

*5/16/16 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, APRIL 26, 2016 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Board Chair Todd Cook.

Roll Call:

Present: Mrs. Engelhardt, Ms. Melfi, Mayor Greiner, Mr. Cook, Mrs. Pedrick, Mr. Doshna, Mr. Townsend, Attorney Gianos, Engineer Clerico, Planner McManus, Traffic Engineer Rocciola @ 7:25 pm

Excused: Mr. Budney, Ms. Kenoyer, Mr. Hain, Mr. Perron

- 1. Public Comments:** Mr. Giffin, Borough Township resident and also a structural engineer, asked the status of the Union Hotel. Mayor Greiner explained that the plans had not yet been submitted. Mr. Giffin offered his services in connection with preserving the façade of Union Hotel as a structural engineer.

Tony Previtte, appeared and asked the status of the Global Ag site, Mr. Cook explained that the prospective buyer would be coming to the Board for an informal discussion soon.

- 2. Approval of minutes for April 4, 2016 regular meeting.**

Motion to approve the minutes: Melfi, seconded by Greiner

Ayes: Engelhardt, Greiner, Melfi, Cook, Pedrick

Nays: (None)

Abstain: Doshna, Townsend

Motion passed: 5-0-2

Motion to change the order of the agenda was made by Doshna, seconded by Melfi. All were in favor.

- 3. Resolution 2016-05:** DiBianca Family Associates, LLC, Block 43, Lot 11

One (1) Year Extension of Final Site Plan approval through June 30, 2017

Motion to approve the resolution: Melfi, seconded by Engelhardt

Ayes: Engelhardt, Melfi, Greiner, Cook

Nays: (None)

Abstain: (None)

Motion passed: 4-0-0

- 4. HPC applications for April 20, 2016:**

- 6 North Main Street - 6NMS, LLC, Block 14 Lot 11

HPC Chair Elaine Gorman discussed the application to make extensive renovations to the building including changing the roof structure, replacing windows, restoring the carriage house, replacing gutters and the front door stating that the applicant would be coming back to make additional improvements and that the HPC had approved what was submitted. The Board discussed.

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Motion to approve, Melfi, seconded by Doshna
Ayes: Engelhardt, Melfi, Greiner, Cook, Doshna, Pedrick, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 7-0-0

- 187 Main Street - Zink, Block 41 Lot 20

HPC Chair Elaine Gorman discussed the application to replace the deteriorating slate roof with asphalt shingles. Ms. Gorman stated that a contractor had not yet been identified.

Motion to approve, Melfi, seconded by Greiner
Ayes: Melfi, Greiner, Cook, Pedrick, Townsend
Nays: Engelhardt
Abstain: Doshna
Motion passed: 5-1-1

5. Public Hearing: 41 Route 31, LLC, Application 2016-02: Preliminary & Final Site Plan

Attorney Gianos stated that the applicant had submitted the affidavit of service and notice of public hearing which were entered as Exhibit A-1. Mr. Gianos stated that he had reviewed the items and found that the Board had jurisdiction to proceed with the public hearing.

The applicant's attorney, Alex Fisher, appeared for the applicant and discussed the application, stating that the applicant had a productive meeting with the technical review subcommittee the day before the hearing, Mr. Fisher thanked the Board for holding the meeting and discussed the variances being requested. Mr. Fisher stated that there would be five (5) witnesses including Mark Naylor, AIA, the owner Alan Frank, Robert Freud, PE, Justin Taylor, PE and Frank Banisch, PP who were all sworn in for testimony.

Mr. Naylor stated his qualifications as a licensed architect and was accepted as same. Mr. Naylor referred to the architectural rendering of the north façade of the building entered as Exhibit A-2 and the east façade of the building facing the street entered as Exhibit A-3. Mr. Naylor stated that the building would comply with all building codes and would include a sprinkler system to meet State safety codes, the signs would be flat faced and backlit with no neon LED or exposed lamps. Mr. Naylor stated that there were 274 proposed seats which had been revised from the original plan and discussed the building materials which the applicant would use reclaimed wood & stone if possible to match the other two locations of the Chimney Rock Inn in Bridgewater and Gillette. Mr. Naylor discussed the floor plan, a plan of which was entered as Exhibit A-4 and located all of the rooms.

Mr. Cook asked if the height variance was due to the 2 cupolas which were for aesthetics located in the Borough. Mr. Naylor stated that the ridge line would be under 35 feet and that it was only the cupolas that would be higher.

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Lois Stewart, 26 Spring Street, asked if the "Eat at the Rock" was a façade sign, Mr. Naylor explained that it was and would be located in Raritan Township.

Applicant and owner of 41 Route 31, LLC & Chimney Rock Inn appeared and discussed the background of the business located in Bridgewater for 24 years and recently in Gillette and stated that he was the contract purchaser of the property. Mr. Frank discussed the family friendly, community minded restaurant and the hours of operation of 11 am - 10 pm Sunday to Wednesday and 11 am - 11 pm Thursday to Saturday noting that the restaurant may stay open for sporting events similar to the other locations. Mr. Frank stated that he could not reduce the size of the building or amount of parking to maintain the success of the business. Mr. Frank stated that vendors would make deliveries from 7 am - 11 am and beverage delivery from 2 pm - 4 pm at off peak time noting that where the other locations did not have a loading zone there had been no issues due to the scheduling of deliveries. Mr. Frank stated that the restaurant would hire a total of 60 employees and staff shifts would include 18 for lunch and 25 for dinner and weekends. Mr. Frank stated that he had been working on this project for many years and was thrilled to be part of the community and improve the site.

Ms. Melfi asked if a free standing sign was proposed. Mr. Frank stated that he was fine without a free standing sign and would rely on the market to attract customers and that the only other signs would be for exit and entrance at the access.

Mrs. Engelhardt asked if the building would include LEED or green building requirements. Mr. Frank stated that it would not be economical but the building would be environmentally aware and have high efficiency water facilities. Mr. Frank stated that there would be a dedicated order pick up parking space and agreed to include a sign for no idling per DEP regulations. Mr. Frank stated that the grease would be recycled and that he would re-purpose as many materials from the demolition as possible.

Lois Stewart, 26 Spring Street, asked if additional trees could be planted in the parking area and asked what kind of food would be served. Mr. Frank explained.

The applicant's engineer, Robert Freud, P.E. appeared and discussed the application after being accepted as a professional engineer. Mr. Freud discussed an aerial photograph with an overlay of the proposed layout of the site stating the combined area of the lots and noting that the restaurant was a permitted use in both the Borough and Raritan Township. Mr. Freud stated that the existing American Legion building was currently vacant and outdated needing significant repairs to be ADA compliant. Mr. Freud distributed an aerial photograph of the parking area entered as Exhibit A-6 noting the sea of asphalt would be significantly improved with the proposed layout including storm water improvement where no storm water infrastructure was on currently on site. Mr. Freud stated that all utilities are available and the access easement would continue to be maintained with grass.

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Mr. Freud referred to a color rendering of the proposed layout entered as Exhibit A-7 and a plan showing the modifications to the parking area based on the comments from the subcommittee meeting Monday entered as Exhibit A-8 which reduced the impervious coverage to from the originally proposed 71% to 70% and stated that these revisions improved the circulation from the existing ingress. Mr. Freud discussed the parking areas and truck circulation and agreed to provide a fire truck circulation plan to the fire official as a condition of any approval and opined that there was no need for a loading space based on the delivery schedule provided by the applicant. Mr. Freud stated that he had performed extensive soil testing on site and explained that the applicant was not able to use an infiltration system which would allow the 70% coverage and therefore needed a variance for the proposed coverage. Mr. Freud stated that the site proposed wide sidewalks to encourage pedestrian movement and a gathering space noting that A-8 had been modified to include a connectivity sidewalk along the property line to the south along the Route 31 frontage and agreed to provide a bicycle rack on the west side of the building and provide a detail.

Mr. Freud discussed the storm water plan, stating that there were still technical aspects that would be provided to the satisfaction of the Board engineer and would provide additional landscaping in the area of the detention basin and would revised the plans to propose gentle slopes along the basin. Mr. Freud discussed the proposed lighting which would be 13 LED lights on 25 foot high poles. Mr. Freud discussed the lighting and signage variances needed. Mr. Freud discussed the review letters prepared by Mr. Clerico and Ms. McManus and identified those items addressed in testimony and those to be provided as a condition.

Ms. Melfi asked if a fire truck could be driven to a parallel location by the building and if the above detention basin could become an underground basin. Mr. Freud explained.

The Board discussed the fencing around the detention basin. Mr. Freud agreed to provide the type and height of fencing around the detention basin to the satisfaction of the Board planner.

Mayor Greiner asked if the applicant had verification of sewer and water capacity. Mr. Clerico stated that there was a restriction from the RTMUA, and that a letter dated April 8, 2016 had been provided by Ken Diehl and Josh Parks. Mr. Freud stated that the site had water capacity and was working with Mr. Diehl to provide the sewer capacity and agreed to the comply with the April 8, 2016 letter as a condition of any approval.

The Board discussed the number of plantings required by the Borough ordinance which after some discussion was decided could be located on the entire site. Mr. Freud stated that additional landscaping would be added and that any deficit in the number required the applicant would provide a payment in lieu of planting with the number to be determined as a condition.

Mrs. Engelhardt suggested a bollard be installed by the parallel parking spaces on the side on the building and asked if the bike racks could be installed in an appropriate location. Mr. Freud

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agreed. Mrs. Engelhardt asked if the applicant would consider adding a small area of sidewalk along Route 31 on the northerly side of the frontage. Mrs. Engelhardt discussed the questions from the Environmental Commission since they would not meet prior to the public hearing. Mr. Freud discussed the questions including that the building would include energy saving lighting while maintaining security lighting, that there would be no disturbance off site and would not encroach into the green acres property.

The meeting recessed at 9:07 p.m.

The meeting resumed at 9:20 p.m.

Mr. Fisher stated that the proposed sidewalk to the north in Route 31 right of way would be a DOT application and that the applicant was willing to install this portion if approved by the DOT.

Lois Stewart, 26 Spring Street, asked if the lighting could be reduced even further overnight without risking safety. Mr. Freud stated that the applicant would consider it. Ms. Stewart asked that the proposed tree species be hardy and asked the species in the front shrub. Mr. Freud explained.

Betsy Driver, resident, asked if the lighting in the parking lot would have a downward direction. Mr. Freud explained that they would be directed downward.

Mr. Giffin asked if the bleachers for the ball field that were to be relocated were easy to remove. Mr. Freud explained that they were.

Ms. Stewart asked if precautions for air quality and air pollution were being taken for the demolition of the building. Mr. Freud stated that the demolition was regulated by the State.

Mr. Fisher stated that the applicant's traffic engineer, Justin Taylor, was available for testimony if necessary. Mr. Rocciola stated that the traffic study provided was comprehensive and that he had no comments or issues with the traffic including the DOT letter of no interest.

The applicant's planner, Francis Banisch, appeared and was accepted as a professional planner and discussed the application. Mr. Banisch discussed the series of photographs entered as Exhibit A-9 and the Aerial photograph of the surrounding area entered as Exhibit A-10. Mr. Banisch discussed the requested variances and the positive criteria for each. Mr. Banisch stated that the existing American Legion building was not originally built to be appealing and noted that the visual character of the existing building compared with the proposed improvement provided a public benefit noting that this building would be the best thought out project so far for the applicant. Mr. Banisch stated that the façade signs added character to the buildings and the applicant was not proposing a free standing sign which was permitted. Mr. Banisch stated that the site provided safe efficient traffic circulation with more conforming setbacks and aisle width. Mr. Banisch discussed that the employee parallel parking which was a more efficient use of asphalt would have to be eliminated if the applicant proposed a loading space which could be

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managed more efficiently by the proposed delivery schedule. Mr. Banisch stated that the height increase was minor for the two proposed cupolas which were used elsewhere in town and did not increase the floor area noting that the ridge line was conforming. Mr. Banisch discussed the landscaping and lighting variances stated that they did not create a detriment to the public good.

Mr. Cook asked the timeline for construction. Mr. Frank stated he would like to open in the first quarter of 2017.

Mrs. Engelhardt asked the location of the dumpster. Mr. Freud explained and noted that the dumpster would be screened from customer parking.

Ms. Driver asked if there would be composting on site. Mr. Frank stated that it would be separated in the trash area into sealed containers to be removed off site. Ms. Driver asked if there would be a liquor license, Mr. Fisher stated that the liquor license would be issued from Raritan Township.

Mr. Cook asked for public comments.

Lois Stewart stated that she was looking forward to the family restaurant and asked again for consideration of increasing the landscaping with hardy species and stated her concerns for lighting on site after hours and the air quality during the demolition.

Motion to close the public hearing: Melfi, seconded by Doshna
Ayes: Engelhardt, Melfi, Greiner, Cook, Doshna, Pedrick, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 7-0-0

The Board provided their comments on the application.

Mr. Gianos summarized the variances requested including lot area, impervious coverage, loading space, façade sign, area and height, building height for cupolas, landscape waivers, compliance with the April 8, 2016 letter from the Water & Sewer Departments, all outside approvals, compliance with Mr. Clerico's and Ms. McManus's review letter as revised during testimony, tree payment in lieu of planting with trees to be planted in Borough and Township. Mr. Gianos stated that the side yard setback, lot frontage variances were not applicable for the Borough.

Motion to grant the variance relief and design waivers as discussed and to grant the preliminary and final site plan approval: Melfi, seconded by Doshna

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Ayes: Engelhardt, Melfi, Greiner, Cook, Doshna, Pedrick, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 7-0-0

6. Council Items

None

7. Chair Items

Chairman Cook discussed that there were no agenda items for the next meeting on May 2, 2016.

Motion to cancel the May 2, 2016 regular meeting: Melfi, seconded by Greiner
Ayes: Engelhardt, Melfi, Greiner, Cook, Doshna, Pedrick, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 7-0-0

8. Bills:

Motion to approve: Doshna, seconded by Engelhardt
Ayes: Engelhardt, Greiner, Cook, Doshna, Pedrick, Townsend
Nays: (None)
Abstain:
Motion passed: 7-0-0

Mrs. Engelhardt discussed invoices for the Global Ag and Union Hotel redevelopment plans. Mrs. Engelhardt asked who from the Board was on the subcommittee for the redevelopment plans and asked that the Board be updated on the progress of the redevelopment plans, Mayor Greiner agreed that an update would be provided at the next meeting.

9. Adjourn

Motion to adjourn at 10:30 p.m.: Melfi; second: Doshna
Ayes: All were in favor
Nays: (None)
Motion passed: 7-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary

These minutes were approved on May 24, 2016