ordinance and specifying the wrongful conduct of the violator. Each separate day the violation exists past the initial 10-day abatement period shall be deemed to be a new and separate violation of this Ordinance.

4. The penalty for violation past the initial 10-day abatement period shall be as follows:
 - a. For each day up to 15 days, not more than \$50.00 per day.
 - b. For each day 16 to 30, not more than \$75.00 per day.
 - c. For each day beyond 30 days, not more than \$100.00 per day.
5. If any person undertakes activity which would cause a change to the exterior architectural appearance of any structure within the historic district or of any structure individually listed as historically significant within the Borough of Flemington by addition, alteration or replacement without first having obtained the approval of the Historic Preservation Commission, he or she shall be required to immediately stop the activity, apply for approval and take any necessary measures to preserve the historic structure affected, pending a decision. If the proposed project is denied, the historic structure shall be immediately restored to its pre-activity condition. The Construction Official is authorized to seek injunctive relief regarding a "stop action" on the activity in the Superior Court, Chancery Division, not less than 10 days after the delivery of notice pursuant to Subsection K2 above. Such injunctive relief shall be in addition to the penalties authorized in Subsection K4 above.

L. Designation of Historic Landmarks and Historic Districts

1. ***The Commission shall maintain and expand, when appropriate, a comprehensive survey of the Borough of Flemington to identify historic landmarks and historic districts that are worthy of protection and preservation.***
2. ***Criteria for Designation. The criteria for evaluation and designating historic landmarks and historic districts shall be guided by the National Register Criteria as currently published and amended from time to time. The Commission or any person may recommend designation of historic landmarks or historic districts that are in accordance with the National Register Criteria or that possess one or more of the following attributes:***
 - a. ***Character, interest, or value as part of the***

development, heritage or cultural characteristics of the borough, State or Nation; or

- b. Association with events that have made a significant contribution to the broad patterns of our history; or**
- c. Association with the lives of persons significant in our past; or**
- d. Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or**
- e. Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the borough, State or Nation; or**
- f. Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or**
- g. Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or**
- h. Ability or potential ability to yield information important in prehistory or history.**

3. Procedures for Designation. Proposals to designate a property as historic pursuant to this ordinance may be made by the governing body, the Commission, or the planning board, in accordance with the following procedures:

- a. Nomination report for historic landmark. A nomination to propose an historic landmark shall include the following information which addresses the criteria for designation as set forth herein:**
 - i. A photograph of the proposed landmark; and**
 - ii. A copy of the municipal tax map showing the property on which the proposed landmark is located; and**

- 00450695

designation of the property or district; and

- iv. Serve any further notices as may be required under the provisions of the Municipal Land Use Law.***
- e. Public notice of hearing. At least 20 days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official newspaper of the borough.***
- f. Public report. At least 20 days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in the municipal offices of the borough.***
- g. Public hearing. At the public hearing scheduled in accordance with this ordinance, the Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.***
- h. Commission report. If the proposed nomination is approved by the Commission, then the Commission shall forward a report to the governing body, which shall contain a statement of the Commission's recommendations and the reasons therefor with regard to proposed designations considered at the hearing, including a list and map of properties approved for designation.***
- i. Referral to planning board. The governing body shall refer the report to the planning board, which in turn shall report to the governing body as soon as possible, but within 60 days. Failure of the planning board to transmit its report within the sixty-day period provided herein shall relieve the governing body of its obligations relating to the referral of such a report to the planning board. The governing body action on historic landmark or historic district designations shall be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.***
- j. Final designation. As soon as possible after its receipt of the report of the planning board or the***

expiration of the period allowed for planning board comment on designations, the governing body shall act upon the proposed designation list and map and may approve, reject or modify by ordinance the designation recommendations made by the planning board. In the event that the governing body votes to reject or modify any planning board recommendations for a proposed designation, the governing body shall record in its minutes the reasons for not following such recommendation.

- k. Public notice of designation. Notice of designation shall be made public by publication in the official newspaper of the borough and by distribution to all municipal agencies reviewing development applications and permits. A certificate or letter of designation shall be sent to the owner(s) of record.***
- l. Incorporation of designated landmarks into Borough records. Upon adoption of a resolution by the governing body designating an historic landmark or an historic district, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected historic landmark or historic district is located. At that time, the designation list and map shall be incorporated into the master plan and zoning ordinance of the borough as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Designated properties shall also be noted as such on the records for those properties as maintained by the engineering and zoning offices, as well as the offices of the construction official, the borough tax assessor and the borough clerk. In addition to the requirement for notation in the foregoing borough records upon the designation of a landmark or historic district by the governing body, within 90 days of the adoption of this Ordinance, there shall be entered upon the property records in the offices of the Tax Assessor, the Construction Code Official, the Borough Engineer, the Zoning Officer and the Borough Clerk a notation which identifies the designation of each property located within or historic district as constituted on the date of adoption hereof.***

Each tax/assessment search requested for a

property located within an historic district shall note thereon the subject property is so located. Similarly, all forms maintained and issued by the Construction Code Official, Borough Engineer, Zoning Officer and Borough Clerk responsive to requests for information, permits, and like documents, shall contain a notation which identifies, as applicable, the designation of a property within an historic district as constituted on the date of the adoption hereof and as new landmarks as historic district designations occur hereafter.

- m. Amendments. Amendments to historic landmark or historic district designations may be made in the same manner as they were adopted in accordance with the provisions of this ordinance.***

J. Appeals.

Whenever the Commission shall make a final decision regarding the grant or denial of a permit, the decision shall be subject to appeal to the Planning Board as the Zoning Board of Adjustment as provided under N.J.S.A. 40:55D-70. An appeal from the decision of the Planning Board as the Zoning Board of Adjustment shall be made in the same manner as permitted and prescribed by law for appeals from any other decisions made by such Boards in accordance with applicable law.

K. Escrow Review Fees

The Commission may require an applicant for a demolition or relocation permit to post a review escrow fee in an amount not to exceed \$1,000.00 if the review of said application will be complicated and require consultation with a professional engineer or architect. Such escrow account will be managed consistent with the Municipal Land Use Law (N.J.S.A. 40:55D-53.1 et seq.) and Ordinance Section 2800.

SECTION 4. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 6. This Ordinance shall take effect upon final passage and publication as required by law.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

SCHEDULED

Initiator: Sallie Graziano

Sponsors:

ORDINANCE 2021-25

DOC ID: 3596

First Reading: Ordinance Creating the Position of Office Assistant and Setting a Salary Range

WHEREAS, the Municipal Clerk has recommended to the Council that a part-time Office Assistant be appointed to aid with day-to-day operations of Borough offices; and

WHEREAS, a review of salaries for similar positions in the area reveals that the salary range set forth below is reasonable.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that the Code of the Borough of Flemington (the "Code") is hereby amended and supplemented as follows:

SECTION 1. Section 2-30 of the Code, entitled "Office Assistant," shall be added as follows:

2-30.1 Established. There may be appointed an Office Assistant.

2-30.2 Term of Office. The term of office may begin on January 1 and expire one year thereafter, on December 31 or may begin on any other date and extended for any period as the Council may decide.

2-30.3 Nomination and Appointment. The Mayor shall nominate and appoint the Office Assistant, with the advice and consent of the Borough Council.

2-30.4 Powers and Duties. The Office Assistant shall have duties as determined by the Council in its discretion.

2-30.5 Office Hours. The hours of the Office Assistant shall be set by the Mayor and Council. The Office Assistant shall be a part-time employee of the Borough.

2-30.6 Compensation. Compensation shall be stipulated in the yearly salary ordinance.

SECTION 2. The Borough's 2021 Salary Ordinance (Ordinance 2021-18) is amended to add the salary of the Violations Clerk as follows:

Office Assistant: \$15 to \$17 per hour

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. The Mayor and Clerk are hereby authorized to take all steps necessary to advertise the position.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Land Development
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-26

DOC ID: 3599

**First Reading: An Ordinance Accepting a Well Site, Waterline
and Access Easement Over a Portion of Block 45, Lot 1**

WHEREAS, the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, wish to accept a Grant of Well Site, Waterline, and Access Easement for a portion of Block 45, Lot 1, which are attached hereto as an exhibit; and

WHEREAS, such easement is proposed to be acquired in order to develop a new potable water supply well; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes the municipality to accept such easement; and

WHEREAS, attached hereto is a form of easement that has been reviewed by the Borough Engineer and Borough Attorney; and

WHEREAS, based upon an appraisal commissioned by the Borough setting forth the fair market value of the easement, the Borough has agreed to pay the property owners the amount of \$33,000 in exchange for the easement dedications; and

WHEREAS, it appears to the Mayor and Council that the public interest would be served by accepting the easements described herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

1. The Borough of Flemington hereby accepts the above-referenced easements over a portion of Block 45, Lot 1 as more particularly described in the deed of easement attached hereto.

2. The Borough Clerk, Mayor, her designee, Borough CFO, and such Borough Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing the above-referenced easements in a form substantially similar to that attached hereto and made a part hereof.

3. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

4. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof together with the notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage shall be mailed to every person whose lands may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. The acceptance of this Easement is contingent upon the Borough obtaining all necessary approvals to construct a potable water supply well and appurtenances on the Property. The Borough may rescind this Ordinance and acceptance of the Easement if the Borough is unable to develop the intended well and appurtenances on the Property.

6. This Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

7. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-202

DOC ID: 3595

**Appointing Stacey McGlothlin as the Municipal Court
Violations Clerk at an Annual Salary of \$38,000.00 Effective
October 13, 2021**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Jayne Parsons, Deputy Court Administrator, is retiring effective September 30, 2021; and

WHEREAS, the Municipal Court Judge and Municipal Court Clerk have recommended to the Council that a full-time violations Clerk be appointed in lieu of appointing a new deputy clerk; and

WHEREAS, Ordinance 2021-20, adopted on September 13, 2021, creates the position of Municipal Court Violations Clerk and sets a salary range for the position; and

WHEREAS, the Borough accepted applications and interviewed several candidates; and

WHEREAS, Stacey McGlothlin was the strongest candidate for the position.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Stacey McGlothlin be appointed as the Municipal Court Violations Clerk effective October 13, 2021 at an annual salary of \$38,000.00.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-203

DOC ID: 3597

**Hiring Karen Shaefer as a Backup Crossing Guard in the
Event a Shortage Occurs**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, at times there is a shortage of crossing guards in the Borough of Flemington, and

WHEREAS, Karen Shaefer possesses the necessary qualifications, and

WHEREAS, she has been recommended by the Flemington Police Department as a backup crossing guard to be used in the event there is a shortage; and

WHEREAS, her rate will be the same as the other crossing guards, in the range of \$16 to \$27 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Karen Shaefer be hired as a backup crossing guard in the event there is a shortage at an hourly rate in the range of \$16 to \$27 per hour.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-204

DOC ID: 3565

**Approving an Agent for the Disposition of Junk And/ Or
Salable Titles for Abandoned, Junk, or Unclaimed Motor
Vehicles**

WHEREAS, the Flemington Police Department causes the seizure of improperly operated or parked motor vehicles; and

WHEREAS, some of the motor vehicles being seized become abandoned or go unclaimed by the owners; and

WHEREAS, the Police Department desires that these abandoned and/or unclaimed motor vehicles are disposed of properly in accordance with New Jersey State Statutes; and

WHEREAS, the Police Department has recommended to the Governing Body, EZ Car Titles located at 1358 Hooper Avenue, PMB 180, Toms River, New Jersey, 08753 to act as the Borough's agent to apply for salable or junk titles for abandoned and /or unclaimed vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, as follows:

1. The Borough Council hereby authorizes EZ Car Titles to act as the Borough's agent in reference to applying for junk and / or salable titles for abandoned or unclaimed motor vehicles.
2. This authorization is conditioned upon EZ Car Titles adhering to N.J.S.A. 39:10-1 et seq. and all applicable state statutes and Borough ordinances.
3. This authorization is also conditioned upon EZ Car Titles complying with the Local Government Ethics Law. EZ Car Titles shall disclose to the Borough any potential conflicts of interest (i.e. familial, personal, or financial relationships between EZ Car Titles and any Borough employees).
4. EZ Car Titles shall be hired by the Borough of Flemington's contracted tow truck companies responsible for towing motor vehicles consistent with the proposal attached hereto. There shall be no privity of contract between the Borough and EZ Car Titles.
5. The Borough of Flemington's contracted tow companies will be responsible for all costs to EZ Car Titles for their services. Neither the Borough of

Flemington nor the Police Department shall be responsible for any costs incurred by EZ Car Titles for their services.

6. This arrangement shall not be exclusive. Nothing herein shall prevent the Borough from authorizing other companies to provide services associated with applying for junk and / or salable titles for abandoned or unclaimed motor vehicles.

7. The Clerk shall forward a copy of this resolution to the Chief of Police, EZ Car Titles, and the towing companies authorized to tow vehicles for the Police Department.

8. This Resolution shall take effect immediately.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk