

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, MARCH 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, Mr. Campion, 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:** Ms. Parks discussed that 1 item for public comments regarding the Flemington Center Urban Renewal LLC application had been delivered, Ms. Kaczynski discussed that this would be read into the record at the time of this agenda item for the 3 minutes allowed. No other comments on agenda items had been received to either the planning board email or the Borough's public comment email.

There were no public comments from attendees.

2. **Mayor Comments:** Mayor Driver discussed that the RTMUA approved the sewer capacity for the Union Hotel project and that 90-100 Main Street expected SHPO clearance Friday.

3. **Council Comments:** None.

4. **HPC Comments:** None.

5. **Approval of corrected minutes for the January 26, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Driver, Long

Motion passed: 7-0-2

6. **Approval of minutes for the March 9, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Driver, Long

Motion passed: 7-0-2

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7. Completeness: Application #2021-02 Enzo Padovani – Block 16 Lot 1 – 30 Allen Street

Attorney for the applicant, Steven Gruenberg, appeared and discussed the application to construct a single family dwelling on the vacant lot where the application, plans and architectural plans had been submitted noting that there was no checklist for a variance plan for the Borough. Mr. Gruenberg discussed item 8 on Mr. Clerico's completeness review regarding a variance required for the rear yard setback as the subject property was a corner lot and agreed to notice for this variance adding that all other items in Mr. Clerico's review would be provided including a title report and certified property list with all substantive comments to be addressed at the public hearing. Ms. Kaczynski clarified if the items would be temporary waivers or permanent, Mr. Clerico recommended permanent waivers, Mr. Gruenberg opined that technically there were no waivers since there was not a checklist.

Motion to deem the application complete was made by: Engelhardt, seconded by: Hain

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

The public hearing was scheduled for April 27, 2021 at 7:00 pm to be held remotely using the Zoom webinar platform. All electronic files to be submitted to be posted on the Borough website.

Mr. Doshna discussed that the public hearing for 91 Main Street would be continued with no further notice to be provided to the next meeting on April 13, 2021 and would not be heard tonight.

7:24 pm Mayor Driver, Mr. Cook, Mr. Hain, Ms. Giffen and Mr. Norton were recused from the next application and each stopped their video. Mayor Driver, Mr. Hain, Ms. Giffen and Mr. Norton did not return.

8. 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 – Continued from February 23, 2021

Attorney for the applicant, Anthony Koester, appeared and discussed that no new testimony would be provided tonight and asked the Board for a positive vote on preliminary and final site plan for all the reasons already stated during the hearing.

Mr. Doshna explained that at this time the Board would hear public comments and testimony for 3 minutes from each member of the public and would be recognized by the Chair once. Ms. Kaczynski

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discussed the procedures which were the same as always which was not a time for questions of the applicant, the professionals or the Board but for comment and testimony and any issue for the Board to consider any comments submitted would be read into the record for 3 minutes per State regulations.

Kim Blanda, 27 Providence Drive, Raritan Township, FPC members, Chamber of Commerce and on the Army Advisory Board, commented that the application would bring hope and economic opportunity to the Borough noting that she also worked at the hospital and all there were in support of this project.

Chris Phelan, President of the Hunterdon Chamber of Commerce, extended support of the project which addressed the comments and concerns raised adding that this had been a challenging year as well coming ahead where the Courthouse Square will be a catalyst for commerce and quality of life. Mr. Phelan expressed his gratitude to those making this project a reality.

Joann Braun, 77 Jefferson Court, watched the process from the beginning where they were told the hotel and potting shed could not be saved and now they are being saved, noted that backdoor deals for economic gains had been made where the Council committees had no development experience and when delayed Mr. Cust scooped up the liquor license and made a deal without any public input, Mayor Greiner got the Borough designated as an Opportunity Zone and that the project stills falls short and was not appropriate for the Borough adding that the Mayor and Board were complicit.

Erin Simone, attorney from Maley Givens, objected to the 3 minutes and lack of questions referencing the Board's Rules of Citizen Input had no mention of the 3 minutes or questions. Ms. Simone asked if there was a condition upon approval of the abandonment of the prior site plan approval noting that the applicant had refused to answer this question adding that the abandonment of the prior approval should be a condition.

Mike DeLuca, 59 Broad Street, Chair of the Shade Tree Commission, on behalf of the Commission would like to consult on the plantings and tree selection for a diverse and resilient to climate change noting that the Commission did not get a chance to review. Mr. DeLuca recommended that the property owner be responsible for maintenance and take care of replacement trees noting that the surface parking lot was a concern and recommended a narrow strip of shrubs be installed for the residents. Mr. DeLuca stated concerns on the construction traffic and the impact on the surrounding properties and road where he did not receive an answer hoping that the Board resolves this issue prior to a vote.

Doctor Paul Marsiano, Main Street, member of FCP, majority of the business owners are in favor of the project and asked to support it noting the the last few years have been challenging and hoped that the community could come together as a town and have a civil dialog and that the project moved forward in a timely manner.

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Jim Robinson, Executive Director of the Hunterdon County Chamber of Commerce and on the Economic Development Board commented that the recommended changes for the project had been made and he supported the project and asked the Board to approve.

Donald Harjes, owner of 3 Main Street at the monument which he purchased in 1984, commented that this was a very long project which needs to begin to send a message that Flemington is in a positive growth mode where the deterioration of the Union Hotel has sent the wrong message.

Lois Stewart, 26 Spring Street and 32 Emery Avenue, commented that the project was too big; there were no small lawns or greenery; density was too high and not appropriate; should be denied for waivers from buffer width on Lot B where the residential neighborhood needs protection and more greenery; please retain grass area on Spring Street and require pervious surfaces in the parking areas; less parking would be needed; include sustainable elements; comply with the Environmental Commission comments; change the architectural design; lessen the sidewalk width; require use of pavers adjacent to trees; ask for input from the Shade Tree Commission; add greenery for benefit of residents; remove tree guards; require trees on the offsite parking lot with upgrades; better fit if height on Spring Street could be lowered; it is the responsibility of the Board to protect the residents and take time to get comments from the Environmental Commission and HPC.

Maryellen Costello, 154 Main Street, Ringoes, size seems too big for the size of the town; sheer volume will burden residents with additional services where rental units will not pay property taxes and the developer will benefit from the PILOT agreement; the project is overkill which sacrifices 3 dimensional space; adding a tax burden and thought it should be scaled back.

David Hay, owner of the Cortez and Hay building for 50 years, prior speaker did not hear all the economic discussion and the benefits adding that this project was the best thing that has been here for 11 years and was time to pass this project as the best thing for Flemington cannot wait for it to get started.

Brian Blake, had an older version of zoom and was promoted to panelist to allow audio, 95 Main Street owner of Red Vanilla since 2007, the hotel has been closed for 14 years, time for the project to move forward and needs to be implemented, hoping that an approval will allow other development along Main Street noting that without this project other owners will not have any incentive to improve their property; commented that the project was thoroughly analyzed and thanked the Board for their time and energy.

Robin Lapidus, Executive Director of the FCP, Belvidere Avenue, Clinton, FCP office at 50 Stangl Road, polled the FCP members which found the project needs to move forward; noting concerns for the commercial property tax base which has been declining and putting an added burden onto the residents; what has been allowed to happen to the hotel building effects the image of Flemington and

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hoped to have more dialog and consensus to come to more or an agreement in the Borough. Ms. Lapidus commented that no amount of traffic increase could match the heyday of Flemington when people were bussed in and was completely in favor of the project.

Marilyn Wanser, 148 Flocktown-Flemington Road, has been involved in the project for years where compromises have been made but was still too big for the size of Flemington; could have been done differently; that she was leaving and wished the project fit into the architecture better; there was mass transportation and not sure where the residents would come from and was thankful for the compromises and efforts made.

Robert Shore, 47 Broad Street, seconded Ms. Lapidus's comments where the tax base was the biggest concern which was a travesty; we know how the Friends are this will be delayed in the Courts. Mr. Shore loved the project and thought Mr. Cust gave up too much; that the edifice and architectural details could be enhanced by adding bay windows etc; street lamps should be lowered; commended the developer and the Board should move forward with conditions and recommended Shade Tree Commission input.

Ms. Parks read the correspondence that was delivered to Borough Hall from Beryl Doyle for 3 minutes.

Hearing no further public comments Mr. Doshna asked for a motion to close the public hearing.

Motion to close the hearing was made by: Engelhardt, seconded by: Hill.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Ms. Kaczynski discussed the procedures for Board discussion starting with the Board professionals and then the Board members. Ms. McManus, Mr. Clerico and Mr. Troutman were sworn in for testimony.

Ms. McManus listed the deviations from the Redevelopment Plan where the applicant was seeking preliminary and final site plan approval and relief from the 2020 Union Hotel Redevelopment Plan Amendment One including providing street trees every 40 feet where 9 were required and the applicant was proposing 6 along Chorister Place; 3 lighting deviations including maximum footcandle at the property line and lighting height.

Mr. Clerico had recommended changes to the ramp to the Plaza at Spring Street where the applicant did not agree to and would leave to the construction department; had recommended widening the drainage easement for maintenance of the existing Borough storm pipe where the applicant's engineer objected

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to the loss of an additional parking space; all street improvements were subject to approval by Borough Council and all applicable outside agency approvals would be required.

Mr. Troutman had 2 items for the Board's consideration including the concept of shared parking put forth by the applicant to meet the demand of the mixed use facility where it was not proper to calculate each use in isolation, that formulas had been developed to account for the peak demand for each use which allows for less asphalt and more greenery adding that the applicant has done this with accepted standards. Mr. Troutman liked the reserve of one space for each residential unit noting that he found that the younger generation only wanted 1 car with the associated expenses and that there was abundant surrounding parking supply that was not accounted for in the calculations. Mr. Troutman recommended the design of the midblock crosswalk be at grade and to use materials as discussed to delineate.

Ms. Kaczynski outlined the conditional issues for discussion by the Board including: applicant to agree to comply with the letters from the Board professionals with the exceptions as discussed; movable chairs, tables, etc. in the plaza to be included in the maintenance manual; any disturbance to the streetscape to be replaced in kind; Title 39 jurisdiction and right to consent with the Borough; material for building and cross walks including the lower floors to be to the satisfaction of the Board planner; utilization of meetings space to work out with the Borough; reduction of lights on Main Street and Chorister; different species of trees with planner commentary; outside agency approvals; 3 additional street trees to be provided in lieu of a deviation; adequate safety to be provided for lighting; inclusion of a mosaic inlay to the satisfaction of the Board planner; Borough's affordable housing administrator to be utilized by the applicant; 6 parking spaces in the podium parking area to be designated for the police department; amend the plans to show the actual location of low and moderate housing units; discussion of the prior approval; primary point of contact for the construction manager; submission to the Borough engineer and code official for maintenance and protection on streets during construction; point of contact from applicant that all SHPO requirements are met; affordable housing standards to be complied with.

Motion to approve preliminary and final major site plan for Flemington Center Urban Renewal, LLC was made by: Engelhardt, seconded by: Budney.

Board discussion:

Mr. Hill concerned for the condition of the streets before and after construction would like to see the road as good or better than they are now; applicant to consult with Board engineer as well as code official and Borough engineer.

Mr. Long commented on the selection of trees and would like the applicant to reach out to the Shade Tree Commission. Ms. Parks noted that the plans were made available to the Commission, Ms.

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Kaczynski discussed that species selection and landscaping was under the purview of Ms. McManus were the Board could not obligate any changes from the Commission.

Ms. Weitzman as a new resident of 2 years was excited to be a part of the application and excited for the project.

Mr. Campion strongly recommended to eliminate any bump outs or speed humps and recommended onsite preconstruction meetings to protect business on surrounding streets and residents as well as progressive meetings as the project moves forward.

Mr. Budney recommended review of the construction management and staging if offsite should be reviewed for conformance with the ordinance and to provide a point of contact and procedures for staging locations. Mr. Budney discussed that he voted no on the prior plan where considerable concessions have been made since the last plan which met the concerns he had and found the project consistent with the Redevelopment Plan to his satisfaction adding that the architectural design standards though met the Plan could be modified to fit better and would defer to Mrs. Engelhardt.

Mr. Clerico discussed that the staging area was more under the jurisdiction of the construction code official; that Lot B was to be the staging area after demolition of the buildings on the lot; construction management to coordinate with the construction official and Borough engineer which would be ongoing process including access routes maintenance manual and guidelines for procedures which were subject of the developer's agreement with the Borough.

Mrs. Engelhardt recommended mandating a phase check in process during construction with regular maintenance of Borough roads; include the Shade Tree Commission; review of the art inlay on the ground need to be double checked; review of final color selection; a method to guarantee that these items are followed through on and that SHPO requirements are being followed. Recommended Phase check ins for art installation, signage, trees, traffic measures, architectural materials and colors that it was important that the Borough have regular input where there have been legal proceedings and lots of barriers put in place over 12 years of this project. Mrs. Engelhardt discussed that a raised crosswalk was not required by design and recommended that it should be consistent with Main Street; recommended mandating that the building include disinfectant mechanism for the trash chutes; was disappointed that there was not water feature in this version; recommended including a buffer along the parking lot adjacent to Bloomfield Avenue and change of trees species with input from the Shade Tree Commission. Mrs. Engelhardt asked that the final architectural features, color selection be to the satisfaction of the planner with input from the historic architect.

The Board discussed the lighting height where 12 feet was permitted and 14 feet was proposed on Main Street to meet SHPO requirement was that the improvements shall be compatible with the streetscape in downtown. The Board discussed lowered the height on Spring and Chorister, Ms. McManus discussed

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that a reduction may reduce the street tree visibility, Ms. Kaczynski noted that the required height of 12 feet was proposed where the applicant was not asking for relief from this.

Mr. Doshna discussed that he was not on the Board for the prior approval where he made some comments that the project at that time did not meet the intent of the plan; was on Council where he was on the redevelopment committee and the developer was willing to make concessions noting that when a site was designated as an area in need of redevelopment the Board loses control to Council. Mr. Doshna discussed that this project as amended to meet the concerns brought up and as judged against the Amended Redevelopment Plan he was comfortable with the project.

Ms. Kaczynski discussed the additional 5 foot easement width as recommended finding that the Board cannot legally require the additional width as it was not in the Plan but it would be helpful for any maintenance issue. Ms. Kaczynski outlined the conditions for preliminary and final major site plan with the deviations approval including: compliance with review letters from Ms. McManus and Mr. Troutman and the Fire Marshal; compliance with review letter from Mr. Clerico with the exception of 1.3B regarding the easement width and 2.1A-B regarding the ramps; movable planters, tables etc to be in the operation and maintenance manual; no disturbance of the streetscape; speed mechanism to not have a raised table but marked crosswalk with delineation of materials and paint at Spring and Chorister with no speed hump but proposed painting and texture for a traffic calming device; Title 39 right of ways; materials of building, crosswalks, façade approved by planner with consultation with the Borough historic architect; applicant to work with Borough to utilize space' no reduction of light height; species of trees approved by planner with consultation with the Shade Tree Commission; all outside agency approvals; street design by the Borough; additional 3 street trees to be provided; mosaic inlay subject to review and approval of the planner; affordable housing administrator to be utilized; 6 parking spaces reserved for the police department; glazing and fenestration, no stucco on lower floors; review letters will be attached to the resolution as exhibits; plans to be amended to show location of low and moderate units; all demolition and construction to not interfere with police department function; on-site preconstruction meetings and regular ongoing meetings as construction of the project progresses to discuss the process of all aspects during construction to involve the code official, Borough engineer and point of contract of applicant; all SHPO requirements to be satisfied; consistent signage approval by planner; work with planner to provide shrubs on Lot B by Bloomfield Avenue; applicant to work with town to provide access to portion of Spring Street for Borough storm sewer or at the applicant's discretion to provide additional easement width.

Roll call taken on the motion to approve with conditions made by: Engelhardt, seconded by: Budney
Ayes: Driver, Long, Campion, Engelhardt, Cook, Budney, Hain, Doshna, Giffen
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

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Ms. Kaczynski discussed that the resolution would most likely not be ready for the April 13 meeting and would circulate to the applicant and Board professionals for review.

Mr. Koester discussed the 6 spaces in the podium parking area for the police department where if the police moved those spaces would go away noting that he thought that would be implicit. Ms. Kaczynski agreed.

10:17 pm Mayor Driver, Mr. Cook and Mr. Hain returned with video, Ms. Giffen and Mr. Norton did not return to the meeting.

9. 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 April 13, 2021 at 7:00 pm to be held remotely and that no further notice of hearing would be provided.

10. Chair Items:

- Mr. Doshna had no items. Mrs. Engelhardt discussed that Council passed a change of use for the community garden in an existing public park which was in the Master Plan adding that placing the community garden in the existing park avoided having a Borough owned abandoned lot converted where it would be difficult to turn back to a taxable lot once the garden was in place.
- Next meeting: April 13, 2021. Items on the agenda: Completeness: Captiva Main Street, LLC (Global Ag); Resolution: Flemington Center Urban Renewal (Union Hotel); Deferment of public hearing: Lee B. Roth. April 27, 2021. Public hearing: Premier Outdoor Media; Public hearing: Enzo Padovani

11. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

12. Professional Reports:

Ms. McManus discussed that the State passed cannabis legislation which added 6 types of businesses with land use implications which were complicated. The Board discussed. Ms. McManus to reach out to Council to review and will prepare a one page report for Council for discussion.

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There were no other professional reports.

13. Executive Session: None needed.

Mr. Doshna thanked the Board for their input and effort on this substantial application.

14. Adjournment:

Motion to adjourn the meeting at 10:29 p.m. was made by: Engelhardt, seconded by: Budney. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary