

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, DECEMBER 7, 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, Mr. Campion, Mr. Budney, Mr. Hain, Mr. Long, Ms. Giffen, Mr. Hill, Mr. Norton, Mr. Levitt, Ms. Weitzman, Attorney Kaczynski, Engineer Clerico, Planner McManus, Traffic Engineer Troutman

Excused: Mrs. Engelhardt, Mr. Cook

1. **Public Comments:** None.
2. **Mayor Comments:** Mayor Driver discussed that the Liberty Village Redevelopment committee was reviewing the Planning Board suggestions and incorporating some but not all comments where some should be in the redeveloper agreement, a redline version would be on the website tomorrow noting that nothing was substantial enough to warrant reintroduction of the ordinance.
3. **Council Comments:** None.
4. **HPC Comments:** None.
5. **Approval of minutes for the November 23, 2021 regular meeting.**

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

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

Nays: (None)

Abstain: Campion, Hill

Motion passed: 7-0-2

6. Resolution: Padovani, Enzo – 30 Allen Street, Block 16 Lot 1

Ms. Kaczynski to prepare for the next meeting.

7. Public Hearing: Lee Roth – 91 Main Street, Block 21 Lot 25 – Continued from November 23, 2021

Mr. Doshna discussed that an escrow request was sent out yesterday and asked Mr. Roth to take care of this to move the process along by the next meeting.

Lee Roth appeared and discussed the application for major site plan which included no use/'d' variances which addressed the issues from the prior application with revisions to the architectural and engineering aspects of the plans and planning issues to scale down the proposed to 1/3 of the residential units and slightly expands the law office occupied on the ground floor noting changes to the parking handled with no structure with 8 spaces provided on the first floor of the rear building which included bicycle parking.

Testimony to be provided by the following which were all sworn in:

Douglas Schotland, architect; Wayne Ingram, engineer; Thomas Stearns, planner; Lee Roth, applicant and attorney. The Board's professionals were also sworn in for testimony.

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Ms. Kaczynski discussed that the application had substantial differences from the prior application which was denied and determined that the Board had jurisdiction to proceed.

Mr. Schotland discussed his credentials as a professional architect, having testified numerous times before this Board and upon hearing no objections was accepted as same. The application and all documentation submitted was marked Exhibit A-1; the proofs of notice were marked Exhibit A-2 and the architectural presentation submitted December 3, 2021 was marked Exhibit A-3 entitled 91 Main Street a Sustainable Development Project. Mr. Schotland discussed the net zero project that was nearly a year of effort to create the best development project for the site incorporating the comments from the Board from the prior application and meet the Borough's goals for revitalization of underutilized properties with a mix of uses and density to enhance the downtown area; encourage preservation and adaptive reuse; integrate residential and commercial segments of the Borough; provide historic preservation and include sustainability elements and decrease the environmental footprint with renewable energy where this would be the 1st net zero project in Hunterdon County and the 2nd in New Jersey. Mr. Schotland discussed the front building with office space on the 1st floor and residential on the 2nd floor; the rear building which was currently vacant would have a garage on the first floor with 8 parking spaces and 4 apartments on the second floor and discussed the historic neighborhood, architectural variety in the Borough including industrial/utilitarian style found at the Global Agway site and Park Ave with a functional siding aspect including a lack of windows discussing the surrounding buildings. Mr. Schotland discussed that the existing site was 0.17 acres, 46 feet wide and 179 feet deep nearly surrounded by buildings and proposed 2 apartments in the front and 4 apartments in the back with 3 electric vehicle (EV) charging stations, 11 parking spaces including 1 ADA space, 2 standard surface spaces and 8 garage spaces with 8 bicycle locations. Mr. Schotland discussed the modifications to the front building to increase parking and provide better access to the upper floors and enclose the trash and utility equipment and discussed the changes to the roof and architectural elements to make the building super airtight and energy efficient while keeping historical elements with hardie board artisan lap siding and adding a shade tree. Mr. Schotland discussed the existing 24 foot high rear building which would remove the roof and upper wall but keep the lower walls providing parking on the first floor and 2 apartments on the second and third floor with solar panels installed on the roof for the net zero energy with new walls set 3 feet away from the existing to provide windows per the building code using corrugated metal siding, window sash to match the front building, solar panels dark in color to not be visible from the ground and discussed the goals of massing fenestration and materials with the siding referencing the local agricultural and industrial history, noting that the solar would have a 10% slope which did not exceed the height limit and complied with the solar panel ordinance having only limited visibility on the back building from Main Street and Court Street. Mr. Schotland discussed the Master Plan goals for use of sustainable practices and use of green buildings to reduce the impact on the environment by reducing the building energy use with super-insulated airtight buildings and high efficiency appliances.

Mr. Clerico clarified the modifications of the buildings, and the location of the EV charging stations. Ms. McManus clarified the location of the bicycle storage, and that no relief was required for the solar panels which would be mounted parallel to the roof and their visibility. Mr. Schotland discussed.

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Ms. Giffen asked if there was access to the HVAC equipment for the rear building. Mr. Schotland discussed.

Mayor Driver discussed the EV charging stations and asked if the spaces were reserved and who had access. Mr. Roth answered that the parking was lease controlled. Mayor Driver asked if there was storage for the solar energy and if the EV chargers were fed by overhead wires. Mr. Schotland discussed the engineer would be able to answer.

Ms. Kaczynski asked if the Fire Marshal comments regarding sprinkler system for the solar panels had been addressed. The Fire Marshal report dated October 12, 2021 was marked as Exhibit PB-1. Mr. Schotland discussed.

Mr. Doshna discussed the rear building height which appeared taller than the columns of the Courthouse and taller than the rest of the buildings on the block. Mr. Schotland discussed that the rear building height was proposed 39'-6" where 40'-0" was permitted.

Mr. Ingram appeared and discussed his credentials as a professional engineer, having testified numerous times before this Board and upon hearing no objections was accepted as same. Mr. Ingram discussed the application to provide 6 apartments with a total of 11 parking spaces, 8 located in the rear building with 2 pavement spaces and 1 ADA space maintaining a 30 foot aisle width which was more than adequate to maneuver vehicles with changes made to include a charging station noting that the new regulations required 1 less space if providing the EV charging station. Mr. Ingram discussed stormwater management where there would be slightly less volume than the existing conditions and the practical difficulties in providing stormwater management and the effort to reduce coverage and connecting the roof leaders to the existing drainage system noting the project would not effect any adjacent property owners adding that the project would still install the snow melt system in the driveway to mitigate any runoff to Main Street creating a slippage issue. Mr. Ingram discussed that it was impractical to implement stormwater management elements and that the applicant was requested a waiver. Mr. Ingram discussed the trash and recycling which would all be brought to the curb with residential picked up by the Borough and the commercial would have a private hauler with all containers not visible; discussed that new sewer and water lines and utilities were proposed underground down the driveway with underground electric to the EV charging stations; discussed lighting proposed at 7 feet high providing safety lighting adding that the lighting was not as uniform as desired noting that the applicant did not have access to add lighting to adjacent buildings. Mr. Ingram discussed that they were providing a larger turnaround in the courtyard area, providing bicycle racks in the front and the access easement on Lot 28 to the rear of the property had been added to the plan.

Mr. Clerico discussed the turning movement diagrams on pages 6 & 7 of the plans including the number of movements required to enter and exit the most difficult spaces and asked for more clarity on the most southerly space, Mr. Ingram would provide. Mr. Clerico discussed the stormwater management and was looking for revised drainage calculations and asked if anything precluded adding storage under the parking area under the rear building noting that the stormwater ordinance has been in place and enforced in other applications where this project was relying on gutter flow and an inlet connection.

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Mr. Ingram discussed that the applicant was requesting the variance from the requirement to avoid negating the benefits of the proposed plan. Mr. Roth discussed that there was no intention to disrupt the floor of the back building. Mr. Clerico asked if the overhead wire into the front building would moved underground and the rights provided by the access easement to the rear of the site. Mr. Roth discussed.

Mr. Troutman's report dated 11/23/21 was marked Exhibit PB-2, Mr. Clerico's report dated 11/24/21 was marked Exhibit PB-3 and Ms. McManus's report dated 11/19/21 was marked Exhibit PB-4, the Sewer Department memo prepared by Ken Diehl dated 11/5/21 was marked Exhibit PB-5 and the Water Department memo prepared by Joh Parks undated was marked as Exhibit PB-6.

Mr. Troutman asked was a different traffic table was referenced. Mr. Ingram agreed to use Mr. Troutman's table. Mr. Troutman asked if there would signage or the one way traffic on the driveway. Mr. Ingram suggested painting a stop line and agreed to maintain the mirror. Mr. Roth agreed to provide striping but did not see the need for signage for the restricted access to private property. Mr. Ingram agreed to revised the sight distance design to 30 mph. Mr. Troutman asked if the rear building parking spaces would be assigned to the apartments in the rear building. Mr. Roth discussed that there would flexibility in the leases for parking designation.

Ms. McManus requested that the lighting be reduced from 4000 to 3000; asked that additional ground cover landscaping be provided and asked for a detail of the trash enclosures; bollard installation; bike rack and light fixtures, Mr. Ingram agreed to provide. Ms. McManus discussed the snow melt system and asked what happened if the system did not perform. Mr. Ingram agreed that a machine would be contracted to remove snow if the system failed and agreed to provide design standards.

Mr. Clerico discussed the water and sewer letters and asked for the location of the sewer line. Mr. Ingram agreed to provide the location. Mr. Clerico discussed the access easement circulation which would provide access to the HVAC units in the rear building and asked if the applicant would replace the sidewalk in the front of the building in the public right of way per the recommendation. Mr. Roth did not agree to tear up the sidewalk installed 15 years ago. Mr. Clerico noted that they would be cutting into the sidewalk to install utilities and that it made sense to replace the sidewalk to not make a patchwork. Mr. Roth agreed.

9:13 pm the meeting recessed.

9:20 pm the meeting resumed Mr. Hill did not return.

Mr. Doshna asked if there were any conflicts for parking spaces and maneuvering when the lot was full. Mr. Ingram discussed the coordination of parking with the 30 foot aisle. Mr. Doshna the existing sewer and water to be abandoned and relocated to the driveway and asked how the new water and sewer line connections be made to Main Street. Mr. Ingram discussed that they would bore under the sidewalk. Mr. Campion stated that no boring was allowed under a public street.

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Mayor Driver asked if the EV charging stations would comply with all the parking spaces. Mr. Ingram noted that the cord would reach to each of the stalls. Mayor Driver asked where the runoff was going to go if there was a storm with 11.5 inches similar to the storms experienced in the Borough this year. Mr. Ingram discussed that there was a limit to what a pipe can take noting that the runoff onto the pavement and to the road was existing today. Mayor Driver discussed the municipal garbage hauling and asked how many totes were expected for the number of apartments noting that apartments would have a private hauler and asked how the cans would be brought back in. Mr. Roth discussed that the property manager would take care of the trash. Mayor Driver asked if snow removal was necessary where would they haul it or would it fit on the property; if the sidewalk reconstruction would be per the streetscape and if the sidewalk was ADA compliant; what kind of support would be provided for the first floor parking and maneuverability with columns or posts. Mr. Ingram discussed.

Ms. Giffen asked the maneuverability when the car port was full; asked about truck turning noting that there was no turning template for the ADA space. Mr. Ingram discussed and agreed to provide. Ms. Giffen asked if the fire department comments had been covered. Mr. Roth to provide more testimony and agreed to comply.

Mr. Hain asked if there was an exhaust fan on the building to direct fumes and how snow melt and runoff from the solar panels was handled. Mr. Ingram discussed that there would be a delayed peak time for this runoff.

Mr. Budney asked if there was any covering to protect the vehicles on the pavement and if the parking in the rear could be used for other storage. Mr. Ingram discussed.

Mayor Driver asked if the snow from the solar panels could come off in sheets and where would it go with a neighbor within 3 inches of the panels recommending snow guard installation. Mr. Roth agreed.

10:00 pm - Mr. Doshna discussed the Board's policy to not introduce new witnesses after 10 pm noting that the planning testimony would take some time and issued had been raised from the Fire Marshal and suggested that the hearing be continued to the next meeting.

Mr. Clerico asked to hear from the architect regarding the garage floor to remain.

Mr. Roth discussed that he would like to finish this year.

Mr. Troutman may have a conflict for next meeting but will send someone from his office to attend.

Mr. Hain discussed the adjacent property owner consent which had the incorrect address. Ms. Kaczynski to get an updated letter with the correct address. Mr. Hain discussed the air conditioning

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units located on the rear of the back building and asked if there would be noise disturbance to the neighbors. Mr. Roth testified that there would be no noise from the units.

Ms. Kaczynski asked that all exhibits be sent to Ms. Parks to post on the Borough website at least 48 hours prior to the continuation of the public hearing at the next meeting.

Mr. Doshna announced that the public hearing for the Lee Roth, 91 Main Street application was continued without further notice to the December 14, 2021 meeting.

8. Chair Items:

Next meetings: December 14, 2021. Resolution for the Padovani application; continuation of the public hearing for the Lee Roth, a request for amendment to a prior resolution for Premier Outdoor Media and discussion of ordinances regarding review fees for sewer and water.

Mr. Doshna reminded the Board of the joint Council/ Planning Board meeting scheduled for December 15, 2021 at 7 pm; discussed that the invitation to the Borough reorganization dinner scheduled for January 4, 2021 had been sent and encouraged everyone to attend and the 2022 meeting dates would remain on the second the fourth Tuesdays.

9. Bills:

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

Ayes: Driver, Long, Doshna, Campion, Budney, Hain, Giffen, Norton, Levitt

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

10. Professional Reports: Ms. Kaczynski would have an update on the Union Hotel matter and noted that the Borough insurance company was covering the other litigation matter.

11. Executive Session: None

12. Adjournment:

10:14 pm. Motion to adjourn was made by: Giffen, seconded by: Budney. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary