

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
TUESDAY, FEBRUARY 28, 2017 – 7:00 PM

MINUTES

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

**Roll Call:**

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

Excused: Mrs. Engelhardt, Ms. Kenoyer, Traffic Engineer Rocciola

**1. Public Comments:** None

**2. Approval of minutes for January 24, 2017 regular meeting.**

Motion to approve the minutes: Greiner, seconded by Melfi

Ayes: Greiner, Cook, Doshna, Pedrick, Budney, Hain, Perron, Townsend

Nays: (None)

Abstain: Melfi

Motion passed: 8-0-1

**3. Informal Discussion: Lone Eagle Brewing - 44 Stangl Street, Block 35 Lot 32**

The applicant and proprietor of Lone Eagle Brewing, Todd Becker, appeared and distributed several copies of a revised plan which proposed adding a 70'x10' patio for an outdoor customer area on the left side of the building where customers would walk out the side door directly onto the outdoor patio. Mr. Becker stated that the elevation sloped away from the building to the property line which would require a retaining wall to be constructed which would be approximately 18 inches high. Mr. Becker stated that the State ABC requires fencing around the patio which it would not consider or approve until the applicant received approvals from the Borough.

Mr. Greiner asked if this would add impervious coverage. Mr. Becker stated that he proposed crushed gravel which he thought was not be impervious coverage. Mr. Clerico read the ordinance definition of impervious coverage which would include crushed gravel.

Mr. Gianos read the ordinance 2808 regarding exceptions to the site plan requirement:

**"§ 2808 SITE PLAN REVIEW**

*No construction permit shall be issued for any new structure, a change of use of an existing structure or addition to an existing structure until a site plan has been reviewed and approved by the approving authority except for the following:*

A. *Construction permits for individual lot applications involving only a detached one- or two-dwelling unit building, except for those in a planned residential development as to which no final site plan approval has been granted.*

B. *Accessory buildings as otherwise permitted for detached one- or two-family dwellings.*

C. *Other buildings accessory to residential principal uses.*

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*D. Any change of use from one permitted principal use to another permitted principal use, if, in the opinion of the Administrative Officer, the parking and traffic circulation provisions existing on the site shall be adequate and sufficient for the proposed use.*

*E. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building upon determination by the Administrative Officer that the alterations or repair:*

*1. Will not result in additional lot coverage whether by buildings or site improvements; except that a nonresidential structure which increases the existing building coverage by 10 percent or less shall not require site plan approval if, in the opinion of the Administrative Officer, such addition or alteration shall not create nuisance problems to adjoining land uses;*

*2. Will not increase the number of required off-street parking or loading spaces;*

*3. Will conform to the maximum and minimum standards as set forth in Chapter XVI; and*

*4. Is not proposed in conjunction with a use requiring a conditional use permit."*

The Board discussed the ordinance and whether the proposed patio would be exempt from the site plan requirement.

Mr. Budney asked if the patio would have a setback issue and whether the patio would be considered a structure. Ms. McManus stated that per the ordinance the patio was a structure and subject to the setback requirements. Mr. Clerico stated that the site had a prior approved site plan and may need an amended site plan with details of the proposed patio and retaining wall along with existing and proposed grades. Mr. Gianos stated that if a setback variance was required that a public hearing with proper notice would be required per statute and discussed the procedures for a public hearing and notice. The Board discussed whether a retaining wall would be considered a structure and be subject to setback requirements. Ms. McManus stated that per the ordinance a retaining wall was a structure.

Property owner, Allison Mortara, appeared and discussed that the retaining wall would not be necessary if they constructed steps down to the patio from the side entrance of the building. The Board discussed the ADA requirements for the patio to be accessible with steps from the building and possible solutions.

Mr. Clerico stated that the applicant would need to provide the grades and have an asbuilt of the site prepared for a submission of an application. The Board discussed whether a professional engineer/surveyor would be required to provide the grades.

The Board discussed possible dates for a public hearing along with the deadlines for publication of the notice in the official Borough newspaper as well as submission of the application materials for review.

**4. Completeness: Dev Dadlani, LLC - Block 5 Lots 1 and 2**

Attorney Gianos stated that the application had been pulled from the agenda at the request of the applicant's attorney.

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**5. HPC Resolutions from February 15, 2017:**

- 47 Broad Street - Robert Shore

HPC chair, Elaine Gorman, discussed the application to repair the front porch with composite decking and redo the lattice noting that the proposed porch would be even more historically accurate with the renovations as designed by architect Chris Pickell. Ms. Gorman stated that the applicant proposed poured concrete with blue stone treads for the stairs and agreed to apply a material on any vertical surface to give the appearance of wood over the concrete surface.

Motion to approve the HPC resolution made by Melfi, second: Budney

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

- Park Avenue - Hunterdon County Gazebo - Frank Bell, AIA

HPC chair, Elaine Gorman, discussed the application to replace the gazebo which had been postponed to the next HPC meeting on March 15, 2017 to allow time for Mr. Bell to revise the plans in regards to the sides of the gazebo noting that the application was also being reviewed by SHPO

Mr. Cook stated that the review was a courtesy only coming from the County and asked that the approved HPC resolution be distributed to the Board for informational purposes only.

- 30 Maple Avenue - Amy & Eric Liszt

HPC chair, Elaine Gorman, discussed the application to paint the house with historic colors. Mr. Cook discussed the previously approved application for this site. The Board discussed.

Motion to approve the HPC resolution made by Melfi, second: Hain

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

Nays: (None)

Abstain: Budney

Motion passed: 8-0-1

Motion to move the chair & council items up in the agenda was made by Melfi, seconded by Doshna. All were in favor.

**6. Chair Items:**

Mr. Cook stated that the next meeting was scheduled for March 6, 2017 (Monday) and as there were no agenda items would be cancelled.

**Sign Review:** Dr. Malgorzata Munz, DMD - 44 Main Street

Mr. Cook discussed the sign review application noting that all of the members of the sign review committee had reviewed and approved the sign and further adding that the sign was not to be lighted. The Board discussed.

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Motion to approve the sign as discussed made by Melfi, second: Hain  
Ayes: Greiner, Melfi, Cook, Doshna, Pedrick, Budney, Hain, Perron, Townsend  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

**7. Council Items:**

Mr. Hain stated that an RFP had been issued for the Global Ag Redevelopment Plan  
8:10 p.m. Mr. Hain left the meeting and did not return.

**8. Executive Session: Pending Litigation - Affordable Housing**

8:10 p.m. Motion to enter into executive session to discuss pending litigation was made by:  
Melfi, seconded by: Greiner.

8:37 p.m. Mr. Townsend left the meeting and did not return.

8:45 p.m. Motion to exit out of executive session to discuss pending litigation was made by:  
Melfi, seconded by: Greiner.

Mr. Gianos suggested that Ms. Parks draft a letter to Council regarding the Board  
recommendations to Council on the pending litigation.

**9. Bills:**

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

Mr. Clerico asked the Board if he and Ms. McManus could contact Todd Becker to discuss the  
application. Mr. Cook agreed.

**10. Adjourn**

Motion to adjourn at 9:00 p.m.: Pedrick; second: Perron  
Ayes: All were in favor  
Nays: (None)  
Motion passed: 9-0-0

Respectfully submitted

Eileen Parks  
Planning Board Secretary