

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA www.GOTOMEETING.COM
TUESDAY, SEPTEMBER 22, 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. Campion, Mr. Cook, Mr. Budney, Mr. Hain, Ms. Giffen, Mr. Doshna, Mr. Hill, Mr. Norton @ 7:09pm, Attorney Kaczynski, Planner McManus, Engineer Clerico.

Excused: Traffic Engineer Troutman

Chair Cook announced the retirement of Edna Pedrick noting that Mrs. Pedrick was a 90 year resident of the Borough and had served on the Board for approximately 19 years as well as having served on many other Commissions over the years.

Mr. Cook welcomed Jeffrey Doshna back to the Board and looked forward to having Mr. Doshna's experience in planning and passion for the town. Mr. Doshna stated that he was happy to be back on the Board.

1. **Oath of Office:** Ms. Kaczynski issued the oath of office to Mr. Doshna who filled the unexpired term of Mrs. Pedrick to December 31, 2020.

2. **Public Comments:**

Ms. Kaczynski discussed the procedures for the public provide comments including those at Borough Hall to 'raise a hand' in the zoom webinar platform, wait to be unmuted, and then clearly state their name and address.

Ms. Parks discussed that no public comments regarding any agenda items had been submitted as of 3:00 pm to the Borough's publiccomments email and had forwarded an email with a pamphlet from Beryl Doyle to the Board attorney review prior to distribution to the Board members. Ms. Kaczynski did not see the email prior to the meeting and would review, noting that documents submitted were generally not distributed as the Board could not ask questions on the material from the sender.

Lois Stewart, Flemington resident, raised a hand at Borough Hall, and asked when she would be able to speak on the Ordinance tonight. Ms. Kaczynski discussed that the Ordinance review was item 8 of the agenda and whether public comments would be taken would be discussed at that time.

3. **Mayor Comments:**

Mayor Driver discussed instructions for anyone calling into the meeting to press *9 to raise their hand and *6 to unmute themselves.

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4. Council Comments:

Mr. Long would have the bubble diagram on the basic procedures for Council and the Planning Board for the next meeting noting that the more quality information people the better.

5. HPC Comments:

HPC Chair, Don Eckel, discussed that 3 applications had been reviewed and discussed that the HPC was going through the steps to be a Certified Local Government historic district and that the HPC was working on updating the historic guidelines to make them more use friendly and connect better with the homeowners and work on consistency.

6. Approval of minutes for the September 8, 2020 regular meeting.

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

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

Nays: (None)

Abstain: Doshna

Motion passed: 8-0-1

7. Escrow Return: 41 Route 31, LLC - Chimney Rock Inn – Block 39 Lot 12

Ms. Parks discussed applicant had requested the return of escrow and inspection monies; all Board professionals and Borough engineer had been sent the request and having found no outstanding invoices or any objections to the return the matter was placed on the agenda for Board review and if approved tonight a resolution would be placed on the next Council meeting agenda to final approval to release the funds.

Motion to approve the return was made by: Engelhardt, seconded by: Hill.

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

Nays: (None)

Abstain: Doshna

Motion passed: 9-0-1

8. Consistency Review and Discussion: Ordinance 2020-16 - An Ordinance to Amend and Supplement the “2017 Union Hotel Redevelopment Plan” as Adopted by Ordinance 2017-206 of the Borough of Flemington

Mr. Cook recused himself from the discussion citing the pending litigation noting that Mrs. Engelhard would chair the meeting. Mr. Hain recused himself citing the pending litigation. Ms. Giffen recused

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herself on advice from the Board attorney. Mayor Driver recused herself due to any appearance of conflict from working on the Ordinance and Master Plan review noting that the project was more important to the Borough than any one person. Ms. Kaczynski discussed that the recused members should not make any comments but did not have to leave similar to leaving the dais and remaining in the room at Borough Hall.

7:27 pm Mrs. Engelhardt chaired the meeting.

Ms. Kaczynski outlined the procedures by statute where the governing body prepares, introduces and refers the Ordinance for the Redevelopment Plan (RP) to the Board, the Board reviews for consistency with the Master Plan and provides any recommendations to Council, Council reviews the Board's determination and recommendations and conducts a public hearing to effectuate the RP where a majority was required noting that the Board was dealing with a site plan tonight and solely the amendment to the RP which was originally adopted in 2017. Ms. Kaczynski discussed the by-laws and citizen input recently adopted which included 5 questions regarding conflicts and asked the 5 questions for the remaining Board members. Ms. Kaczynski discussed the procedures for tonight including Ms. McManus to make recommendations, Board discussion, questions and deliberation and a report to Council based on their findings with a resolution prepared for the next meeting to memorialize the recommendations noting that the MLUL does not require public comment but that the Board has the ability to offer public comment.

Mrs. Engelhardt acknowledged that effort made to get to this point and asked for a motion to allow public comment with no questions and answer portion up to 3 minutes to be timed in accordance with the by-laws.

Motion to provide public comment was made by: Doshna, seconded by: Long

Ayes: Long, Campion, Engelhardt, Budney, Doshna, Hill, Norton

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

Ms. McManus shared her screen with a presentation of the Amended Redevelopment Plan noting that all of the previous approvals from 2017 were still in full effect and adding that the developer would select either the 2017 RP or the 2020 RP if approved in full and could not 'cherry-pick' items from each to make a third hybrid Plan and noting that the presentation addresses only the differences from 2017 plan in the amended 2020 Plan. Ms. McManus explained that the area of redevelopment remained exactly the same, the direction was primarily the same and required substantial consistency with all other plans including the hotel to remain, incorporate underground parking on Spring Street and provide a corridor from Main Street to Spring Street. Ms. McManus highlighted the differences

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including: no building on the parcels east of Spring Street with no educational or medical building where surface parking was now proposed adding that the parcels could have buildings in the future if the parking was deemed not to be needed; the police department building was to remain (can be revised in the future); the potting shed building now to remain which was previously to be removed; revised mandatory uses including: proposed multi-family units from 200 unit to 195 units; commercial space from 20,000 square feet to 18,000 square feet; educational and training eliminated; and the visual landmark at the plaza terminus eliminated; revised permitted uses to add educational and training and add a performing arts use; building height revised from the approved 100 feet to a proposed 70 feet with varying buildings heights to be required. Ms. McManus viewed and discussed the views from Main Street showing building height significantly lower than the 2017 plan, view from Chorister Place showing the existing police building to remain until the Borough decides to vacate the building; view from Spring Street and Chorister Place with 4 stories proposed much lower in the more sensitive area of Spring Street; view from Spring Street and Bloomfield Avenue with the pick up area to remain, height significantly lowered and top stories pushed back to make less visible along Spring Street.

Ms. McManus discussed the Master Plan consistency including the goals from the 2010 Master Plan to preserve and protect the Borough's historic resources; employ and encourage economic development on the Borough; encourage redevelopment project for the Union Hotel to protect the historic value and encourage it's economic viability and discussed the Historic Preservation goals to: encourage adaptive reuse; open space goals; to promote archaeological investigation and preserve historic buildings. Ms. McManus discussed the sustainability goals to: reduce footprint; support compact development in close proximity to financial development; encourage infill of complementary supporting uses and parking and use density where it makes the most sense and use the existing developed portion of the Borough to increase density in those areas; the 2015 Master Plan goal to use density and a mix of uses to enhance the downtown area was entirely consistent; appropriately scale underutilized properties and include entertainment portions of the downtown area; and give incentive to provide new life to these properties. Ms. McManus discussed other relevant other parts of the Master Plan including allowing up to 4 stories where there is adequate parking; providing affordable housing; providing recreation and entertainment areas, open space, noting that the Plan does exceed the building height exceeding 4 stories where the Board will need to weigh how this item. Ms. McManus discussed the Downtown Strategic Plan prepared by Terra Noble including residential density where the plan did not specify the location.

Board Questions:

Mr. Budney referenced the view of Main Street and Chorister Place where the police station was to remain and asked if any upgrades were proposed or that would on a future site plan. Ms. McManus discussed that the Redevelopment Plan was silent on this and that it may be subject to a redevelopment agreement. Mr. Budney referenced the parcels east of Spring Street where parking was now proposed and asked if the option of future buildings if the parking was not needed would be part of an

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independent zoning application with the current zoning at the time. Ms. McManus explained that the parcels would still be subject to the Redevelopment Plan zoning into the future.

Mr. Doshna referenced the 2015 Master Plan regarding renewable energy and local markets and if they were including in the Plan. Ms. McManus explained that they were permitted uses but not mandatory. Mr. Doshna asked if there was a proposed location for the affordable housing units and bedroom mix and asked if the Borough be able to enforce the location and not have all affordable units located into one cluster. Ms. McManus discussed that the location would be subject to site plan discussion adding that the Plan was consistent with the affordable housing plan and Fair Share Housing settlement and would be subject to all the State regulations on affordable housing. Mr. Doshna asked if the Plan included bicycle requirements and asked if the sidewalk width would be beyond ADA requirement to allow adequate space for outdoor dining. Ms. McManus explained that the bicycle parking was unchanged from the 2017 plan; bike lanes were outside of the jurisdiction of the Plan and that there would be a complete streetscape but was address in the Plan. Mr. Doshna asked how the parcels east of Spring Street could proposed anything other than a parking lot in the future. Ms. McManus discussed that there was some leeway in the Plan and if parking was adequate the developer could come to the Board with a new site plan. Mr. Doshna asked about landscaping, Ms. McManus discussed that where the Plan was silent the Board would rely on the Borough ordinances.

Mrs. Engelhardt asked if they could make recommendation to Council as well as consistency. Ms. Kaczynski stated yes and that Council could accept or decline any recommendations and if significant any changes may require the ordinance to be reintroduced. Mrs. Engelhardt asked how the Plan allowed for future development on the parcels east of Spring Street and the police station building noting that a goal of the Board was to reduce parking minimums, Ms. McManus explained that any change in zoning per parking would not affect this Plan since it includes parking standards and explained that the Plan allowed for future redevelopment to the police building where the height would remain at 70 feet and could develop the parcels consistent with the Redevelopment Plan. Mrs. Engelhardt suggested that the Board add a visual terminus to the Plan located on the parcels east of Spring Street, Ms. McManus discussed that it could be suggested not knowing how the site would be developed in the future. Mrs. Engelhardt asked if the circulation pattern would remain the same; if the street widths would meet streetscape design noting that she would like to protect the spirit of the original Redevelopment Plan with the visual element and include sustainability elements such as bicycle plan and clarified that a higher education component was always in the Master Plan but did not direct where it should be located, Ms. McManus explained that the use was moved from mandatory to a permitted use in the Plan. Mrs. Engelhardt asked the access to the underground parking, Ms. McManus discussed that the plan was not clear and that this would be part of the site plan review and discussed that the Plan discouraged non-retail uses along Main Street and not within 50 feet of the plaza on the first floor to encourage more restaurants, retail etc. to encourage economic viability with more active uses. The Board discussed.

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Mr. Hill asked if the Matts Red Rooster site was in the Plan, Ms. McManus explained that the parcel was not subject to the Plan and was subject to the existing Borough zoning standards adding that it may be brought into the site plan for parking compliance.

Mrs. Engelhardt asked if the lots on the other side of Chorister Place were included, Ms. McManus stated that they were in the plan and would investigate further to identify why they were included.

Mrs. Engelhardt asked for public comments noting that each person would be limited to no more than 3 minutes and would be comments only – no questions.

Lois Stewart, resident of Flemington, stated that her limited review showed inconsistencies with the Master Plan protect and enhance the historic integrity of the Borough noting that the scale and height was too much and distracts from the historic buildings and that the demolition of historic buildings does not uphold the Master Plan goals which also limits building height to nothing over 4 stories where the Plan proposed 5 stories across from Chorister Place and that the Plan was not consistent where any new additions have to be compatible where the proposed architecture was not compatible with the residential neighborhood.

Charles Pettebone, 3.5 Lloyd Avenue, stated that the Plan addressed the prior concerns with the building height reduced to 4-5 stories and that you would not be able to see them being pushed back for architectural effect noting that the historic façade was being protected adding that this was great, that the developer had reached out and the town was ready for this project.

Tim Bebout, owner/operator of 194 Main Street and part of the Flemington Community Partnership, applauded the progress being made where most of the concerns had been addressed with the developer working closely with Council and appreciates by the majority of the towns 300 residents who were looking for progress in town adding that the surrounding areas were also looking to the Borough as the center of the County for the architecture, activities and bringing new visitors to the town.

Robin Lapidus, executive director the Flemington Community Partnership which was located at 21 Bloomfield avenue in a building that does not serve the purpose, stating that it will be wonderful to bring activity to the street and thanked everyone for all the good thoughts put into this project to help the economic sustainability for the small mom and pop businesses along Main Street and encouraged the Board to move this forward for the growth of the Borough.

The Board discussed the consistency review and recommendation.

Motion to deem the provisions in the Amended Redevelopment Plan substantially consistent and designed to support the Master Plan and the make the recommendations as outlined by Ms. McManus and add the requirement of a visual landmark of any future development of the Flemington Furs site

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and to recommend to Council to comply with complete streets ordinance including bicycle features and other sustainable features was made by: Campion; seconded by: Hill

Ayes: Long, Engelhardt, Campion, Budney, Doshna, Hill, Norton

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

9:32 pm Mayor Driver, Mr. Cook, Mr. Hain and Ms. Giffen returned to the meeting.

9. Chair Items:

- Next meeting – October 6, 2020

Items for the next agenda: Resolution for Amendment of the Redevelopment Plan for Union Hotel, discussion of the historic district map revisions with a report prepared by Ms. McManus with possible adoption at the October 27, 2020 meeting.

Mrs. Engelhardt asked if having a resolution at the next meeting would delay Council from having the public hearing and possible adoption of the Ordinance. Ms. Kaczynski explained that a letter would be sent prior to the next Council meeting and that the resolution would just memorialize the Board's decision tonight and would cause no delay in the process.

10. Bills:

Motion to audit the bills: Hill; second: Budney

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

Nays: (None)

Abstain: Doshna

Motion passed: 9-0-1

11. Professional Reports: None

12. Executive Session: None

13. Adjournment:

Motion to adjourn the meeting at 9:43 p.m. was made by: Driver, seconded by: Hain. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary