

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, AUGUST 23, 2016 – 7:00 PM

MINUTES

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

Roll Call:

Present: Ms. Kenoyer, Ms. Melfi, Mayor Greiner, Mr. Cook, Mrs. Pedrick, Mr. Doshna, Mr. Hain, Mr. Perron, Mr. Townsend, Attorney Gianos, Engineer Clerico, Planner McManus

Excused: Mrs. Engelhardt, Mr. Budney, Traffic Engineer Rocciola

1. Public Comments: None

2. Approval of minutes for August 1, 2016 regular meeting.

Motion to approve the minutes: Melfi, seconded by Doshna

Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Pedrick, Hain, Perron, Townsend

Nays: (None)

Abstain:

Motion passed: 9-0-0

3. Resolution: Gerald & Kay Mazzetta, Block 37 Lot 8, 30 Church Street-Use Variance to allow residential use on the first floor in the DBII Zone.

Mr. Gianos stated that the resolution made been sent to the applicant for comments.

Motion to approve the resolution: Melfi, seconded by Doshna.

Ayes: Kenoyer, Melfi, Cook, Pedrick, Doshna

Nays: (None)

Abstain: (None)

Motion passed: 5-0-0

4. HPC resolutions for August 20, 2016:

The agenda was altered as the applicant for the Parade Enterprises was not yet present.

• 13 Broad Street - 13 Broad Street, LLC

HPC Chair Elaine Gorman discussed the application for mostly interior renovations and to repair and/or replace in kind the wrought iron railing. Ms. Gorman stated that there was discussion regarding the front door where the HPC recommended that the door not have decorative stained glass window and that the applicant had agreed to either paint the existing door or replace the decorative glass with clear or frosted glass.

Motion to approve: Doshna, seconded by Budney

Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Pedrick, Hain, Perron, Townsend

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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5. Council Items

None

6. Parade Enterprises, LLC (Burger King) - 309 Route 202, Block 44 Lot 7

Attorney Gianos stated that the application was for minor site plan with no variance being requested noting that public notice was not required under the MLUL or Flemington Borough ordinance.

Attorney, Spencer Robbins, appeared for the applicant and discussed the minor site plan to convert an existing vacant bank building into a Burger King. Mr. Mahesh Patel, managing owner in Parade Enterprises, LLC was sworn in for testimony. Mr. Patel discussed the company which presently operated 46 Burger Kings and were looking to expand their franchise to an additional 12 sites. Mr. Patel stated that the company had signed a lease with the owner of the property, Aetna Realty, and when they applied for a construction permit was denied by the Zoning Officer and plans were prepared for the minor site plan. Mr. Patel stated that the new Burger King would have 25 employees with approximately 8 working at one time and the store hours would be 6 am - midnight 7 days a week.

Mr. Clerico discussed the completeness items referring to his report dated August 18, 2016. The applicant supplied a list of the corporate partners which all had an equal 1/8 share in Parade Enterprises, LLC. The Board discussed granting a permanent waiver for item 22 for existing photos of the property citing that the photos in Ms. McManus's report were sufficient. After discussion the Board granted permanent waivers from Checklist items 22, 58 & 59 and partial waivers on Checklist item 42 and temporary waivers on Checklist items 3, 12, 19, 27, 28, 42, 50, 62, 71 & 73 and the Board finds that item 31 was not applicable.

The applicant's engineer, Robert Streker, was sworn in the testimony and was accepted as a professional engineer. Mr. Streker discussed the application noting that the site contained the 25 Burgers restaurant and Pearl Vision along with the vacant PNC bank building to be converted to the Burger King with an access drive from Route 31 in the area of the current Wawa noting that the access drive was on the subject property further noting that although the lot was divided by the municipal boundary line the application and all improvements were contained solely in the Borough of Flemington. Mr. Streker stated that the application to reoccupy the bank building as a Burger King would have minimal structural changes with a proposed area of 3,407 square feet with 44 seats and the existing drive thru to be modified and the circulation to remain the same with exterior modifications to make the building ADA compliant with current standards. Mr. Streker referred to a copy of sheet 2 of the plan set which was shaded to indicate the lease portion which was to be repaved and located the proposed masonry trash enclosure which would be similar to the building architecturally. Mr. Streker stated that the number of parking spaces was compliant with zoning with ample existing parking noting that the applicant would prefer to make a payment in lieu of planting 9 additional trees noting that the

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current site was landscaped with relatively mature trees and landscaping which provided adequate screening adding that the applicant would clean up and maintain the existing trees. Mr. Streker stated that the total disturbance would be less than 100 square feet which would not require any additional storm water management and that the lighting would remain and would be maintained. Mr. Streker stated that there were no use or bulk variances required noting that the signage was revised to comply. The Board discussed.

Director of professional development for Parade Enterprises, LLC, John Cheng, was sworn in for testimony. Mr. Clerico asked if there were any easements on the property. Mr. Cheng was not aware of any from discussions with the owner. Mr. Clerico stated that a prior Borough survey showed a utility easement in the lease area. Mr. Cheng agreed to order a title search.

Mr. Hain stated that the application had been reviewed by the Environmental Commission which had some comments including if the applicant trimmed the existing trees on Route 202 resulting in the tree dying would they be replaced. Mr. Cheng agreed. Mr. Hain asked if any of the lighting was not working would the applicant consider replacing with solar lighting. Mr. Cheng stated that the lighting would be replaced with LED fixtures. Mr. Hain asked if there would be any outside containment of grease storage. Mr. Cheng stated that all grease storage was inside the building.

Mr. Clerico discussed that if the intent was to replace the light fixtures with LED the applicant would need to show lighting isometrics. Mr. Cheng agreed to provide as a condition.

The applicant's architect, Emmanuel Obiora, was sworn in for testimony and was accepted as a professional architect. A color rendered elevation of the proposed Burger King building was entered as Exhibit A-1. Mr. Obiora stated that the proposed architectural design was required by Burger King for all franchise buildings which included a tower with a 4 foot diameter logo sign on two sides noting that the tower would be built around the entrance of the bank which would be 22 feet high leaving the existing skylight. Mr. Obiora discussed changing the color of the roof and adding stone wainscoting adding that the proposed trash enclosure would be similar to the building with vinyl gates all which was approved by Burger King.

Ms. McManus discussed the proposed signage as shown on the plan. Mr. Obiora stated that the 'Flame Grilling Since 1954' channel letter signage would be removed and that the building would have the 2 - 4 foot diameter button signs on the tower which were 12.57 square feet each. Mr. Cheng stated that an application for a sign variance would be submitted in the future and discussed the 6'x4' menu board sign location. Ms. McManus noted that the menu board was considered signage which had a maximum area of 20 square feet and asked that a detail of the signage be provided on the plans as a condition of any approval. Mr. Cheng agreed.

The Board discussed the applicant coming back for sign variances for the September 27, 2016 meeting.

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Ms. McManus asked if the applicant would install a bicycle rack near the entrance. Mr. Cheng agreed.

Mr. Clerico asked if the applicant would revise the plans as discussed as a condition of approval including items in the report dated August 19, 2016 from the Borough Water/Sewer Department and suggested that the applicant continue to move forward with these items. Mr. Cheng agreed and explained he would need to talk with the property owner.

Motion to approve: Melfi. Seconded by Pedrick
Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Pedrick, Hain, Perron, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

Mr. Cook offered to have the subcommittee review the signage for the September 27, 2016 meeting.

7. Chair Items

Chairman Cook stated that the next meeting was September 6, 2016 which the only agenda item would be the resolution for the Parade Enterprises, LLC (Burger King) application and asked for a minimum attendance for a quorum.

Mr. Cook discussed a sign application for Catholic Charities which had an existing non conforming sign prior to the reconstruction of the front steps and were now proposing to make the sign more conforming. Mr. Cook stated that he had worked with Catholic Charities and came to an agreement that the existing sign would be modified to be aesthetically pleasing. Mr. Cook stated that the applicant was thankful for the input and modifying the existing sign was less expensive. Mr. Cook discussed the modifications

Motion to approve: Melfi. Seconded by Greiner
Ayes: All were in favor.
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

8. Bills:

Motion to approve: Doshna Seconded by Greiner
Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Pedrick, Hain, Perron, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 7-0-0

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9. Adjourn

Motion to adjourn at 9:10 p.m.: Melfi; second: Greiner

Ayes: All were in favor

Nays: (None)

Motion passed: 9-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary

These minutes were approved on September 6, 2016