

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA www.GOTOMEETING.COM
TUESDAY, JULY 28, 2020 – 7:00 PM

MINUTES

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

Roll Call:

Present: Mayor Driver, Mr. Long, Mrs. Engelhardt, Mr. Champion, Mr. Cook, Mr. Budney, Mr. Hain, Mr. Hill, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Troutman.

Excused: Mrs. Pedrick, Ms. Giffen, Mr. Norton

Mr. Cook stated that the meeting was being held virtually in accordance with guidelines set by the State and had been properly noticed in conformance with the Open Public Meetings Act.

1. **Public Comments:** None. Ms. Parks discussed that no public comments regarding any agenda items had been submitted as of 3:00 pm to either the planning board email or the Borough's publiccomments email.

2. **Mayor Comments:**

Mayor Driver discussed that the Amendment to the Global Agway Redevelopment Plan was adopted last night including the 2 suggestions from the Board adding that an revision to this ordinance will require a re-introduction by text only and would not affect the Planning Board but how the affordable housing units would be divided between buildings. Mayor Driver discussed that the buyer for 144 Main Street was still interested in the property however 2 additional underground tanks had been located and the Borough was not applying to the State to see what is going on and how to proceed.

Mayor Driver discussed the Council approved to amend the Redevelopment Agreement for the Union Hotel so that the developer could shore up the hotel building which was in dire condition noting that the agreement needed to be amended to allow the interior demolition to shore up the walls which would be done in the coming weeks.

3. **Council Comments:**

Mr. Long discussed that Council passed a resolution to hire a Borough administrator to help the Borough run efficiently and asked for suggestions from the Board for the Planning Board department.

4. **HPC Comments:** Chairman Eckel had sent an email that no one would appear for the HPC.

5. **Approval of minutes for the July 28, 2020 regular meeting.**

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

Ayes: Driver, Long, Champion, Engelhardt, Cook, Budney, Hain, Hill

Nayes: (None)

Abstain: (None)

Motion passed: 8-0-0

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6. Resolution: Application #2020-02 – Block 33 Lot 17 – 61 Mine Street – Cody Hurilla

Ms. Kacynski would have the resolution prepared for the next meeting.

7:15 pm Mayor Driver and Councilman Long were recused from the next application and left the meeting.

7. Completeness: Application #2020-01 - Block 49 Lot 2 – Premier Outdoor Media Billboard Site Plan

Attorney for the applicant, Jeffrey Hall, applicant, Dominick Vastino, and engineer Tiago Duate appeared and discussed 7 open checklist items in Mr. Clerico's report to be addressed. Mr. Clerico went over the outstanding items including recommending temporary waivers for an owner consent signature on the plans and waivers for drainage area mapping since no stormwater management was proposed onsite; deferred to Ms. McManus regarding lighting and landscaping who was okay to start the hearing on both noting that additional information could be requested during the hearing. Mr. Clerico recommended the applicant provide revised plan showing the entrance from the adjoining lot showing the proposed curb cut and to include documentation that the applicant would have the rights to use the property for access, Mr. Hall agreed to provide an easement document before the hearing but requested that the document only be recorded upon an approval of the application in a form acceptable to the Board professionals; applicant to incorporate disturbance limit for the access drive into the soil conservation plan; Mr. Clerico recommended a waiver from providing a mounted exhibit of the proposed sign; Mr. Duarte agreed to provide isometrics of the sign.

Mr. Clerico summarized the recommendation to grant temporary waivers for items 20, 63, 64, with the access easement document be recorded only upon an approval in form acceptable to the Board; waiver for completeness purposed only for items 65, 66, 67 to be provided at least 10 days prior to the hearing and 47, 48, 58 & 59 waiver for completeness purposes Board can request additional information during hearing.

Motion to grant the waiver and deem the application complete: Campion, second: Hain

Ayes: Campion, Engelhardt, Cook, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

7:34 pm Ms. Kacynski was excused from the remainder of the meeting and left noting that she had no new items to report for this meeting.

7:35 p.m. Mayor Driver and Councilman Long returned to the meeting.

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8. Public Hearing: Application #2019-07 - Block 45 Lot 5 – Continued from July 14, 2020.
Shammy Shine/Route 12 Wash & Gas – Site Plan

Attorney Gianos appeared to represent the Board as Ms. Kaczynski had a conflict.

Attorney for the applicant, George Dilts, appeared who had 4 witnesses to provide testimony and listed the various reports submitted and noting that all materials for the application had been posted online. Mr. Gianos marked the public notice of the hearing as Exhibit A-1 and explained that the notices had been previously reviewed and that the Board had jurisdiction to proceed. The 4 witnesses were sworn in for testimony including: Thomas Halford, business manager; Alfred Polaski, architect; Ed Potenta, noise consultant; and Steve Walsh, engineer.

Mr. Halford discussed that he was an employee and got his start with Shammy Shine adding that this location was the oldest car wash location built in 1990 with a automated car wash tunnel, self-serve cash wash bays and coin operated vacuums on site with service 7 days a week where the applicant was proposing to give the site a face lift to update the façade used on all remodeled sites. Steve Walsh was displaying the exhibits during the hearing.

Mr. Halford discussed the existing and proposed conditions renderings which indicated 2 stacking lanes for the auto carwash tunnel which would remain with 3 vacuum parking spaces to be added next to the stacking lanes helping costumers an opportunity to get out of the queue which would be free for customers and would eliminate person to person contact. Additional vacuums were proposed in the rear of the site which be all automated self service with no outside delivery access to this area; self service carwash bays would be reduced from 7 bays to 5 bays to allow proper traffic flow with no changes to the building size and proposing to install 2 new coin operated vacuum stations in the front of the site; site currently open 24 hours and was proposed to be open 7 am to 10 pm in front of the building. Mr. Halford discussed that there were 13 existing vacuums and that the plan was adding 4 more units overall, employee numbers would be the at 2 with a 4 person rotation and some temporary as needed. Mr. Halford stated that there had not been any issues with the existing stormwater or flooding adding that the gray water went to a reclaim system on site that worked perfectly noting that other sites had started to capture runoff as a green initiative that was being proposed on this site as well.

Mayor Driver asked how the lint from the vacuums was removed from the site. Mr. Halford explained.

Alfred Polaski gave his credentials as a licensed architect and was accepted as same and discussed the color rendering of the architectural plans. Mr. Polaski identified the proposed tower element to be added with green roof material and new 4'x8' signage with blue accent panels proposed on the tower only and a 2 foot high cultured stone back over the existing block to make the building more current and

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fit with the style of branding uses at all Shammy Shine sites noting the reduction of the self service bays from 7 to 5 would not change the building size or require any new openings.

Mrs. Engelhardt asked the material of the blue panels which was not known by Mr. Polaski and the size of the proposed sign which was 4'x8' which be further discussed by Mr. Walsh.

8:05 pm - Hearing no other questions from the Board, the professionals or the public Mr. Polaski left the meeting and did not return.

Ed Potenta appeared and gave his credentials as a licensed noise consultant and was accepted as same. Mr. Potenta discussed that he had assessed the proposed plan for compliance with State regulations explaining that at the property line the site including all sources of noise was not to exceed the generation of more than 65 decibels during the day and since the site was only open from 7 am to 10 pm he did not look at the nighttime levels. Mr. Potenta used the vacuum manufactures data, the auto carwash data, readings from the self service carwash bays and noise from on site vehicles to evaluate the worst case scenario noise levels at each property line noting that the levels at property line next to Route 12 could not comply due to the traffic on the highway noting that the levels were intended to insure residential property were not adversely impacted. Mr. Potenta explained that he looked at the noise generated by the relocation of the vacuum units located 29 feet from the rear south and east property lines where he found a need to screen the vacuum units when all being used at once with the proposed 6 ft high solid wood fence along the property lines and extended beyond the entrance of th automated carwash building to meet the 65 decibel level and was clearly in compliance noting that it was not likely that all 13 vacuums would be operating at once.

Mr. Cook asked how far the proposed fence was extended and if there was a potential for wildlife to become trapped behind the fence. Mr. Potenta explained that wildlife could move freely around the fence. Mrs. Engelhardt asked how the applicant prevented people from getting to the vacuums when closed. Mr. Halford explained that there would be a gate system in the rear and that there was one power switch to turn off all of the vacuums.

Steve Walsh appeared and gave his credentials as a licensed engineer and was accepted as same. Mr. Walsh discussed the landscaping which the applicant agreed to work with the Board professionals to supplement the landscaping to their satisfaction. Mr. Walsh explained that the plan proposed to remove a small landscape area and install pavement to provide a cross access and discussed the circulation on the site; delineated the existing edge of pavement and the extent of the new pavement and row of vacuums noting that the impervious coverage increased by 38 square feet from 62% to 67.5% coverage. Mr. Walsh discussed that canopies would be installed over the rear row of vacuums only and that every vacuum would have a trash can installed next to it. Mr. Walsh discussed the utility

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easements on site and the discussed that he had with the Borough Water and Sewer Departments; noted that the plan complies with the lighting standards where they lowered the light levels to be compliant and agreed to modify as necessary; recycling location was not being modified; wash water was being captured in the pits to recycle in a reclaim system; proposed to capture runoff to reused in the carwash system. Mr. Dilts discussed a variance that required equipment to be stored inside where the vacuum units were permanently mounted and could not be moved inside noting that vacuums were considered an accessory to the carwash use. Mr. Walsh discussed the traffic report with no additional traffic being generated with an established existing customer base; site being modified so that vehicles will not have to exit and re-enter site from Route 12; vacuum spaces larger than required to allow movement around vehicles and open doors noting that there were no other bulk standard variance required and the existing freestanding sign was to remain where a variance was previously granted. Ms. McManus confirmed that the proposed 4'x8' façade sign complied and discussed that the lighting plan indicated a 2.4 footcandle in one location in the front of the site where there was 2 footcandle maximum permitted which would require a design waiver adding that the modification to the lighting plan met the intent of the ordinance and would not create glare. Mr. Walsh discussed that the report prepared by Mr. Clerico indicated that a variance was required for stormwater by increasing the impervious coverage noting that according to the State standards this would be minimis but the Borough ordinance required providing stormwater management devices where the coverage could not be brought down to 50% or no increase in coverage. Mr. Walsh noted that the applicant was proposing to recapture runoff into a reclaim system that would alleviate this variance and reduce the demand on public water drinking supply.

Mr. Dilts asked for an observation opinion from Mr. Walsh on reasoning to grant the variances, Mr. Walsh sited the location of vacuums would be screened by the existing building or by landscaping in the front and the proposed fence in the back; there would be enhanced visual environment; increased landscaping; increase in services to the customers; much less energy detriment to water and habitat and was promoting the safety and convenience to customers which would outweigh any detriment based on his engineering opinion. Mr. Dilts listed the outside agency approvals needed including County Planning Board, Soil Conservation District, Borough Water and Sewer and all utilities.

9:05 pm Mr. Troutman had connection problems and left the meeting.

Mr. Budney discussed the additional vacuums head in parking spaces by the 2 lane queue and asked how vehicles would back out of these spaces and if there were any speed calming measures being planned or needed. Mr. Dilts explained that none were proposed but would agree to provide to the satisfaction of Mr. Troutman. Mrs. Engelhardt asked if there was any consideration to adding solar panels to the canopies; Mr. Halford explained; why there was no landscaping proposed behind the rear

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row of vacuums Mr. Clerico discussed that there was a sewer easement located directly behind the vacuums; and asked if the applicant had considered uses a hanging echo barrier on the fence that absorbs sound. Mr. Potenta explained that the hanging materials were made to hang on a chain link fence not wood noting that solid wood was superior at blocking sound. Mrs. Engelhardt asked if pervious pavers could be used in the vacuum area Mr. Walsh discussed the infiltration of oils and waxes without an impervious surface.

Mr. Clerico discussed the stormwater issue and recommended that the applicant either request the variance or provide a proposed stormwater management element. Mr. Walsh suggested that the runoff reclaim was a non structural stormwater strategy, Mr. Clerico explained it was not listed in the ordinance and asked if the pavement could be reduced in areas including behind the building, angling the vacuum stalls or reducing the number of vacuums Mr. Walsh explained why these could not be done. After some discussion Mr. Walsh provided reasoning why a variance could be granted and would not provide a detriment and the project would be advancing the MLUL and was an appropriate use for the site promoting energy efficient infrastructure and reduce demand on public services. Mr. Dilts asked for the variance.

The Board discussed the application including lighting clarifications; the proposed sign would be backlit; enforcement of loud music; location of the fence; increase in landscaping; snow removal.

10:00 pm Mr. Troutman after having difficulties with connection returned and addressed the proposed spaces next to the 2 land queue explaining that the sight line an visual on backup lights would be no different than any other parking space.

Dilts closed asking preliminary and final site plan approval, variance for storage of equipment outside, impervious coverage & providing a stormwater measure and a design waiver for lighting, conditions on outside agency approvals and authorizations from utility companies.

Motion to close the public hearing: Engelhardt; second: Campion. All were in favor.

The Board discussed having the applicant provide a turning radius for circulation.

Mr. Cook asked how to make sure the site is built according to the plans. Mr. Clerico discussed that all provisions will be in the resolution and there would be a compliance review and inspections during construction. The Board discussed the application.

Motion to approve with conditions discussed: Hain; second: Campion

Ayes: Driver, Long, Engelhardt, Campion, Cook, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

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9. Chair Items:

Mrs. Engelhardt thanked Mr. Budney for his suggestions for the Planning Board section of the website.

- Next meeting – August 25, 2020

Items for the next agenda would include the resolution for the Hurilla application and resolution for Shabby Shine.

10. Bills:

Motion to audit the bills: Engelhardt; second: Hill

Ayes: Driver, Long, Engelhardt, Campion, Cook, Budney, Hain, Hill

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

11. Professional Reports:

Mr. Clerico discussed that the stormwater regulation needs to be updated. Mayor Driver discussed that it was on the radar and that COVID may extend the deadline which was currently March 2021. Mr. Clerico stated that the State has a boilerplate version that could be enhanced if the Borough fees it was necessary. Mrs. Engelhardt discussed that each time there was an opportunity to look something they should.

Mr. Troutman had nothing new. Mr. Cook explained that the traffic survey was on hold now during COVID. Mayor Driver discussed that the grant does not cover a traffic study or circulation noting that new signage was needed in the Borough.

12. Executive Session: None

13. Adjournment:

Motion to adjourn the meeting at 10:25 p.m. was made by: Driver, seconded by: Engelhardt. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary