

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JANUARY 26, 2021 – 7:00 PM

MINUTES

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

The oath of office was administered to the following by Attorney Kaczynski.

Class	Years	Name	Expires
Alternate #3	2	Trent Levitt	12/31/2022
Alternate #4	2	Hannah Weitzman	12/31/2021

Roll Call:

Present: Mayor Driver, Mr. Campion, Mr. Long, Mrs. Engelhardt, Mr. Cook, Mr. Budney, Mr. Hain, Mr. Doshna, Ms. Giffen, Mr. Hill, Mr. Norton, Mr. Levitt, Ms. Weitzman, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Troutman.

Excused: None

Ms. Kaczynski asked if any Board members had a conflict of interest with any items on the agenda for this evening, none were heard.

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 public comment email.

2. **Mayor Comments:** Mayor Driver thanks Mr. Levitt and Ms. Weitzman for accepting their positions on the Board. Mayor Driver updated the Board on the progress for the Courthouse Square project, the Nilkanth site, the Global Agway site, 144 Main Street site and the Opportunity Zone grant project.

3. **Council Comments:** Mr. Long welcomed Mr. Levitt and Ms. Weitzman

4. **HPC Comments:** Mr. Eckel discussed that the HPC reorganized January 20, 2021 where he was appointed as Chair, Richard Giffen was appointed Vice-Chair and Wendy Orr was appointed to the Sign Review Committee. Mr. Eckel discussed the HPC goals for 2021 including streamlining the application and partnering with homeowners; revising the historic guidelines to make more friendly to the home owners and provide applicant predictability on the application review; and utilize Mr. Hatch regarding the guidelines and the CLG local government designation.

5. **Approval of minutes for the January 12, 2021 reorganization meeting.**

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

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

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

6. **Resolution 2021-06: Public Commenting Policy for Remote/Electronic Planning Board Meetings**

Ms. Kaczynski discussed that the resolution would be prepared for the next meeting.

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Motion to defer the resolution to the next meeting on February 9, 2021 was made by: Cook, seconded by Hain. All were in favor.

Mr. Doshna discussed the procedures for a completeness determination regarding the checklist items, the role of the Board and scheduling of a public hearing once an application was deemed complete.

Ms. McManus discussed site visits for application noting that a lot of sites do not need to be walked, however, if a Board member wanted to walk the site they would need consent and would need to put the information on the record on their findings, noting that there was nothing in the current application to grant access to the property adding that the Board may want to add this to the application. Ms. McManus discussed that there should not be a quorum when walking the site. The Board discussed and clarified that the quorum for the Board even with the additional of 2 more alternates remained at 5 Board members.

Mr. Norton discussed that he would have to recused himself from the Flemington Center Urban Renewal, LLC application.

7:30 pm Ms. McManus was recused and left the meeting and did not return.

7. Completeness: Lee. B. Roth – Block 21 Lot 25 -91 Main Street

Lee B. Roth, attorney and owner, appeared and discussed the application noting that he had not been able to fill the vacancies on his property for retail or office space for the last 3 years and that there seemed to be a need for residential units noting that he proposed to keep his office on Main Street and wanted to convert the back of the existing building to residential and convert the second rear building to residential on the ground floor and build an additional 2 floors to the rear building as well as construct a parking carousel structure to increase the parking available on the site by 9 cars for a total on site parking of 13 spaces. Mr. Roth hired an engineer to prepare the site plan and gained the owner's consent from the adjacent property where approximately 1 foot of driveway existed.

Mr. Clerico discussed his completeness letter dated January 22, 2021 noting the items that were provided today as the tax certification. Mr. Clerico discussed that the title policy identified 2 easements on the property where were not shown on the survey submitted which was 20 years old including a right of way easement which would affect the zoning criteria noting that this information was missing where the Board could grant a temporary waiver. Mr. Roth discussed that he was not proposing anything in

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the front of the building and that the right of way easement would not be involved in the project. The applicant's engineer, Wayne Ingram, appeared and discussed that the information could be provided and that he would change the lot area and setback to update the plan.

Mr. Clerico discussed the waivers being requested including: showing the easements on the plan; staging; environmental issues, right of ways within 200 feet; topography within 200 feet; stormwater off-site; utility infrastructure; Environmental Impact Statement; road cross section details; landscape plan; solid waste management plan. Mr. Troutman discussed the traffic item waivers being requested including: 61, 63 & 68, recommending item (61) traffic control signs and item (63) pedestrian & vehicle circulation patterns as temporary waivers with testimony to be provided during the public hearing and recommending a waiver from item (68) for a Traffic Impact Study where the application did not rise to the level of a study where he had reviewed the trip information.

Ms. Kaczynski discussed the list of waivers including items: 37, 38, 39, 40, 41, 52, 55, 59, 67 & 68; list of partial waivers for items: 36, 42 & 44 and temporary waivers for completeness purposed only for items: 3, 15, 27, 46, 27, 48, 29, 50, 60, 61, 63, 69 & 70.

The Board discussed the need for additional isometrics for the parking structure and the buildings on site for the hearing. The Board discussed that an Environmental Impact Statement would not be needed since the property was completely built up, however, testimony on other elements of an EIS may be needed during the public hearing. Mr. Clerico discussed that the Board can always ask for more information as the application proceeds.

Motion to grant the waivers and deem complete was made by: Budney, seconded by: Giffen.

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

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

Public hearing on this application was scheduled for February 23, 2021.

8:18 pm Mayor Driver, Mr. Cook, Mr. Hain, Ms. Giffen and Mr. Norton were recused from the next application and did not participate.

Mr. Troutman was excused and remained for the next application.

8. **Completeness: Flemington Center Urban Renewal, LLC** - Block 22, Lots 1-10, 11-14 & Block 24, Lots 1-3 & 24 - Main Street, Bloomfield Avenue & Spring Street

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Mr. Doshna discussed the application for Redevelopment which was different from a zoning based plan where the Redevelopment Plan was prepared by Council, Ms. Kaczynski would go over the procedures prior to the public hearing.

Attorney for the applicant, Anthony Koester, appeared. Mr. Clerico discussed his completeness review letter dated January 22, 2021 which was straight forward where the only waivers requested was from a staging plan which was listed as not applicable which was a mistake and was now asking for a temporary waiver as this would be submitted separately per a letter dated January 25, 2021 which came in today. Mr. Clerico discussed that elements for item 60 regarding a solid waste management plan had been provided on the plans submitted he had requested clarification, the applicant agreed to provide a trash operations narrative before the hearing and would provide testimony during the hearing Mr. Clerico also discussed a temporary waiver for a mounted rendering which may be a different type of rendering during virtual meeting would be provided as an exhibit prior to the hearing.

Ms. Kaczynski discussed the list of waivers including temporary waivers from items 29, 57, 60 & 65 and partial waivers from items 41 & 42.

Motion to grant the waivers and deem the application complete was made by: Engelhardt, seconded by: Campion.

Ayes: Long, Campion, Engelhardt, Budney, Doshna, Hill, Levitt, Weitzman

Nayes: (None)

Abstain: (None)

Motion passed: 8-0-0

The application was scheduled for a public hearing on February 9, 2021.

Mrs. Engelhard encouraged everyone to review the amended Redevelopment Plan.

8:35 pm Mayor Driver, Mr. Cook, Ms. Giffen returned.

8:37 pm Mr. Hain, Mr. Norton returned.

9. Chair Items:

- Mr. Doshna discussed the advisory role of the other organizations and departments in the Borough such as the HPC, Environmental Commission, Fire Marshal, Water and Sewer Department, Police, Shade Tree Commission etcetera that prepare memos for the Board to review when adjudicating applications.

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Ms. Doshna discussed that the HPC did not have a role on the Courthouse Square project due to an agreement signed several years ago which was still in force, Ms. Kaczynski explained the HPC's role in that application and discussed that since the Planning Board has 45 days from the time an application is deemed complete to scheduling a public hearing and while it is good to give the advisory board time to review some of the advisory commissions may not always have the time to review noting that these advisory toles can make recommendations to the Board but cannot impose conditions. Ms. Kaczynski explained that if any advisory board does not a have a specific attorney, the Borough attorney would be their counsel. The Board discussed a solution to provide access to electronic files for the EC and HPC etc on a Borough hosted space as a repository for documents to be on the Borough website domain.

8:50 pm Mr. Clerico left the meeting and did not return.

Mayor Driver discussed that ipads had been ordered for Mr. Levitt and Ms. Weitzman.

Mrs. Engelhardt discussed that she attended the Global Agway meeting Thursday and they were working on last minute details of the Redevelopment Plan, thanked the Mayor for including the Board in review of the Plan which may lead to including sustainability elements in the Master Plan.

Mrs. Engelhardt discussed that the last Opportunity Zone summit meeting was scheduled for Wednesday January 27, 2021 at 7 pm noting that it was important for the Board for gathering information for the Master Plan.

- Next meeting: February 9, 2021. Items on the agenda: Remote Meeting Policy Resolution; public hearing Flemington Center Urban Renewal (Union Hotel); subcommittee reports.

Mr. Doshna officially appointed Mr. Cook as his designee for the Sign Review Committee, Ms. Parks to follow up with the appointment to the Sign Review Committee from the FCP.

10. Bills:

Motion to audit the bills was made by: Cook, seconded by: Hain.

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

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

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11. **Professional Reports:** None

12. **Executive Session:** None needed.

13. **Adjournment:**

Motion to adjourn the meeting at 9:07 p.m. was made by: Driver, seconded by: Long. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary