

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

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

Roll Call:

Present: Mayor Driver, 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.

Excused: Mr. Campion, Traffic Engineer Troutman

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:** 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.

An attendee named 'guest' was asked to identify themselves, the Board could not hear the speaker though it was indicated that the speaker was not muted.

Lois Stewart, 26 Spring Street & 32 Emery Avenue, asked the length of the meeting and timing for questions. Mr. Doshna responded that under the Board's bylaws no new business would be heard after 10:30 pm or at the discretion of the Chair.

2. **Mayor Comments:** None.

3. **Council Comments:** Mr. Long discussed that the Stormwater Management Ordinance was introduced last night and that the NJ cannabis regulation was signed into law where the Council will have a discussion regarding same.

4. **HPC Comments:** None.

5. **Approval of minutes for the February 9, 2021 regular meeting.**

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

Mr. Cook discussed some typos to be corrected in the minutes.

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

Nays: (None)

Abstain: Campion

Motion passed: 8-0-1

6. **Ordinance Review: Stormwater Management**

Mr. Doshna & Ms. Kaczynski discussed the revised ordinance which was straight from the State which was periodically updated as the criteria changed for town obligations under permits where the State

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

offered a model ordinance that the Borough was adopting. The updated Ordinance upped the criteria for permits including green infrastructure and would take effect March 3, 2021. The Board discussed whether any additions needed to be made to the ordinance due to the density of the Borough or any other considerations. The Board determined that the ordinance was not inconsistent with the Master Plan and did not make any other recommendations to revise.

Motion to determine the ordinance not inconsistent with the Master Plan and direct Ms. Parks to send a letter to Council was made by: Hain, seconded by: Budney.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Ms. Kaczynski discussed that she had a discussion with the attorney for the second public hearing where he would like to introduce the application to the Board if time permits with no testimony being provided tonight.

Mr. Doshna discussed that the Board members that needed to be recused from Item 7 would need to be present for Item 8 or listen to the recording of any introduction by counsel.

Mr. Doshna discussed that the members of the Board can recused themselves from the Item 7 by turning off their video and not participate in any discussion and could attend as a member of the public.

7:26 pm Mayor Driver, Mr. Cook, Mr. Hain, Ms. Giffen and Mr. Norton were recused from the next application and each stopped their video.

7. Public Hearing: Application #2021-01 - Flemington Center Urban Renewal, LLC - Block 22, Lots 1-10, 11-14 & Block 24, Lots 1-3 & 24 - Main Street, Bloomfield Avenue & Spring Street

Mr. Doshna announced that the public would have an opportunity to ask questions of each witness during the hearing and at the end provide their comments and concerns.

Ms. Kaczynski discussed that she had reviewed the proofs of notice submitted and found that the Board had jurisdiction to proceed with the public hearing. The proofs of notice were marked as Exhibit A-1.

Attorney for the applicant, Anthony Koester, appeared on the same video as the applicant, Jack Cust, and discussed the application for preliminary and final site plan approval noting that this application was

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

an alternate plan for a much smaller development as was previously approved adding that the previous approvals still remain in place. Mr. Koester discussed that the new plan retained a large portion of the potting shed; that the police building would be preserved; the number of units would be reduced from 212 to 206 units; retail space reduced from 32,000 to 22,000 sf and the educational/medical building was removed; amenities were slightly reduced; parking spaces proposed was reduced to more than half of what was previously approved; maximum height was lowered from 7 floors at 87 feet to 5 floors at under 70 feet; included a pedestrian plaza, preservation of the potting shed and Hunterdon County bank building. SHPO application dated January 2, 2018 was marked as Exhibit A-2; letter to Mayor Greiner signed February 6, 2018 from the State of NJ Historic Preservation District dated March 2, 2018 was marked as Exhibit A-3; email letter dated January 22, 2021 addressed to Mayor Driver was marked as Exhibit A-4 which indicated that SHPO looked forward to resolving all conditional items and was 2 pages. Ms. Kaczynski discussed that all the exhibits had been posted on the Borough website at least 2 days prior to the hearing.

Mr. Koester discussed the waivers being requested including: requirement of 9 street trees where 6 were provided; providing landscape filter buffers around the parking areas; lighting standards for the maximum allowed footcandle at the property line where the height of the decorative fixtures increased the light levels; height of the fixtures of 14 feet where 12 was permitted to be consistent with the lighting fixtures and height on Main Street noting that this was the same as the Redevelopment Plan waivers.

7:42 pm the hearing paused until the video for Mr. Koester resumed. Mr. Doshna confirmed that no exhibits were shown during the video issue. Mr. Koester stated that he would not be sharing his screen during the hearing but the applicant's professionals would share their screen.

Mr. Koester discussed that the Redevelopment Plan was amended by Council on September 13, 2020; was adopted December 14, 2020 and that consistency resolution 2021-33 was adopted by Council confirming the consistency of the draft site plan with the amended Redevelopment Plan and Developers agreement which was marked as Exhibit A-5 which was a binding agreement that the site plan was consistent with the Redevelopment Plan.

Mr. Koester listed the professionals that would be providing testimony and were promoted as panelists Mr. Cahill and Mr. Dean were sworn in for testimony, Mr. Raker had a sound issue:
Keith Cahill, engineer from Bohler Engineering
Jack Raker, architect from Minno Wasko

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

Gary Dean, traffic engineer from Dolan and Dean

Mr. Koester discussed the January 23, 2021 completeness letter prepared by Mr. Clerico noting the applicant provided item 29 by submitting a staging plan, item 57 by submitted lot numbers and item 60 by submitting a solid waste plan noting that the applicant had appeared January 26, 2021 for a completeness determination and was granted temporary waiver for those items which had been submitted and was the basis to move into the public hearing tonight.

The applicant's engineer, Keith Cahill, appeared and gave his credentials as a professional engineer and was accepted as same having testified numerous times before the Board. Mr. Doshna clarified that all exhibits had been posted on the Borough website.

Exhibit A-6, an aerial photo of the site with the subject property delineated was shared by Mr. Cahill how discussed the 2 portions of the application marked as the large 'Lot A' – Block 22 with 3.02 acres, fronted by Main Street, Chorister Place, Bloomfield Avenue and Spring Street and the smaller 'Lot B' – Block 24 with acres fronted by Bloomfield Avenue and Spring Street which included the Flemington Fur building. Mr. Cahill discussed that both lots have existing high impervious coverage and noted that Main Street was elevated above Spring Street by about 1 story higher on Main Street. Mr. Cahill explained that the recent streetscape project on Main Street would not be disturbed and that the existing 9 street parking spaces would remain noting that the application proposed to enhance the street crossing for visibility; discussed the Bloomfield Avenue was a one way street away from Main Street and Chorister Place was a one way street away from Main Street that currently becomes a 2 way street at the parking lot behind the police station and discussed the existing access points to the site along the streets.

Exhibit A-7, a colorized plan of the site layout sheet C-04 was entered. Mr. Cahill discussed the bank building to remain and maintaining the polic building for the existing use with enhancement to the portion of the potting shed building to remain as wall as the Union Hotel to remain; the existing building on Lot B would be removed and replaced with offstreet surface parking lot; Lot A proposed two (2) – 5 story buildings with a pedestrian plaza in between with building '1' to the north which includes the refurbished Union Hotel and potting shed and a vertical parking deck and with building '2' to the south including the police station, retail on the first floor with residential uses above on both buildings with restaurant components. Loading area on crossing area would be located on Main Street, and agreed to provide a crossing area on Chorister as recommended in all of the professional reports. Mr. Cahill discussed providing on street parking, decorative light fixtures, shade trees, drop off area on Bloomfield Avenue which were consistent with the 2018 approved plan and eliminating the medical/educational element on Lot B as well as reducing the height from 7 stories to 5 stories. Mr. Cahill discussed the

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

elevation difference from Main Street to Spring Street and the elements to get down to Spring Street from the plaza including steps and an elevator and discussed the vehicular access points on Spring Street to the vertical parking deck and the podium parking area with no access on Chorister Place which was proposed to become entirely a one way street from Main Street to Spring Street; 8 parking stalls were proposed for the police department these stalls were not counted as part of the project; the existing alleyway for the Higgins building north of the Hotel would remain for pedestrian access purposes with an existing easement to remain. Mr. Cahill discussed that there was no intention to damage or take away from the streetscape, but they did propose improvements to slow down traffic with colorized stamped asphalt to enhance pedestrian traffic safety and proposed improvement along Spring Street to provide a more downtown feel noting that the applicant would need to go to the Borough Council for any improvement in the right of way including providing 10 parking spaces along Spring Street and eliminating 2 spaces along Bloomfield Avenue in the drop off area for a net increase of 8 on street parking spaces for the project.

Exhibit A-8, the parking plan was entered with the vertical parking deck marked in green, podium parking marked in blue with 246 structured parking stalls on Lot A, 66 parking spaces on Lot B and off-site parking at Matt's Red Rooster marked in red with 69 spaces for a grand total of 381 parking spaces available offstreet with the structured parking spaces dedicated to residents and hotel guest and the rest available to visitors.

Mr. Cahill discussed Exhibit A-7 for stormwater management indicating that none was currently proposed on site where the existing impervious coverage was very high and was being reduced overall with the proposed project with adding landscape area stormwater will be enhanced by reducing the coverage and will be in compliance with NJDEP and the ordinance and agreed to work with the Board engineer on stormwater and discussed the utilities to be provided. Mr. Cahill discussed the lighting with the intent to match the fixtures on Main Street and the request for lighting waivers for safety adding that there would be no overglaring lighting on Spring Street and would affect the adjacent neighboring residents. Mr. Cahill agreed to move the proposed fence on Lot B to the property line with the proposed landscaping to be located on the inside of the fence and discussed the landscaping would be provided to the satisfaction of the Board planner and also agreed to provide any additional street trees along Chorister noting that a waiver will still be needed and agreed to comply with the recommendation of the Board planner.

Mr. Cahill discussed that the plans comply to the bulk standards, design criteria for 16% landscaping, open spaces, bench areas, agree to provide knee wall details, and specifics for the kiosks, fire pit area,

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

seating around the restaurants as well as a decorative area included in the plaza, emergency access will be to the satisfaction of the emergency services which will blend into the architectural features with removable bollards to provide safety as well as access. Mr. Cahill concluded that the application was consistent with the Redevelopment Plan.

Mr. Clerico, Ms. McManus and Mr. Troutman were sworn in for testimony. Mr. Clerico discussed his review letter dated February 14, 2021 including the easement by the Higgins building where requested additional dedication for this area as it was a confined space; a slope issue that may need to be addressed; the mid block crossing; authority by the governing body over anything in the public domain; providing ADA details; emergency access – Mr. Cahill had a meeting scheduled with the fire marshal; crosswalk to Matt's Red Rooster parking; Mr. Cahill agreed to the comments and would address the issues to the satisfaction of Mr. Clerico. Ms. McManus discussed her review letter dated February 16, 2021 including architecture, circulation, midblock crossing on Main Street and Spring Street to be addressed by Council and recommended stamped asphalt, safety signage, a visible location with crossings that are durable and as long lasting as practicable; details of bicycle storage to be provided; bicycle parking requirements; lighting and landscaping comments which Mr. Cahill agreed to provide to the satisfaction of Ms. McManus. Mr. Troutman discussed his February 9, 2021 report including the sight distance exhibit standard applied for 200 foot sight distance instead of 300 feet. Mr. Dean to address.

Mrs. Engelhardt asked the public use of the plaza in general and if there needed to be a public easement and how would the applicant coordinate with the FCP for a public event. Mr. Cahill and Mr. Koester discussed. Mrs. Engelhardt asked the limit of the milling and repaving of Bloomfield Avenue and if there would be a raised crosswalk on Spring Street– Mr. Cahill explained.

Mr. Doshna discussed the procedures for public questions on the testimony provided by Mr. Cahill.

Mike de Luca, 59 Broad Street, asked if there would be screening on the north area by Bloomfield Avenue, Mr. Cahill agree to look at providing some low shrubs in this area. Mr. de Luca asked to provide input on the shrubs – would be more appropriate for the comment section of the hearing.

Lois Stewart, 26 Spring Street & 32 Emery Avenue, asked if Bloomfield Avenue would change from a one way street; if the parking lot easement on Lot B would be widened near the storm pipe located on the adjacent property; asked about the water quality measures; how many spaces were proposed and how many were required under the Borough ordinance; the proposed number of on-street spaces; the

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

spaces on the offsite area; any proposed fees for parking; allocation of spaces; spaces on Spring Street. Mr. Cahill responded.

Attendee '0047' – Robert Shore, 47 Broad Street, discussed that the proposed lighting was to be consistent with Main Street and asked if the light fixtures could be lowered to be less intrusive. Mr. Cahill was no opposed to lowering as long as there was adequate safety lighting, would be a consideration to the Board during public comments.

Joann Braun, 77 Jefferson Court, discussed that the bank building was retained in its entirety and the potting shed and hotel to be retained in portion and asked what portions would be retained – question for the architect.

Michael Harris, 173 Main Street, discussed the proposed 8 spaces for the police department and asked where the balance of the police vehicles would be parking noting that it seems that there would be a shortage of spaces and asked how this would be addressed – question for the traffic engineer.

Ms. Stewart asked the width requirement for a sidewalk in a residential area where 8.5 feet wide was being proposed; asked where the applicant agreed to add street trees from Ms. McManus's report; asked the species of the trees and if there was an option to discuss the honey locust being proposed; Mr. Cahill responded. Ms. McManus discussed that the Board can decide if they want additional review of the proposed species as a condition. Ms. Kaczynski clarified that the Redevelopment Plan specifically states not less than 8 feet in width for sidewalks.

Mr. Harris discussed the parking and trees and scope of land and asked if it was appropriate to discussed the soil contamination liability to the community from Lot B noting that the Environmental Commission had no soil contamination reference and asked if there will be any additional information provided. Mr. Cahill responded that all environmental regulations would be complied with in accordance with State regulations.

The applicant's architect, Jack Raker, was sworn in for testimony, gave his credentials and was accepted as an expert in architecture.

Exhibit A-9, a colorized version of the architectural plans was entered with additional exhibits. Mr. Raker was happy to be part of the revitalization of the downtown Flemington area to bring a walkable area to the downtown area where they are keeping a large portion of the Main Street historic structures

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

and providing improvements to the infrastructure of the police station and making other areas revitalized for the potting shed the hotel. Mr. Raker discussed that they had to demo the interior of the hotel and could not keep some of the elements as they were damaged; was keeping the front portion of the potting shed including the façade and removing the back portion. Mr. Raker discussed that the drop in elevation between Main Street and Spring Street allows for the lower level of the parking structure and will not be seen from Main Street with access from Spring Street to the podium parking area be used strictly by residents with elevator access to the residential units to have a key fob access for the garage door adding that the vertical parking deck would have access for the hotel visitors with parking for 165 residents in the garage below; 51 in the vertical garage and approximately 41 spaces for the hotel. Mr. Raker discussed that the view from Spring Street will look like a residential area with stoops and not like a parking deck and that there would be steps and an elevator from Spring Street to the plaza level with retail and restaurant uses creating a lively space with a ground floor restaurant in the hotel and will retain the existing hotel entrance location with porch which will be modified and renovated but will be in the same location with a small bar area with access to the plaza where a physical barrier will be provided per State regulations to serve beverages.

Mr. Raker discussed the 21,967 square feet of non-residential use including retail and amenity space; 100 room hotel with added meeting space to be provided with the level above the potting shed to provide a mail/package room provided for the residents. Mr. Raker discussed building '2' to the south of the main entrance on the plaza would provide an amenity space; discussed moving procedures which were usually scheduled during the week. Mr. Raker discussed the trash exhibit color coded for the hotel, residential and retail uses and discussed the procedures for trash removal all choreographed for trash pickup day; discussed A-2 floor plan which included patios for residents, fire pits, grilling proposed for both buildings and a green area which would provide a view for hotel residents but would have no public access; additional meeting space to be added per hotel management request. Mr. Raker discussed the step back of up to 30 feet of the units and building from Spring Street to maintain a residential level along Spring Street and discussed the proposed elevations under the allowable 70 feet to comply with the Redevelopment Plan and discussed that the plans complied with the architectural fenestration with the setbacks, changes of material and character, stone and brick hardy panels with horizontal banding and comply with the percentage of glazing and windows. Mr. Raker discussed the street view renderings from the various street frontages and discussed that a feature element at the plaza level may be a mosaic artwork inlay representing Flemington which was not been decided and may be a local artist. Mr. Raker discussed a rendering view from the Courthouse steps of the potting shed façade, ramp to the hotel entrance; view from Spring Street and Bloomfield Avenue with the step

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

back of 30 feet showing a 4 story building with the 5th floor not visible and a rendered view from Chorister and Spring.

Exhibit A-10 - staging plan prepared by Minno & Wasko was entered. Mr. Raker discussed that this was not so much a staging of the project but there was a starting and finishing for the entire project with parts of the project to be constructed and open at different times with Main Street hotel/restaurant, potting shed and police station being constructed first indicated in green with construction happening on other parts as well including residential units on the lower floors being offered for leasing while the upper floors are being finished and stage 3 would be ongoing on the rest of the project indicated in purple. Mr. Raker address the professional comments in Ms. McManus's letter and agreed to comply with all of her comments including providing more detail on the materials to be used on the different levels, Mr. Raker was doing historic research around the hotel and would inform of the colors to be used on the newer hotel to the satisfaction of Ms. McManus as a condition of compliance. Mr. Raker agreed to identify the affordable units on the plans and will provide testimony on the movable items in the plaza; provide planters near the potting shed; include these in the operations and maintenance manual; provide the condenser location and mechanical equipment. Mr. Clerico asked if the garage entrances would be gated and where it would be located if it was recessed. Mr. Raker discussed that they would be recessed agreed to locate on the revised plans.

10:57 pm Mr. Doshna discussed the concern for time for Board questions and public questions. Mr. Raker had a meeting coming up with the fire marshal to satisfy his comments and he may have more information on these matters. Mr. Koester agreed that this would be good time to stop.

Ms. Kaczynski announced that the public hearing would be continued to the next regular meeting on March 9, 2021 at 7:00 pm and that no further notice of hearing would be provided.

11:05 pm Mayor Driver, Mr. Cook & Mr. Hain returned. Ms. Giffen and Mr. Norton did not return to the meeting.

8. Public Hearing: Application #2020-03 - Lee B. Roth - Block 21, Lot 25 – 91 Main Street

Preliminary and Final Site Plan and Use Variance

Ms. Kaczynski announced that this application would be carried to the next meeting on March 9, 2021 at 7:00 pm and that no further notice of hearing would be provided.

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 23, 2021 – 7:00 PM

MINUTES

9. Chair Items:

- Mr. Doshna & Mrs. Engelhardt had no items.

- Next meeting: March 9, 2021. Items on the agenda: Completeness determination for Premier Outdoor Media Continued public hearing: Flemington Center Urban Renewal (Union Hotel); public hearing for Lee B. Roth.

Mr. Hill left the meeting due to a signal loss and did not return to the meeting.

10. Bills:

Motion to audit the bills was made by: Engelhardt, seconded by: Campion.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

11. Professional Reports: None

12. Executive Session: None needed.

13. Adjournment:

Motion to adjourn the meeting at 11:10 p.m. was made by: Driver, seconded by: Long. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary