

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, JULY 11, 2017 – 7:00 PM

MINUTES

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

Roll Call:

Present: Ms. Kenoyer, Mayor Greiner, Ms Melfi, Mr. Cook, Mr. Doshna, Mr. Budney, Mr. Hain, Mr. Townsend, Attorney Gianos, Planner McManus.

Excused: Mrs. Engelhardt, Mrs. Pedrick, Mr. Perron, Engineer Clerico, Traffic Engineer Rocciola

1. Public Comments:

Richard Giffen, 9 Highland Avenue, stated that he had watched a video of the June 5, 2017 Planning Board meeting and read the minutes of the meeting and had a response regarding a comment made by the developer Jack Cust. Mr. Giffen read his written response:

"Richard Giffen, 9 Highland Avenue, Flemington, I wish to respond to a comment that was made about me at the Planning Board meeting on June 5, 2017. This comment was made after the reading of my objections to the Spring Street expansion of the area in need document. I was not in attendance but I have viewed a video of the meeting and I note that Jack Cust the developer made the following statement; 'For the record Richard Giffen approached me last year and asked to be retained for services and declined his services'. I assume that Jack Cust was trying to discredit my objections by implying that I was trying to obtain paid work from him and he declined and therefore I am somehow not reliable. This is absolutely not correct. I did not ask Jack Cust to retain my services. For the record, I met with Jack Cust and his son on August 30th, 2016 at his office and I provided him with detailed comments on the proposed redevelopment. I pointed out a number of flaws in the scheme and I offered suggestions based on my experience with other similar projects. I offered advice to him on how to keep the historic buildings and how to reduce the height of the development while still maintaining the intent and content of the project. I made it clear my advice was free of charge as a concerned citizen trying to find a solution. I thought we had a good meeting and he seemed receptive to my ideas. He promised to consult with his professionals and get back to me with feedback on my comments and suggestions. He never did. There was no discussion of me undertaking paid work from him. I find it very disappointing that he had chosen to imply that there was."

Mr. Giffen asked that his response be placed in the minutes.

Mr. Giffen stated that the minutes read "Mr. Gianos stated that he looked through the ordinance and found that at his point the HPC does not have any authority to review." the study and cited Ordinance 1405.E. Mr. Gianos stated that the public hearing on this had concluded and should not be discussed. The Board discussed the ordinance.

Steven Tuccio, 61 Elwood Avenue, stated that having thought through the study the comment that he was having a hard time getting at was the word necessary and asked Ms. McManus if given the work that was done and the conclusion that she came to, could she with the same data, knowing that the Council were to want the application to be denied, would she have come to a different

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conclusion in the study. Mr. Gianos directed the Board that this matter may be under appeal and urged Ms. McManus to not answer the question.

2. Approval of minutes for June 5, 2017 regular meeting.

Motion to approve the minutes: Doshna, seconded by Melfi

Ayes: Greiner, Melfi, Cook, Doshna, Budney

Nays: (None)

Abstain: Kenoyer, Hain, Townsend

Motion passed: 5-0-3

3. Public Hearing: Revised Housing Element and Fair Share Plan component of the Master Plan

Mr. Gianos stated that he had reviewed the proofs of notice and found that the Board had jurisdiction to proceed with the public hearing. Ms. McManus was sworn in for testimony as a professional planner.

Ms. McManus discussed the housing element of the Master Plan including the recent history of the affordable housing act stating that the Courts had intervened when COAH failed to act. Ms. McManus stated that municipalities could either go to court and argue their case or settle with the Fair Share Housing Council adding that it was beneficial as well as quicker and cheaper for the Borough to settle noting that Council had settled in February 2017. Ms. McManus discussed the 3 types of affordable housing obligations including the current round, prior round and third round obligations and stated that the housing element outlined how the Borough was going to meet each rounds obligation including existing units that were previously approved, prior round of 38 units lowered by a vacant land adjustment which fully satisfied the Borough obligation and the third round of 8 units that were satisfied in various locations in the Borough. Ms. McManus discussed the rehabilitation units or 65 which did not need to be specifically identified.

Ms. McManus stated that the appendices in the housing element contained ordinances for the administration of the affordable housing units including set aside portion and ways to continue to create affordable housing where opportunities arise adding that if a development includes more than 6 units 20% of the units would be for sale and 50% would be for rental units noting that there would a fourth round for future obligations. Ms. McManus stated that the element included a spending plan which was under the jurisdiction of the Council. The Board discussed the spending plan and the balance of the COAH account which must be used for purposed of affordable housing and the repeal of the inclusionary housing overlay district.

Mr. Doshna noted some quick edits in the text and noted that there was no sentence about rehabilitation units in the summary. Ms. McManus explained that it was not included in the study and the Board discussed the deed restriction placed on rehabilitation units. Mr. Doshna stated that the Dodger Blue development was included in the obligation count which was approved in 2007 and has not been built and stated that the Cut Glass developer has indicated that he was not building soon and asked if that would cause a problem later on. Ms. McManus

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stated that the housing element and fair share plan could be amended with other sites and set asides noting that the Borough had other resources in town that the plan could draw from. The Board discussed. Ms. McManus stated that it was rare for a municipality to be penalized for a development not being built.

Mr. Doshna stated that there was an affordable housing shortage in the Borough with income qualified applicants on a waiting list that would like to live and work in Flemington and stated that there was nothing about being proactive to create these units in the element and suggested that the plan should be aspirational. Mr. Doshna stated that he wished there was a better way to create more units than just the statutory requirement.

After some discussion, the Board agreed that the following would be inserted on page 11.

'The Borough's 2015 Master Plan Reexamination Report includes policies that support construction of new residential units in specified locations in the Borough as a method of promoting revitalization. This new construction should consist of inclusionary housing, as specified in the proposed inclusionary housing overlay ordinance (Appendix 14) as a way of continuing the Borough's tradition of providing housing opportunities for households of all incomes.'

Motion to close the public hearing: Doshna, seconded by Melfi
Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Budney, Hain, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

Motion to approve: Melfi, seconded by Doshna
Ayes: Kenoyer, Greiner, Melfi, Cook, Doshna, Budney, Hain, Townsend
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

4. Council Items:

Mayor Greiner stated that the Council had approved the expanded designation of an area in need of redevelopment along Spring Street in the area of the Union Hotel.

5. Chair Items:

HPC comments: HPC member, Richard Giffen stated that the HPC had 8 applications for their next meeting on July 19, 2017.

6. Bills: None

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7. Adjourn

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

Ayes: All were in favor

Motion passed: 8-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary