

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

MINUTES

This meeting was called to order at 7:00 PM by attorney Kaczynski in accordance with the Open Public Meetings Act held virtually using the Zoom Webinar platform.

Roll Call: Mayor Driver, Ms. Giles-McCormick, Mr. Campion, Mr. Cook, Mrs. Engelhardt, Mr. Doshna, Mr. Budney, Ms. Giffen, Ms. Weitzman, Mr. Hill, Mr. Parker, Mr. Levitt, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Kennel

Excused: Engineer Troutman

1. Oaths of Office:

Class	Years	Name	Expires
I	1	Betsy Driver - Mayor	12/31/2022
II	1	Michael Campion	12/31/2022
III	1	Caitlin Giles-McCormick	12/31/2022
IV	4	Hannah Weitzman	12/31/2025
Alternate #2	2	E Anthony Parker	12/31/2023
Alternate #4	2	Vacant	12/31/2023

Oath was administered by the Board attorney to the above listed members.

Signed copies of the oath to be forwarded to Ms. Kaczynski for her signature and to Ms. Parks.

2. Nomination for Chair

Jeffrey Doshna was the only nominee for chair and was unanimously elected. Nomination made by Mayor Driver, seconded by Mrs. Engelhardt. Members in favor of Mr. Doshna for Chair 2022: Driver, Engelhardt, Giles-McCormick, Campion, Doshna, Cook, Budney, Giffen, Weitzman.

Mr. Doshna chaired the meeting.

3. Nomination for Vice Chair

Susan Engelhardt was the only nominee for Vice Chair and was unanimously elected. Nomination made by Mr. Cook, seconded by Mr. Budney. Members in favor of Mrs. Engelhardt for Vice Chair 2022: Cook, Budney, Driver, Giles-McCormick, Campion, Engelhardt, Doshna, Giffen, Weitzman.

4. Chair Remarks

Mr. Doshna thanked the Board for all the work done in 2022 despite Covid-19 and holding remote meetings where the Board was still able to do good work and looked forward to 2022 to work on the Master Plan for the Board to provide guidance and proper planning for the town with support from the County and Mayor and Council to provide clarity for residents and developers. Mr. Doshna encouraged everyone to read the 2021 Annual Report which would be on the next agenda for recommendations.

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5. Mayor's Remarks

Mayor Driver was looking forward to 2022 with the Redevelopment projects reusing underutilized properties in the Borough and looked forward to the Master Plan congratulated Mr. Doshna and Mrs. Engelhardt and appreciated all the hard work of all the members in 2021 and welcomed the new Board members. Mayor Driver discussed that she had attended the developer presentation concept for Liberty Village and that there was a subcommittee meeting next week for the Global Ag redevelopment.

6. Council Remarks

Ms. Giles McCormick looked forward to working with the Board.

7. HPC Comments: None.

8. Public Comments: None.

Motion to amend the agenda to include the approval of the minutes from the joint meeting held on December 15, 2021 was made by: Cook, seconded by: Driver. All were in favor.

9. Resolution PB-2022-01: Open Public Meetings Act

The list of dates in the agenda (based on the second and fourth Tuesday of the month as the norm with a prevailing starting time of 7:00 pm) was presented. Mr. Doshna noted the holiday conflicts where the meeting schedule deviated from the norm.

The meeting schedule, which would be published in the official newspapers, the Hunterdon County Democrat, and the weekly alternate, the Courier News, is as follows:

January 11, 2022 Reorganization Meeting	
January	25
February	8 & 22
March	8 & 22
April	12 & 26
May	10 & 24
June	14 & 28
July	12 & 26
August	9 & 23
September	13 & 20
October	12 (Wednesday) & 25
November	15 & 22
December	6 & 13
January 10, 2023 (Reorganization)	

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Motion to approve the 2022 meeting dates as shown above per Resolution 2022-01 was made by: Driver, seconded by: Cook

Ayes: Driver, Giles-McCormick, Campion, Doshna, Engelhardt, Cook, Budney, Giffen, Weitzman.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

10. Resolution PB-2022-02: Appointments for professional services

Kara Kaczynski, Esq. of MYKL, LLC as the Board's Attorney

Robert Clerico of Van Cleef Engineering Associates as the Board's Engineer

Elizabeth McManus of Kyle McManus as the Board's Planner

John Hatch of Clarke Caton Hintz as the Historic Architect

Jay Troutman, P.E. of McDonnough and Rea Associates, Inc. as the Board's Traffic Engineer

Motion to approve the professional appointment for 2022 as shown above per Resolution 2022-02 was made by: Engelhardt, seconded by: Cook

Ayes: Driver, Giles-McCormick, Campion, Doshna, Engelhardt, Cook, Budney, Giffen, Weitzman.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

11. Resolution PB-2022-03: Board secretary position

Motion to approve the appointment of Eileen Parks as Board secretary for 2022 per Resolution 2022-03 was made by: Cook, seconded by: Engelhardt

Ayes: Driver, Giles-McCormick, Campion, Cook, Engelhardt, Doshna, Budney, Giffen, Weitzman.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

12. Approval of minutes for December 14, 2021

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

Ayes: Driver, Campion, Cook, Engelhardt, Doshna, Budney, Giffen, Weitzman, Hill.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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13. Approval of minutes for December 15, 2021 Joint Meeting

Motion to approve the minutes was made by: Driver, seconded by: Budney
Ayes: Driver, Giles-McCormick, Cook, Engelhardt, Doshna, Budney, Giffen, Weitzman.
Nays: (None)
Abstain: Campion
Motion passed: 8-0-1

Ms. Kaczynski asked if any Board members had a conflict with any item on the agenda, hearing none the meeting proceeded into the following public hearing.

14. Public Hearing: Lee Roth – 91 Main Street – Continued from 11/23, 12/7 & 12/14, 2021.

Ms. Giles-McCormick and Mr. Parker did not review all the recordings of the public hearing and though able to discuss but would not be eligible to vote on the application.

Ms. Kaczynski noted that an additional exhibit had been submitted which was distributed to the Board and posted on the website adding that the public hearing had not been closed at the last meeting.

Mr. Roth and Mr. Ingram appeared still under oath. The Stormwater Management Plan along with a revised site plan was entered as Exhibit A-11 with a revision date of 1/6/22. The updated report prepared by Mr. Clerico dated 1/8/22 was entered as Exhibit PB-8.

Mr. Ingram discussed the revisions to the plans including a proposed underground detention system on the site with 7 rows of pipe to detain the stormwater and reduce the rate of runoff and discussed that runoff would flow into the public right of way when the 4" pipe was overwhelmed where the applicant proposed to replace the existing grates with a solid cover to release the runoff more evenly; planters were added along the frontage to improve the visibility of pedestrians; the trip generation was updated to match Mr. Troutman's recommendation and the locations of the EV charging station was clarified. Mr. Ingram discussed that the applicant was exploring with permission of the neighbor to the north of installing curb along the driveway on the adjacent property that would direct runoff away from their foundation to stop any further damage. Mr. Ingram discussed the access easement on the County property which was access rights only with no utility rights permitted noting that Mr. Roth was in discussions with the County noting that with no legitimate means of access for utilities other than to the street he would make a request to Council to perform a small boring to connect the utilities to not violate the streetscape agreement. Mr. Roth discussed the history of the easement.

Mr. Clerico clarified that some runoff from the front building would be directed to the subsurface system and asked the volume of storage. Mr. Clerico noted a cleanout located on the property line. Mr. Ingram agreed to locate the existing sewer line to the adjacent property and agreed to relocate the proposed new sewer line for the subject property if necessary. Mr. Roth discussed. Mr. Clerico asked

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how the driveway would be graded with installation of the curb line on the adjacent property. Mr. Ingram explained that the driveway would be channelized to flow away from both foundations noting that the neighbor's foundation was wearing away at the bottom and if they agreed to the curb it would help the situation.

Mr. Kennel noted that the revisions were in line with his comments.

Mrs. Engelhardt discussed the rear access easement noting that it was not clear if utilities were allowed or not and asked if the utilities could be proposed to be run in the back if running them out the front was not possible. Mr. Roth discussed that he was in discussions with the County.

Mr. Clerico noted that the rear building was historically used as a garage at the time that the easement was negotiated and asked if the building ever had a garage door to the rear of the property to the access easement. Mr. Roth discussed that it was never used as a garage facility or way to get onto the rear property.

Mr. Clerico discussed the highlighted items in his report noting that the applicant had provided testimony on the revised plan, stormwater management report, easement, sewer lateral location, request for boring to the governing body and added planting boxes.

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

Ayes: Driver, Campion, Doshna, Engelhardt, Cook, Budney, Giffen, Weitzman, Hill.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Mr. Clerico discussed his updated review letter including revisions to the stormwater management where further review of the stormwater numbers should be a condition of any approval; number of parking spaces to be rounded up in his opinion to require 17 spaces; the possible connection of utilities and maybe stormwater through the access easement in the back where it could connect to the existing stormwater system on Court Street; and opined that the proposed curb line on the adjacent property was not necessarily a condition of any approval.

Mrs. Engelhardt asked if the applicant was doing enough with the proposed stormwater design. Mr. Clerico responded that it was a judgment call adding that they were proposing what they could reasonably do on the property given the limitations. Mrs. Engelhardt asked if there was enough parking to serve this project. Mr. Kennel discussed.

Mr. Cook discussed the applicant with 6 variances requested which were all c2 in nature for a garage under a building, front yard setback, rear yard setback which were pre-existing, RSIS parking

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requirement noting that it was an unorthodox method to create spaces requiring the jockeying of spaces with multiple tenants; impervious coverage and stormwater management relief required where storage was provided with a reduction in impervious coverage noting that variances would be required to building something on the site. Mr. Cook discussed that it was inappropriately scaled and did not see how the circulation worked with the parking noting that the applicant did a good job and was innovative but there was one story too much.

Mr. Budney wrestled with the project with the intensity of the use on the site which not accommodate large vehicles noting it was not perfect where a best effort was made to present the project.

Mrs. Engelhardt discussed that the project was not egregious recommending the designation of 2 of the surface parking spaces for tenants, leaving 1 space for the commercial use where it would be more reasonable to ask the commercial uses to walk instead of residents. Mrs. Engelhardt had a bigger concern with the issue with the Main Street improvement and sending that to Council.

Mr. Doshna found 11 spaces for 6 units adequate with concerns for circulation and for the utility connection with the streetscape grant agreement where it was made clear the applicant needs permission from Council and if they do not get the approval they cannot move forward with the development where the Board has suggested alternatives and they move forward at their own risk.

Ms. Kaczynski would make it clear that all outside approvals must be in place prior to an application for building permits.

Mayor Driver agreed to the reduction to parking and remained concerned about the underground utilities and encouraged the applicant to find a different way to connect adding that the only opinion that would count was the current Borough engineer to guide Council. Any resolution should emphasize the applicant to come back when the moratorium expires to build and noted that she was pleased that the applicant reacted to the Board comments including stormwater.

Mr. Doshna asked if a change in utility connection location would require coming back to the Board. Ms. Kaczynski and Mr. Clerico discussed that for engineering review and plan changes which involved another property which was not noticed within the required 200 feet would require the applicant to come back to the Board.

Mr. Cook was concerned for the street parking on Court and Mine Street with the limited parking on site.

Ms. Weitzman agreed it would be easier for the commercial use to park off site and keep the spaces on site for residents.

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9:28 pm the meeting recessed.

9:37 pm the meeting resumed.

Roll Call: Mayor Driver, Mr. Campion, Mr. Cook, Mrs. Engelhardt, Mr. Doshna, Mr. Budney, Ms. Giffen, Ms. Weitzman, Mr. Hill, Mr. Levitt, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Kennel

Mr. Roth discussed that no clients for the office use would be parking in the back and agreed that the parking be designated for residential only and noting that if he needed to work with the County on relocation of the utilities he did not want to have to come back to the Board.

9:39 pm Mr. Parker & Ms. Giles-McCormick returned.

Ms. Kaczynski discussed the conditions if the Board granted an approval.

Motion to grant approvals subject to the conditions as discussed including variance relief setbacks, impervious coverage, parking, garage and stormwater management requirements was made by:

Engelhardt, seconded by: Budney

Ayes: Driver, Campion, Doshna, Engelhardt, Budney, Giffen, Weitzman, Hill.

Nays: Cook

Abstain: (None)

Motion passed: 8-1-0

15. Chair Items

Mr. Doshna discussed that the annual report would be placed on the next meeting agenda on January 25, 2022 for any comments or recommendation. Ms. Kaczynski discussed the procedures.

Next Meeting: January 25, 2022 – Lee Roth resolution & 2021 Annual Report.

Mr. Doshna discussed that Captiva, Liberty Village and the Global Agway site were all on the horizon. Master Plan subcommittee to continue to include Mrs. Engelhardt, Mr. Cook and Mr. Budney; Mr. Hill and Mr. Campion to consult on traffic and parking with the Master Plan to include climate change resiliency. Mr. Doshna appointed Mr. Cook as his designee on the Sign Review Committee (SRC) Ms. Weitzman and Mr. Levitt also joined the SRC; the HPC and FCP would appoint a member each to the SRC. Captiva preparing to submit revised plans with public hearing to be scheduled for the 2nd meeting in February to allow time for review. The 2022 Planning Board Membership List would be distributed for updates.

Mrs. Engelhardt would not be available on January 25, 2022; Mayor Driver not available February 8, 2022. Mrs. Engelhardt thanked Mr. Hain and Mr. Norton for their service on the Board.

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16. Bills

Motion to audit the bills was made by: Cook, seconded by: Campion
Ayes: Driver, Giles-McCormick, Campion, Doshna, Engelhardt, Cook, Budney, Giffen, Weitzman.
Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

17. Professionals Reports

Mr. Clerico discussed that there was a new owner of the Spice Factory that wanted to proceed with construction of Phase 1.

18. Executive Session (As Needed) – none needed

19. Adjourn

Motion to adjourn at 10:33 pm was made by: Engelhardt, seconded by: Budney
Ayes: All were in favor.
Nays: (None)
Abstain: (None)
Motion passed: 11-0-0