

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

MINUTES

The meeting was called to order at 7:03 PM by Mr. Doshna.

**Roll Call:**

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

**Excused:** Mayor Driver, Mrs. Engelhardt, Mr. Campion, Ms. Giffen

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 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 passed the parking ordinance amendment and cannabis ordinance noting that Council had a work session discussing reducing the speed limit in town and that Council had requested quotes regarding brown fields to gauge interest from professionals in the area.

4. **HPC Comments:** None

5. **Approval of minutes for the June 22, 2021 regular meeting.**

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

Ayes: Hain, Cook, Budney, Doshna, Norton, Levitt, Weitzman

Nays: (None)

Abstain: Long, Hill

Motion passed: 7-0-2

6. **Resolution: Application #2020-03 - Lee B. Roth - Block 21, Lot 25 – 91 Main Street**

Ms. Kaczynski would prepare the resolution for the next meeting. Ms. Parks discussed the escrow deficit.

7:13 pm Mr. Long was recused from the next application for a use variance, left the meeting and did not return.

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

Continued from May 25 & June 22, 2021

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The attorney for the applicant, Jeffrey Hall, appeared having difficulties with his audio.

7:20 pm Mr. Doshna discussed the chair items including the details for in person meetings which would be a hybrid in person and zoom capabilities for public to view the Board, applicant's and exhibits to be returning on July 27, 2021 pending on delivery of some items to Borough Hall. Ms. Kaczynski to work on electronic submission documents.

7:25 pm Mr. Hall resolved his audio and discussed the application to install an LED digital billboard in the former Flemington Fur sign on Route 202 which was a key directional sign where the proposed billboard would be particularly suited to the location and the cost of advertising would be lower than the existing static billboard with all modern materials to be used and would stand higher by 11.5 feet which was below the maximum height permitted for principal structures in the PC overlay district noting that the increase in height was a safety feature to discourage vandalism and people climbing on the sign. Mr. Hall noted that the application would require d1 and/or d2 variance relief and minor site plan approval and discussed the proposed bulk standards including setbacks and accessory structure height where the ordinance did not have setback requirements for billboards specifically as they were not permitted and discussed lot area, lot width, lot depth which were pre-existing conditions.

The following witnesses appeared and were sworn in for testimony along with the Board professionals:

Robert Benjamin  
Jack Cust  
Dominick Vastino  
Tiago Duarte, PE  
Justin Taylor, PE – traffic & safety  
John McDonough, PP

The following Exhibits were entered into the record:

Exhibit P-1 – Planning review prepared by Ms. McManus, dated April 22, 2021  
Exhibit P-2 – Traffic Engineering review prepared by Mr. Troutman, dated April 26, 2021  
Exhibit A-1 – Application and all supporting documents submitted  
Exhibit A-2 – Notice of public hearing

Robert Benjamin, 4 Tuccamirgan Road, Flemington, discussed the history of the billboard and Flemington Furs, noting that he had no personal interest or business relationship with Mr. Cust at this time, noting that Flemington Furs opened to the public in the late 1950's when they leased the billboard space and the billboard was property was purchased in March 1946 and he continue to maintain and comply with all regulations over the years. The property was sold along with the permits to an LLC controlled by Jack Cust and Flemington Furs relocated to the Shoppes at Flemington adding that the old Flemington Furs building was sold to Cust in 2017 as well.

Ms. McManus asked if Flemington Furs used any other types of advertising. Mr. Benjamin replied that they did all kinds of advertising to get people into the town.

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Mr. Clerico noted that there was a large stockpile of soil located on the survey which covers a public sewer line and asked the history of this stockpile. Mr. Benjamin did not have an answer.

Mr. Budney asked the age of the current structure. Mr. Benjamin estimated 20 years.

Jack Cust appeared and discussed his history with Flemington and Hunterdon County as a CPA and developer with Healthquest, Diamond Nation and developing the Courthouse Square project and the Enclave in Raritan. Mr. Cust discussed the history of the transactions and the long standing relationship with Flemington Furs and that Flemington Circle Media, LLC acquired the billboard property which was very important for the Courthouse Square and Flemington businesses and intended to maintain the site as a billboard for advertising for businesses in the area noting that the digital permit had been acquired from the State and noted he partnered with Premier Outdoor Media who had more expertise in the space. The billboard was continuing currently as a static billboard. Mr. Cust discussed that it was imperative to draw visitors to downtown Flemington to come back.

Ms. McManus asked what percent of advertising would be for Flemington. Mr. Cust had no specific allocation at this time.

Mr. Clerico asked about the existing stockpile material on the property. Mr. Cust did not have an answer.

Lawrence P. Cohen, Counsel representing Flemington Outdoor, LLC appeared. Ms. Kaczynski asked for a list of the owners of the LLC. Mr. Cohen was unsure if there would witnesses that he will present.

Mr. Cohen asked if the lease or licensing agreement with Premier Outdoor Media was conditioned upon gaining approval of the use variance from the Board. Mr. Cust replied that it was not relevant. Mr. Cohen asked if the billboard was part of package with the Flemington Furs building. Mr. Cust replied that they were separate. Mr. Cohen asked if the purpose was for promoting the local community or was the purposed to create a more profitable advertising. Mr. Cust replied that the sign was not limited to local businesses, that it was free marketing. Mr. Cohen asked how this would help Flemington businesses. Mr. Cohen asked if the licensing agreement was contingent upon an approval from the Board. Mr. Hall discussed that the questions was not relevant to the deliberation of the Board on the proofs for a d1 or d2 variance and criteria. Mr. Cohen discussed.

Dominick Vastino, Premier Outdoor Media, LLC, appeared and discussed his background in Hunterdon County and Flemington and the business which operated 300 billboard on the East Coast with 150 local regional businesses in New Jersey noting that the company had a ground lease with the property owner to operate and maintain the sign.

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Planning Exhibits were entered:

Exhibit A-3 – 8 pages, prepared by John McDonough

Exhibit A-4 – 'Existing Billboard Traffic travelling Northbound' submitted with the application

Exhibit A-5 – 'Existing Billboard Traffic travelling Southbound' submitted with the application

Mr. Vastino shared Exhibit A-3 referring to page 7 – aerial of the billboard with northbound traffic in a commercial zone which was a prime location for a billboard and page 8 – aerial of the billboard with southbound traffic. Mr. Vastino discussed why the location was particularly suited including its existence since 1946, directional route on a major highway, reviewed by NJDOT under their regulations; and was currently operating noting that the permit approval for this site superseded the project across the street.

Exhibit A-6 – NJDOT permit report dated 01-28-21

Exhibit A-7 – NJDOT permit report dated 06-23-21 - where DOT changed the format.

Mr. Vastino discussed that the permit approval for the site was listed as 700253 approved up to 2000 square feet where the permit approvals across the street were listed as 700302 which were approved later. Mr. Vastino discussed the proposed multi message sign with 672 square feet on each sign face 29 feet high on a single steel mono-pole adding that raising the sign from the existing 17.5 feet to 29 feet high would prevent people from jumping up to grab the sign.

Exhibit A-8 – photo simulation northbound with digital billboard with a 14 foot high face

Exhibit A-9 - photo simulation southbound with digital billboard with a 14 foot high face

Mr. Vastino discussed that a tree would need to be removed between the sign faces or risk structural damage and that the applicant had prepared a landscaping plan to be submitted to mitigate the effects of the tree removal if the Board decided. Mr. Vastino discussed the operation of the messages on a 64 second loop which was approved by the NJDOT with generally 8 second pots with no waves or animation adding that the sign was monitored by a camera and reduced the cost of advertising and agreed to allow the space for local events and emergencies as space was available noting that FEMA and AMBER etc. alerts were regulated.

Mr. Troutman asked that the DOT permitted be provided. Mr. Vastino agreed.

Ms. McManus asked if there was a percentage of time available to the municipality and if there was any prohibition of having nationwide chains from buying up all the advertising, discussed the height of the sign and asked if landscaping would be provided if needed. Mr. Vastino replied and agreed to provide landscaping if the Board requested.

Ms. Kaczynski asked to provide the date of the google photos in the exhibits. Mr. Vastino agreed.

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Mr. Budney asked where the ads were generated and controlled from; what kind of security there was from hacking attempts; what would happen if the internet went down; the timing of images; the illumination of images; if a light study was done; and clarified that there would be no fade or swipes between images or videos on the billboard. Mr. Vastino replied the board was controlled from the office in Mt. Laurel; software protocols were in place to prevent hacking; the image would go black with a lack of power; the last image would remain with no internet; the system was not capable of video imaging.

Mr. Cook asked if space would always be available to the municipality. Mr. Vastino replied that the sign was generally 85% occupied and agreed to an 8 second spot for Flemington per month.

Mr. Levitt asked if the LED could be repaired. Mr. Vastino replied that each can be repaired individually.

Ms. McManus asked if there were community sign guidelines if lewd or pornographic content would be banned. Mr. Budney asked if there would be any political signage. Mr. Vastino replied that the company did not have lewd content and most signage was commercial.

Robin Lapidus, executive director of the FCP, asked if there was any policy to give space to non-profits. Mr. Vastino replied yes if there was space available.

Mr. Cohen asked when Premier entered an agreement to advertise on the sign. Mr. Vastino replied the company has had the ground lease since 2019 and has been providing static signs since then and would like to continue operating the sign even without Board approval for the digital sign. Mr. Cohen asked if there was any agreement for compensation with a Board approval. Mr. Hall objected noting that a matter of finance was beyond what the Board was to consider. Mr. Cohen asked if the digital billboard was more profitable than a static board. Mr. Vastino replied yes. Mr. Cohen asked about the height and 20 foot ground clearance and asked if the height effected the cost to advertise; asked what the protocol was to make public announcement and asked if the billboard across the street would need to comply with the same protocols. Mr. Vastino responded. Mr. Cohen discussed that no landscaping was proposed but a landscaping plan was prepared and asked if additional landscaping was not necessary to aesthetically improve the site. Mr. Vastino replied that the site was good as it was but if the Board decided on additional landscaping the applicant would agree to submit the landscaping plan for review.

9:38 pm the meeting recessed.

9:48 pm the meeting resumed.

Mr. Hall requested that the Board continue the hearing as he was not prepared for the objector and clarified that the applicant would agree to dedicate a certain amount of time to the Borough and would need time to come up with a number. Mr. Hall discussed fencing around the billboard would obscure any landscaping and would submit the landscaping plan for review. Mr. Hall discussed that there would

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be no lighting spillage with the new sign noting that there would be additional testimony from Mr. Vastino who would be present at the next meeting.

Mr. Doshna announced that the public hearing on this matter would be continued to the July 27, 2021 meeting which most likely would be in person at Borough Hall, 38 Park Avenue, Flemington, NJ 08822 which would also have a zoom option for remote participation adding that if all the technology was not in place in time the meeting would definitely be held via the zoom platform regardless and that no further notice of the hearing would be required or would be provided.

**8. Chair Items:**

- Mr. Doshna discussed the transition to return to in person meetings and requested that all Board members and professional to attend in person. Mr. Cook would not be able to attend the July 27, 2021 meeting.

Mrs. Engelhardt would not be attending the July 13, 2021 meeting.

- Next meeting: July 27, 2021. Agenda items included: continuation of the public hearing for Premier Outdoor Media, LLC; Mr. Clerico to review the new document submission from Captiva Main Street which will need to be scheduled for a completeness determination.

**9. Bills:**

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

Ayes: Cook, Budney, Hain, Doshna, Hill, Norton, Levitt, Weitzman

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

**10. Professional Reports:** None

**11. Executive Session:** Not needed.

**12. Adjournment:**

Motion to adjourn the meeting at 10:13 p.m. was made by: Cook, seconded by: Hill. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary