



Mayor and Common Council Borough of Flemington

December 12, 2022

Historic Hunterdon County Courthouse **and Online**

I. Call to Order

Statement regarding OPMA

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of December 12, 2022 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and Courier-News on Jan. 5, 2022, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

II. Executive Session (6:00 PM) - Located at Flemington Borough Hall

Flemington Borough Hall
38 Park Avenue
Flemington, NJ 08822

III. Regular Meeting (7:30 PM) - Located at the Historic Hunterdon County Courthouse

Historic Hunterdon County Courthouse
71 Main Street
Flemington, NJ 08822

Flag Salute

Roll Call:

Betsy Driver	Mayor
Jessica Hand	Council Vice President
Malik Johnston	Council Member
Jeremy Long	Council President
Tony Parker	Council Member
Elizabeth Rosetti	Council Member
Kimberly Tilly	Council Member

1. Mayor's Report

2. Council Members' Reports

Council Vice President Hand

Council Member Johnston

Council President Long

Council Member Parker

Council Member Rosetti

Council Member Tilly

3. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
4. Approval of Minutes
5. Consent Agenda
 1. RESOLUTION 2022-242: REDEMPTION OF TAX SALE CERTIFICATE, BLOCK 5 LOT 12
 2. RESOLUTION 2022-243: REDEMPTION OF TAX SALE CERTIFICATE, BLOCK17 LOT 16
 3. RESOLUTION 2022-244: REDEMPTION OF TAX SALE CERTIFICATE, BLOCK 2 LOT 7
 4. RESOLUTION 2022-245: 3972 : APPRECIATION TO LOWES AND EMPLOYEES FOR THEIR VOLUNTEER CONTRIBUTIONS TO THE BOROUGH

Regular Agenda (Start)

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

1. ORDINANCE 2022-30: 2ND READING AND PUBLIC HEARING: AMENDING A PORTION OF THE "GLOBAL AGWAY REDEVELOPMENT PLAN"
2. RESOLUTION 2022-231: 2ND READING AND PUBLIC HEARING: FLEMINGTON SPECIAL IMPROVEMENT DISTRICT BUDGET
3. RESOLUTION 2022-239: APPROVING THE PBA CONTRACT, 2023-2025
4. RESOLUTION 2022-246: AUTHORIZING A REDEVELOPMENT AGREEMENT BETWEEN FLEMINGTON AND CAPTIVA MAIN STREET URBAN RENEWAL LLC
5. RESOLUTION 2022-247: AUTHORIZING A REDEVELOPMENT AGREEMENT BETWEEN THE FLEMINGTON AND CARDINAL CAPITAL MANAGEMENT, INC.
6. RESOLUTION 2022-248: AUTHORIZING THE AMENDING OF THE REDEVELOPMENT AGREEMENT BETWEEN FLEMINGTON AND FCUR
7. RESOLUTION 2022-249: AUTHORIZING THE AMENDING OF THE REDEVELOPMENT AGREEMENT BETWEEN FLEMINGTON AND HBC LIBERTY, LLC
8. RESOLUTION 2022-250: AUTHORIZING THE CFO TO PAY BILLS FOR THE LAST 2022 BILLS LIST
7. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)
8. Attorney's Report

9. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$448,549.70**

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

Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-242**

DOC ID: 3965

**Authorizing the Redemption of Tax Sale Certificate 2021-003
Held on Block 5 Lot 12, 54 E Main Street**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$16,766.35 for the redemption of tax sale certificate # 2021-003 held on Block 5 Lot 12 , known as 54 East Main Street, property owner 54 East Main Street TIC I LLC, certificate owner, Tax Lien Fund LP;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Tax Sale certificate #2021-003 held on Block 5 Lot 12 is redeemed in the amount of \$16,766.35 plus a premium in the amount of \$5,000.00 and the CFO is instructed to cut a check to the lien holder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: December 12, 2022

Betsy Driver, Mayor

Attest:

Michael Humphrey
Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-243**

DOC ID: 3964

Authorizing the Redemption of Tax Sale Certificate 2019-001 Held on Block 17 Lot 16, 10 Capner Street

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, On October 22, 2019, the Tax Collector held a tax lien sale pursuant to State Statutes; and

WHEREAS, US Bank Cust for Pro Cap 8 was the successful bidder on block 17 lot 16; and

WHEREAS, the lien was not satisfied and the lien holder foreclosed on the property on October 17, 2022; and

WHEREAS, the property owner Ralph Iaione obtained a lawyer and obtained a motion to vacate the foreclosure with the stipulation he makes a payment of \$87,842.26 by December 2, 2022; and

WHEREAS, those funds were received by the tax collector on 11/30/2022 at 1:00 PM.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Tax Sale certificate #2019-001 held on Block 17 Lot 16 is redeemed in the amount of \$87,842.26 and the CFO is instructed to cut a check to the lien holder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: December 12, 2022

Betsy Driver, Mayor

Attest:

Michael Humphrey
Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-244**

DOC ID: 3963

Authorizing the Redemption of Tax Sale Certificate 2020-001 Held on Block 8 Lot 9, 11 East Main Street

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$49,590.29 for the redemption of tax sale certificate # 2020-001 held on Block 8 Lot 9 , known as 11 East Main Street, property owner Rosalie Efthim, Et Al, certificate owner, US Bank Cust/PC8 Pro Capital MGT II;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Tax Sale certificate #2020-001 held on Block 8 Lot 9 is redeemed in the amount of \$49,590.29 and the CFO is instructed to cut a check to the lien holder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: December 12, 2022

Betsy Driver, Mayor

Attest:

Michael Humphrey
Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-245**

DOC ID: 3972

**Appreciation to Lowes and Habitat (Resolution to be Added
to Agenda)**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

TABLED**ORDINANCE 2022-30**

DOC ID: 3958

Amending a Portion of the “Global Agway Redevelopment Plan” as Adopted by Ordinance 2017-1 of the Borough of Flemington

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 2014-73, adopted April 16, 2014, the Borough Council designated property designated as Block 5 Lots 1 & 2; and Block 14, Lot 1 on the Borough of Flemington Tax Map (the “**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 2017-1, adopted on February 13, 2017, the Borough Council adopted the Global Agway Redevelopment Plan which covered the Redevelopment Area; and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Redevelopment Area would be stimulated by amending the Global Agway Redevelopment Plan as it applies to Block 14, Lot 1 as set forth in the attachment to this Ordinance entitled “Global Agway Redevelopment Plan Amendment”; and

WHEREAS, the Borough Council desires to amend the Global Agway Redevelopment Plan 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 Global Agway Redevelopment Plan be and hereby is amended with the Attachment to this Ordinance entitled “The Global Agway Redevelopment Plan Amendment”.

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: November 28, 2022

Adopted:

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

HISTORY:

11/28/22

Governing Body

INTRODUCED

Next: 12/12/22

THE GLOBAL AGWAY REDEVELOPMENT PLAN AMENDMENT



BLOCK 14 LOT 1

FLEMINGTON BOROUGH NJ



Draft: November 23, 2022

GLOBAL AGWAY REDEVELOPMENT PLAN

AMENDMENT – BLOCK 14, LOT 1

BOROUGH OF FLEMINGTON, HUNTERDON COUNTY

Adopted _____

BOROUGH OF FLEMINGTON MAYOR AND COUNCIL

Betsy Driver, Mayor
 Jeremy Long, Council President
 Jessica Hand, Council Vice President
 Tony Parker, Councilman

Malik Johnston, Councilman
 Elizabeth Rosetti, Councilwoman
 Kimberly A. Tilly, Councilwoman

Tara St. Angelo, Esq., Borough Attorney
 Jerome Harris, Borough Engineer
 Elizabeth McManus, PP AICP LEED AP, Borough Planner

BOROUGH OF FLEMINGTON PLANNING BOARD

Jeffrey Doshna - Chairperson
 Susan Engelhardt, Vice-Chairperson
 Mayor Betsy Driver
 Michael Campion
 Councilman Tony Parker
 Brian Budney

Todd Cook
 Karen Giffen
 Hannah Weitzman
 James Hill, Alternate 1
 Trent Levitt, Alternate 3

Eileen Parks, Secretary to the Planning Board
 Kara Kaczynski, Esq, Planning Board Attorney
 Robert J. Clerico, PE, Planning Board Engineer
 Elizabeth McManus, PP AICP LEED AP, Planning Board Planner

Prepared for the Borough of Flemington by:



Elizabeth K. McManus, PP, AICP, LEED AP
 New Jersey Licensed Planner #5915



Brett L. Harris, PP, AICP
 New Jersey Licensed Planner #650100

TABLE OF CONTENTS

INTRODUCTION.....	1
STATUTORY AUTHORITY AND PROCESS.....	3
REDEVELOPMENT PLAN OBJECTIVES.....	4
APPLICABILITY & RELATIONSHIP TO THE LAND USE ORDINANCE.....	5
GENERAL PROVISIONS.....	6
REDEVELOPMENT REGULATIONS.....	8
RELATIONSHIP TO PLANNING & OBJECTIVES	14

Exhibit A – Concept Plan

Exhibit B – Concept Building Renderings

INTRODUCTION

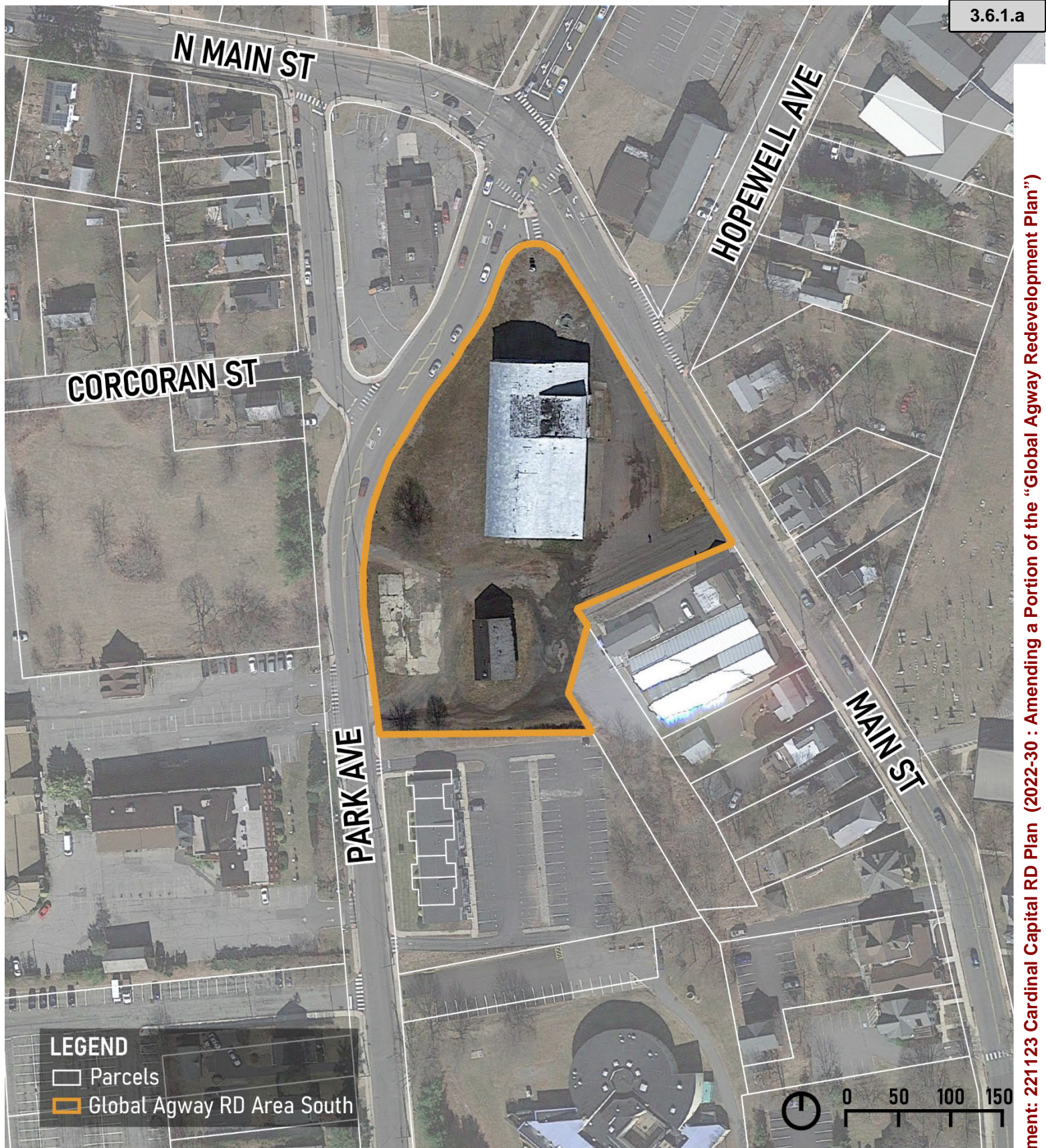
The Global Agway Redevelopment Area was designated as a “Non-Condemnation” Redevelopment Area, on April 16, 2014, through Resolution 2014-73 by the Borough Council. The following Redevelopment Plan is an amendment to, and supersedes, the Global Agway Redevelopment Plan, which was prepared and adopted in January 2017. This Amended Redevelopment Plan address only Block 14, Lot 1.

The Redevelopment Plan provides the policy and regulation for revitalization of Block 14, Lot 1 of the Global Agway Redevelopment Area. The Redevelopment Area is envisioned as an extension of the Borough’s downtown consisting of new residential and commercial uses that complement the Borough’s existing scale and character. The Area will serve as a gateway to the Borough while creating a sense of place that promotes a high quality of life, as well as providing economic support to the Borough’s downtown.

The Redevelopment Area consists of 1 lot, a little over 2-acres, located at the intersection of Park Avenue and Main Street. Two buildings, a warehouse building of approximately 16,400 sf and a late 19th century freight train depot of approximately 2,300 sf, currently occupy the Redevelopment Area. The buildings have been unoccupied for over 20 years. The southern portion of the Redevelopment Area is within the Borough’s Historic District. The freight train depot is identified as a historically significant structure in the Borough’s Historic District map.

The Redevelopment Area serves as an important gateway and acts as transition point to the Borough’s historic downtown found along Main Street. The area surrounding the subject property is characterized by a mix of residential and commercial uses.

Directly adjacent to the north of the subject property is a convenience store. Residential uses, including single and multi-family units are located to the northwest of the Redevelopment Area. Immediately north, within the Global Agway Redevelopment Area and at the intersection of Main Street, Hopewell Avenue and Walter Foran Boulevard, is an approved but not yet constructed 100-unit multi-family development. Adjacent to the Redevelopment Area, to the south are commercial uses along Main Street. Further south are properties owned and used by Hunterdon County, including the County Courthouse. To the east and west is a mix of commercial and residential uses.



POLICY
PLANNING
DESIGN

GLOBAL AGWAY REDEVELOPMENT AREA SOUTH

BLOCK 14 LOT 1

BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NJ

DATA SOURCE: Aerial Imagery, Google Earth; NJGIN Hunterdon County Parcels 2021; NJDEP 2012 Wetlands; FEMA 2012 Flood Hazard Data. This map was developed using NJDEP, NJGIN, & FEMA Data, but this secondary product has not been NJDEP, NJGIN, & FEMA verified and is not State authorized.

STATUTORY AUTHORITY AND PROCESS

Under New Jersey's LRHL, 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 Redevelopment 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 authorizes preparation of 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 is adopted by the Governing Body by ordinance after introduction, referral to the Planning Board, and a public hearing. The adopted redevelopment plan may supersede the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

This report meets the requirement listed under step 5, above, for a Redevelopment Plan and provides the Planning Board and Township Council the framework for the land development of the area.

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.
- 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. This includes
 - Offer Redevelopment Area Bonds to help fill a project financing gap.
 - 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.

REDEVELOPMENT PLAN OBJECTIVES

The Global Agway Redevelopment Plan Amendment is intended to provide a framework for the redevelopment of 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 economic development and growth for the Borough through the promotion of mixed-use development, with an emphasis on residential uses that will lead to more residents within walking and biking distance of the shops, services and activities of the downtown.

3. Create diverse housing opportunities in the form of multi-family residential and townhouse units that accommodate a mix of incomes and household sizes. This includes, but is not limited to, an affordable housing set aside.
4. Maintain the overall character and quality of life for existing Borough residents by permitting uses that are sensitive to the surrounding area (particularly residences in the TR and SF Zoning Districts) and limiting impacts from the Redevelopment Area, such as lighting and noise.
5. Enhance the built environment of the area by creating a cohesive mixed-use land use and integrated circulation pattern that is walkable, with buildings that enclose the street and include architectural components that are sensitive to the size and proportion of humans.
6. Permit increased building density where the development advances other goals, such as providing parking which serves the surrounding area, providing affordable housing, and/or providing recreation or entertainment space.
7. Create a pedestrian connection between Park Avenue and North Main Street.
8. Incorporate gateway features, such as a visual terminus at North Main Street and Park Avenue, to emphasize Flemington's unique charm and character and to reinforce to people that they have entered the Borough.
9. Ensure a unique sense of place is established that complements the historical character and scale of the Borough.
10. Encourage sustainable practices including the use of green infrastructure and green building techniques to reduce the Redevelopment Area's environmental footprint, while responding to climate change and flooding in the area.

APPLICABILITY & RELATIONSHIP TO THE LAND USE ORDINANCE

The Redevelopment Plan envisions the creation of a revitalized area on Block 14 Lot 1 of the Global Agway site. The Redevelopment Area is envisioned as a vibrant extension of the Borough's downtown, creating a cohesive built environment, while providing a variety of housing types and attracting a mix of incomes. An integrated residential development creates the opportunity for economic growth and development for the Borough while supporting existing businesses. Additionally, the vision of the area is to encourage development that addresses climate change and flooding in the Borough.

The standards of this Redevelopment Plan shall supersede the zoning provisions of the Borough of Flemington 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 areas as permitted by N.J.S.A. 40A:12A-7.a(2). Additionally, the standards of this Redevelopment Plan shall supersede the provisions of the Global Agway Redevelopment Plan as it relates to Block 14, Lot 1.

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.

GENERAL PROVISIONS

REDEVELOPMENT AUTHORITY

The Borough Mayor and 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 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 the area as these properties were declared a “non-condemnation” area in need of redevelopment.

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 Planning Board in accordance with the terms of a 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.

ACQUISITION OF PROPERTY

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

RELOCATION PROVISIONS

The Redevelopment Area does not include any housing units. Any relocation obligation will be borne by the Designated Redeveloper through the terms of the Redevelopment Agreement.

APPLICATION FOR DEVELOPMENT

The application for development shall include a major site plan that includes the entirety of Block 14, Lot 1. 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 Development 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 upon which it sits being subject to a preliminary site plan approval, unless required for public safety, as determined by the Borough of Flemington.

Only a party designated by the Borough of Flemington as the designated redeveloper shall be permitted to develop and/or redevelop the Property, which designation shall be accomplished with a Redevelopment Agreement between the Borough and the redeveloper. No party may seek or obtain site plan or subdivision approval related to any portion of the Redevelopment Area without first having been designated as the designated redeveloper by the Borough. The Planning Board may not consider an application for site plan or subdivision approval nor grant site plan or subdivision approval for the Redevelopment Area unless the Applicant is the designated redeveloper as designated by the Borough.

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.*) and the Municipal Land Use Law (*N.J.S.A. 40:55D.*) The Flemington Borough 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*). Any deviation that constitutes a "d" variance pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-70d*) from the Redevelopment Plan shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Mayor and Council.

REDEVELOPMENT REGULATIONS

The Redevelopment Plan provides the policy framework and regulation for the revitalization of the Global Agway Site. The Redevelopment Area aims to ameliorate the vacant, substandard, dilapidated, and obsolete conditions that currently exist. Global Agway South is envisioned as a new diverse residential neighborhood that provides economic support to the Borough's downtown, while complementing the scale and character of the Borough, creating an integrated and cohesive built environment.

A. DEFINITIONS

The following definitions apply to the words as applied herein:

1. Publicly accessible area: A public or private area consisting of a street, sidewalk, pedestrian path, or open space or plaza used as passive or active recreation.
2. Retail: The business of selling or renting goods or merchandise to consumers, excluding wholesaling transactions.

B. PERMITTED PRINCIPAL USES

1. Multi-family dwellings.
2. Townhouse dwellings.
3. Open space and recreation.
4. Supportive housing.
5. Municipal uses.

C. ACCESSORY USES

1. Signs.
2. Fences and walls.
3. Roof-top solar facilities.
4. Electric vehicle charging stations and make-ready infrastructure.
5. Community gardening.
6. Loading, delivery, service and pick-up zones.

7. Gyms, community rooms and multi-purpose rooms.
8. Open space and recreation, including but not limited to playgrounds, community gathering spaces, and sitting areas
9. Open air pavilion
10. Off-street parking, including surface, and structured parking.
11. Other uses which are customary and incidental to a principal permitted use.

D. CONDITIONAL USES

1. Any use permitted in the DB Downtown Business District.
2. Retail.
3. Restaurant.
4. Brewery.
5. The following conditions shall apply to the above listed conditional uses:
 - a. The use shall be located on the ground floor.
 - b. The use shall have frontage on North Main Street and/or Park Avenue.

E. RESIDENTIAL DENSITY

1. Gross residential density shall not exceed 115 dwelling units.

F. AFFORDABLE HOUSING

1. The affordable housing set-aside shall be not less than 15 percent. Affordable housing units shall be developed in compliance with the Borough's affordable housing ordinance and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-21), including 13% of the affordable units being restricted to very low income housing units.
2. Exterior finishes of affordable units shall be indistinguishable from market rate units.
3. All affordable housing units shall be "family" units, defined as not being limited to any particular population (i.e., senior or special needs), with the exception of the following:
 - a. Up to two (2) supportive housing units containing four (4) bedrooms each shall be permitted in the development. Each bedroom in a supportive housing unit shall be equivalent to one affordable housing unit, for a total of up eight (8) supportive housing units.

- b. Each supportive housing unit shall be eligible for affordable housing credit pursuant to N.J.A.C. 5:93.

G. SITE DESIGN & BULK REGULATION

1. Site layout and design shall be substantially consistent with the Concept Plan provided in Exhibit A.
2. Reverse frontage building and site design is prohibited. The primary entrance of all buildings shall be oriented toward the public street to which the building has frontage upon or a publicly accessible area where no street frontage exists.
3. Minimum setbacks:
 - a. Park Avenue frontage: 15 feet.
 - b. North Main Street frontage: 10 feet.
 - c. Permitted intrusions and exceptions:
 - i. Steps and porches associated with building entrance, except that no walls shall be located within 2 feet of a sidewalk along the Park Avenue or Main Street frontage.
 - ii. Fences and walls, except that no walls shall be located within 2 feet of a sidewalk along the Park Avenue or Main Street frontage.
4. Maximum impervious coverage: 90%. Lawn and other pervious materials located over subsurface parking structures shall not contribute toward pervious areas.
5. Minimum townhouse unit width: 22 feet.
6. Maximum townhouse units per building: 8
7. Minimum distance between buildings: 24 feet.
8. The development shall provide not less than 50 square feet per residential unit of public or private amenity space. The amenity space may be located within a building or outside, provided not less than 50% of the required area is located outside and available for public use. Permitted amenity space uses include but are not limited to fitness areas, community rooms, playgrounds, sitting areas, community rooms, and/or pavilions.
9. Each townhouse unit shall have private outdoor amenity space, which may consist of a balcony, above-grade terrace, below-grade terrace, or roof-top deck. This private space shall not contribute to the amenity space required in item 10 above.
10. Trash and recycling disposal and pick-up facilities shall not be visible from a publicly accessible area.

11. Multi-Family Building Height

- a. Maximum building height: 5 stories / 60 feet, except that tower elements, whether habitable or not, shall not exceed 12' feet or 10% percent of the roof area of the building. An elevator bulkhead and associated stairs are not part of the height restriction.

12. Townhouse unit Height

- a. Maximum building height: 3.5 stories / 40 feet, except that protruding elements, whether habitable or not, shall not exceed 9' feet or 10% percent of the roof area of the building.

13. One or more site features shall reflect the railroad and industrial history of the Borough. The feature shall be visible to a publicly accessible area and may be an architectural feature, or other site amenity.

14. Stormwater detention basins shall not be located between a building and a publicly accessible area.

H. PARKING & CIRCULATION

1. The parking and circulation shall be substantially similar to the Concept Plan provided in Exhibit A to this Redevelopment Plan.

2. Parking shall be provided as follows:

- a. One and a half (1.5) parking spaces per multi-family unit
- b. Two (2) parking spaces per townhouse unit.
- c. No parking is required for nonresidential uses.

3. Bicycle parking shall be provided, consistent with § 1634.

4. Loading space(s) are not required.

5. One delivery / passenger drop-off area shall be identified. Said area shall be located convenient for residential deliveries and passenger drop-offs and may be located within the site interior, along an access drive or along a public street. The location of the feature shall not prevent the flow of pedestrian, bicycle or vehicular movement.

6. Parking structures facing a publicly accessible area should be architecturally integrated into the principal building using techniques such as screening, and/or grilles.

7. Curb cuts shall be substantially consistent with those shown on the Concept Plan provided in Exhibit A.

8. Townhouses shall provide on-site parking by an enclosed garage located in the rear yard, which shall not include the primary building entrance, with access from a lane,

alley or surface parking lot. Parking may occur within the driveway leading to the garage, in which case the garage shall be set back no less than 18 feet from the lot line to accommodate a car without projecting into the right-of-way.

9. Vehicle access drives shall not be located less than 5 feet from a building façade with a pedestrian access. Facades with emergency access only are exempt.

I. ARCHITECTURAL DESIGN

1. The architectural design shall be substantially similar to the Concept Building Renderings in Exhibit B to this Redevelopment Plan.
2. Building facades shall present a cohesive design and shall utilize regular patterns to create architectural interest. Such architectural interest may be created through use of vertical recesses/projections, material changes, or a tripartite structure (three distinct vertical components - a "base," a "middle," and a "top" distinguished with building materials, projections, or other architectural features). Blank walls are prohibited.
3. Facades shall be expressed as building modules that do not exceed 80 feet in width.
4. Building entrances shall be articulated to make them easily identifiable by visitors and to provide architectural interest. Examples of special features of entrances include, but are not limited to, awning, architectural treatments, recesses, projections, etc. Service doors shall be integrated with the building design and need not be articulated.
5. Building entrance shall face the street to which the building is oriented.
6. Upper floor windows shall be divided into individual units, rather than a continuous "ribbon." In addition, upper story windows shall be oriented vertically.
7. Windows shall be recessed, or project as bays from the main wall, a minimum of four inches from the façade so as to create texture and shadows on the façade for visual interest. Windows shall not be flush with the surrounding wall surface.
8. Awnings should have a matte finish and be constructed of colored natural or synthetic canvas, or other materials such as metal or glass. Awnings should not be internally illuminated and should not be made of vinyl or other plastic material.
9. The maximum length of any visible continuous roofline shall not exceed 100 feet. Visible roofline segments should vary in height by at least 4 feet.
10. Building roofs should be flat, gabled, or mansard. Hipped roofs are discouraged.
11. Ground level mechanical equipment is discouraged. Where provided, it shall not be located between building and a publicly accessible area and shall be screened with plantings or a solid fence.

12. Redevelopment is encouraged to utilize green or sustainable building and site design standards. Some examples are: United States Green Building Council LEED; National Green Building Standard; EnergyStar; Green Globes; and the Sustainable Sites Initiative.

J. SIGNS

1. Signs, including those for a residential development, shall be consistent with the standards for businesses for the DB district in the Flemington Borough Land Development Ordinance, with the following exceptions:
 - a. Freestanding signs are prohibited.
 - b. With the exception of a wayfinding sign at the corner of Main Street and Park Avenue stating, "Flemington," which shall have letters that do not exceed 2 feet in height, any wall sign shall be limited to not more than 50 square feet.

K. STREETSCAPE DESIGN

1. Street trees shall be provided along all public streets, consistent with § 1632.A.2.
2. Sidewalks shall be provided along all public streets, consistent with § 1634.
3. Streetscape furnishings, light fixtures, garbage disposal, etc., shall be required for the Main Street and Park Avenue frontages of the site and shall be the same or substantially similar to those specified in the Main Street Streetscape Improvements.
4. Subject to approval by the relevant utility provider, all utilities shall be installed underground.

L. PLANTING AND LIGHTING DESIGN

1. Buffer plantings shall not be required.
2. All lighting shall meet the requirements in the Flemington Borough Land Development Ordinance. All outdoor lighting should be coordinated as to style, material and color. All exterior lighting shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and across, the property lines to prevent glare at any location on or off of the property. The use of light-emitting diode (LED) fixtures is required for energy efficiency and uniform illumination.

RELATIONSHIP TO PLANNING & OBJECTIVES

The 2010 Master Plan, as supplemented by the 2015 Master Plan Reexamination Report, outlines the vision for the future of Flemington Borough. The Master Plan outlines several goals and objectives related to residential and commercial development within the Borough. The goals and objectives that are relevant to the Redevelopment Area are as follows:

“Employ strategies to encourage community and economic development within the Borough.”

“Integrate residential and commercial segments of Flemington Borough to benefit the entire community.”

“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.”

“Concentrate retail, service, and entertainment uses which best contribute to creating a vibrant downtown and that will draw residents and visitors alike to the retail portion of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.”

“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.”

The Master Plan highlights the importance of strengthening, integrating, and encouraging residential and commercial development within the Borough. Although the Master Plan goals emphasize commercial redevelopment in the Downtown Business District and southern portions of the Borough, it also recognizes the importance of providing varying scales of residential and commercial development. The Redevelopment Plan is consistent with goals and objectives outlined in the Master Plan.

The Historic Preservation Element of the 2010 Master Plan, and associated 2020 Amendment, outline goals and recommendations specifically tailored to the historic preservation in the Borough. The goals and objectives that are relevant to the Redevelopment Area are as follows:

1) Locate, designate, protect and maintain Flemington's most important historic sites and district(s).

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 Redevelopment Area is located in the Transition Commercial (TC) Zoning District. The purpose of the TC District is to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor which were developed in proximity to rail lines or highways. The full list of permitted principal and accessory uses can be found in §2618 of the Borough's Land Development Ordinance. Examples of permitted principal uses include grocery stores, breweries, lawn and garden centers, and other retail commercial uses.

The Redevelopment Area is also located in the Redevelopment Office/Senior Housing (ROSH) Overlay District. The purpose of the ROSH Overlay Zone is to provide alternative uses for the area generally bounded by portions of the following roads: Walter Foran Boulevard, Hopewell Avenue, and Park Avenue. Additionally, the purpose of the overlay zone includes the following:

1. Promote development of compact, pedestrian-oriented mixed uses including assisted living senior citizen residential with retail, office and open space;
2. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage, and town center businesses;

3. Promote the health and well-being of residents by encouraging physical activities and greater social interaction.

The Redevelopment Area is located in the northern portion of the Borough, close to the municipal boundary with Raritan Township. In between the redevelopment area and the municipal boundary are multifamily residential uses. The adjacent properties in Raritan Township are located in the R-6 Residential, R-6LM Low- and Moderate-Income Housing, and B-2 Commercial Zoning Districts. The R-6 and R-6LM permit residential uses. The B-2 district permits commercial uses including retail service, banks, and professional offices.

The New Jersey State Development and Redevelopment Plan (SDRP) is a statewide policy document that is meant to act as a guide for public and private sector investments throughout the state. The Plan outlines and designates areas as various Planning Areas. The Redevelopment Area is within the Fringe Planning Area (PA-3). The Fringe Planning Area is meant to:

“Accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine - programmed sewers and public water services to Centers.”

Additionally, the Borough of Flemington, including the Redevelopment Area, is a State Plan Designated Center. Designated Centers are areas that contain compact forms of development. In the Fringe Planning Area, it is the intent of the State Plan, that centers accommodate future growth since they are already served by municipal infrastructure. Redevelopment of the site with a residential use is consistent the State Plan and Center designation.

Exhibit A. Concept Plan

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)

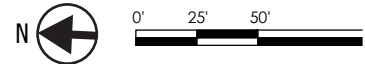


LEGEND

- ▲ PEDESTRIAN ACCESS TO PARK
- △ ADA PEDESTRIAN ACCESS TO PARK
- ↕↑ VEHICULAR ACCESS TO PARKING
- TERRACES/BALCONIES

PROJECT STATISTICS

- 11 TOWNHOUSES
- 100 APARTMENT UNITS INCLUDING REQ. AFFORDABLE UNITS IN NORTH AND SOUTH BUILDING
- 200 TOTAL PARKING SPACES



SITE PLAN

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Exhibit B.
Concept Building Renderings



VIEW 1: GATEWAY

FLEMINGTON REDEVELOPMENT
11/15/2022

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)



VIEW 2: TOWNHOUSE AERIAL

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the "Global Agway Redevelopment Plan")



VIEW 3: PARK AVE.

STUDIO 1200 ARCHITECTURE + DESIGN | 511 MILLBURN AVE. STE 1, SHORT HILLS, NJ 07078 | STUDIO1200.COM

FLEMINGTON REDEVELOPMENT
11/15/2022

Attachment: 221123 Cardinal Capital RD Plan (2022-30 : Amending a Portion of the “Global Agway Redevelopment Plan”)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-231**

DOC ID: 3946

1St Reading: 2022 Flemington Special Improvement District Budget

WHEREAS, at its regular meeting of November 14, 2021, the governing body of the Borough of Flemington introduced and approved the Flemington Borough Special Improvement District budget for the period January 1, 2023 - December 31, 2023, which budget is annexed hereto; and

WHEREAS, after notice of advertisement in a newspaper of general circulation, the governing body of Flemington Borough conducted a public hearing during its regular meeting on December 12, 2022, at 7:30 P.M.; and

WHEREAS, at least one (1) week prior to the public hearing hearing a complete copy of the proposed budget was (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, during the public hearing, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Flemington, having considered the comments at the public hearing, is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Flemington is required to adopt the budget by resolution after closing the hearing;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Flemington that:

(1) The Flemington Borough Special Improvement District 2022 budget is approved by the governing body of the Borough of Flemington and it is approved for the period of January 1, 2023 - December 31, 2023 in the amount of \$572,000.00, to be collected via the Special Improvement Tax.

(2) The municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and

assessed properties in the District, as listed in the Ordinance establishing the District, which assessment roll shall include a description of the property and the name of the record owner of each such property;

(3) This special assessment shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Flemington as set forth within the Ordinance and the assessment as follows: Schedule A (Downtown) shall be assessed at 66%; and, Schedule B (Highway) shall be assessed at 34%;

(4) Payments the District received by the Borough of Flemington shall be transferred to the Flemington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and

(5) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Flemington Borough Business Improvement District Management Corporation, the Hunterdon County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

(6) BUDGET

2022 BUDGET (See Attachment for Detail)

Introduced: November 14, 2022

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

HISTORY:

11/14/22

Governing Body

INTRODUCED

Next: 12/12/22

FCP Budget	22		22 Notes	23 DRAFT	Breakdown
EOY Bank Account Carryover	100,000		Note: We carryover funds		120,000
REVENUE:					
BID Assessment	362,000		Annual Tax Assessment		362,000
Additional Sponsorships & Grants	30,000		In 22 sponsorship is not		45,000
Earned Revenue: Tickets, Event	27,000		Earned Revenue event		45,000
TOTAL	519,000			572,000	
EXPENSES					
Economic Development	124,150			136,000	
Event Grants to Biz		30,000	Grants to local businesses		32,000
Temporary Performance/ Event		14,000	Tent, Talent, Permits &		16,000
Biz-focused Annual & Seasonal		67,000	Seasonal Events & Promo		72,000
Stakeholder Relations		7,650	Board & Stakeholder		8,000
Econ Dev Planning & Events		5,000	Meetings, Maps, Prof		8,000
Streetscape Improvements	70,000			72,000	
Visual Arts		6,000	Holiday Décor and		6,000
Storefront Improvement & Sign		20,000	Grants to businesses for		26,000
Banners & Signs		17,000	Printed Banners and Sign		17,000
Beautification Projects/Season		27,000	Landscaping circle &		23,000
Marketing	40,000			43,000	
General Advertising		23,000	All print ads and event		25,000
Facebook & Online Ads		4,000	Boosted FB, Insta, Social		3,000
FCP Promotional Materials		5,000	Merch, Contests, bags, t-		8,000
Film/ Photo/ Video		2,000	Photography & Video		4,000
Brochures		6,000	Print and on-line		3,000

Total Advertising	55,000			64,000	
Graphic Design		12,000	All Graphic Design Work		12,000
Market Research		2,000	Surveying and testing		500
Web /Hosting/Domain/CC		4,000	All Web Fees		4,500
Marketing/PR		25,000	prof services, newsletters, pr		35,000
Social Media / Business Writing		6,000	Social Media Support and Business Content		6,000
Print Materials/Business Promotion		6,000	Seasonal Print and Biz Promo Materials printing		6,000
Administration	152,500			181,500	
Executive Director		100,000	Salary		110,000
Operations/ Project & Event		25,000	(PLUS Additional 25k		25,000
Admin/ Event/Project Support		6,000			25,000
Payroll Taxes		21,500			21,500
Overall FCP Operations	51,360		Rent, storage, office equip	55,000	
Professional Services	14,000		Fee's for Bookkeeping, Acc	15,000	
TOTAL Expense	507,010			566,500	
TOTAL REVENUES	519,000			572,000	
TOTAL EXPENSES	507,010			566,500	
NET INCOME	11,990			5,500	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

TABLED**RESOLUTION 2022-239**

DOC ID: 3957

Authorizing the Mayor and Clerk to Sign a 2023-2025 Collective Bargaining Agreement with PBA Local 188 Representing Flemington Police Department

Approving a 2023-2025 Collective Bargaining Agreement with PBA Local 188 Representing Flemington Police Department and Authorizing the Mayor and Clerk and Execute the Same

WHEREAS, the Borough of Flemington (the "Borough") entered into negotiations with PBA Local regarding conditions of employment relating to police officers employed by the Flemington Borough Police Department; and

WHEREAS, as a result of these negotiations, the Borough and the PBA Local 188 have reached a mutual agreement regarding such terms and conditions of employment, a copy of which is attached hereto; and

WHEREAS, the Borough Labor Attorney has reviewed the attached agreement.

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 agreement for the years 2023-2025 between the Borough of Flemington and Hunterdon County P.B.A. Local 188, a copy of which is annexed hereto and is made a part thereof, is hereby accepted by the Borough.
2. The Mayor and Clerk are authorized to sign the agreement between the Borough of Flemington and Hunterdon County P.B.A. Local 188 in substantially the same form as attached hereto, allowing for the correction of typos or grammatical errors.
3. This agreement is approved and ratified by the Borough of Flemington subject to ratification by P.B.A. Local 188.
4. Copies of this resolution will be provided to P.B.A. Local 188, the Borough Clerk / Administrator, Chief of Police, Chief Finance Officer, and any other interested parties.
5. A certified copy of this resolution and the Agreement are to be forwarded to the Public Employment Relations Commission.

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

HISTORY:

11/28/22

Governing Body

TABLED

Next: 12/12/22

Tabled based on questions raised during Executive Session.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-246**

DOC ID: 3967

Authorizing a Redevelopment Agreement by and Between the Borough of Flemington and Captiva Main Street Urban Renewal LLC

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

WHEREAS, by Resolution 2014-73 adopted on April 16, 2014, the Flemington Borough Council designated Block 5 Lots 1 & 2 and Block 14, Lot 1 as a non-Condensation redevelopment Area ("Global Agway Redevelopment Area"); and

WHEREAS, by Ordinance No. 2017-1 on February 13, 2017, the Borough of Flemington adopted a plan for the redevelopment of those parcels within the Redevelopment Area, which plan is known as the Global Agway Redevelopment Plan ("Redevelopment Plan"); and

WHEREAS, the Borough desires that certain property located within the Redevelopment Area be redeveloped in accordance with the Redevelopment Plan, as may be amended from time to time, a complete copy of which is on file at Borough Hall:

- Block 5, Lots 1 & 2 - property known as Global Agway, consisting of approximately 3.34 acres ("**Project Site**"); and

WHEREAS, by Resolution adopted in December 2019, the Borough authorized the execution of a Conditional Designation Agreement with Captiva Main Street, LLC, and thereafter engaged in negotiations for a comprehensive Redevelopment Agreement with Captiva Main Street Urban Renewal, LLC for the redevelopment of the Redevelopment Area; and

WHEREAS, the Borough has negotiated the terms of a Redevelopment Agreement with

Captiva Main Street Urban Renewal, LLC for the comprehensive redevelopment of the Redevelopment Area, a copy of which is attached to this Resolution.

WHEREAS, the Borough and Redeveloper desire to enter into this Agreement, which supersedes any and all previous Agreements for the Redevelopment of the Redevelopment Area;

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

1. The Mayor is hereby authorized and directed to execute a Redevelopment Agreement between the Borough of Flemington and Captiva Main Street Urban Renewal, LLC in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-247**

DOC ID: 3968

Authorizing a Redevelopment Agreement by and Between the Borough of Flemington and Cardinal Capital Management, Inc.

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

WHEREAS, by Resolution 2014-73 adopted on April 16, 2014, the Flemington Borough Council designated Block 5 Lots 1 & 2 and Block 14, Lot 1 as a non-Condemnation redevelopment Area ("Global Agway Redevelopment Area"); and

WHEREAS, by Ordinance No. 2017-1 on February 13, 2017, the Borough of Flemington adopted a plan for the redevelopment of those parcels within the Redevelopment Area, which plan is known as the Global Agway Redevelopment Plan ("Redevelopment Plan"); and

WHEREAS, by Ordinance 2022-30 on December 12, 2022, the Borough of Flemington adopted an amendment to the Redevelopment Plan to proscribe the zoning regulations and bulk standards applicable to the Block 14, Lot 1 portion of the Redevelopment Area (the "Project Site"), which consists of 2.27 acres and fronts on Main Street and Park Avenue (the "Second Amendment to Redevelopment Plan"); and

WHEREAS, the Borough desires that the Project Site within the Redevelopment

Area be redeveloped in accordance with the Redevelopment Plan and Second Amendment to Redevelopment Plan, as may be amended from time to time, a complete copy of which are on file at Borough Hall; and

WHEREAS, by Resolution adopted in August 2022, the Borough authorized the execution of a Second Conditional Designation Agreement with Cardinal Capital Management, Inc., and thereafter engaged in negotiations for a comprehensive Redevelopment Agreement with Cardinal Capital Management, Inc. for the redevelopment of the Project Site; and

WHEREAS, the Borough has negotiated the terms of a Redevelopment Agreement with Cardinal Capital Management, Inc. for the comprehensive redevelopment of the Project Site, a copy of which is attached to this Resolution.

WHEREAS, the Borough and Redeveloper desire to enter into this Agreement, which supersedes any and all previous Agreements for the Redevelopment of the Redevelopment Area;

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

1. The Mayor is hereby authorized and directed to execute a Redevelopment Agreement between the Borough of Flemington and Cardinal Capital Management, Inc. in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed

necessary or desirable to implement this Resolution.

3. This Resolution shall be effective immediately.

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-248**

DOC ID: 3971

Authorizing the Execution of an Amendment to the Second Amended and Restated Redevelopment Agreement with Flemington Center Urban Renewal, LLC and Approving Certain Other Actions Related Thereto

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

WHEREAS, in accordance with the Redevelopment Law, on September 29, 2020, the Borough Council adopted Resolution 2020-166 approving and authorizing the execution of a certain seconded amended redevelopment agreement between the Borough of Flemington and Flemington and Flemington Center Urban Renewal, LLC dated October 13, 2020 (the "**2020 Redevelopment Agreement**"); and

WHEREAS, the Borough of Flemington (the "**Borough**") and Flemington and Flemington Center Urban Renewal, LLC (the "**URE**") have determined to enter into an amendment to the 2020 Redevelopment Agreement a copy of which is attached hereto as EXHIBIT A (the "**Amendment**"); and

WHEREAS, in order to obtain financing for the Project (as defined in the 2020 Redevelopment Agreement), the Redeveloper may need to enter into separate redevelopment agreements for each phase of the Project; and

WHEREAS, in order to effectuate the redevelopment of the Property (as defined in the 2020 Redevelopment Agreement), the Borough has determined to enter into the Amendment and multiple redevelopment agreement(s) with the URE and affiliated entities for each phase of the Project on the same terms as set forth in the 2020 Redevelopment Agreement (the "**Phase Redevelopment Agreements**"),

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Borough hereby approves the Amendment.

Section 3. The Mayor and/or the Deputy Mayor of the Borough are hereby authorized to execute the Amendment and the Phase Redevelopment Agreement(s) with the URE or affiliated entities as applicable, subject to such additions, deletions,

modifications or amendments deemed necessary by the Mayor in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the 2020 Redevelopment Agreement, Amendment and Phase Redevelopment Agreement(s).

Section 4. This Resolution shall take effect immediately.

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-249**

DOC ID: 3969

Authorizing an Amended Redevelopment Agreement by and Between the Borough of Flemington and HBC Liberty, LLC

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

WHEREAS, by Resolution 2021-15, on October 12, 2021, the Borough of Flemington designated the Liberty Village Redevelopment Area as a "Non-Condemnation" Redevelopment area comprising of ten (10) lots and approximately twenty-three (23) acres (collectively, the "**Redevelopment Area**"); and

WHEREAS, by Ordinance No. 2021-28 on December 13, 2021, the Borough of Flemington adopted a plan for the redevelopment of the parcels within the Redevelopment Area known as the Liberty Village Redevelopment Plan ("**Redevelopment Plan**"); and

WHEREAS, the Borough desires that certain property located within the Redevelopment Area be redeveloped in accordance with the Redevelopment Plan, as may be amended from time to time, a complete copy of which is on file at Borough Hall:

- Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70, and 71 - property known as Liberty Village, consisting of approximately 23 acres located generally at the intersection of NJ Route 12, Stangl Road, and Church Street ("**Project Site**"); and

WHEREAS, by Resolution dated January 24, 2022, the Borough authorized the execution of a Conditional Designation Agreement with HBC Liberty Village, LLC, and thereafter engaged in negotiations for a comprehensive Redevelopment Agreement with HBC Liberty Village, LLC for the redevelopment of the Redevelopment Area; and

WHEREAS, by Resolution 2022-148, the Borough authorized the execution of a Redevelopment Agreement by and between the Borough of Flemington and HBC Liberty LLC ("**Redevelopment Agreement**"); and

WHEREAS, the Borough has determined that certain revisions and amendments to the Redevelopment Agreement would aid in the effective redevelopment of the Project Site and benefit the Borough; and

WHEREAS, the Borough has negotiated the terms of an Amended Redevelopment Agreement with HBC Liberty Village, LLC for the comprehensive redevelopment of the Redevelopment Area, a copy of which is attached to this Resolution.

WHEREAS, the Borough and Redeveloper desire to enter into this Amended Redevelopment Agreement, which supersedes any and all previous Agreements for the

Redevelopment of the Redevelopment Area;

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

1. The Mayor is hereby authorized and directed to execute an Amended Redevelopment Agreement between the Borough of Flemington and HBC Liberty Village, LLC in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/12/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-250**

DOC ID: 3966

Authorizing the CFO to Pay Bills for the Last 2022 Bills List

WHEREAS, the Borough of Flemington has budgeted funds for payment of obligations including, utilities, payroll, debt service, governmental fees and other statutory payments, insurance, and for the supplies, advertising, printing and mailing costs of the Borough; and,

WHEREAS, the payment of these items will occur after the last Council Meeting of the year, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Borough's Chief Financial Officer and Borough Attorney have advised that the governing body may provide for the payment of these items, so that they may be paid in a timely manner without penalty.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Chief Financial Officer be and is hereby authorized and directed to make payment on the next list of bills and claims:

Adopted: December 12, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk