

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, APRIL 13, 2021 – 7:00 PM

MINUTES

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

Roll Call:

Present: 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: Mayor Driver, Mr. Campion

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:** No 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:** None

3. **Council Comments:** Mr. Long discussed that Council had introduced Ordinance 2021-09 to Amend Chapter 21 regarding stormwater management to include penalties for violations.

4. **HPC Comments:** HPC Chair, Don Eckel, appeared and discussed that there were 3 applications submitted which would be provided to the Board once complete; that Richard Slater was a new member to the HPC, they were still looking for alternates and there was a draft for certified government to meet the standards suggesting that any Board member to reach out to him with any questions.

5. **Approval of minutes for the March 23, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Norton

Motion passed: 8-0-1

7:10 pm Motion to enter into executive session to discuss pending litigation was made by: Engelhardt, seconded by: Hain.

Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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7:16 pm Attendees logged off of the webinar and it was announced that they should return at 7:30 pm and that no action would be taken during executive session, the webinar was locked.

7:30 pm Motion to exit from executive session was made by: Hain, seconded by: Engelhardt.
Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

The webinar was unlocked and the attendees returned to the meeting.

Motion to amend the agenda to add new item 6 was made by: Cook, seconded by: Engelhardt
Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

6. **Resolution #2021-07:** Resolution of the Planning Board of the Borough of Flemington to Retroactively Correct and Amend Resolution PB 2014-5 to Correct a Scrivener's Error Regarding the Inclusion of Block 22 Lot 12 in the Recommendation to the Borough Council to Designate Certain Areas As An Area In Need of Redevelopment

Motion to adopt Resolution 2021 was made by: Cook, seconded by: Budney
Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

7. **Ordinance 2021-09 Review:** Ordinance to Amend Chapter 21 of the Code of the Borough of Flemington Entitled "Stormwater Management"

Motion to recommend that Council adopt Ordinance 2021-09 as presented was made by: Engelhardt, seconded by: Hain
Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

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- 8. Resolution:** 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
Ms. Kaczynski discussed the resolution would be prepared for the April 27, 2021 meeting.

7:43 pm Mr. Long was recused from the next Use Variance application and did not participate.

- 9. Public Hearing: Application #2020-03 - Lee B. Roth - Block 21, Lot 25 – 91 Main Street**
Continued from February 23, March 9 and March 23, 2021

Ms. Kaczynski had reviewed the new notice of hearing submitted and found that the Board had jurisdiction to proceed noting that the application and plans had been revised which the Board professionals had reviewed and issued new reports.

Attorney and applicant, Lee B. Roth, appeared and discussed the application and asked the Board to apply common sense to approve the proposal that was not specifically offered in the zoning ordinance where he had prepared the best possible project for the site. Mr. Roth reviewed his history as a lawyer in the Flemington and the history of the subject property adding that today people need little if any office space to run their business where he had open listings to rent the space for more than 3 years and the only option was to convert the property to residential use to have the buildings occupied. Mr. Roth discussed the plans to add a parking structure for a stacked rotary parking deck which was modified to eliminate the height variance and to wrap this proposed building with the existing rear structure to make one building as well as adding one story instead of the previously proposed 2 stories which would be much than what was approved across the street.

Testimony to be provided by:

Wayne Ingram – site engineer; Doug Shotland - architect, Max Wassef – from Parkmatic; Tom Stearns – planner and Lee Roth – applicant.

Ms. Kaczynski swore in all the applicant's professionals with the exception of Mr. Shotland who was not present and the Board's professionals for testimony.

Mr. Roth shared his screen with a proof sheet-key note presentation marked as Exhibit A-3 and discussed the property and surrounding area. Ms. Kaczynski discussed that the exhibit was not submitted electronically and not posted on the website and suggested that the applicant submit the file prior to the next meeting as the hearing would most likely be continued.

Wayne Ingram provided his credentials as a licensed engineer and hearing no objections was accepted as same. Mr. Ingram shared the plan set dated April 1, 2021 and discussed the existing conditions where the site was almost entirely covered with impervious surface and the proposed conditions to

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modify the rear building to add one story and make a uniform rear setback with 6 ground parking stalls; a rotary parking structure from Parkmatic to hold 8 vehicles and a be-level parking deck to add 2 parking spaces noting that 19 parking stalls were required where 13 stalls were proposed. Mr. Ingram discussed the trash pick with 2 containers to the rear and east for each building which would be collected by a private company and discussed the stormwater concerns where the applicant proposed to install a gravel paving system to replace existing asphalt noting that there would be a 2% increase in impervious coverage which was not substantial and if approved would test the soils to see if they would support additional measures, Mr. Ingram discussed the roof leaders, snow removal concern where heated pavement system to melt snow, utility locations where water, sewer and a new gas line would be relocated to the rear building and electric would be run underground and discussed access to the rear of the site with an existing alleyway width of 9 ft and additional 1 ft on the adjacent property would continue as existing and shared the turning radius plan to show how the parking will operate with sufficient back up distance noting that the applicant was not making the drive narrower. Mr. Ingram discussed that safety features could be added for pedestrians such as bollards, mirrors or greenery to keep people closer to the roadway and agreed to work with the Board planner to add more lights at lower intensity to reduce the areas where the lighting exceeded 1 footcandle at the property line noting that it would be difficult to meet the ordinance and provide safety lighting and discussed that there was not a lot of opportunity to add green space agreeing to add a tree if a spot could be found and agreed to add a bicycle rack if possible. Mr. Ingram discussed that no trash trucks would be coming onto the site and cans would be placed to not be visible with frequency of trash pickup to be as needed, agreed to provide snow removal detail with manufacturer of the commercial grade system and discussed that the site plan would make more of a green project with electric charging to be installed and solar panels to provide adequate power to the site and an electric radiant sidewalk system.

Mr. Clerico asked the rear yard setback dimension of the existing building which was less than a foot and asked how the applicant would accomplish the proposed setback to be 3 feet noting that if the building was being reconstructed setback relief may be required, asked where the roof leaders discharged; asked for documentation on the functionality and discussed the stormwater zoning ordinance which required less impervious surface or the need to add stormwater structures asking how this was being addressed or if relief was being requested; asked to show ADA compliance; asked how the right of way line was established and lot area as it may effect the zoning variances suggested that the right of way should be tied down and asked if the trench drains tie to the streets. Mr. Ingram responded.

Mr. Troutman discussed that a mirror was an excellent traffic device and asked that the plans be revised to indicate which pole it is located and that it will be maintained; asked if the applicant would agree to add pavement markings and asked what happens with maneuvering when the site was fully occupied. Mr. Ingram replied.

Ms. McManus asked how deliveries from UPS, Amazon, etc. to the rear building happen and asked if as a condition the applicant would agree to discourage delivery trucks entering the site; clarified the trash pickup and trash/recycling location would not be visible; and asked how the snow removal heated paver

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system worked. Mr. Ingram responded, Mr. Roth agreed to provide the manufacturing system specification and brochure for the snow removal system.

Ms. Giffen had concerns for the circulation and maneuvering of vehicles including with the location of a column and asked if turning exhibits could be provided for all parking spaces especially the vehicle closest to the building. Mr. Ingram agreed to provide.

Mr. Budney asked if there would be assigned parking spaces for residents; if there would be a restriction for size class of vehicles and if with assigned parking if electric vehicle charging would be accessible to all the residents; asked if there was any special loading or unloading time restrictions for moving or large deliveries and whose responsibility it would be to bring the trash cans to the front. Mr. Ingram and Mr. Roth responded there would be assigned parking; that most of his renters would not have large vehicles and if they did they would park offsite; applicant would work out delivery times with tenants; a private trash company would be responsible to pick up and return trash cans.

Mr. Cook asked if the snow melting system would be in the parking area, alleyway and sidewalk; asked if there were vehicles that could maneuver on the site; noted that there was no parking overnight on Main Street asking where these cars would park. Mr. Ingram and Mr. Roth responded that the sidewalk would have the snow melt system; that it was the tenant responsibility to find parking outside of the one designated adding that there would be no detriment to parking availability.

Mrs. Engelhardt asked how many times a week would trash be picked up for a 9 unit apartment building; asked that the existing sanitary sewer line and water lines be shown on the plans; asked if there was any consideration to have access through to the properties on Court Street; asked that the existing and proposed rear building be clearly marked on the plans; clarified that the snow melt system would be installed on the sidewalk in the back not in the front of the property; asked the location of the affordable housing unit; asked for a sectional detail of the snow melt system and utilities locations; asked that the applicant discourage large trucks entering the site with signs and clarified the location of the rotary Parkomatic and bilevel parking structure. Mr. Ingram and Mr. Roth responded the private trash company would pickup more than once a week if necessary; could not provide access to Court Street; agreed to revise the plans to show the sanitary sewer on the plans; deferred to the architect on the rear building; deferred to the planner on the affordable unit; agreed to consider signage for large trucks.

Mr. Hain asked that bollards or planters not be installed to direct people to the roadway to not limit the sidewalk area; asked if the melting water from the snow would cause a pedestrian slipping hazard; asked if there would be trash cans out overnight; asked if there would be any disturbance to the new streetscape sidewalk. Mr. Ingram responded that it was the responsibility of the owner to provide ice prevention and would take measures to make the front of the property clear; no cans out overnight; any disturbance to the sidewalk would be replaced in kind per the streetscape.

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Mr. Doshna asked how emergency vehicles would access the rear building and what would happen if there was a vehicle fire in the parking area. Mr. Ingram responded that there was access from a side street for emergency vehicles and deferred to the architect.

Brian Blake, 95 Main Street, Red Vanilla building, was on an older version of zoom and was promoted to panelist. Mr. Blake asked the approximate weight of the parking structure fully occupied; asked the offset from his adjacent building; discussed that he had a basement and asked the impact of being next to the parking structure and asked if the applicant had tested for the underground water table noting that he had sump pumps. Mr. Ingram responded deferring to the Parkmatic expert for weight; zero offset to the adjacent building which was allowed; deferred to the architect on the foundation; did not test for underground water table on the site.

Mr. Roth did not wish to start testimony on another witness given the hour.

Ms. Kaczynski announced that this application would be carried to the next meeting on April 27, 2021 at 7:00 pm to be held remotely and that no further notice of hearing would be provided.

10:15 pm Mr. Long returned.

10. Chair Items:

- Mr. Doshna discussed that the FPS Director Robin Lapidus would be sending each Board member an email to participate with the Stantech firm's draft report which would be rolled into the Master Plan report noting that the Board should make sure there was not a quorum; Financial Disclosure Statements should be filled out as soon as possible; Correspondence from the attorney for the Padovani application that they would not be appearing for the public hearing on April 27, 2021 and discussed scheduling the hearing for a meeting in May; discussed the scheduling for the Captiva application for completeness.

Mrs. Engelhardt had no additional items.

- Next meeting: April 27, 2021. Items on the agenda: Completeness: Captiva Main Street, LLC (Global Ag); Resolution: Flemington Center Urban Renewal (Union Hotel); Continuation of the public hearing for Lee B. Roth. Public hearing for Premier Outdoor Media.

11. Bills:

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

Ayes: Long, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

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12. Professional Reports: None

13. Executive Session: None additional needed.

14. Adjournment:

Motion to adjourn the meeting at 10:30 p.m. was made by: Budney, seconded by: Cook. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary