

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
38 PARK AVENUE, FLEMINGTON, NJ 08822  
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM  
TUESDAY, MAY 11, 2021 – 7:00 PM

MINUTES

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

**Roll Call:**

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

**Excused:** Mayor Driver, Mr. Levitt

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:** None

4. **HPC Comments:** None

5. **Approval of minutes for the April 27, 2021 regular meeting.**

Motion to approve the minutes was made by: Hain, seconded by: Cook  
Ayes: Long, Campion, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

Mr. Long was recused from the next use variance item and did not participate.

6. **Extension:** 70 Church Spice Factory, LLC - Block 39, Lot 3

Ms. Kaczynski discussed legislation due to COVID that extended land use approvals similar to the permit extension act which expires at the end of the emergency to no longer than 6 months after the emergency was over.

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Attorney for the applicant, Gene O'Connell, appeared and discussed that the applicant had been devastated by COVID and was seeking the extension granted by the State.

The Board discussed that the approvals in the resolution for the application would expire on December 10, 2021 where the applicant could then file for an extension per the MLUL adding that the resolution stated that the applicant was required to obtain construction permits within 2 years of the December 10, 2019 adoption of the resolution.

Motion to grant the extend the approvals of the application to the later of December 10, 2021 or 6 months after the COVID emergency has been lifted was made by: Campion, seconded by: Hain.

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

Nays: (None)

Abstain: Campion

Motion passed: 8-0-1

Ms. Kaczynski would prepare a resolution for the next meeting.

**7. Escrow Return:** Flemington Realty Associates, LLC – Block 39 Lot 8

Ms. Parks discussed that approvals from the Board professionals had been obtained to return the remaining escrow for the application. The Board discussed.

Motion to recommend the return of escrow funds was made by: Engelhardt, seconded by: Budney.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

As Mr. Long was recused from the next item, Mr. Doshna discussed the next meeting agenda items which included the public hearing for the Premier Outdoor Media, LLC application which was a use variance.

7:22 pm Mr. Long was recused from the next Use Variance application and did not return to the meeting.

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**8. Public Hearing: Application #2020-03 - Lee B. Roth - Block 21, Lot 25 – 91 Main Street**  
Continued from February 23, March 9 & 23, April 13 & 27, 2021

Attorney and applicant, Lee B. Roth, appeared and discussed the next testimony to be provided.

The applicant's certified parking professional and green business professional from Parkmatic, Santiago Rios, and Parkmatic engineer, Jeffrey Allen Roberts, appeared and were sworn in for testimony. Mr. Rios gave his credentials as a certified parking and green business professional, after some discussion and questions was accepted as same.

Mr. Rios discussed the space and cost saving issues to solve the growing parking problems and their affects on neighborhood and how the Parkmatic eight (8) car unit carousel structure worked. Mr. Rios discussed the dimensions the unit would hold 8 SUV sized vehicles where the lower platform would always be empty and ready to park a vehicle; the ambient noise levels and the operation of the fully automated parking structure with a video where residents could independently park and retrieve their own vehicles noting that the system would inside of the building which would keep the structure protected from the weather and would operate better. Mr. Rios did not recall any safety issues with the exception of a software glitch that was corrected remotely for a car display unit and discussed that the structure provided a reduction in emissions with vehicles not circling the block to find a space.

Mr. Roberts gave his credentials as an engineer licensed in California specializing in the safety of structures and lateral forces, after some discussion and questions was accepted as a professional engineer regarding the safety of the foundation of the carousel parking structure. Mr. Roberts referred to the footings plan labeled SK-1 which was marked as Exhibit A-9 dated April 26, 2021 and discussed the concerns of the adjacent owner at 95 Main Street for the increased load onto his existing structure where the foundation system would be deepened to not provide any additional load to the adjacent structure with no vertical or lateral being added to neighboring basement, soil testing would be done and a higher strength concrete would be used if there was a high water table found noting that this was a way address the concern and was engineered this way around the world.

Mr. Rios clarified Mr. Clerico's questions that the unit would accommodate 8 vehicles fully occupied; the size of the vehicles that could be parked; the size of the door opening and if that were no restrictions for vehicle door opening and exiting of vehicles. Mr. Rios explained that the unit comes almost assembled where the carousel parking unit would be built and the applicant would construct a building around it. Mr. Clerico discussed his concern for the depth of the building built on the property line and asked the wall depth and width moving into the parking area. The applicant's architect and engineer to clarify. Mr. Clerico asked the maintenance required for the structure. Mr. Rios responded that maintenance

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was done every 2 months to survey the equipment, look at the tolerances and lubricate the chain to the motor and discussed the minimum clearance for maintenance.

Mr. Troutman asked the measurements mirror to mirror and if this fit inside the 6'11" opening. Mr. Rios responded yes.

The applicant was to provide better information for the dimensions on the site plan and architectural plans.

Mr. Budney asked who installed the parking structure, Rios responded Parkmatic would install the unit; if there was a backup system for power failure, Rios responded that there was a mechanical measure to access the vehicles and Roth responded that there would be battery backup; asked the noise levels and if parking a 2 or 3 am would disturb residents, Rios responded no; asked if there would be vibrations from the parking unit from the concrete foundation pilings to adjacent buildings and how the pilings would be installed, Mr. Roberts responded that it depended on the type of soils and that the footings could be cantilevered away from the property line. Mr. Budney referred to the Fire Marshal report marked as Exhibit PB-1 and concern for accessing the parking structure, Mr. Rios responded that a sprinkler system would be installed.

Ms. McManus clarified that the structure was not appropriate for motorcycles or scooters.

Mrs. Engelhardt discussed the enclosure of the carousel parking where the dimensions on the plans do not include the outside enclosure and clarified the minimum clearances to the right and left of vehicles, applicant's architect and engineer to revise plans to correct the dimensions. Mrs. Engelhardt asked how the parking carousel applied as a green structure; if the parking carousel was a detached accessory structure or integrated with the rear apartment building noting that this issue would affect the application and variances necessary. Mr. Roth responded that the parking unit was integrated.

Ms. Giffen asked to see more information on the outside dimensions of the building and asked the protocols during a emergencies the possibility for any persons left in the vehicles, Mr. Rios responded that property managers were trained in case of power failures with manual retrievals of vehicles, that the system had sensors for movement, a weight trigger for anyone remaining in the vehicles and a checklist at the kiosk for the residents before activating the machine.

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Ms. Weitzman asked if there would be a gate or garage door to the structure and if any areas would be open to the public and discussed her concern for the safety of toddlers. Mr. Rios responded and would check with the architect on the garage door.

Mr. Cook discussed the training to bring down a car manually and maintenance and asked if there were tech systems in the tri-state area. Mr. Rios responded.

Ms. Giffen asked the oldest structure and what the design life was. Mr. Rios responded that there was a system still in operation in Texas installed in the 1970's adding that the parking decks were status quo in Asian counties where parking was limited.

Mr. Doshna asked where the carousel would be assembled and how it would be installed in the tight space available on the site and what the timeline was for assembly and if there would be any disruption on Main Street. Mr. Rios explained that the parking carousel would be assembled elsewhere and lifted into place where if a crane was not possible could be assembled by hand in 7 days with offloading in one day to not disturb Main Street.

Brian Blake, 95 Main Street, asked the vibration and weight of the parking structure fully loaded; the height with the enclosure noting that the existing building next door was 21 feet high where the proposed structure would be 15 feet taller. Mr. Blake asked if you can remote start a vehicle inside the structure and if there was ventilation. Mr. Roberts approximated the empty structure at 34,000 lbs and 64,00 lbs fully loaded with SUV's, height of 36'-10" for the parking and approximately 38 feet with the enclosure, ventilation would be required by code and deferred to the architect for location. Mr. Blake asked if any vibration or noise would be felt or heard in his building. Mr. Roberts noted that the operation was smooth. Mr. Blake asked if the parking structure was integrated with the rear building. Mr. Roth clarified that the parking was integrated.

9:17 pm the meeting recessed.

9:23 pm the meeting resumed.

The applicant's planner, Tom Stearns, appeared still under oath, Mr. Stearns gave his credentials as a licensed professional planner and hearing no objections was accepted as same. Mr. Stearns discussed his planner's report in support of the variance relief of 'd' and 'c' variances noting that he had reviewed all the prior testimony. Mr. Stearns listed the three 'd' variances requested including allowing residential use on the first floor; existing office use on the first floor to remain; allowing the parking carousel use which was integrated with the rear apartment structure and allowing the double car

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stacking parking structure in one space and discussed the special reasons and necessary proofs to grant the variances where the use was particularly suited to this site with no substantial detriment to the public good or the zoning plan. Mr. Stearns identified special reasons 'E', 'G', 'I', 'J', 'L', 'M' and 'N' in support of granting the variances noting that the use was particularly suited to the site of the primary location downtown which was ideal for parking structures and promoted the general welfare. Mr. Stearns listed the permitted uses on the first floor citing the smaller uses would fit into current 435 sf office space. Mr. Stearns discussed the negative criteria where he saw no substantial detriment to the public good adding that rental apartments were better than vacant space and that there were no negatives to the neighbors noting that the parking structure had no detriment visually with no noise. Mr. Stearns discussed the elements of the proposed site that met the recommendations in the Master Plan including green features, mixed use, in-fill, meeting housing demand. Mr. Stearns discussed the floor area ratio (FAR) of 0.83 where other properties in the area had higher FAR and that the proposed application met the requirement to grant the variances with no expenditure of municipal funds noting that recent applications were granted variance for larger development.

Mr. Stearns discussed the bulk variances requested and provided testimony to grant the accessory use height variance of 36'-10 where 18' was permitted; proposed 9 parking spaces where 13 was required; impervious coverage of 97% where 75% was permitted noting that there was a slight increase, existing non-conforming front yard setback of 8.25 ft, existing front yard depth; proposed rear yard setback of 3 feet which improved the pre-existing non-conformity; side yard setback of 0 ft where 15 feet was required was eliminated since the parking structure was integrated with the rear building; proposed solar array height where they would not be visible under the proposed parapet. Mr. Stearns reiterated the positive and negative criteria for the bulk variances.

Mr. Doshna announced that this application would be carried to the next meeting on May 25, 2021 at 7:00 pm to be held remotely and that no further notice of hearing would be provided.

**9. Chair Items:** None.

- Next meetings: May 25, 2021. Items on the agenda: Continuation of the public hearing for Lee B. Roth and Public hearing for Premier Outdoor Media.

**10. Bills:**

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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**11. Professional Reports:** None

**12. Executive Session:** Not needed.

**13. Adjournment:**

Motion to adjourn the meeting at 10:51 p.m. was made by: Engelhardt, seconded by: Budney. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary