

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
TUESDAY, NOVEMBER 27, 2018 – 7:00 PM

MINUTES

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

**Roll Call:**

**Present:** Mrs. Engelhardt, Mayor Greiner, Ms. Melfi, Mr. Cook, Mr. Townsend, Mr. Hill, Mrs. Tilly, Attorney Gianos, Engineer Clerico, Planner Lelie

**Excused:** Mr. Perron, Mrs. Pedrick, Mr. Hain, Mr. Budney, Traffic Engineer Rocciola

1. **Public Comments:** None.

**2. Approval of minutes for October 29, 2018 special meeting.**

Motion: Melfi, seconded by Greiner.

Ayes: Engelhardt, Greiner, Melfi, Cook, Townsend, Hill, Tilly

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**3. Approval of minutes for November 5, 2018 regular meeting.**

Motion: Melfi, seconded by Townsend.

Ayes: Engelhardt, Greiner, Melfi, Cook, Hain, Townsend, Tilly, Hill

Nays: (None)

Abstain: Tilly, Hill

Motion passed: 6-0-2

1. **Resolution: Flemington Center Urban Renewal, LLC** - Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, 13 & 14 and Block 24, Lots 1, 2 & 3, and 5

Mr. Gianos discussed the resolution. The Board provided minor changes and discussed.

Motion to approve with the changes as discussed: Melfi, seconded by Townsend

Ayes: Engelhardt, Greiner, Melfi, Cook, Townsend, Tilly

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

2. **Resolution: Botti, Dan** - Block 47 Lot 6, 234 South Main Street

Mr. Gianos stated that the resolution had been reviewed by the applicant and his engineer.

The Board discussed that the application was for a bulk variance not a use variance as noted on the agenda.

A motion to amend the agenda was made by: Melfi, seconded by Greiner. All were in favor.

Motion to approve: Melfi, seconded by Hill

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Ayes: Engelhardt, Greiner, Melfi, Cook, Townsend, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

**3. Extension: Dallas Bellin Flemington, LLC - Block 38 Lots 3.01, 5, 6, 7 & 20, Block 39, Lot 2**

Attorney for the applicant, Steven Gruenberg, appeared and discussed the request for the third of three (3) one (1) year extensions of final approval to December 1, 2019.

Motion of approve the extension: Melfi, seconded by Townsend

Ayes: Engelhardt, Melfi, Cook, Townsend, Tilly, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

Mr. Gianos stated that Mr. Gruenberg had prepared a resolution for the extension.

Motion of approve the resolution: Melfi, seconded by Hill

Ayes: Engelhardt, Melfi, Cook, Townsend, Tilly, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

**4. Discussion: Hunterdon County Economic Development**

Mark Sulak appeared and discussed the County Economic Development opportunities throughout the County for ordinance assistance and to enable projects to move forward by aligning ordinances with processes and procedures with economic grant programs. Mr. Sulak discussed zoning review studies approved for Frenchtown and a capacity study for Raritan Township MUA and coordinated growth along the I-78 corridor and discussed that Flemington was designated as an Opportunity Zone. The Board discussed.

**5. Completeness: Kerbel Sheriff – Block 5 Lot 12**

Robert Sheriff appeared as a principal in the partnership and discussed the application and the history of the site and applications that were previously before the Board. Mr. Clerico discussed the completeness memo dated November 12, 2018 stating that there were many items that were missing from the checklist adding that the plan submitted was a concept only and was missing some additional items necessary for the Board to make a determination. Mr. Clerico suggested that the applicant meet with him to discuss the outstanding items and suggested that the applicant's architect or engineer also attend this meeting. The Board discussed.

Motion of deem the application incomplete: Melfi, seconded by Engelhardt

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Ayes: Engelhardt, Greiner, Melfi, Cook, Townsend, Tilly, Hill

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

6. **Public Hearing:** Susan Lackemacker - Block 13 Lot 22, 76 Park Avenue

Mayor Greiner was recused from the application.

Attorney for the applicant, Scott Bullock, appeared and discussed the application. Mr. Gianos stated that the proofs of notice had been submitted which were marked Exhibit A-1 and that after review found that the Board had jurisdiction to proceed.

The applicant's husband, Karl Lackemacher, was sworn in for testimony. Mr. Lackemacher discussed the application for a use variance to renovate the building for a residential use in a business zone noting he had been granted site plan and use variance to allow a commercial use in the then residential zone in 1998 and subsequently the zone was changed to a business zone where the residential use was now not allowed. Mr. Lackemacher stated that the title agency left the building in 2016 and had been on the market since then with no serious commercial interest in the market where it was too expensive for a small office and too small for a big office. Mr. Lackemacher stated that he had a contract as a residence but since a variance was required the buyer backed out. Mr. Bullock discussed the uses of the surrounding properties which were mixed. Mr. Lackemacher stated that the building had been renovated back to a residential use with the proper permits having been acquired for a 2 bedroom dwelling.

The applicant's planner, Jeffrey Doshna, was sworn in for testimony and accepted as a professional planner. Mr. Doshna discussed the application and the positive and negative criteria for the use variance noting that the original cottage was 1300 square feet with 2 stories, a drive and parking pad in the rear with no additional construction being needed. Mr. Doshna cited economic inutility and maintaining population densities in neighborhood and providing more housing in the Borough as well as providing an appropriate variety of uses in the neighborhood. Mr. Doshna stated that the site was particularly suited for the use and would have no substantial detriment to the public good or the zoning plan noting that it was still in the business zone and if the market changed the commercial use would still be allowed. The Board discussed.

Motion to close the public hearing: Melfi, seconded by Engelhardt

Ayes: Engelhardt, Melfi, Cook, Hain, Townsend, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

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Motion to approve with conditions as discussed: Melfi, seconded by Engelhardt

Ayes: Engelhardt, Melfi, Cook, Townsend, Tilly, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

**7. Public Hearing:** Kensho Land, LLC - Block 35 Lot 65, 19 Church Street

Mayor Greiner was recused from the application.

The applicant's attorney, Anthoy Koester, appeared and discussed the application. Mr. Gianos stated that the proofs of notice had been submitted which were marked Exhibit A-1 and that after review found that the Board had jurisdiction to proceed.

The principal of the firm and engineer/planning, Wayne Ingram, was sworn in for testimony and was accepted as a professional engineer and planner. Mr. Koester discussed the 'd' variance application in the DB-II zone to allow a residential use noting that the property had preexisting nonconformance for lot area and lot width. Mr. Ingram discussed that site had a previous residential unit on the property that burned down and that now the plan was for a proposed residential dwelling which would comply with the prevailing setbacks with 3 on site parking spaces and make the site consistent with the surrounding area and adding the parking to help eliminate parking deficiencies with no significant outdoor lighting and installation of trees and landscaping as requested. Mr. Ingram stated that the utility stubs were already in place from the previous dwelling. Mr. Ingram stated the positive and negative criteria for the variance stating that the site would provide a visual benefit with a variety of uses in the neighborhood and that he saw no negative impact with the improvement of parking and landscaping noting that the building would not be out of character for the area and listed the variances for lot area, lot width, lot depth, impervious coverage of 60.5% where 55% was permitted and requested a waiver from stormwater management given the size of the lot there was no place to provide a stormwater structure and did not want to place anything close to the foundation. Mr. Ingram stated that a rear yard variance would be required. Mr. Ingram agreed to comply with comments from the planner and engineering reports and would work with the HPC and their recommendations.

Mr. Clerico discussed the easements on the lot, Mr. Ingram discussed noting that they were not plottable on the site. Mr. Clerico discussed that the proposed driveway opening was larger than allowed and asked if a drywell could be placed on site and asked if the applicant would provide a right of way dedication along Church Street. Mr. Ingram agreed to provide more detail on the grading of the site. The Board discussed the 3 foot right of way dedication. Ms. Lelie discussed her report asking if the applicant considered an up and down duplex versus the proposed side by side duplex to provide some mitigation. Ms. Lelie discussed that the parking would have cars backing out onto the street and discussed the safety and lines of sight, Ms. Lelie suggested that the number of parking spaces be reduced to two spaces which would also provide more lawn area and reduce the impervious coverage. Mr. Ingram discussed and would agree to the

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number of parking spaces as recommended by the Board. Mrs. Engelhardt stated that she would like to see the reduction of one space and decrease in impervious coverage. The Board discussed.

Mike Gorminski, 15 Church Street and operated a professional engineering company, appeared and strongly opposed the use variance stating that he bought the house because it was in the DBII zone and renovated the building for his business.

Lois Stewart, 26 Spring Street, asked the use and size of the prior house, the impervious coverage and asked some procedural questions. The Board discussed.

Chris Runion, 25 Broad Street, asked if the house was historical.

Elaine Gorman, 34 New York Avenue and HPC chair discussed.

Ms. Stewart asked if the applicant would consider a smaller single family house. Mr. Ingram discussed.

Mr. Runion asked if the Board had control over the architecture. Ms. Lelie explained that the Board had a measure of control as a mitigating factor since a use variance was being requested.

Mr. Cook asked for public comments.

Mike Gorminski, 15 Church Street, was sworn in for testimony. Mr. Gorminski discussed the aesthetics of the downtown area and how he spent a fortune renovating the building for a professional office on the first floor and that the site was the only open space which was subject to trespassers and noting that the building would be 2 feet from his property. Mr. Gorminski stated that he was strongly opposed and was concerned for the impact on his business and property.

Elaine Gorman, 34 New York Avenue, stated that the HPC looked forward to reviewing and having an empty lot being put to good use.

Motion to close the public hearing: Melfi, seconded by Engelhardt

Ayes: Engelhardt, Melfi, Cook, Hain, Townsend, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

Attorney Koester discussed the 'd' variance and the comments provided would be taken to heart and agreed to work with the Board professionals and suggested that the applicant could provide a fence to reduce the trespassing and provide some buffering to the neighbor.

Mrs. Engelhardt stated that the architecture fits well in the area and discussed that owners can build and have the right to develop their property. Mrs. Engelhardt stated that the applicant was sensitive to the concerns and made arguments to approve the variance noting that it made sense to give up a parking space to provide drainage on the lot and reduce the impervious coverage noting that by reducing the parking spaces it would eliminate the driveway opening waiver.

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Mr. Cook discussed that he would like to see something on this corner where 3 different zones converged.

The Board discussed the application.

Mr. Koester agreed that the most southern parking space would be eliminated where the driveway width would meet the 22 foot requirement and the applicant would provide additional landscaping. Mr. Clerico noted that the reduction of this space would also eliminate the 5 foot driveway setback to the property line that would have been required and would decrease the impervious coverage. The Board discussed that the coverage would limited to not exceed 57.5%, Mr. Ingram agreed. The Board discussed the right of way dedication and did not see the benefit of the increase in right of way. Mr. Cook suggested that the building be moved 1 foot further away from 15 Church Street to provide additional buffering. Mr. Ingram agreed. Mr. Clerico noted that parking in the front yard would be a deviation from the RSIS standards. The Board discussed the fence. Mr. Ingram agreed to provide a fence from the rear corner of the building and provide additional landscaping on the remaining grass area to the property line of 15 Church Street.

Motion to approve with conditions as discussed: Engelhardt, seconded by Townsend

Ayes: Engelhardt, Melfi, Cook, Townsend, Tilly, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

**4. Council Items:** None.

**5. Chair Items:**

HPC Comments – Elaine Gorman discussed the application for 31 Bloomfield Avenue that was reviewed by the HPC.

Motion to approve: Melfi, seconded by: Hill

Ayes: Engelhardt, Greiner, Melfi, Cook, Hain, Townsend, Hill

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

Sign Review Committee: Mr. Cook stated that revisions for the sign ordinance had been prepared and discussed the proposed changes.

Mr. Cook stated that the next regular meeting was scheduled for December 3, 2018 with only 2 HPC applications on the agenda and asked Ms. Gorman to discuss with those applicants if the applications were urgent or if they could wait for the December 11, 2018 meeting for Board approval.

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**6. Bills**

Motion to approve the bills: Greiner, seconded by Engelhardt.

Ayes: Greiner, Melfi, Cook, Hain, Townsend, Hill

Nays: Engelhardt

Abstain: (None)

Motion passed: 6-1-0

**7. Adjourn**

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

Ayes: All were in favor

Motion passed: 7-0-0

Respectfully submitted

Eileen Parks  
Planning Board Secretary