

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, SEPTEMBER 5, 2017 – 7:00 PM

MINUTES

The meeting was called to order at 7:05 PM Chairman Cook.

Roll Call:

Present: Mrs. Engelhardt, Ms. Kenoyer, Mayor Greiner, Mr. Cook, Mrs. Pedrick, Mr. Hain, Mr. Perron, Attorney Gianos, Engineer Clerico, Planner McManus, Traffic Engineer Rocciola.

Excused: Ms. Melfi, Mr. Doshna, Mr. Budney, Mr. Townsend

1. Public Comments: None

Lois Stewart, 26 Spring Street, asked when the Main Street plans would come to the Board. Ms. McManus explained. Ms. Stewart asked if the redevelopment plan could be passed by the Council prior to action by the State historic commission where the application was currently denied and awaiting further information. Ms. McManus explained that the redevelopment plan and developer agreements would not be subject to outside agency approval whereas the during the site plan approval process all outside agency approvals may be a condition.

2. Approval of minutes for August 22, 2017 regular meeting.

Motion to approve the minutes: Engelhardt, seconded by Kenoyer

Ayes: Engelhardt, Kenoyer, Cook, Pedrick, Perron

Nays: (None)

Abstain: Greiner, Hain

Motion passed: 5-0-2

3. Public Hearing: 70 Church Spice Factory, LLC - Block 39 Lot 3

7:10 pm Mayor Greiner and Councilman Hain were both recused for the Zoning Board of Adjustment application and both did not return.

Mrs. Engelhardt recused herself from the application and remained as part of the public.

Mr. Gianos stated that this was a continuation from the July 25, 2017 public hearing and no new notice was required.

The applicant's attorney, George Dilts, appeared and discussed the "d" use variance application to propose residential units in a commercial zone noting that there were also variances being requested for parking, building height and bulk variances. Mr. Dilts stated that he was aware that there were 4 Board members present that were eligible to vote noting that the application would be continued to the September 26, 2017 meeting and would rely on the other Board members to listen to the tape. Mr. Dilts stated that he would discuss the reports prepared by the Board professionals and fire marshal and would provide testimony to address revisions to the plans that were submitted. Mr. Dilts stated that there would be 4 witnesses to provide

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testimony including the applicant's engineer, Christopher Nusser, PE; architect, Jeffrey Fleisher, AIA, traffic engineer, Matthew Seckler, PE and planner, Gabriel Bailer, PP which were all sworn in for testimony.

Mr. Nusser provided his credentials and was accepted as a professional engineer. Mr. Nusser discussed a colorized rendering of the site plan entered as Exhibit A-2 dated September 5, 2017 which augmented the utilities, bulk requirements and grading on the 3.68 acre site. Mr. Nusser discussed the surrounding properties and their uses as well as the existing conditions of the site including a three story building with retail on the 1st floor and office space on the 2nd and 3rd floors and an existing salon building with associated parking. Mr. Nusser stated that the subject property had site access from Church Street which was a shared driveway with the commercial use property to the east which included a Rite-Aid pharmacy, bank and tire store noting that this commercial property did not have an egress from their property and use the shared drive on the subject property. Mr. Nusser stated that the site included an existing loading area and 2 stone detention basins with some banked parking from previous site plan approval that was never constructed to the north on the site adding that the site graded from the north down to Church Street.

Mr. Nusser referenced page 5 of the site plan which showed a proposed 2 story addition on the existing three story Spice Factory building and a proposed new five story building with the salon building to remain noting that the banked parking would be constructed and identified the proposed trash enclosure location. Mr. Nusser stated that the circulation would be slightly modified, the accessible parking spaces would be relocated to accommodate the new building layout and the site would include a 'pocket park' to be used as a gathering space. Mr. Nusser stated that the site would include a total of 184 stalls where 184 stalls would be required for residential use and where 232 would be required for a retail use. Mr. Nusser stated that the proposed additional top 2 floors of the existing Spice Factory building were to be residential adding that shared parking testimony would be given by another witness.

Mr. Nusser discussed the grading plan which would remain consistent with the existing conditions with the major change being that the runoff water for the new building would be collected by roof leaders and conveyed into the existing stormwater system with the output and direction to remain consistent. Mr. Nusser stated that there would be an overall reduction in runoff and the site would meet the stormwater management requirements without increasing any structures with an overall reduction in impervious coverage of 64.86% from the existing 65.75% where 70% was permitted and discussed the Borough ordinance regarding stormwater management techniques noting that soil testing had been performed which indicated that drywell and infiltration systems would be impossible to be used which was reflected in the revised plans and a revised report to be reviewed by Mr. Clerico. Mr. Clerico asked if the banked parking was included in the impervious coverage calculation and stormwater. Mr.

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Nusser explained that it was included as if built. Mr. Nusser discussed the utility plan modification to include the roof leaders for the new building and a new catch basin which would continue to discharge into the County storm system along Church Street. Mr. Nusser discussed the proposed landscaping and lighting which would continue in the same pattern for light fixtures and keep the same aesthetics including adding a light in the northerly 'banked' parking area and 3 proposed mounted lights on the new building and with the landscaping to be maintained and adding additional landscaping where possible including proposed street trees along Church Street and around the new building and the 'pocket' park which would include some hardscape items such as benches stating that the plans included an enlargement detail of the pocket park. Mr. Nusser stated that the plan would comply with ADA requirements. Mr. Nusser explained that the plans included a staging plan on sheet 17 as requested and explained. Mr. Nusser discuss the number of trees that were required.

Mr. Clerico asked what access rights each property owner had including the subject and surrounding properties. Mr. Nusser explained the history of the site and adjacent property to the east. Mr. Clerico stated that something definitive may be required. Mr. Dilts stated that testimony would be provided at the next meeting.

Mr. Rocciola asked if his comments regarding stop signs, direction signs, ADA, curb radius would be addressed. Mr. Nusser explained Mr. Seckler would provide testimony. Mr. Rocciola stated that he did not receive a copy of the fire marshal's review.

Lois Stewart, 26 Spring Street, asked why the site did not have to comply with the ordinance regarding impervious coverage when disturbing over 2,000 sf. Mr. Nusser explained. Mr. Clerico stated he would review the revised plans. Ms. Stewart asked the number of canopy trees required. Mr. Nusser stated that he would have those numbers at the next meeting. Ms. Stewart stated that she would like more variety of species. Mr. Nusser explained that the proposed species were consistent with the existing but would work with Ms. McManus. Ms. Stewart asked the use of Memorial Park. Mr. Nusser explained. Ms. Stewart asked if there was any consideration to having green roofs for resident recreation. Mr. Nusser discussed.

Mr. Fleisher stated his credentials and was accepted as a professional architect and discussed the plans he prepared dated March 12, 2017 last revised August 10, 2017. Mr. Fleisher discussed the height of approximately 64-65 feet to the highest peak of the existing Spice Factory building with the proposed 2 new stories to be added for residential use which would be set back on the parapet where the existing height was 55 feet. Mr. Fleisher stated that there were 36 proposed apartments for the proposed new floors on the existing building and stated that the new building would be a mix of residential and retail use. Mr. Fleisher discussed the buildings including stairwells, elevator, signage and entryways noting that no new signs were proposed.

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Mr. Cook asked how many offices would be for rent. Mr. Fleisher stated that he will try to get the answer.

Ms. McManus stated that the existing building was brick while the proposed new building was to be brick veneer and asked the thickness of the veneer adding that the applicant should coordinate the site as one project. Mr. Fleisher stated that he would bring brick veneer samples to compare as well as mounted lighting samples. Mr. Clerico discussed the height variance and asked if the applicant was trying to limit of the impact of the height for the existing building by setting the new stories further back. Mr. Fleisher explained. Mr. Fleisher stated that the applicant was willing to look at a green roof on the new building.

Mrs. Engelhardt asked if the pop up part of the elevator went higher than the 5th floor of the existing building and whether the existing window canopies would be replaced. Mr. Fleisher explained.

Christopher Pickell, 118 Main Street, asked the ceiling height and the overall height of building. Mr. Fleisher explained.

Lois Stewart, 26 Spring Street, stated that if the developer was interested in a green roof asked that it please be encouraged. Ms. Stewart asked the justification for the height variance and asked for clarification on the current entrance of the existing building and how the architectural design was directed. Mr. Fleisher explained. The Board discussed green roofs.

Ms. McManus stated that the new building plans had unallocated space and asked if this area was intended for residents. Mr. Fleisher explained that it was for possible meeting room, gym, storage, etc. noting that it would not be more apartments.

9:00 p.m. the Board took a break.

9:12 p.m. the meeting resumed.

Mr. Seckler stated his credentials and was accepted as a professional traffic engineer and discussed the traffic for the site and stated that he would address Mr. Rocciola's review letters. Mr. Seckler discussed the existing trips generated at the site and stated that there would be no significant delay in traffic flow with the proposed development. Mr. Seckler stated that additional studies had been prepared as requested on the impact of the shared driveway with the property to the east and stated that his study concluded that there would be no significant impact from the proposed site. Mr. Seckler stated that his study used the 85 percentile calculation noting that office and residential parking do not peak at the same time. Graphs indicating the weekday hourly shared parking distribution and Saturday hourly shared parking

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distribution were entered as Exhibit A-3A & Exhibit A-3B. Mr. Seckler discussed these exhibits concluding that there was sufficient parking on site for the mixed use with shared parking of the residential and office/retail uses.

Mr. Cook asked why RSIS standards were not used. Mr. Seckler explained. Mr. Cook stated that the property had a unique lot configuration where the parking was not evenly distributed including some parking that was not located convenient with either building and noting that there was existing parking near the proposed new building which were located on the adjacent lot to the east and asked what would prevent someone from parking in these parking spaces closer to the new building. Mr. Seckler stated that it would be an enforcement issue. Mr. Perron asked if any spaces would be restricted. Mr. Seckler stated that there would no parking space assignment. Mr. Cook asked what could be done to meet the parking requirement. Mr. Seckler stated that he did not look at that but instead provided testimony to support the variance. Mr. Cook asked if the salon needs for parking were taken into consideration. Mr. Seckler explained. Mr. Cook asked if snow removal or plowing would reduce any spaces during winter. Mr. Seckler explained. Mr. Cook asked if there would be any valet parking or an area for loading/unloading. Mr. Seckler stated that they could look at the existing loading space. Mr. Cook asked if there was anything to make the parking more user friendly and asked if the applicant was looking at reducing the number of units. Mr. Seckler explained. The Board discussed the parking.

Mr. Rocciola opined that the site would not generate a lot of traffic and that parking was the major problem including the location of the parking where no dedicated parking was being proposed noting that some parking areas were approximately 300 feet from the building which also led to a dead end with no turnaround at the end and suggesting that the site may need to lose a space in each dead end to allow a car to turnaround. Mr. Rocciola discussed that the parking analysis was very tight with only 9 spaces in excess. Mr. Seckler explained. Mr. Rocciola discussed that the existing salon building had the future potential to change to another retail use which may need to come back for amended site plan if changed and asked if all potential uses were taken into consideration. Mr. Rocciola discussed the RSIS requirements for parking and stated that there would be a need to justify the common parking usage used in the study adding further that if the applicant was not using RSIS standards that a diminimus exception would be required.

Ms. McManus asked if the applicant had looked into shared parking with the adjacent property owner or considered hammer head parking. Mr. Seckler explained.

Ms. Stewart asked if she was a resident on the site, would she have to park 300 feet away from the building and asked if that was a safe situation for a single woman coming home. Mr. Seckler explained. Ms. Stewart asked the number of parking spaces that would be reduced if the

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existing Spice Factory building remained at three stories and reduce the new building to three stories. Mr. Seckler explained that the parking would be less but would need to do a calculation.

Karen Freyer, 49 Chelsea Circle, stated that the salon had flexible hours and the highest parking demand peaked at different times for bridal parties, shopping etc. and asked if this was taken into consideration. Mr. Seckler explained that he physically counted how the salon worked today. Ms. Freyer stated that this was not reflected in the chart. Mr. Seckler discussed.

Mrs. Engelhardt stated that the project was unique with a live/work product and asked how the parking was calculated for visitors to the office spaces. Mr. Seckler explained.

Mr. Cook asked if there was something that could be done to meet the ordinance standards.

Mr. Dilts stated that this would conclude Mr. Seckler's testimony for tonight and asked that the hearing be continued to the September 26, 2017 meeting.

Mr. Gianos announced to the public that the hearing on this matter would be continued to the September 26, 2017 meeting and that no further notice would be provided.

4. Council Items: None

5. Chair Items:

There were no HPC comments.

Mr. Cook discussed the agenda items for the next meeting on September 26, 2017.

Mr. Clerico stated that his firm Van Cleef Engineering had been contracted to perform some survey work at the site of the upcoming Islamic Center of Hunterdon County application. Mr. Gianos stated that he did not see a conflict with Mr. Clerico providing some engineering review noting that the application was a use variance with no exterior site improvements which Ms. McManus would be preparing the variance report.

6. Bills: None

7. Adjourn

Motion to adjourn at 10:45 p.m.: Engelhardt; second: Pedrick

Ayes: All were in favor

Motion passed: 5-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary

These minutes were approved September 26, 2017