

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, Ms. Giffen, Mr. Budney, Mr. Hain, Mr. Hill, Mr. Norton, Attorney Kaczynski, Planner McManus

Excused: Mrs. Pedrick, Engineer Clerico, Traffic Engineer Troutman.

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 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 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 had notified the Council that the By-Laws and Citizen Input would be voted on; that the Council was searching for a Borough administrator who would have a positive effect on the Borough and maximize the ability to get things done and that the new website would be coming in August with better usability and give Borough staff authority to make updates to the site noting that additional Planning Board items could be added.

Mrs. Engelhardt suggested that a subcommittee be created to provide input on changes to the Planning Board website to give Ms. Giles-McCormick some input and get some feedback from the public as well.

Mr. Budney volunteered to join the subcommittee.

Motion to create a subcommittee: Budney, seconded: Driver. All were in favor.

4. **HPC Comments:** No one appeared for the HPC.

5. **Approval of minutes for the July 14, 2020 regular meeting.**

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

Ayes: Driver, Long, Giffen, Engelhardt, Cook, Budney, Hain

Nays: (None)

Abstain: Champion, Hill

Motion passed: 7-0-2

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

Attorney Kacynski discussed that the applicant had requested the completeness determination be deferred to the August 11, 2020 meeting to allow additional time to submit additional documents per Mr. Clerico's letter.

Motion to defer the completeness to August 11, 2020 made by: Hill; second: Engelhardt
All were in favor.

7. Public Hearing: Application #2020-02 – Block 33 Lot 17 – 61 Mine Street – Cody Hurilla

Mayor Driver and Councilman Long were recused from the application and left the meeting they requested to be notified when the hearing was concluded.

Attorney, George Dilts, appeared and discussed the application for use variance to renovate the existing single family dwelling into a 2 unit multi-family dwelling. Ms. Kacynski had reviewed the proofs of notice and found that the Board had jurisdiction to proceed. Mr. Dilts discussed that the applicant had agreed to replenish the escrow account and that a check had been sent.

The property owner and applicant, Cody Hurilla, and the applicant's planner, Michael Pessolano were sworn in for testimony. Mr. Hurlilla had prepared the architectural plans which were marked as Exhibit A-1 last dated July 1, 2020 and discussed the existing conditions of the basement, first floor and second floor as well as an existing deck to the backyard. Mr. Hurilla located an area where there was an existing roof balcony which was to be enclosed to provide a new stairwell to the proposed second unit. Page 6 of the Exhibit was a portion of the survey with Mine Street to the right where Mr. Dilts discussed the layout of the site with the entranceways with the portion to be enclosed shaded in green which would not be visible from the street. Page 3 included the proposed layout of the basement which was to be modified if approved to show steps from unit 1 basement with 2 windows and access for storage and the electric panel for unit 2. Page 2 depicted the proposed first floor layout with a red line to indicate a firewall and adding a half bath next to the kitchen and back porch renovations if needed to be convenient to enter unit 2. Page 1 depicted the proposed second floor layout with the reconfigured top of the new stairs, new bedroom with a Jack & Jill shared bathroom with bedroom 3. Mr. Hurilla stated that architectural plans would be submitted to the construction official and all renovations would be constructed to code.

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Ms. McManus asked the height of the structure and the proposed FAR. Mr. Hurilla responded that the highest point of the building comes just under 25 feet at the peak below the 35 feet permitted and the proposed FAR was approximately 13.47% below the 25% allowed. Ms. Manus asked to clarify the location of the new stairwell in the photos. Mr. Dilts explained that the new stairs would be on the site directly behind the stairs for the front apartment where the window would be converted to an entranceway and the cedar siding would be repurposed to look exactly the same noting that a person could probably not see the new stairs from the street. Ms. McManus asking about parking. Mr. Dilts discussed that the existing driveway was 18 feet wide all the way to the backyard which could accommodate 2 cars side by side for a total of 6 smaller cars. Mr. Hurilla discussed that he had lived there with 5 cars able to maneuver in the driveway with no issues.

Ms. Giffen asked if the firewall would be up to code. Mrs. Engelhardt discussed that the firewall did not align. Mr. Hurilla discussed that the architectural plans would be reviewed by the building department and would meet all codes. Mr. Budney asked if the new stairs would be visible and if there would be any new vents or windows on the exterior. Mr. Hurilla discussed that the stairs could possibly be visible if someone was really looking but that it would blend into the existing building. Mr. Hain if the firewall would extend to the attic. Mr. Hurilla discussed that the roof was low pitch with no access to the attic.

Mr. Cook asked if there were any questions from the public, hearing none the applicant continued with testimony from the planner.

Michael Pessolano gave his qualifications as a licensed planner in New Jersey and was accepted as same. Mr. Pessolano discussed planning Exhibit marked as A-2 prepared by Paul Ricci noting that he had visited the site and examined the surrounding properties and identified the multi-family homes in the surrounding area which were marked in purple on the exhibit where some had been originally built as multi-family and some had be renovated from single family dwellings. Mr. Pessolano presented the content of the exhibit showing the existing property, the location of the proposed stairwell enclosure, photos of the front, rear, backyard and existing driveway and included an embellished survey with the driveway location and dimensions of 18' x 36' which was existing at the time of the purchase of the property and could accommodate 6 vehicles which was a common setup for multi-unit dwellings without creating the need to jockey cars and each unit would have direct access to Mine Street. Mr. Pessolano discussed that the planning exhibit supports 2 and 3 bedroom units.

Mr. Budney asked how Mr. Pessolano determined if a dwelling was multi-family and how many units were in each. Mr. Pessolano discussed that visiting the site, the number of electric meters, mailboxes

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and alignment of the units made this determination. Mrs. Engelhardt asked if the existing multi-family units were all existing non-conforming and if the units converted were legal. Mr. Pessolano discussed that he did not investigate those properties. Mrs. Engelhard discussed that the house had a large addition at some point and if Unit 2 as located in this addition. Mr. Hurilla discussed that some odd additions had occurred from speaking to the neighbors with the last one 40 years ago but sure how valid that information was. Ms. Kaczynski asked if anything had changed on the driveway since owning the property. Mr. Hurilla stated that nothing had been changed.

Mr. Pessolano discussed his analysis for planning including the positive and negative criteria including that the property was an oversized lot for the neighborhood where some surrounding lots do not have parking on site and that the site was specifically suited to this use with adequate onsite parking and a backyard. Mr. Pessolano discussed that the positives for this use outweighed any negative impacts where the narrow side yard was pre-existing; with minor exterior changes that was hard to see from the street; and would bolster the character of the neighborhood; would provide criteria 'a' to enhance smart growth, provide infill housing in proximity to retail with no substantial detriment to the surrounding area and no change in character of the neighborhood, had adequate parking, no detriment to the zoning plan, minimal visual change; location of the use would help economic climate and would help to preserve the existing character and help sustain Main Street businesses.

Mr. Cook asked for questions from the public and heard none.

Ms. Kaczynski explained that this application was for a use variance with a pre-existing lot width variance and side variance where the RSIS standards had been satisfied.

Mr. Dilts had no comment about any other conditions including contacting the Borough water and sewer departments to make those utilities were available and building plans to be provided to the building department.

Mrs. Engelhardt discussed that she did not support breaking up a single family dwelling into units but based on the testimony and the Exhibit with the surrounding multi-family units that it made sense to renovate this building into two units. Mrs. Engelhardt stated that she would like to have an area from Academy to Mine Street as a multi-family unit zone in the annual zoning report.

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Ms. Giffen asked what the Master Plan recommended in this area and when the zone was designated. Mr. Cook stated that it predates anyone on the Board. Mr. Cook discussed that there was comprehensive analysis on the criteria.

Ms. McManus discussed the surrounding area exhibit noting that the multi-family units were not done in a location anticipated in the Master Plan but that the planning testimony does support the use where the expansion does not effect the character of the home and the proposed stairwell does not make it obvious to a passerby that it is a 2 family unit noting that the existing driveway accommodates the additional units with 4-5 cars. Ms. McManus discussed that there would be no impact of the surround lots which made this property unique in this respect adding that other criteria factors include 'g', 'l' & 'm'.

Mr. Campion discussed that as a condition the water and sewer service should be made separate for each unit.

Motion to approve the use variance and pre-existing bulk variances with the conditions as discussed was made by: Campion; seconded by: Hill

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

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

8:54 p.m. Mayor Driver and Councilman Long returned to the meeting.

8. Consistency Review: Ordinance 2020-12 – Amending the Global Agway Redevelopment Plan

Ms. McManus summarized the changes to the Redevelopment Plan and the consistency with the Master Plan specifically the need to redevelop the site and promote more residential uses where the Amended Plan continues to support these goals. Mrs. Engelhardt suggested recommendations on page 13 Item J under architectural design to take out red brick and change to masonry and on page 13 Item J paragraph 1 to add under styles typically used in Flemington Borough to include the words "*railroad or industrial history*" which would address multiple genres.

Motion to deem the application incomplete: Engelhardt; second: Hain. All were in favor.

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9. Vote on Adoption – Rules on Citizen Input During Planning Board Meetings

Mr. Cook discussed the changes since the last meeting.

Motion to adopt: Driver; second: Hain

Ayes: Driver, Long, Engelhardt, Giffen, Cook, Budney, Hain

Nays: (None)

Abstain: Campion, Hill

Motion passed: 7-0-2 **Vote on Adoption** - By-Laws and Rules on Procedures of the Planning Board

Mr. Cook discussed the changes since the last meeting noting that the Board was governed by the MLUL where a Board could adopt some rules on procedure which can be changed at any time by a majority vote. The Board discussed.

Motion to adopt: Hain; second: Budney

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

Nays: (None)

Abstain: Hill

Motion passed: 8-0-1

Ms. Kaczynski discussed that these documents would be effective immediately.

10. Chair Items:

Mr. Cook discussed that the next meeting would be longer and asked if anyone would not be available.

Mr. Norton would not be able to attend. Mr. Cook discussed that if a public hearing was continued that the recording of the virtual meeting would be made available to review by any absent member.

Mrs. Engelhardt discussed that 2 HPC applications had been distributed recently as well as revisions to the Historic District Map where there was no expansion but changes to some property classifications.

Mayor Driver discussed that the property owners would be notified.

- Next meeting – August 11, 2020

Items for the next agenda would include the resolution for the Hurilla application; completeness for Premier Outdoor Media; and public hearing for Shabby Shine.

11. Bills:

Motion to audit the bills: Engelhardt; second: Hain

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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12. Professional Reports: None

Ms. Kaczynski updated the Board on pending litigation including a trial court decision where the Friends of Flemington had appealed to the appellate division which was dismissed by the Court noting that the Borough was down to 2 pieces litigation which they are trying to move along.

Ms. Kaczynski discussed the COVID Permit Extension Act which was a new piece of legislation where any permits approved by March 9, 2020 would be extended to the end of the State of Emergency and would include tolling issues, timing to deem an application complete and timing to make a decision and act on an application. Ms. Kaczynski discussed that guidelines from the legislature should be forthcoming.

13. Executive Session: None

14. Adjournment:

Motion to adjourn the meeting at 9:30 p.m. was made by: Budney, seconded by: Engelhardt. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary