

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
38 PARK AVENUE, FLEMINGTON, NJ 08822  
MONDAY, FEBRUARY 3, 2020 – 7:00 PM

MINUTES

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

**Roll Call:**

**Present:** Mr. Cook, Mr. Long, Ms. Giffen, Mr. Budney, Mr. Hain, Mr. Norton, Attorney Kaczynski, Planner McManus, Traffic

**Excused:** Mayor Driver, Mrs. Engelhardt, Mrs. Pedrick, Mr. Campion, Mr. Hill, Engineer Clerico, Traffic Engineer Troutman.

1. **Public Comments:** None

2. **Mayor Comments:** None

3. **Council Items:** None.

4. **HPC Comments:**

Don Eckel, Chair of the HPC, discussed that the HPC had presented a folio for the projects in 2020 and looked forward to collaborating on the Master Plan. Mr. Eckel discussed that Rutgers was having a seminar on historic preservation including the relationship of the Commission with a Planning Board, if any one was interested please contact him.

5. **Approval of minutes for the January 6, 2020 reorganization meeting.**

Motion to approve the minutes was made by: Hain, seconded by: Giffen.

Ayes: Giffen, Cook, Long, Budney, Hain, Norton

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

6. **Resolution: Planning Board Annual Report**

Ms. Kaczynski discussed the resolution which, based on the annual report and the applications that appeared before the Board in 2019, did not recommend any changes to the ordinance. The Board discussed.

Motion to adopt the resolution was made by: Hain, seconded by: Budney.

Ayes: Giffen, Cook, Long, Budney, Hain, Norton

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

7. **Discussion: Ordinance 2020-2**– Establishing the Mixed-Use Multi-Family Overlay District

Mr. Cook discussed the incorrect version of the Ordinance was submitted to the Board from Council and therefore no discussion would take place tonight and tabled to a later date.

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8. **Discussion: Ordinance 2020-3** – Permitting Social Clubs, and Certain Theater Uses in Downtown Business District, Downtown II Business District and the Village Artisan Shopping District

Mr. Cook discussed that the Ordinance would add permitted uses in the Downtown, Downtown 2 and VAS districts noting the agenda mentioned cigar bars & lounges which had been deleted from the Ordinance during the introduction by Council, the amended resolution was in the Board's packets. Mr. Cook discussed that the Board was to provide recommendations to Council and determine if the proposed ordinance was consistent with the Master Plan where Council could but was not required to accept some, all or none of the recommendation, clarifying that if the changes were deemed substantial the process would need to be started over. Ms. Kaczynski discussed the procedures for Ordinance adoption. Mr. Budney asked why cigar bars and lounges were removed. Mr. Long discussed.

Ms. McManus provided a report on consistency with the Master Plan which recommended additional uses in the Downtown districts including social clubs, performing arts, theaters, brew pubs and the Master Plan recommended adding specific permitted uses in the VAS district including theaters, pubs, entertainment centers etc. and to increase walkability which these proposed would accomplish.

Mr. Cook discussed that the Ordinance referred to the areas as districts and as zones in the ordinance and suggested that this should be consistent throughout to say 'district'. The Board discussed the SIC code 7922 in the ordinance and that it specifically does not permit theaters and suggested adding SIC code 7111 which includes theaters. Ms. McManus stated that the 7111 did not differentiate from a small or large movie theatre noting that the trend today was the larger multi-screen complexes that would not be consistent with the Borough. Ms. Kaczynski stated that any changes may just be clarifying to not be substantial and suggested that adding the 7111 code could be recommended to be added later on with the Master Plan review. The Board discussed the scale of a movie theater noting that the availability of space in the Borough may preclude any big box cinemas. Mr. Cook discussed that there was a theater at the Walgreens site and that there had been an agreement with Raritan Twp to not have Flemington allow theaters. Mr. Cook stated that if the addition would be substantive it could be added at the time of the Master Plan noting that he did not want to delay the process. Mr. Cook stated that the proposed ordinance allowed 3 of the additional uses per district, the Board discussed including getting an inventory of the existing social clubs, performing arts facilities currently in the districts adding that if there were already 3 in a district would that preclude another to be proposed. Ms. Giffen wanted to make sure there was enough space for new ones and suggested that Council look at what is already there. Mr. Budney stated that there were no other such limits for other uses. The Board recommended that the limit of 3 be eliminated noting that the Borough could amend the ordinance in the future if there were too many of one kind of use. The Board discussed ABC regulations that allowed sale of

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alcoholic beverages in performing arts or social clubs and suggested that the language in the ordinance be the same for each use for consistency. Ms. Kaczynski stated that the liquor licenses were not the jurisdiction of the Board and that any facility would need to comply with the ABC.

Mr. Cook stated that he would like to add a special meeting prior to the February 24, 2020 Council meeting to discuss any amendment to the ordinance if the Council made changes based on the recommendations noting the timing of the Council and Board meetings may delay the re-introduction, review by the Board and any adoption by Council since the next Board meeting was scheduled on February 25, 2020.

The Board discussed SIC code 8641 and recommended that the Council take a look at the 'parent code' 864 to incorporate the uses that were intended to be permitted and see if the 8641 could be expanded. Ms. McManus suggested that the SIC codes could be eliminated for this particular ordinance. The Board discussed.

Mr. Cook summarized the recommendations including changing zone to district throughout; strike the 3 use type limit in a district; add a bar if allowed by law for consistency; add SIC code 7111 clarifying; consider SIC 7932 for movie theaters; and make 8641 broader by looking at the remaining uses in SIC parent code 864.

Motion to forward the recommendations as discussed to Council was made by: Hain, seconded by: Giffen. All were in favor.

**9. Chair Items:**

Mr. Cook asked for an update on the Census workshop – Ms. Giffen discussed that the workshop focused on how to engage with the community to increase the response rate noting that the subcommittee would be meeting soon.

Mr. Cook asked for availability for a special meeting in between the Council meeting on February 10, 2020 where the ordinances would be introduced and the February 24, 2020 Council meeting for possible adoption to allow the Board to review and discuss the ordinances in between these meeting noting that the next Board meeting was scheduled one day after the Council meeting on February 25, 2020. After discussion there was consensus to tentatively schedule a special meeting on Tuesday, February 11, 2020 at 7:00 p.m.

**10. Bills:**

Motion to audit the bills: Giffen; second: Hain  
Ayes: Giffen, Cook, Long, Budney, Hain, Norton

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Nayes: (None)  
Abstain: (None)  
Motion passed: 6-0-0

**11. Professional Reports:**

Attorney: Ms. Kaczynski discussed the discovery reports which included the timing and witness list for the pending litigation had been submitted by both the plaintiff and the Borough noting that no agreement was made on the discovery items.

Planner: None  
Engineer: None

**12. Executive Session:** None

**13. Adjournment:**

Motion to adjourn the meeting at 8:40 p.m. was made by: Norton, seconded by: Giffen. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary