

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
TUESDAY, MAY 21, 2019 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Mrs. Engelhardt.

**Roll Call:**

**Present:** Mayor Driver, Mrs. Engelhardt, Mr. Campion, Mr. Runion, Mr. Budney, Mr. Hain, Ms. Giffen, Mr. Hill, Attorney Kaczynski, Planner McManus.

**Excused:** Mr. Cook, Mrs. Pedrick, Mr. Townsend, Engineer Clerico, Traffic Engineer Troutman

1. **Public Comments:** Lois Stewart, 26 Spring Street, asked if there would be an opportunity for the public to comment on the letter to be sent to the DEP regarding the reclassification of streams and asked when there would be public comments on the sign ordinances which were on the agenda tonight. The Board discussed the procedures for both.

2. **Mayor Comments:** Mayor Driver discussed that she attended the County Freeholders meeting tonight which still going on and the letter approved by the Freeholders to the DEP opposing the reclassifications of streams and asked that the comment period be extended 30 days past the June 3, 2019 deadline. Mayor Driver discussed the concerns for the impact to Flemington and stated that the Council was considering providing additional comments to the DEP and requesting an extension on the comment period.

Mayor Driver discussed that the location of the video camera in the meeting room had been changed as the prior location was picking up conversations in the audience adding that the microphone was omnidirectional and would still pick up all conversations in the public meeting room.

3. **Council Items:** None

**4. Approval of minutes for May 6, 2019 regular meeting.**

Ms. Giffen discussed that she volunteered at the last meeting to be the liaison to the HPC for the proposed revisions to the approval process for HPC applications where the minutes indicated that the item would be tabled for the HPC 1404 ordinance. The Board discussed.

Motion to approve the minutes as presented: Hain, seconded by Hill

Ayes: Driver, Engelhardt, Budney, Hain, Hill

Nays: Giffen, Runion

Abstain: Campion

Motion passed: 5-2-1

**5. Developer's Escrow Return:** Garrison Lifestyle, Block 49 Lot 10

Ms. Parks discussed that the request for the escrow to be returned had been submitted to the Board professionals and found no outstanding invoices for the application and stated that a draft resolution would be sent to the Borough Clerk to be placed on the next available Council agenda. The Board discussed and had no objection to the return of escrow funds.

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**6. HPC May 15, 2019 Resolutions:**

- 19 Church Street – Kensho Land, LLC

HPC Vice Chair Richard Giffen discussed the application for construction of a new 2 family residence stating that the application met the HPC ordinances and was approved with a few conditions which were agreed to by the applicant. Mr. Runion asked why vinyl siding was approved on the new building. Mr. Giffen discussed that the ordinance did not preclude vinyl siding on new construction noting that the building would similar to the surrounding neighborhood. The Board discussed that the ordinance could be changed in the future.

Motion to approve: Driver, seconded by Hain

Ayes: Driver, Campion, Giffen, Budney, Hain, Hill

Nays: Runion

Abstain: Engelhardt

Motion passed: 6-1-1

- 178 Main Street - Curdgele

HPC Vice Chair Richard Giffen discussed the application to paint the house using colors from the historic palette and that the new shutters would be wood instead of the proposed PVC.

Motion to approve: Budney, seconded by Hain

Ayes: Driver, Campion, Giffen, Engelhardt, Runion, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

- 90 Broad Street - Healy

HPC Vice Chair Richard Giffen discussed the application to paint the house using colors from the historic palette.

Motion to approve: Hain, seconded by Budney

Ayes: Driver, Campion, Giffen, Engelhardt, Runion, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

- 20 Mine Street – Bluefin Properties, LLC

HPC Vice Chair Richard Giffen discussed the application to paint the house using colors from the historic palette and that if any rotten wood was found it would be replaced with wood.

Motion to approve: Hain, seconded by Campion

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Ayes: Driver, Campion, Giffen, Engelhardt, Runion, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**7. Discussion: NJDEP Reclassification of Streams**

The Board discussed the comment letter prepared the subcommittee of Mr. Budney, Mr. Hill, Ms. McManus and Mr. Clerico regarding the NJDEP's proposal to reclassify streams that would affect the Borough. Ms. McManus discussed the letter to be sent in addition to the Council comments with further planning comments and impacts to the RTMUA, South Branch of the Raritan River and limiting growth in Flemington which was the economic center of Hunterdon County and designated as an Opportunity Zone with the intention of growth in the Borough. The Board discussed and suggested additional comments to be added including reference the Borough's Master plan. The Board discussed the restrictions that would be imposed would make and expansion of the sewer system difficult or almost impossible, discussed the Bushkill stream tributaries in the Borough and that the affordable housing element was not addressed by the DEP. Mrs. Engelhardt discussed that the Board was not against environmental conservation and discussed that the Borough was a core developed area. Mr. Runion asked if there would be vote tonight since the draft letter was distributed today. Mayor Driver stated that the public comment period deadline was June 3 and if no comments are submitted the Board/Borough would have no standing. Mr. Budney asked if the letter should state specific streams, after discussion the South Branch, Neshanic and any and all tributaries as a catch all not to be too specific would be added to the comment letter. Mayor Driver suggested that the Board also request a 30 day extension of the public comment deadline be requested due to the availability of maps and the maps being unclear. Ms. McManus reviewed the additional comments to be added to the letter. Ms. McManus asked who would submit the letter, the Board discussed that Chairman Cook would sign for the Board and it would be sent with a Borough seal certified mail, Ms. Parks to coordinate.

Motion to approve with revisions as discussed: Driver, seconded by Budney

Ayes: Driver, Campion, Englehardt, Giffen, Budney, Hain, Hill

Nays: (None)

Abstain: Runion

Motion passed: 7-0-1

**8. Discussion: Sign Ordinances**

Ms. Kacsynski stated that the HPC ordinance 1404 would be discussed under Chair Items.

Ms. McManus discussed the revisions made to the sign ordinances including 1400, 1631 and 2631 as discussed at the last meeting. Ordinance 1631 – Historic District Review, no neon signs no further revisions. Ordinance 1400 – Establishment of the Planning Board, 1401 jurisdiction section (i) no substantial changes, relatively minor upgrading, removal of Board member clause expanded, 2A(i) signage guideline package approval not to be under the jurisdiction of the sign review committee when there was a site plan approval with a sign package. Sign Review

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Committee would not be a paid position; and sign review application to be available in the Clerk's office. Ordinance 2631 – Signs; revised for consistency in text and sign table; definition of blade versus canopy clarified to provide distinction between the two and cleaned up the directory sign section, the Board discussed directory sign setback to be set at the existing building front façade; clarified that the A-frame signs would have a 3 foot setback to meet ADA code. The Board discussed the internally illuminated menu boards. Ms. McManus discussed the Sign Table where the format was changed to provide a more concise the readable layout and the free-standing and monument signs were placed in one column and discussed the clarity provided in the new table. The Board discussed the permitted height of a monument sign and agreed to permit 6 feet in height to allow for the base and sign. Ms. Giffen corrected the area and length permitted dimensions, Ms. McManus would correct. The Board discussed having an inventory of existing signs in the Borough and providing some of the signs as examples in the ordinance.

Motion to send ordinances 1400, 1631, 2631 and the signage table with the revisions as discussed to Council: Hain, seconded by Giffen

Ayes: Driver, Englehardt, Giffen, Budney, Hain, Hill

Nays: (None)

Abstain: Runion, Campion

Motion passed: 6-0-2

**9. Chair Items:**

HPC comments:

Ordinance 1404 was discussed regarding changes to the approval process for an HPC application where once an application was received, the HPC would have 45 days to review, an approval or denial would then go to the zoning officer who must adopt the recommendations of the HPC resolution instead of waiting for the next Planning Board meeting for Board approval. If the HPC denied the application the applicant would have the ability to appeal the denial or any conditions not agreed to at a Planning Board meeting. Copied of all applications would continue to be sent to the Planning Board. Mr. Giffen discussed the language of the zoning officer making a determination and suggested that it be clarified that the zoning officer was bound to decision of the HPC. Ms. Kacsynski cited the statute and suggested that the same language be used in the ordinance.

The Board discussed whether to wait for additional HPC comments and table the ordinance or to send to Council to keep the process moving.

Motion to send ordinance 1404 with the revisions as discussed to Council: Hain, seconded by Campion

Ayes: Driver, Englehardt, Giffen, Budney, Hain, Hill

Nays: (None)

Abstain: Runion, Campion

Motion passed: 6-0-2

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Mr. Giffen discussed that the historic map was close to being completed with John Hatch making a presentation at the HPC meeting on June 12, 2019 and invited the Board to attend (with no more than 4 to avoid a quorum). Mr. Giffen discussed that the map would be ready to be presented to the Board at the June 25, 2019 regular meeting for comment. Mayor Driver asked if the HPC was expanding the historic preservation zone. Mr. Giffen discussed with the Board. Mrs. Engelhardt suggested that Board members attend an HPC meeting.

Mr. Giffen stated that there was one vacancy on the HPC and requested that a Board member volunteer.

Sign Review Committee: None.

Chair Items: Mrs. Engelhardt discussed the next meeting on June 3, 2019 noting that there were no agenda items at this point.

Mrs. Engelhardt discussed that there was an Opportunity Zone meeting scheduled for June 11, 2019 9:00 am to 3:00 pm and invited Board members and professionals to attend.

**10. Bills**

Motion to audit the bills: Giffen, seconded by Hain

Ayes: Driver, Giffen, Engelhardt, Campion, Cook, Runion, Townsend, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**11. Executive Session:** None needed

**12. Adjourn**

Motion to adjourn at 9:05 p.m.: Driver; second: Hain

Ayes: All were in favor

Motion passed: 8-0-0

Respectfully submitted:

Eileen Parks, Planning Board Secretary