

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, APRIL 27, 2021 – 7:00 PM

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

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:

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:** One comment had been received on an agenda item which will be addressed at the time of the agenda item no other comments 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 adopted Ordinance 2021-09 to Amend Chapter 21 regarding stormwater management.

4. **HPC Comments:** HPC Chair, Don Eckel, appeared and discussed that 3 applications had been distributed to the Board and they were still looking for two alternates.

5. **Approval of minutes for the April 13, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Driver, Campion

Motion passed: 7-0-2

Mayor Driver, Mr. Cook, Mr. Hain, Ms. Giffen, Mr. Norton were recused from the next item and did not participate.

6. **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 had been distributed to the applicant and the Board professionals and stated that final edits on the record. Mr. Troutman discussed item 18 regarding a

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parking space for each apartment and 1 space per 100 spaces for the hotel units reserving 306 spaces. The applicant's attorney, Anthony Koester, appeared and responded that the language was acceptable as is.

Motion to adopt the resolution as amended was made by: Engelhardt, seconded by: Budney.

Mrs. Engelhardt discussed item 18 regarding the reserved space wordage of hotel rooms versus hotel use. The Board discussed. Ms. McManus suggested that the language be amended to up to a number of spaces for the hotel not to exceed 100 spaces for the hotel use in the structured parking area.

Mrs. Engelhardt and Mr. Budney agreed to the changes. Mr. Koester agreed with the inclusion of surface and structured parking.

Vote was called on the motion:

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

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

Mr. Koester asked that the notice of decision be published as soon as possible in the daily newspaper, The Courier News, at the applicant's expense.

7. Completeness: Application #2021-03-Captiva Main Street, LLC, Block 5 Lots 1 & 2, 35 N. Main Street

Ms. Kaczynski discussed that the application fees and full amount of the escrow fees were not submitted and that the application would be administrative incomplete and would have the Board discuss completeness items to give the applicant information on proceeding. Mr. Doshna stated that this site was the subject of a Redevelopment Plan which was adopted by the Borough Council and that the time for public comment on the size and scope of the plan and units was at the time Council adopted the Redevelopment Plan adding that the Board now has this Plan before it that governs the site and development where the Board adjudicates the site plan against the Plan noting that his home phone number was public and listed for anyone from the press who wanted to discuss the process and to please ask questions of the witnesses during the public hearing.

Attorney for the applicant, Sean McGowan, appeared and discussed the confusion on the fees and asked that the approximately \$25,000 escrow fee remain and not the additional \$24,000 at this time adding that the \$750 application fee had been mailed today.

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Mr. Clerico discussed his completeness report dated April 19, 2021, updated April 27, 2021 with additional document being submitted. Mr. Clerico grouped items that were submitted, temporary waivers that could be granted; partial waivers that could be granted and temporary waivers he recommended to be denied noting that the application would be incomplete until all fees were submitted. Items discussed include: Certification of payment of taxes had been submitted, signature block waiver requested; Borough boundary line with Raritan should be established to determine the acreage in the Borough recommend to not waive; owner certification was inconsistent – applicant to make this clear; applicant to provide updated tax payment status for the May 1 due; culvert replacement plans on how this will be relocated with a level of specificity to be provided; site photos to be provided; subdivision application withdrawn – plans to be revised; dedication along Hopewell Avenue with improvements to be provided to the Borough engineer; phasing notes to be provided on the plans; regulatory approval and permits to be noted on the plans; RSIS information to be provided; existing conditions within 200 feet of the property including flood hazard areas should be provided; easements on and off site waiver could be granted; features outside of property recommended waiver could be granted; soil conditions and stormwater where site qualified as a major development waiver not recommended; profile of utilities recommended temporary waiver; applicant not providing an EIS recommend Board discuss; road and pavement cross sections recommend that a waiver not be granted as the information may be needed by the Borough; solid waste management plan to be provided; sight triangle easement to be provided; schedule of signs to be provided; area of disturbance recommend temporary waiver could be granted. In summary Mr. Clerico recommended the following in his updated report:

- Accept Items #3, 11, 26, 27, & 40 as now being complete
- Grant Requested Temporary Waivers for Items #12, 30, 37, 38, 50 & 70
- Grant Requested Partial Waivers for Items #42 & 44
- Deny Requested Temporary Waivers for Items #19, 21, 28, 35, 36, 39, 49, 52 & 55
- Deem the noted Items #1, 2, 20, 22, 29, 32, 33, 46, 60, 62 & 69 to remain incomplete along with any of the Denied Temporary Waivers until & unless the noted information has been submitted.

Mr. McGowan asked for clarification on the escrow fees asking if the \$25,000 was okay for now or if the additional \$24,000 was required to be submitted. The applicant's engineer, Eric Hough, appeared and asked what level of detail was needed for the culvert relocation plan, Mr. Clerico would discuss with the Borough engineer and Mr. Campion noting that NJDEP was the higher authority approving the plans. The Board discussed.

Mrs. Engelhardt suggested that the wording of Checklist Item #21 be revised.

Ms. Kaczynski discussed that the escrow fees for preliminary and final site plan were calculated per ordinance. Mr. Clerico noted that the MLUL allowed for partial payment of escrow fees and was not

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sure if the Redevelopment Plan included. Mr. Cook clarified that the Board was not voting on the waivers of items at this time.

Motion to deem the application incomplete was made by: Cook, seconded by: Budney.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Mayor Driver and Mr. Long was recused from the next Use Variance application and did not participate. Mayor Driver did not return to the meeting.

8. 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

Attorney and applicant, Lee B. Roth, appeared and discussed the additional information prepared by the engineer to address the comments from the last meeting. The applicant engineer, Wayne Ingram, appeared still under oath, and provided new testimony using exhibits that were posted by the applicant on the Borough website, the files were not emailed to Ms. Parks for distribution to the Board. Mr. Ingram discussed a paver detail marked Exhibit A-4; a cut sheet for the Proline snow melt detail marked Exhibit A-5 and; a turning radius template marked Exhibit A-6.

Ms. Giffen questioned the turning template and clarified that a column had been removed from the previous plans. Mr. Clerico discussed the turning radius template and had no comments on the porous paver plan as there was not enough time to review. Ms. McManus asked if vehicles would be turning onto the adjacent property and discussed her concern of the possibility that the adjacent property could be developed and utilize the site up to the property line. Mr. Ingram discussed that the aisle width was 27 feet with the loss of the adjacent property which would still allow for the movement with additional step to park. Mr. Clerico asked what volume of storage the porous pavers system would store. Mr. Ingram estimated 5000 gallons of storage. Mr. Ingrams agree to provide additional turning template without the adjacent property.

Ms. Giffen noted that there were 15 exhibit files loaded by the applicant onto the website. Mr. Roth to provide to Ms. Parks the files for normal distribution. The Board discussed the turning template, the height of the deck, if drainage was directed out to Main Street, the extent of the radiant heat in the parking/driveway area, the extent of the new porous pavers, design and maintenance of the pavers, Mr. Ingram responded and agreed to provide a maintenance schedule. Mr. Clerico discussed the stormwater management and the need to provide soil testing. Mr. Ingram discussed that there was no

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proposed changes to the runoff locations adding that the runoff would be less than the existing condition.

9:24 pm the meeting recessed.

9:31 pm the meeting resumed.

The applicant's architect, Douglas Shotland, appeared and was sworn in for testimony. Mr. Shotland gave his credentials as a licensed professional architect and hearing no objections was accepted as same. Mr. Shotland discussed an Architectural Presentation marked Exhibit A-8 which was uploaded by the applicant onto the Borough website on Friday, April 23, 2021 and not submitted for distribution, noting that there were minor changes made per comments from the Board members. Mr. Shotland discussed that the site was unique in positive ways supporting green buildings by producing renewable energy, complementary infill development with the first zero energy apartments in Hunterdon County and second in New Jersey with 2 buildings on site, the front with 3 apartment, 1 office space and a raised deck for tenant use which would increase in height and a back building with 6 apartments with an increase in stories from two existing stories to a proposed third story and parking increasing to a total of 13 spaces on site with a parking deck and rotary car parking structure to be encase to look similar to the rear building where the height would be higher than the rear building and proposed 3 electric car charging stations. Mr. Shotland discussed the existing conditions and surrounding areas noting that the front building will look the same with some historic parts to be reconstructed and the rear addition to be removed with the building to be extended 5 feet with exterior siding and windows to be replaced with historic trim details to remain. Mr. Shotland discussed that the front building envelope was designed to meet zero energy standard with covered entrance at the back façade and the raised deck covered the parking colors to remain or to conform with historic palette. Mr. Shotland discussed the existing 2 story rear building was proposed to be rehabilitated to remove the roof and increased to 3 stories with a consistent offset of the back wall to be 3 feet from the property line to provide windows in the upper floor, proposed height would be increased from 24'-2" to 33'-6" for the apartments and 38'-6" for the rotary parking structure, apartment building to have solar panels on the roof not visible from below and discussed the building materials and colors.

Mr. Shotland discussed rendered views from the street, a site section of the view from the street and discussed the context scale proportion and proposed fenestration to fit in with the surrounding building and architectural design and discussed the sustainability measures and use of green buildings as referenced in the Master Plan with renewable energy generated on site with solar panels where no natural gas, propane or oil would be used and the amount of energy generated would equal the amount consumed with an integrated back up battery and an air tight super insulated building reducing the energy need for heating and cooling by 80-90% adding that meticulous construction was necessary to achieve the results with well developed proven technology which was expensive where to make the project viable required 9 units with 1 moderate income unit to be included. Mr. Shotland summarized.

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Ms. Kaczynski marked the entire Architectural Presentation as Exhibit A-8 included 44 pages which were all new and prepared by Mr. Shotland's office.

Ms. McManus discussed the use of the front building where the office space was getting smaller and asked if it would remain viable for an active permitted use for at least a retail use and asked what types of uses would fit in this space. Mr. Roth and Mr. Shotland responded.

Mr. Clerico asked the ability to move the rear wall of the rear building from 6" to 2'-6" to a consistent 3 feet and asked if any runoff from would be from the adjacent building. Mr. Roth responded that the building to the south did not runoff onto the site.

Ms. Kaczynski asked if runoff statement was based on a visual or calculations and asked how the viability of the project was calculated and if the building was net zero energy or hoped to be. Mr. Shotland discussed.

Ms. Giffen asked if an existing wall would be incorporated into the plan with the 3 foot offset. Mr. Shotland discussed that the existing walls would be modified to be leak proof and new walls constructed with new means of egress adding that the building would be sprinkled including the parking structure.

Mrs. Engelhardt discussed that there were no existing building conditions on the building plans to show what was existing versus what was proposed adding that restrooms should be included and asked what the depth was of the structure holding up the wood deck; asked the height of parapet; asked for details on the net zero program and how it worked for funding from the Department of Energy. Mr. Shotland responded. Mrs. Engelhardt asked that the garbage cans for the rear building be screened. Mr. Shotland agreed. Mrs. Engelhardt asked if the applicant considered demolishing the rear building to provide 2 accesses to the site. Mr. Shotland discussed that the property was County owned where direct access to a public was would need an easement.

Mr. Cook asked about snow removal for the wood deck and the flat roof. Mr. Shotland responded.

Mr. Doshna discussed that all cladding was being removed from the building and asked what would remain and was concerned about removing wood clapboard siding and replacing with a synthetic hardie board product. Mr. Shotland discussed that the exterior details would be retained and that the existing clapboard was getting daylight through the existing siding. Mr. Doshna asked what uses would be viable on the ground level which was deferred to the planner and asked how about the affordable housing calculation where the requirement would be 2 units at the 15% required not the one unit proposed. Mr. Roth discussed the use of the front space and agreed if demand for retail space came back he would agree to relinquish the entire first floor if it could be done without coming back to the Board if market demands. Mr. Doshna asked the location of the access for the rear building to the front building and clarified that all tenants would access to the deck and the deck was not accessible to someone that need

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an elevator. Mr. Shotland discussed that an elevator was not required by code and discussed the issuance of certification for passive house building if it met the standards by a firm in Ireland noting that there was a battery backup for the parking structures during a power failure and emergency power storage.

Mrs. Engelhardt voices concern for the front office space where the Master Plan discouraged first floor offices and asked the Board would see certification of the passive house from the firm. Mr. Shotland agreed to provide an example.

Mr. Hain asked if grills would be allowed on the deck and who would have access to the electric charging stations. Mr. Shotland responded that no grills would be allowed.

Mr. Budney discussed the line of sight from the street view where the parking structure enclosure would be seen and asked if the HPC was reviewing the application. Mr. Shotland had not heard from the HPC.

Brian Blake, 95 Main Street, Red Vanilla, asked the drainage for the 4 structures and access onto his property from the deck and asked if the applicant could increase the railing noting that he did not see any green on the property.

Ms. McManus asked what type of structure the enclosed parking building was – accessory or principal and if they were attached. Mr. Shotland responded that the rotary parking was accessory and an independent structure that could support itself. Ms. McManus asked if accessory additional variance relief would be required from the 15 foot sideyard setback, height requirement and distance between buildings noting that this was information more for the planner. Mr. Roth discussed that the Board can make the decision if they want to call the parking an accessory use or he can attach to the rear building. Ms. Kaczynski clarified that the parking structure had no access to the rear building and was an independent structure.

Ms. Kaczynski announced that this application would be carried to the next meeting on May 11, 2021 at 7:00 pm to be held remotely and that no further notice of hearing would be provided.

9. Public Hearing: Application #2020-01 Premier Outdoor Media – Block 49 Lot 2

Mr. Doshna discussed there was an issue with the notice of hearing and that the applicant would provide new notice.

11:25 pm Mr. Long returned.

10. Chair Items:

- Mr. Doshna discussed that the County was hosting a FEMA flood mapping presentation and that it would be a good idea to hear what they have to say as the information may have an impact on applications.

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Mrs. Engelhardt discussed that the summary on the Opportunity Zone from Stantech would be coming out soon.

Mr. Doshna asked the Board to look at their travel scheduled for the summer and to notify if they will miss a meeting.

- Next meetings: May 11, 2021. Items on the agenda: Continuation of the public hearing for Lee B. Roth. May 25, 2021: Public hearing for Premier Outdoor Media and potentially Padovani and completeness for Captiva Main Street.

11. Bills:

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

Mr. Hill discussed that he had received an exemption from the mandatory NJ Planning Officials course as he was an instructor.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

12. Professional Reports: None

13. Executive Session: None additional needed.

14. Adjournment:

Motion to adjourn the meeting at 11:45 p.m. was made by: Cook, seconded by: Budney. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary