

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
MONDAY, MAY 23, 2017 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Mr. Doshna.

**Roll Call:**

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

Excused: Mrs. Engelhardt, Mr. Cook, Mr. Townsend, Traffic Engineer Rocciola

**1. Public Comments:** Richard Giffen, 9 Highland Avenue, asked when the redevelopment study including any demolition would be coming to the HPC stating that the public hearing for the study was prior to a scheduled HPC meeting.

**2. Approval of minutes for May 1, 2017 regular meeting.**

Motion to approve the minutes: Melfi, seconded by Pedrick

Ayes: Kenoyer, Greiner, Pedrick

Nays: (None)

Abstain: Melfi, Doshna, Hain, Budney, Perron

Motion passed: 3-0-5

**3. Completeness: 70 Church Spice Factory, LLC – Block 39 Lot 3**

Attorney for the applicant, George Dilts, appeared and discussed the application. Mr. Dilts stated that the applicant would provide a traffic study as requested by Mr. Rocciola and discussed Mr. Clerico's review letter listing the items that had been provided and what would be submitted. Mr. Dilts stated that the applicant would submit the remaining items and requested that the application be placed on the June 27, 2017 meeting for completeness and also requested that if deemed complete on June 27<sup>th</sup> the application placed on the July 25, 2017 agenda for public hearing.

Motion to deem incomplete: Melfi, seconded by Greiner. All were in favor.

**4. Completeness: A2B Realty, LLC – Block 8 Lot 13**

No attorney for the applicant was present. Martin Adams, partner of A2B Realty, LLC appeared and distributed additional sign location plan. Mr. Clerico stated that a plan with the proposed location of the sign and setback to the property lines would be needed at a minimum and recommended that the application be deemed incomplete.

Motion to deem incomplete: Melfi, seconded by Hain.

Ayes: Kenoyer, Greiner, Melfi, Doshna, Pedrick, Hain, Budney, Perron

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

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The professionals were asked to talk to the applicant to list the items needed to be supplied for completeness.

**5. Public Hearing: Parade Enterprises, LLC (Burger King) – Block 44 Lot 7**

Attorney Gianos stated that the application was for lighting design standard waivers which did not require public notice.

Attorney for the applicant, Spencer Robbins, appeared and discussed the application for lighting design standard waivers.

The applicant's engineer, Tung-To Lam, P.E. of the firm of Bohler Engineering appeared and were sworn in for testimony. Mr. Lam stated his credentials and was accepted as a professional engineer.

Mr. Lam discussed sheet 5 of the site plan stating that the applicant was previously going to upgrade the lighting to LED fixtures on the existing light poles but found that there were some dark spots with the existing lighting. Mr. Lam stated that additional fixtures were added to bring the lighting up and upgraded the lights along Route 202 and the drive thru lighting adding that the new lights were the same box fixture only with the LED which were all facing down with a cutoff. Mr. Lam stated that the additional fixtures created hot spots which did not meet the Borough requirements noting that there were no adjoining residential properties but rather all the adjoining uses were commercial.

Ms. McManus discussed her review letter stating that 3 of the 4 variances were existing nonconforming conditions and asked for testimony in support of the addition which created the hot spot in the parking lot and asked if the applicant could create a more uniform lighting on the site. Mr. Lam explained that to comply additional light poles would be necessary adding that the additional lighting was necessary to provide safety and limit dark spots in the parking area. Ms. McManus asked if there would be a mix of high pressure sodium and LED lights and what color the LED would be. Mr. Lam explained. Ms. McManus asked if the outdoor lighting levels would be reduced to 30% after hours and if the fixtures had dimmers. Mr. Lam explained that certain lights could be turned off but that the fixtures that were installed did not have dimmers and would need to replace the entire fixture to accommodate.

John Cheng Director of Restaurant Development for Parade Enterprises, LLC was sworn in for testimony. Mr. Cheng stated that all the lights were tied into one circuit and stated that the lights under the canopy could stay on for security. The Board discussed.

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Mr. Cheng agreed that the façade lights would remain on from dusk to dawn with all other pole lights to be turned off one hour after closing at 1:00 a.m. to allow staff to clean up after closing. Motion to close the public hearing was made by Melfi, second by Greiner. All were favor.

Motion to approve the lighting design waivers was made by Melfi, second by Hain.

Ayes: Kenoyer, Greiner, Melfi, Doshna, Pedrick, Hain, Budney, Perron

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**6. Informal Discussion: Islamic Center of Hunterdon County, Inc. – Block 8 Lot 13**

Mr. Doshna explained that this was a possible use variance and therefore the Board could not discuss the application but would allow the applicant to speak with the professionals to get a list of items to be submitted for completeness with no substantial issues of the application to be discussed. Yaser Elmanchow appeared for the Islamic Center of Hunterdon County stating that it was an incorporated nonprofit entity.

Mr. Clerico stated that he had reviewed the documents that were submitted including an application and a single sheet architectural plan with a portion of the building to be occupied by the applicant with no other information having been provided. Mr. Clerico discussed the checklist for minor site plan including an overall building site plan/survey adding that this information would exist from the prior site plan approval for the existing building. Mr. Clerico deferred to Ms. McManus as to whether this application was a change in use, use variance or conditional use requiring site plan or waiver of site plan noting that the only site issue may be parking. Ms. McManus stated that per the application no professional planning testimony was being offered and suggested that it may be required for the Board to make any decision which would define the use and apply the ordinance standards to that use adding that a parking calculation to determine the amount of relief needed would be required including some submission of a prior plan by the applicant. Ms. McManus suggested that the applicant get something from the owner regarding the site plan and suggested to have a planner testify if there was a use variance.

**7. HPC Recommendations from May 17, 2017:**

- 68 Park Avenue – McEwen

HPC Chair, Elaine Gorman stated that this application was deferred to the next HPC meeting.

- 48 Broad Street – Schmidt

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HPC Chair, Elaine Gorman discussed the application to repaint the house and replace the side porch and step area with composite and epoxy with the side bannisters to match the front porch and replicant some shutters to match the existing.

Motion to approve was made by Budney, second by Kenoyer  
Ayes: Kenoyer, Greiner, Melfi, Doshna, Pedrick, Hain, Budney, Perron  
Nays: (None)  
Abstain: (None)  
Motion passed: 8-0-0

- 118 Main Street - Flemington Library - Borough of Flemington

Mr. Doshna stated that this was a courtesy review and did not require a vote and would be reviewed by the State.

- 45 Capner Street – Nawrotzki

HPC Chair, Elaine Gorman discussed the application to repaint the house from the historic palette.

Motion to approve was made by Melfi, second by Greiner  
Ayes: Kenoyer, Greiner, Melfi, Doshna, Hain, Budney, Perron  
Nays: (None)  
Abstain: Pedrick  
Motion passed: 7-0-1

- 116 Main Street – Flemington United Methodist Church

HPC Chair, Elaine Gorman discussed the application for the parsonage to replace the windows with approved vinyl replacements with one over one muntin and some porch work to remove and replace in kind.

Motion to approve was made by Budney, second by Kenoyer  
Ayes: Kenoyer, Greiner, Melfi, Doshna, Pedrick, Hain, Budney, Perron  
Nays: (None)  
Abstain: (None)  
Motion passed: 8-0-0

**8. Council Items:**

Mayor Greiner stated that there were new plans for the Union Hotel redevelopment with additional residential work on Spring Street which were on the website.

**9. Chair Items:**

HPC comments: HPC Chair, Elaine Gorman stated that she had read the Redevelopment Study and reiterated Mr. Giffen's comment to have the HPC included in the redevelopment plan. The Board discussed.

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Mayor Greiner stated that the public hearing for the redevelopment study had been scheduled well in advance. Mr. Doshna explained that under the Housing Law it was Council that directs the Board to prepare the redevelopment study and provide a public hearing where the Board then makes recommendations to Council on whether the area meets the requirements of an area in need of redevelopment where the Council makes the final decision. Mr. Doshna stated that the public hearing was for the redevelopment study not regarding the redevelopment plan.

Ms. Gorman stated that the HPC has not met on this issue and has therefore not reviewed or discussed the merits.

Mr. Doshna stated that the next meeting was June 5, 2017 which would be at the Historic Courthouse on Main Street with the agenda item of the redevelopment study to expand the area of the Union Hotel to include Spring Street.

**10. Bills:**

Motion to approve: Hain, seconded by Pedrick

Ayes: Kenoyer, Greiner, Melfi, Doshna, Pedrick, Budney, Hain

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**11. Adjourn**

Motion to adjourn at 8:15 p.m.: Greiner; second: Townsend

Ayes: All were in favor

Motion passed: 8-0-0

Respectfully submitted

Eileen Parks  
Planning Board Secretary

These minutes were approved on June 5, 2017