

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
38 PARK AVENUE, FLEMINGTON, NJ 08822  
HELD IN PERSON AND VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM  
TUESDAY, NOVEMBER 23, 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, Ms. Giffen, Mr. Norton, Mr. Levitt, Ms. Weitzman, Attorney Kaczynski, Engineer Clerico, Planner McManus

**Excused:** Mr. Campion, Mr. Hill, Traffic Engineer Troutman

Mr. Doshna announced that the public hearing for the Lee Roth, 91 Main Street application was continued without further notice to the December 7, 2021 meeting.

1. **Public Comments:** None.

2. **Mayor Comments:** Mayor Driver discussed the apartment fire last night leaving 12 units uninhabitable where the Borough was trying to relocate residents adding that donations were being accepted from United Way and Family Harvest Successor.

3. **Council Comments:** None.

4. **HPC Comments:** 2 resolutions had been distributed to the Board

5. **Approval of minutes for the November 9, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Giffen

Motion passed: 8-0-1

**6. Consistency Review: Liberty Village Redevelopment Plan**

Mr. Doshna discussed that the Liberty Village Redevelopment Plan was introduced by Council by Ordinance 2021-28 last night and referred the Plan to the Board to determine consistency with the Master Plan and provide any comments to Council.

Ms. McManus discussed the plan for the 23 acre area which included 10 lots in the western part of town which was designated as an Area In Need of Redevelopment earlier this fall, the next step in the process was the Redevelopment Plan. Ms. McManus discussed that plan objectives including economic development in the Borough based on regional market forces by the use of residential development built within convenient walking or cycling distance to retail/commercial areas and to create diverse housing opportunities and enhance the area with a cohesive plan integrated into the Borough and be sustainable and flood resistant. Ms. McManus discussed that there would be no access to Broad Street. Ms. McManus noted that a general provision critical in the plan requires only the designated developer

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as set by Council can seek Planning Board approval and required the site plan to incorporate the entire study area and that no use or 'd' variances could be granted. Permitted land uses included: townhouses, stacked townhouses, plus some municipal use provided and a requirement for affordable housing at 15-20% with 20 units per acre density and also permits recreation spaces and requires stormwater management. Conditional uses include commercial uses along some streets with zoning requirements similar to the DB district. Site and building design requirements including planted buffers surrounding residential uses to limit impact and require a grid style pattern of circulation with garages and parking screened, architectural standards would be included with red brick encouraged. Streetscape standards extended from downtown. Creating a new residential area in the Borough compatible with others and to bring a stagnant area back to viability.

Ms. McManus discussed the consistency with the 2015 Reexamination and 2010 Master Plan and listed the goals and objectives relevant to the Plan including integration, opportunities for appropriately scaled residential areas, economic development, vibrant downtown, enhance existing commercial area. Ms. McManus concluded that the Redevelopment Plan was in line with the Reexamination and Master Plan either non-inconsistent or substantially consistent.

Mr. Cook liked the goal to integrate the grid circulation pattern to the east and northwest and questioned prohibiting access to Grant and Brown Street making the area landlocked with no new connections to be made. Ms. McManus discussed. Mr. Cook asked if the municipal use was a reference to the bus depot to Manhattan which was integral for the town to survive noting that transit was allowed but not required. Ms. McManus agreed that there was no requirement for transit parking and discussed the difference between private and public bus system requirements. Mr. Cook would like to see more connections.

Ms. Giffen asked if the objective was to put out the Redevelopment Plan into the development community and thought the Plan seemed focused on a particular developer's design. Ms. McManus stated that no developers design was being followed and if there was one would have included it in the plan adding that there was a developer under contract to purchase the land who will most likely seek to be designated as the redeveloper. Ms. Giffen asked if the contract purchaser indicated what they want noting that the Plan was very focused on residential. Ms. McManus discussed that a new commercial district would be inconsistent with the Master Plan and that the Plan was guided by the redevelopment committee.

Mrs. Engelhardt asked why no connection to Brown Street and if there was an open space requirement and wanted to make sure not to lose an opportunity for public transit set aside for future development or connection. Ms. McManus discussed. Mrs. Engelhardt asked if there were any mixed use buildings identified per the Master Plan, Terra Noble report or addresses by the redevelopment committee and if the committee address movement changes at the intersection at the railroad crossing to create a place such as a roundabout, monument, etc. Ms. McManus discussed that there was recognition but does not

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specifically address place making but the provision that the redeveloper must be designated by Council prior to bringing a plan to the Board allows Council and the Board to see a concept plan where the Borough retains control. Mrs. Engelhardt recommended reverse frontage on building unless on Stangl Road, garage to be shielded to improve the elevations, Ms. Manus agreed and listed many alternative methods such as alleyways with parklets etc.

Mr. Doshna liked the grid circulation and had concern for no connection to extend to Grant Street or west to Brown Street and concern about bus parking and would ask Council to preserve the possibility of parking for Transbridge and encourage locations for placemaking including the intersection of Church Street extension across tracks and include those elements into the Plan. Mr. Doshna recommended to flooding mitigation and include stormwater on site and encourage use of non-residential uses, community facilities and open space in flood prone areas such as parks where it was harder to build residential units.

Mr. Budney recommended that once the redeveloper comes up with a plan to be presented to Council he would like to see a presentation to the town as a whole with planning board comments prior to a formal site plan application.

Ms. Weitzman encouraged recreational areas and was concerned for plan being residential heavy and would like to see mixed uses.

Mr. Hain had concerns for climate change and recommended not directing runoff to other properties and make a truly green effort to reduce the carbon footprint.

Ms. Giffen discussed the bus issue noting that it was bad stewardship to not include the private busing tenant as a requirement and did not match the Master Plan goals. Ms. Giffen would like to work out the details now rather than later when it was too late to represent the residents. Mr. Doshna encouraged the public to attend the Council meetings to provide comments during the upcoming public hearing on the Redevelopment Plan.

Mr. Cook recommended to allow mixed use buildings and a connection to Grant Street concerned about making some lots not developable. Ms. McManus discussed that those lots can be developed with reverse frontage on Brown Street.

Mrs. Engelhardt discussed connection and circulation for vehicles and pedestrians and would like a list of sustainable elements to mirror the Captiva site and expand on those elements and recommended to require mixed use buildings noting that the StanTech presentation will be seen after the time allowed to provide comments to Council passes, hesitant to say it is consistent with the Master Plan with no mixed uses included.

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Mr. Doshna recommended identifying surrounding sites and how they will interact with the Plan and make sure the Plan addresses a commuter transit area.

Mayor Driver discussed that it was the intent of Council for a public presentation with a concept plan prior to the designation of a redeveloper and discussed the concerns of the Board and suggested that the recommendations should be part of the redeveloper agreement and not specifically in the Redevelopment Plan.

Motion to amend the agenda to add Resolution 2021-19 for the consistency review and recommendations to Council regarding Ordinance 2021-28 Liberty Village Redevelopment Plan was made by: Cook, seconded by: Budney.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

**7. Resolution 2021-19: Consistency review of Ordinance for Redevelopment Plan**

Motion to deem the Ordinance not inconsistent with the Master Plan with the recommendations as discussed was made by: Cook, seconded by: Hain

Recommendations discussed: Items to be put into the redeveloper agreement: to extend road to Grant/Brown Street; bus/commuter parking area to be included; placemaking at intersections; address stormwater regulations, add recreational uses in flood prone areas; include a public presentation of the plans; encourage or require mixed use building in appropriate locations; have a pedestrian circulation plan be provided; encourage sustainability elements to reduce carbon footprint at minimum similar to Captiva but would like to expand on these elements; add a vision for Brown Street to enhance this area and make a visual connection.

Mrs. Engelhardt asked if the motion could be broken into 2 parts one motion for consistency with the Master Plan and one motion for recommendations. Ms. Kaczynski recommended they be one motion.

Vote on the motion for resolution 2021-19:

Ayes: Driver, Long, Doshna, Cook, Hain, Budney, Norton

Nays: Engelhardt, Giffen

Abstain: (None)

Motion passed: 7-2-0

8:54 pm the meeting recessed.

9:01 pm the meeting resumed.

9:04 pm Ms. Giffen returned.

**8. Completeness: Captiva Main Street, LLC – Block 5 Lots 1 & 2**

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Attorney for the applicant, Sean McGowan, appeared. Mr. Clerico discussed his updated completeness report noting that the revised soils report had been submitted and listed his recommendations for temporary and partial waivers.

Motion to grant the waivers and deem the application complete was made by: Engelhardt seconded by: Driver

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Public hearing to be scheduled for a meeting date in January 2022.

**9. Public Hearing: Padovani, Enzo – 30 Allen Street – Block 16 Lot 1**

Attorney for the applicant, Steven Gruenberg, appeared and discussed the application to seek variance relief to construct a detached single family dwelling on a vacant corner lot in a residential neighborhood which was slightly undersized where the minimum lot size requirement was 11,250 SF and the existing lot contained 9,249 SF and where the minimum lot depth requirement was 150 feet the existing lot depth was 103.26 feet adding that a corner lot had two rear yards with a 35 foot requirement where 20.9 feet was proposed.

The application and document was entered as Exhibit A-1 and the proofs of publication and notice was entered as Exhibit A-2.

The applicant's engineer, Eric Rupnarian, appeared and was sworn in for testimony, gave his credentials and was accepted as same having appeared before the Board numerous times. Mr. Rupnarian presented an aerial photo from NJDEP which was entered as Exhibit A-3 and discussed the residential neighborhood with single family dwelling; one existing tree would need to be removed to construct the dwelling which would conform to the front yard setback on Allen Street and Capner Street with a 2 car width driveway and 2 car attached garage. Mr. Rupnarian discussed that a variance was being requested for one of the rear yard setbacks where 20.9 feet was proposed and 35 feet was required and noted that the lot was existing non-conforming for lot area and lot depth adding that the house was significantly in keeping with those on the adjoining properties. Mr. Rupnarian discussed that the items listed in Mr. Clerico's completeness report dated March 20, 2021 which was entered as Exhibit PB-1 had been addressed including a sight triangle and replacement of the bituminous curbing with concrete curb for the length of the property.

Ms. McManus identified a discrepancy between the architectural plans and the site plans. Mr. Gruenberg clarified that the architectural plans were not for construction purposes but were to give the Board the style of what the house would look like once built. Ms. McManus asked if there would be a porch. Mr. Gruenberg agreed that the dwelling would have a porch facing Capner Street.

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Mr. Budney asked the existing runoff flow and if there would be changes to the drainage characteristics. Mr. Rupnarain discussed that the roof leaders would be tied to the existing inlet on Capner and would not flow overland and the runoff from the driveway would flow toward Allen Street and not the adjacent property.

Mrs. Engelhardt asked if there would be any trees proposed and if the applicant had considered having the building setback align with the existing adjacent houses. Mr. Rupnarain discussed that no trees were proposed adding that only 1 tree would need to be removed and that the existing houses do not align currently and confirmed that there would be a porch in the front with no bay window.

The applicant's planner, John Madden, appeared via facetime, was sworn in for testimony and accepted as a professional planner having appeared numerous times before the Board. Mr. Madden discussed the pre-existing non-conforming conditions for lot area and lot depth as well as the required variance for the proposed 20.9 foot rear yard setback where 35 feet was required noting that the proposed dwelling would be consistent with the surrounding properties and scheme of the neighborhood and would meet the goals of the Master Plan to maintain the residential nature. Mr. Madden discussed that there was no feasible way to expand the lot area or lot depth as the adjoining lots were also undersized and developed and discussed the negative criteria seeing no substantial detriment to the public good or zoning plan noting that the proposed rear yard setback would meet the intent of the ordinance and provides privacy. A photo of the adjacent house on Lot 2 was entered as Exhibit A-4 taken from the applicant's property. Mr. Madden discussed that there would be privacy for both lots adding that the proposed dwelling was 2 stories with a 1 story garage where the variance was being requested with no window in the garage to offer significant protection to the house on Lot 2 and was the best solution for this property adding that the benefits outweighed any detriments.

Ms. McManus and Mr. Clerico were sworn in for testimony.

Ms. McManus noted that the site was constrained as a corner lot with 2 rear yards where if it was a side yard it would be conforming and discussed that having the garage one story reduced the impact on the adjacent neighbor adding that the vast majority of trees would remain.

Mr. Clerico discussed that his comments had been addressed noting that the length of bituminous curbing to be replaced may need to be corrected on the plans.

There were public comments.

Motion to close the public hearing was made by: Cook, seconded by: Hain.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Motion to grant the variances and approve the application was made by: Cook, seconded by: Hain.

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Mrs. Engelhardt would have like to see additional trees planted and to maintain the street line noting that the Board does not need to hold every applicant to conform to the front yard setback and adding that the step down for the garage to 1 story supports the variance and transitions nicely in the neighborhood.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

**10. Lee Roth – 91 Main Street, Block 21 Lot 25**

Mr. Doshna announced that the public hearing for the Lee Roth, 91 Main Street application was continued without further notice to the December 7, 2021 meeting.

**11. Chair Items:**

Next meetings: December 7, 2021. Resolution for the Padovani application. Public hearing for the Lee Roth application.

Mr. Doshna discussed that there was a joint Council/ Planning Board meeting scheduled for December 15, 2021 at 7 pm to be held remotely for the presentation from StanTech coordinated with the FCP, no action would be taken and encouraged everyone to attend or watch the recording. Mr. Doshna discussed that the decision from the County regarding Master Plan funds was pending but looked favorable. Mr. Doshna noted that there was discussion of County property that they would like to sell and discussed that there was nothing in front of the Planning Board where the Board's role was unknown as the County goes through the process and recommended that the Board does not speak publicly or privately regarding the issue as it may come to the Board and did not anyone to be unnecessarily recused.

Mrs. Engelhardt and Mr. Cook had conflicts for the December 7 meeting.

**12. Bills:**

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

**13. Professional Reports:** None

**14. Executive Session:** None

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**15. Adjournment:**

10:34 pm. Motion to adjourn was made by: Budney, seconded by: Cook. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary