

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, OCTOBER 26, 2021 – 7:00 PM

MINUTES

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

Roll Call:

Present: Mayor Driver, Mr. Doshna, Mrs. Engelhardt, Mr. Budney, Mr. Hain, Mr. Long, Mr. Cook, Mr. Campion, Ms. Giffen, Mr. Hill, Mr. Levitt, Ms. Weitzman, Attorney Kaczynski, Engineer Clerico

Excused: Mr. Norton, Traffic Engineer Troutman, Planner McManus

1. **Public Comments:** None.
2. **Mayor Comments:** Mayor Driver discussed that the new owners of 144 Main Street were moving along to improve the site; Jerry Harris from CME was appointed as the new Borough engineer where Mr. Martucci was no longer the engineer for the Borough and that a subcommittee which included Mr. Budney was working on the Redevelopment Plan for Liberty Village
3. **Council Comments:** Mr. Long discussed that Council voted to table the review of Ordinance 2021-24 amending the code for HPC to allow time for the HPC to work with the Planning Board.
4. **HPC Comments:** None.
5. **Approval of minutes for the October 5, 2021 regular meeting.**

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

Mr. Cook discussed revisions to the minutes.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

6. Completeness: Lee Roth – 91 Main Street, Block 21 Lot 25

Ms. Kaczynski clarified that there were no 'd' variances required for this application and that the Class I and Class III members would be participating.

The applicant, Lee Roth, appeared and discussed the changes made from the prior application which no longer required 'd' variances with no residential on the first floor, no parking structure or carousel, reduced the number of apartment units from 9 to 6 and where he would occupy the entire first floor of the front building. The applicant's engineer, Wayne Ingram, also appeared as a panelist he had prepared and submitted the site plan waiver checklist.

Mr. Clerico discussed the completeness report he prepared dated October 12, 2021 and updated October 26, 2021 with the submission of the checklist waiver request and discussed his recommendations to grant permanent waivers, waivers for completeness purposes only and checklist item waivers recommended to be denied and to deem the application incomplete. Mr. Clerico deferred item #20 regarding the consent of the adjacent owner to Ms. Kaczynski who recommended a written

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consent be submitted similar to the prior application. Mr. Roth noted that the owner was difficult to reach being overseas. Mr. Clerico recommended item 36 regarding the onsite seasonal high ground water be denied. Mr. Ingram noted that there were no structural changes being proposed and the waiver was granted for the prior application. Mr. Clerico discussed that there was a requirement to provide stormwater management where the site exceeding the maximum allowable impervious coverage. Mr. Clerico recommended granting permanent waivers for items: 37 to 41, 44, 45, 55 & 65 and deny waivers for items: 3, 27, 28, 46-49 & 60 and deem the application incomplete. The Board discussed. Items that can be satisfied by providing a narrative were: 36, 46-49 & 60

Mr. Ingram questioned the title search for the right of way. Mr. Clerico discussed that some source of documentation would be needed to tie the right of way down and establish if there were any easement rights, restrictions or covenants on the property. Mr. Roth discussed.

Mr. Cook asked if the adjacent owner consent was a legal requirement. Ms. Kaczynski discussed that it was a legal requirement which was provided for the prior application and would be a bigger concern if it cannot be obtained.

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

Mr. Roth requested that Board deem the application complete with items to be provided prior to the public hearing to not delay. Mr. Doshna noted that the checklist had not changed and the applicant knew which items were to be provided. Mr. Roth opined that there was no reason to not grant the waivers since the prior application made those items clear. Ms. Kaczynski discussed that the application should stand on its own and not make reference or compare it to the prior application. The Board discussed, concluding that the applicant should have addressed the checklist items and provided the materials needed.

Vote on the motion to deem incomplete:

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

Nays: (None)

Abstain: Campion

Motion passed: 8-0-1

7. Chair Items:

Next meetings: November 9, 2021. Lee Roth – possible completeness determination if items submitted as discussed. Public hearing for the Padovani application. Executive session to discussed Professional contracts. Captiva Main Street LLC – completeness determination, Ms. Kaczynski to reach out to applicant's attorney on how they are going to address the Fire Marshal comments, Mr. Clerico to prepare a completeness report for the November 9, 2021 meeting.

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Ms. Giffen asked the role of a Board member hearing the term that the Board should be business friendly where she was here to represent the residents of the town and asked for clarification.

Mr. Doshna discussed that he and the Board were bound by a code of ethics with a responsibility to the public interest and applicants as well as the long term assets of the town, to protect the process and make sure that that the Board communicates as clearly as possible, respecting neighbors and treating people fairly while meeting the long term needs of the Master Plan simultaneously. That the Board was bound by the MLUL, ethics and ordinances and was not anti-business or anti-growth where the Board has helped projects move forward within the bounds of what it was allowed to do. Mrs. Engelhardt noted that each member was appointed by the various mayors who were chosen for qualities that they brought to the Board representing lots of different interests in the Borough. Mr. Cook noted that they were not here to be business or resident unfriendly. The Board discussed.

8. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

9. Professional Reports: None

10. Executive Session:

11. Adjournment:

8:16 pm. Motion to adjourn was made by: Budney, seconded by: Driver. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary