

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
TUESDAY, SEPTEMBER 25, 2018 – 7:00 PM

MINUTES

The meeting was called to order at 7:03 PM by Mr. Cook.

Roll Call:

Present: Mrs. Engelhardt, Mayor Greiner, Mr. Cook, Mrs. Pedrick, Mr. Budney, Mr. Hain, Mr. Perron, Mr. Townsend @ 7:30 pm, Mrs. Tilly, Mr. Hill, Attorney Gianos, Engineer Clerico, Planner McManus

Excused: Ms. Melfi, Traffic Engineer Rocciola

Mayor Greiner announced the resignation of Lauren Kenoyer. Mr. Townsend was appointed to Ms. Kenoyer's unexpired term as a regular member and Mrs. Tilly was appointed to Mr. Townsend's unexpired term as Alternate 1 and the appointment to the Board of James Hill to the unexpired term as Alternate 2.

1. Public Comments:

Lois Stewart, 26 Spring Street, stated that two applications were on the agenda for completeness and asked what the criteria was to deem an application complete and who checks the items against the checklist. The Board discussed. Ms. Stewart stated that there was a letter from SHPO to Borough Council regarding the Main Street development and asked if this would have bearing on the application. The Board discussed.

Joann Braun, 77 Jefferson Court, stated that a traffic report was submitted and discussed that it was limited in scope. Mr. Cook stated that this section was for public comments only not related to any specific application.

Steven Tuccio, 31 Elwood Avenue, discussed the SHPO letter and asked if requirements from SHPO would need to be fulfilled and require a resubmission of an application. The Board discussed noting that items from an outside agency are not on the Board checklist.

Michael Harris, 173 Main Street, discussed the historic preservation letter from SHPO noting that there was information in the letter regarding requirements for completing the sale of the property noting that he had only recently received this letter and asked what other information was he not aware of and noted the uniqueness of the project. Mr. Harris stated that the traffic study was prepared in June and was limited in scope. Mr. Cook stated that this portion was for public comments not related to a specific application. Mr. Gianos stated that there would be an opportunity for questions and comments during the public hearing.

2. Approval of minutes for August 28, 2018 regular meeting.

Motion to approve the minutes: Hain, seconded by Budney

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Ayes: Greiner, Cook, Pedrick, Budney, Hain, Tilly

Nays: (None)

Abstain: Engelhardt, Perron, Hill

Motion passed: 6-0-2

3. Completeness: Botti, Dan – Block 47, Lot 6 – 234 South Main Street

Mr. Clerico discussed his review letter dated September 17, 2018, stating the additional items he recommended to be submitted for the Board to make a determination noting that a checklist was not submitted. The applicant, Dan Botti, and his engineer Eric Rupnarain appeared. Mr. Rupnarain agreed to submit these recommended items next week by October 5, 2018 and asked if the public hearing could be scheduled for the October 23, 2018 meeting if these items were submitted. The Board discussed.

Mrs. Engelhardt asked if the Board could develop a checklist for variance applications. Ms. McManus recommended a separate variance application checklist to simplify the process for applicants.

The public hearing on this application was scheduled for October 23, 2018 pending timely submission of the additional items as discussed.

Mr. Gianos stated that since there was no checklist provided a determination on completeness was not necessary.

7:30 p.m. Mr. Townsend entered the meeting

4. Completeness: Flemington Center Urban Renewal, LLC - Block 22, Lots 4, 5, 6, 7, 12, 13 & 14 and Block 24, Lots 1, 2 & 3, and 5

The applicant's attorney, George Dilts, appeared. Mr. Clerico discussed his completeness letter dated September 17, 2018 and his subsequent email dated September 24, 2018 prepared after the submission of additional documentation as noted in his review letter. Mr. Clerico stated that he needed confirmation that the project was going to be phased, Mr. Dilts stated that he had sent an email confirming no phasing of the project was being proposed. Mr. Clerico stated that with the additional documents submitted the application could be deemed complete and recommended that the Board grant temporary waivers for checklist items 57 & 65, grant partial waivers for checklist items 42 & 44 and grant waivers from checklist items 37 & 40 as they were not applicable. Mr. Clerico discussed and clarified for the Board the waivers.

Motion to deem the application complete and agree with the recommendation as noted in Mr. Clerico's email: Engelhardt, seconded by Perron

Ayes: Engelhardt, Greiner, Cook, Pedrick, Perron, Budney, Hain, Townsend, Tilly

Nays: (None)

Abstain: Townsend

Motion passed: 9-0-0

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The public hearing was scheduled for October 1, 2018 which the applicant had already noticed for this date.

5. Public Hearing: McDonald's Corporation, Inc. – Block 49, Lot 14 and part of Lot 5

The applicant's attorney, Michael Miceli, appeared and discussed the application where the additional items including an updated survey and title report requested by Mr. Clerico had been submitted.

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

Ayes: Engelhardt, Greiner, Cook, Pedrick, Perron, Budney, Hain, Tilly

Nays: (None)

Abstain: Townsend

Motion passed: 8-0-1

Mr. Gianos stated that he had received and reviewed the proofs of notice which were marked as Exhibit A-1 and stated found that the Board had jurisdiction to proceed with the public hearing. Mr. Miceli discussed the site plan application for drive thru alterations which included requested for bulk variances.

The applicant's engineer, Brad Bohler, was sworn in for testimony, stated his credentials and was accepted as a professional engineer. A copy of the survey was entered as Exhibit A-2 last revised September 11, 2018 which showed the existing conditions of the property. Mr. Bohler noted that the building had recently been renovated and stated that there were 44 parking spaces on the main lot with 32 spaces in the back leased portion with a typical fast food counterclockwise circulation for the drive thru with 2 menu signs and ordering points. Mr. Bohler discussed that the existing signage was substantial at 116 square feet with a sign on an existing light pole by the drive thru. A rendered copy of the site plan was entered as Exhibit A-3 of the landscaping plan which showed the ADA improvements with the reconstruction of the ADA parking spaces for a total of 5 ADA spaces and changes to the drive thru to 2 side by side ordering points. Mr. Bohler discussed the proposed signage where the overall square footage was 40 square feet less than the existing and stated that the number of signs would increase by 2 in the drive thru area and discussed the display screens in the menu board which were 1 square foot each and built into the canopy arm. Mr. Bohler stated that the parking spaces in the front would be reduced to 36 spaces with the back area unchanged and resulting in a decrease in impervious coverage adding that there were no changes in the lighting proposed and that the applicant met the landscape requirements.

Ms. McManus discussed her review letter dated September 13, 2018 noting that there was a chance to correct existing conditions and recommended that the applicant remove or shift the parking spaces that were in close proximity to vehicles entering the site. Mr. Bohler stated that McDonald's needed a minimum of 35 parking spaces and if they lose the lease area on Lot 5 there would be at least existing 36 spaces on Lot 14 noting that there have not been issues with these parking spaces and the applicant saw no reason to change. The Board discussed the ADA

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parking location and crosswalks to the building. Mr. Clerico stated that was a pre-existing condition were congested areas where cars were backing out onto the sidewalk and agreed with Ms. McManus's recommendation to eliminate 2 spaces. The applicant agree to lose 2 spaces, 1 ADA and 1 standard space and replace with a landscape island noting that 3 ADA spaces were required to be compliant. Mr. Bohler agreed that bicycle parking would be provided. Ms. McManus stated that the proposed signs were appropriate and makes the site less cluttered than the existing.

Mr. Clerico discussed the impervious coverage stating that the ordinance stated that if additional coverage exceed 200 square feet, which the site not doing, or if an applicant was disturbing 2000 square feet which the site was proposing, the stormwater requirement was 50% impervious coverage or install alternate water quality measurement and suggested adding some depressed curbing. Mr. Bohler stated that a small area could be provided or request a variance of 50% to avoid putting water in the area near the buildings wiring adding that the new landscape island may be able to provide some stormwater management.

Lois Stewart, 26 Spring Street, asked if the lanes were for ordering only and how many parking spaces were required and asked if the coverage could be reduced to be more in line with the ordinance. Mr. Bohler discussed. Ms. Stewart asked how long the lease was and how many spaces were on the main lot and asked how many trees were required on this lot. Mr. Bohler discussed. Ms. Stewart asked if the coverage could be reduced. Mr. Clerico suggested porous pavement as an option. Mr. Bohler stated that he could look into but that there may be geology issues and maintenance problems.

The applicant's planner, Dave Karlebach, was sworn in for testimony, stated his credentials and was accepted as a professional planner. Mr. Karlebach discussed the zoning compliance analysis and bulk variances, one for the existing non-conforming lot area to remain, one for impervious coverage where 70% was permitted, 81.7% was proposed which was a reduction from the existing, signage relief was required for the menu board and direction signage noting that there was a substantial reduction of signage square footage from the existing. Mr. Karlebach discussed the criteria for the c2 variance including the balancing test and that the plan advances the purposes of the MLUL with the site improved in circulation, landscaping, signage and would be more in conformance with the zone with no detriment to the public good with the benefits outweighing any negatives.

Mr. Budney asked how the menu board signs were illuminated and if there would be any light effect. Mr. Bohler discussed.

Mr. Cook asked if the Borough signage ordinance was overly restrictive. Mr. Bohler stated his opinion.

Mr. Cook opened the hearing for public comments.

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Lois Stewart, 26 Spring Street, asked the required number of trees per parking space. Ms. McManus stated that 1 tree was required for each 3 spaces which required 11 trees on Lot 14. Ms. Stewart discussed her concern if the applicant lost the lease then the trees would not be compliant on the lot as well as her concern to increase the number of trees as much as possible. Ms. Stewart voiced her concern regarding the impervious coverage and asked if the Board would require pervious pavement to be installed.

The Board discussed the number of trees required. Mr. Miceli agreed to work with Ms. McManus who would coordinate with the Shade Tree Commission to provide some additional trees on Lot 14 and agreed to provide payment in lieu of the deficit of required trees not able to be planted.

Chris Brad, 25 Broad Street, asked what the defined a shade tree and the type of species used and whether the number or the amount of shade provided that was determined. Ms. McManus discussed.

Motion to close the public hearing: Engelhardt, seconded by Hain
Ayes: Engelhardt, Greiner, Cook, Pedrick, Perron, Budney, Hain, Tilly
Nays: (None)
Abstain: Townsend
Motion passed: 9-0-0

Motion to approve the preliminary and final site plan and variance with conditions as discussed:
Hain, seconded by Engelhardt
Ayes: Engelhardt, Greiner, Cook, Pedrick, Perron, Budney, Hain, Tilly
Nays: (None)
Abstain: Townsend
Motion passed: 9-0-0

6. Council Items:

None.

7. Chair Items:

HPC Comments - None

Mr. Cook stated that a sign review for 168 Main Street – Raritan Learning Cooperative was submitted noting that the sign review committee did not have a chance to review, after reviewing with the zoning officer the property was allowed one sign as a school and meets the ordinance for location.

Motion to approve the sign: Tilly, seconded by Engelhardt

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Ayes: Engelhardt, Greiner, Cook, Pedrick, Perron, Budney, Hain, Townsend, Tilly
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

The next regular meeting on October 1, 2018 would be held at the Hunterdon County Courthouse 75 Main Steet at 7:00 pm. Mrs. Tilly would be absent.

8. Bills

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

9. Adjourn

Motion to adjourn at 9:20 p.m.: Greiner; second: Perron
Ayes: All were in favor
Motion passed: 10-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary