

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, SEPTEMBER 26, 2017 – 7:00 PM

MINUTES

The meeting was called to order at 7:08 PM by Chairman Cook.

Roll Call:

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

Excused: Ms. Melfi, Mr. Doshna, Traffic Engineer Rocciola

1. Public Comments: None

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

Motion to approve the minutes: Engelhardt, seconded by Perron

Ayes: Engelhardt, Kenoyer, Cook, Pedrick, Perron

Nays: (None)

Abstain: Greiner, Budney, Hain, Townsend

Motion passed: 5-0-4

3. Completeness: Islamic Center of Hunterdon County – Block 13 Lot 8

The applicant's attorney, Tamer Ahmed, appeared and requested that the application be deemed complete as the items requested by Mr. Clerico had been addressed.

Mr. Clerico discussed his updated completeness review stating that many of the items would be addressed by way of testimony and suggested that the Board could waive the various items as temporary waivers allowing the Board to request an item later if necessary. Mr. Clerico stated that there were no exterior changes being proposed where the Board could grant a waiver of site plan and noting that since this was a use variance Ms. McManus would be preparing the review for public hearing.

Motion to deem the application complete: Budney, seconded by Townsend

Ayes: Engelhardt, Kenoyer, Cook, Pedrick, Budney, Perron, Townsend

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

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

7:18 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 September 5, 2017 public hearing and no new notice was required. Mr. Gianos stated that Mr. Budney and Mr. Townsend had listened to the recording of the September 5, 2017 public hearing and reviewed the exhibits and were eligible to vote.

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The applicant's attorney, George Dilts, appeared and stated that a revised architectural page A-8 and a conceptual site plan had been submitted in response to the Board's comments noting that the applicant had received updated reports from the professionals as well as comments from the sewer department.

Mr. Fleisher, who was previously sworn in, discussed the modifications to the new building including removing the apartments from the first floor and adding 22 parking spaces noting that the building would be modified to maintain the proposed 64 apartment units on the 2-5 floors by adding to the length of the building. Mr. Fleisher stated that the plans eliminated the unallocated space and now proposed common space on the roof for tenants with a possible 6000 square feet of 'green' roof noting that manufacturer's sell systems for green roofs in flats which reduce the amount of stormwater coming off the roof and include 1 foot high plants that reduce the overall heat effect of the building adding further that a railing was previously proposed on the roof and would therefore not increase the proposed building height. Mr. Fleisher stated there was a net gain of 15 parking spaces for a total on site of 199 spaces.

Mr. Cook asked to clarify the amount of bedrooms in each apartment. Mr. Fleisher explained that there would 52 – one bedroom units, 8 – two bedroom units and 4 – 3 bedroom units in the new building.

Mr. Perron asked if the new parking below the building would be designated for tenants of the new building only. Mr. Fleisher explained that some would be exclusive for the tenants perhaps at an extra cost.

Mr. Cook asked if each floor would be identical. Mr. Fleisher stated that they would be the same.

Mr. Clerico noted that the second stairwell was in a remote location and asked if it could be relocated closer to the parking area. Mr. Fleisher explained.

Ms. McManus asked if there was a new façade plan. Mr. Fleisher stated that he did not have time to prepare a plan but discussed the façade changes with the addition of the parking below including that the windows would be open on the first floor to provide ventilation with the architectural details carried down to provide continuity. Mr. Fleisher agreed to provide details of decorative grates for the parking area below.

Lois Stewart, 26 Spring Street, asked the layout of the parking area under the building and if there was an increase in impervious coverage and asked if the exterior materials could be subdued. Mr. Fleisher explained.

Mrs. Engelhardt stated that the stair tower in the southeast corner was close to the auto parts store which would encourage people to park on that property and asked if the egress could be

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moved closer to the property line toward the baseball field while still maintaining the exit distances. Mr. Fleisher stated that he could rework the location.

Kevin Dehaven, 22 Pennsylvania Avenue, asked the roof height. Mr. Fleisher stated that the Spice Factory building was proposed at 64 feet 4 inches in height.

Ms. Stewart asked the building height and how many apartments were on each floor. Mr. Fleisher explained.

Mr. Seckler, who was previously sworn in, discussed the increase in parking spaces and how that impacted his traffic study. Exhibits A-4A & A-4B, revised weekday and Saturday shared parking distribution bar charts were entered. Mr. Seckler stated that Mr. Rocciola had suggested 10-15% excess parking as the recommended percentage of additional available parking where the addition of the 15 spaces resulted in a 12-13% of excess spaces. Mr. Seckler stated that the 22 parking spaces under the building would be reserved for tenants which altered the off peak totals and discussed the exhibits.

Mr. Cook stated that the banked parking area being built to the north were not user friendly and asked how these worked into the study. Mr. Seckler explained that this area would be more of an overflow lot for peak periods with a 1-2 minute walk from the farthest parking spot to the apartments. Mr. Cook asked what would need to happen to meet the Borough ordinance. Mr. Dilts stated that Mr. Seckler had provided testimony in support of the variance. Mr. Seckler discussed the RSIS requirements.

Michael Harris, 173 Main Street, stated his concerns for the traffic and adequate parking on the site. Mr. Seckler explained.

Mr. Cook asked if there was a parking arrangement with the neighbor. Mr. Dilts stated that there was no arrangement of shared parking. Mr. Cook stated that he had visited the site and noticed 15-20 cars every night in the lot. Mr. Seckler stated that those cars were included in the study.

Mr. Seckler discussed that the sole entry to the new parking area was in the rear of the new building. Mr. Perron asked if a barrier would be in place to prevent the public from entering the parking under the new building. Mr. Seckler explained they would look at adding something.

Exhibit A-5, a colorized revised concept plan was entered, Mr. Seckler explained the circulation into the new parking under the building and around the site noting that these new 22 spaces may be purchased or leased to tenants for an additional price. Mr. Budney asked what would happen if the spaces were not purchased. Mr. Seckler explained. Mr. Cook asked to calculate the required number of parking for the new building. Mr. Seckler did so.

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Michael Harris, 173 Main street, asked what would happen during snow removal and asked why the RSIS standards were not being provided. Mr. Seckler stated that 231 spaces would be required by ordinance which was based on the RSIS and discussed snow removal.

Ms. Stewart asked the location of the proposed hammer head turnarounds. Mr. Seckler explained.

Steven Tuccio, 61 Elwood Street, asked about the lighting and the traffic from the adjacent site. Mr. Seckler explained.

Mrs. Engelhardt, 36 Broad Street, stated that the loading area for building 1 & 2 were well served and asked if any spaces had been identified as a limited time loading/unloading space to serve the new building. Mr. Seckler agreed to look into some reserved parking spaces suggesting that a time limit could be added to a sign for specific peak hours/days.

Kevin Dehaven, 22 Pennsylvania Avenue, asked if there was any other egress from the site. Mr. Seckler explained.

Ms. McManus asked if there would be a cross access easement to the lot northwest of the site. Mr. Dilts stated that the applicant had approached the property owner and they were not interested. Mr. Dilts agreed to add a note of potential cross access for vehicle and pedestrian in the future for this adjacent lot.

Mr. Nusser, who was previously sworn in, discussed the additional trees on the revised plans noting that there was still an 11 tree deficit as shown on A-5. Mr. Nusser discussed the possible location of those additional 11 trees and agreed to work with Ms. McManus to provide suitable locations and agreed that if all 11 trees could not be adequately located on site the applicant would provide a payment in lieu of those plantings to the Borough. Mr. Nusser stated that the applicant would provide access to the storm water basin as suggested in Mr. Clerico's letter.

Mr. Nusser discussed Mr. Clerico's review letter including a discussion of what rights were permitted on neighboring lots including a declaration of reciprocal access of egress to the site to the east. Mr. Clerico stated that he did not receive the deeds that were requested in his review letters. Mr. Nusser and Mr. Dilts discussed. Exhibit A-6 a copy of the title search was entered and a copy given to Mr. Clerico. Mr. Dilts agreed that a condition of any approval the applicant would provide the easements/deeds to the satisfaction of the Board professionals.

Mr. Nusser stated that he would provide a turning template for the WB-50 truck, noting however that it was his opinion that a tractor trailer was not suitable to the site and that deliveries would typically be made in smaller trucks with the exception of moving trucks. Mr. Clerico asked for fire truck movement on site. Mr. Nusser stated that a circulation plan was

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submitted noting that the applicant had not received a revised review from the fire marshal and agreed as a condition of any approval to revise the plans to the satisfaction of the fire marshal.

Mr. Cook stated that a tractor trailer may enter/exit from the adjacent site. Mr. Nusser stated that no change to the access drive was proposed.

Mr. Nusser stated that the sewer comments were received and were waiting on the water department for their comments and agreed to comply with the comments of the sewer and water departments.

Mr. Nusser discussed the soil testing performed on the site concluding that the site contained 'd' soils which were resistant to water infiltration noting that soil basin tests were performed between the existing building and in the northerly banked parking area with no measurable drop in water in 24 hours along with soil boring tests dug by hand which resulted in a refusal with rock be evident at a very shallow depth which would show that the entirety of the property had a consistent soil profile with no option of drywells.

Mr. Budney asked how the test pits were done. Mr. Nusser explained.

Mr. Clerico stated that new soil testing documentation was provided last night and stated that it was not adequate for the State regulations noting that the Borough was required to file with the State and certify that the municipality was in compliance with the regulation adding that the liability would be on the Borough not the applicant to comply. The Board discussed.

Mr. Dilts asked if the stormwater regulations could be a condition of approval. The Board discussed.

9:18 p.m. the Board took a break.

9:35 p.m. the meeting resumed.

Mr. Dilts stated that the applicant would like to bifurcate the application and provide the planning testimony for the 'd' variance and return at a future date for the site plan application.

Mr. Cook asked for public questions for Mr. Nusser.

Ms. Stewart asked why there were no trees planting in the islands. Mr. Nusser explained.

Gabriel Bailer, previously sworn for testimony, was accepted as a professional planner and discussed the site and how it related to the surrounding area. Mr. Bailer stated that the existing Spice Factory was vacant and currently under construction to provide shared office space on the

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first floor. Mr. Bailer stated that site would be constructed in 2 phases, one to convert the existing building to a 5 story building with loft type apartments on the 4th & 5th floor and the new building being constructed with a total of 64 apartment units located on floors 2-5 and with 22 parking spaces located on the first floor. Mr. Bailer stated that there would be 15 affordable housing units which would conform to State regulation concerning unit size and income level. Exhibit A-7, 2 pages of photos of the existing building conditions and surrounding features for 70 Church Street was entered, Mr. Bailer discussed. Mr. Bailer discussed how the proposed application related to the Master Plan as well as County plans and identified the goals in each which were being met with the proposed development noting that it would attract younger population to support the local businesses while meeting the affordable housing and supported the downtown strategic plan by repurposing existing building.

Mr. Bailer discussed the 'd'1 use variance to proposed a residential use where not permitted by ordinance; a 'd'4 floor area ratio variance to proposed 80% where 20% was permitted and a 'd'6 variance for a building height of 64'-4" where 35 feet was permitted and proposing 5 stories where 3 stories were permitted.

Mr. Bailer discussed the positive criteria including promoting the general welfare and public good by repurposing the old vacant building and adding a new complimentary building to add to the downtown area with loft style apartment to attract millennial populations and a work/live environment with close proximity to the downtown area. Mr. Bailer stated that the site would provide affordable housing and create an image of economic development and stated that the development was particularly suited to the site in the transitional zone between residential and the commercial corridor of Route 31.

Mr. Bailer discussed the height variance and compared the proposed 5 story Spice Factory with Herman Capp building to the west noting that there was a 4 foot difference in grade which made the building visually appear to be 60 feet. Mr. Bailer stated that there was no negative impact on the parking on the adjacent site and noted that the lot size was larger than required by ordinance. Mr. Bailer stated that by setting the additional 2 stories on the Spice Factory back from the parapet would limit the visual impact of the height and that the proposed green roof on the new building would add a positive environmental element.

Mr. Budney asked to clarify the floor area ratio in comparison to the Herman Capp building. Mr. Bailer explained. Mr. Budney stated that the 2015 Master Plan supports consideration of 4 stories and asked what testimony would support the 5 stories. Mr. Bailer explained.

Ms. Kenoyer stated that the new building was in the middle of the property which seemed close to the bank and asked if there was another location. Mr. Bailer explained.

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Ms. Stewart asked the height of the existing Spice Factory, what a loft style apartment was and asked for justification of the height variance noting her concerns about pollution, traffic and light impacts on the community. Mr. Bailer explained.

Mr. Budney asked for clarification of the existing and proposed heights of the stairwell, roof and parapet. Mr. Fleisher explained.

Mrs. Engelhardt discussed the location of the new building and asked if a double L building was considered in a different location closer to the parking or if any other consideration to the location of the building were taken. Mr. Fleisher explained that too much parking would be lost.

Mr. Harris asked for clarification of building height. Mr. Fleisher explained .

Mr. Tuccio asked where the residents of the affordable housing units would work and if it would be in the shared work space. Mr. Bailer explained.

Ms. Stewart asked if the applicant had responded to all of Mr. Rocciola's comments. Mr. Dilts explained.

Mr. Dilts stated that as a long time Flemington resident he saw the need for an increase of residential uses in the Borough and thought that the density increase was justified for this project and that the site was particularly suited to this development.

Mr. Gianos stated that there were 6 Board members eligible to vote tonight. Mr. Dilts conferred with his applicant and decided to wait to see if the missing 2 Board members would listen to the recording.

Mr. Dilts stated that this would conclude testimony for tonight and asked that the hearing be continued to the October 24, 2017 meeting.

Mr. Gianos announced to the public that the hearing on this matter would be continued to the October 24, 2017 meeting and that no further notice would be provided.

5. Bills:

Motion to approve the bills: Townsend, seconded by Perron

Ayes: Engelhardt, Kenoyer, Cook, Pedrick, Budney, Perron, Townsend

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

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10:30 p.m. Mr. Townsend left the meeting and did not return.

6. HPC resolution from September 20, 2017:

- 54 Bonnell Street – Hilary Greenstreet. Mr. Budney discussed the application to install a split rail fence and paint the trim an approved color noting the HPC approved with no comments.

Motion to approve: Engelhardt, seconded by Budney

Ayes: Engelhardt, Kenoyer, Cook, Pedrick, Budney, Perron

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

7. Council Items:

Ms. McManus stated that the Borough had received the final ruling on affordable housing and would be good to 2025 as the Housing Plan was accepted noting that the Borough will be required to provide some recording but would not be subject to a builders lawsuit.

Ms. Stewart asked the procedures for the Union Hotel Redevelopment Plan. Ms. McManus explained.

8. Chair Items:

There were no HPC comments.

Mr. Cook discussed the agenda items for the next meeting on October 2, 2017.

Mrs. Engelhardt asked Ms. McManus to discuss the Raritan Township application regarding the Stothoff property with the Raritan Township planner.

9. Adjourn

Motion to adjourn at 10:45 p.m.: Budney; second: Perron

Ayes: All were in favor

Motion passed: 6-0-0

Respectfully submitted

Eileen Parks

Planning Board Secretary