

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, MARCH 22, 2022 – 7:00 PM

MINUTES

The meeting was called to order at 7:01 PM by Mr. Doshna.

Mr. Doshna announced the resignation of Ms. Giles-McCormick from the Class III position and that Council would appoint her replacement.

Roll Call:

Present: Mayor Driver, Mr. Campion @ 7:05 remotely, Mr. Doshna, Mrs. Engelhardt, Mr. Cook @ 7.21 pm remotely, Mr. Budney, Ms. Weitzman, Mr. Hill remotely, Mr. Levitt @ 7:05 pm, Mr. Parker, Attorney Kaczynski, Engineer Clerico, Planner McManus Traffic Engineer Troutman

Excused: Ms. Giffen

Mr. Doshna discussed the procedures for a hybrid meeting in person and remotely.

1. Public Comments:

Lois Stewart, 26 Spring Street & 34 Emery Avenue requested an update on the Master Plan.

Ms. Kaczynski asked if any Board members had a conflict of interest in any items listed on the agenda, none were heard.

Christina Busmera, 11 New York Avenue, had concerns about the renovation of the Calgary Episcopal Church into a homeless shelter noting that there was no record of this in the Board's minutes and no notice was provided to re-purpose the building into the shelter.

Rikki Massand, Montgomery Township Landmarks Preservation Commission Chair, supported the HPC's application for Certified Local Government designation.

Jenna Van Holten, via zoom, 2 Clearbrook Lane, requested an update on the Flemington gardens and asked how the redeveloper for Liberty Village Redevelopment was chosen. Mr. Doshna noted that both were Council matters.

2. Mayor Comments: Mayor Driver discussed that the Liberty Village subcommittee had met to settle the redevelopment agreement and Council had designated a redeveloper for the Nilkanth property which would need an amendment to the redevelopment plan.

3. Council Comments: Ms. Giles-McCormick had resigned.

4. HPC Comments: Two HPC resolutions were distributed.

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5. Approval of minutes for the March 8, 2022 regular meeting.

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

Ayes: Driver, Engelhardt, Campion, Doshna, Cook, Budney, Weitzman, Hill, Levitt

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

6. Discussion: HPC – Presentation regarding Certified Local Government Designation

HPC member, Richard Giffen appeared and discussed the CLG status which encouraged HPC across the State to become more standardized and the benefits of the designation including access to additional funding and training. Mr. Giffen discussed that obtain the designation some of the Borough ordinance required changes based on SHPO requirements. Mr. Giffen discussed the list of Board comments on the proposed ordinance changes and the response to those comments from SHPO. Mr. Giffen discussed that the ordinance had been drafted to incorporate the Board's comments for presentation to Council.

Mrs. Engelhardt encouraged Council to consider the Board's concerns adopt the ordinance with those changes.

7. Ordinance Review: Council Ordinance 2022-3 Amending the Private Garage Definition in Chapter 12 Land Development Definitions Section 1202 Word and Terms Defined, and the Affordable Housing Set-Aside in Chapter 26 Zoning Section 2635, Affordable Housing Inclusionary Zoning Set-Aside

Ms. McManus discussed the 2 ordinance changes which would correct private garages and clarify the mandatory affordable housing set aside. Private garages ordinance would correct the structured parking regulations not directly addressed in the code book in commercial districts where the use was not specifically permitted and making it a permitted conditional use and addressed the planning concerns for frontage and architectural features. The mandatory set aside for affordable housing would now include applications that would have significant changes and provide guidance to calculate existing density where once an increase in density was triggered than the affordable housing set aside would kick in. Ms. McManus found that the ordinances were specifically consistent with the Master Plan and improved the relationship with the Master Plan to modernize the ordinance.

Mrs. Engelhardt asked for clarification on the private garage ordinance regarding the frontage. Ms. McManus discussed that the first-floor frontage was critical and must be another permitted use in the district.

Motion to find the ordinance specifically consistent with the Master Plan and recommend that Council adopt the ordinance as presented was made by: Engelhardt, seconded by: Cook.

Ayes: Driver, Engelhardt, Campion, Doshna, Cook, Budney, Weitzman, Hill, Levitt

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Nays: (None)
Abstain: (None)
Motion passed: 9-0-0

Ms. Parks to send a letter to Council.

8. Public Hearing: Captiva Main Street, LLC – Block 5 Lots 1 & 2

Ms. Kaczynski reviewed the proof of notice of the public hearing and found that the Board had jurisdiction to proceed.

The applicant's attorney, Sean McGowan, appeared and discussed that they had brought exhibits with a change in height of the proposed towers. The Board discussed and asked the applicant to share the exhibits on screen with the original tower height and provide testimony on the height reduction.

Exhibit A-1 - All application documents submitted was entered.

Exhibit A-2 - Proofs of notice of the public hearing was entered.

Mr. McGowan discussed the application to construct 2 residential buildings both with parking underneath the buildings for a total of 174 parking spaces on site which would comply with the requirements when considering the 2 for 1 bonus from the recent statute for EV charging station spaces adding that the application would be modified to eliminate all variances and design waivers including adding the number of EV charging stations and lowering the tower height which would trigger a 'd' variance and was now proposed at a height of 50 feet to comply with the Global Agway Redevelopment Plan.

The applicant's architect, Jose Carballo, was sworn in for testimony and providing his credentials was accepted as same. Mr. Carballo discussed the application with 2 proposed buildings for a total of 100 units which would comply with density and height requirements and designed with an industrial look since they were renovating an existing industrial site. Mr. Carballo referred to the submitted set of plans consisting of 8 drawings titled Captiva Main Street at Flemington and discussed the aerial map located the site surrounded by Main Street, Hopewell Avenue and Walter E. Foran Blvd. The site was divided into 2 portions to provide the 2 buildings due to the shape and environmental constraints of the property including the existing culvert for the Bushkill Creek, wetlands and buffers which limited development on the site where Building A would hold 61 units and Building B - 39 units. To provide minimal impact for ingress and egress an area between the buildings would have a one-way access drive from Hopewell Avenue to Walter E. Foran Blvd. which would be used for services to the site including trash pickup, utilities etc. Mr. Carballo noted that the parking in the rear of Building B had been removed per the comments from the Fire Marshal this parking was relocated on the site; identified the roof drains for an internal water collection system on the flat, partially green roofs which were not accessible by tenants; towers were located on each building with the reduced height; an outdoor area plaza was provided by Building A. Mr. Carballo discussed that the grade dropped off approximately 10 feet from Hopewell Avenue to Walter Foran Blvd. where Building A was 3 stories with parking

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underneath; the grade for Building B was more level and was proposed for 2 stories with parking underneath and discussed the entrance to the parking areas in the buildings where the parking would be assigned to each tenant to prevent confusion and traffic in the parking areas. Mr. Carballo discussed the breakdown of the units for 1 bedroom, 2 bedroom and 3 bedrooms and discussed the amenities including a gym; work space for residents only; lobby with mail and package rooms adding that every type of unit would be adaptable to be fully accessible and that the 3 bedrooms units would be the affordable housing units.

Mr. Carballo discussed the architectural elevations and the use of 4 types of material including red brick, glass, fiber concrete and metal to achieve the industrial concept. Samples of the materials were entered. Exhibit A-3 Red Brick; Exhibit A-4 Gray Fiber concrete; Exhibit A-5 Charcoal tap metal for the crown of the building; Exhibit A-6 Black window frame. Mr. Carballo discussed the lowering of the proposed towers from 65 to 50 feet to comply with the redevelopment plan noting that the only change on the plan was the height of the towers and discussed the views from the streets. Building B would have the lobby at the same level as the parking. Additional visual interest elements would be added to the buildings to reinforce the circa 1890 industrial style. The hours of the amenity spaces were proposed to be used by tenants 24 hours a day but would consider recommendations from the Board on hours based on the comments from the professionals.

Exhibit A-7 – 3/1/2022 Fire Marshal report was entered. Mr. McGowan agreed to comply with all comments in the report. Mr. Carballo discussed that from an architectural point the project met the goals of the redevelopment plan noting that the buildings would have full fire suppression and would meet all building code requirements.

The Board professional reports were entered. Exhibit PB-1 – Ms. McManus's report dated March 2, 2022, Exhibit PB-2 – Mr. Clerico's report dated February 28, 2022, Exhibit PB-3 – Mr. Troutman's report dated March 21, 2022. Mr. McGowan agreed that all items in the report could be complied with.

Ms. McManus confirmed that the applicant would work with the Borough housing administrator for the affordable housing units; clarified the trash system collection for residents and trash hauler pickup with no additional outside trash enclosure necessary with the private property management on site 24/7; was satisfied with the mail delivery areas as identified; moving days for tenants would be coordinated; any proposed signage would need to comply or the applicant would need to come back to the Board. Mr. Carballo discussed the size of the parking stalls in the buildings to comply with RSIS standards; the finish of the doors would be black for consistency; architectural elements would comply with the redevelopment plan. Ms. McManus referenced the passive outdoor patio area facing Main Street and asked if furniture details would be provided. Mr. Carballo agreed to provide something.

Mr. Clerico asked if there would be an emergency generator. Mr. Carballo discussed that generators would be located on the roof and screened noting that they were not required by code.

Mr. Troutman asked if the 42 surface spaces would be unassigned for visitor parking. Mr. Carballo agreed.

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Mr. Budney discussed the amenities spaces including how they would be furnished and what equipment would be provided, if there was access to the roof, any picnic or grilling areas; if all the of the units would rentals and how the 1890 industrial design would fit in and compliment the current architecture in the Borough and asked if there would specifics for window treatments for the tenants. Mr. Carballo & Mr. McGowan discussed.

Mayor Driver asked if the outdoor patio gym area would be concrete or a softer material; if the large windows would be smart glass that would tint in the sun. Mr. Carballo discussed.

Ms. Weitzman asked if the all the rentals would have washer/dryers; how many employees would manage the property and if there would be a public restroom provided. Mr. Carballo discussed.

Mrs. Engelhardt was concerned for the fitness use to spill out to the outside area and asked if the area could be made a more common use area; what sustainable features were incorporated in the design asking that the applicant review the list in the redevelopment plan to add additional elements; discussed the assigning of the EV charging spaces or shared by residents. Ms. McManus noted that there was not much street parking in the area and that the project should provide enough parking on site. This was deferred to the engineer. Mrs. Engelhardt discussed the tower and asked what the lowered of the height did to the focal point at the entry to Flemington. Ms. McManus explained the height variance at 65 feet would exceed the requirement by over 10% triggering a 'd' variance where the Board could not proceed as they would not have the jurisdiction to grant a 'd' variance on a project governed by a redevelopment plan and rather the redevelopment plan would need to be amended by Council. The Board could ask the applicant to consider asking for a 'c' variance at a height of 54'-11" without triggering the 'd' variance.

Mr. Campion asked about the trash and recycling collection and what mitigation measures would be in place for flooding similar to what was experienced during hurricane Ida with 4 feet of water; noted that there were many trucks along Hopewell Avenue that operated 24 hours and asked how snow removal would be taken care of or if the snow would be hauled out. These questions were deferred to the engineer.

Brian Bloyd, 5 Hopewell Avenue, asked where the trash would be stored if was overflowing; noting that the look would not match the town; asked if there would be communal parking similar to the existing parking on the site and if there would be any allowances for the residents in the area; noted that the view from Hopewell Avenue was not clear; asked if there would be deliveries, a loading dock and where the meters would be located. Mr. Carballo discussed.

Lois Stewart, 26 Spring Street & 34 Emery Avenue asked if there would elevators and handicap parking; the number of parking spaces proposed outside; the number of stories of each building including what the view would be from Hopewell Ave and Walter E. Foran Blvd. and asked the color of the architectural elements along the roof line. Mr. Carballo discussed.

Jenna Van Holten, 2 Clearbrook Lane, Flemington, asked if the view would be impaired across the street. Mr. Carballo discussed noting that no variances were being requested.

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9:28 pm the Board recessed.

9:40 pm the meeting resumed with all Board members present.

The applicant's civil engineer and traffic engineer, Eric Hough, was sworn in for testimony gave his credentials and was accepted as same. Mr. Hough discussed the existing conditions on the site located in the TC district consisting of 3.44 acres with 5 existing buildings, 50 parking spaces and 41.3% existing impervious coverage with topography that sloped down from Hopewell Ave to Walter E. Foran Blvd. and discussed the environmental constraints on the site with the Bushkill Creek, culvert, riparian and wetland buffers noting that the NJDEP would permit the applicant to apply 25 foot to the riparian buffers due to the existing development and disturbance.

Exhibit A-8 a rendering of the landscape plan dated March 22, 2022 was entered. Mr. Hough discussed the 2 proposed buildings which met the setbacks requirements; the 2 way access drives in front of each building and the one way access drive from Hopewell Ave to Walter E. Foran Blvd. noting that this drive would be widened to 20 feet per the Fire Marshal's comment; sidewalks were proposed along Walter E. Foran Blvd. and Hopewell Avenue with a pedestrian sidewalk along the center access drive and in the parking areas noting that these sidewalks could be widened to 6 feet wide; a 10'x30' loading zone would be located in the front of each building to accommodate up to a SU30 delivery truck. Mr. Hough discussed the parking where 193 was required with 174 proposed including 108 spaces in and around Building A and 66 spaces for Building B noting that with 21 EV charging stations the new State regulations allow up to a percentage of these spaces to count as 2 parking spaces which resulted in a final count of 193 spaces to meet the RSIS standards. All EV charging stations would be located outside.

Mr. Hough discussed the drainage and grading with a proposed impervious coverage of 53% two retention basins were proposed to discharge into the existing stream; utilities were being coordinated with the Borough engineer including sanitary sewer, water, gas and electric where due to the condition of the existing sanitary sewer line the Borough Sewer Department recommended that a pump was used noting that the project was in the approval process with the Borough Water and Sewer Departments.

Mr. Hough discussed the landscaping with 16 proposed street trees which would increase to install trees the entire length of the Walter E. Foran Blvd. frontage; 2 existing trees will try to be saved if possible or replaced; shrubbery was proposed along the frontages and in open areas with a row of evergreens proposed on the northeast side of Building B for screening. Mr. Hough discussed the lighting with 3 LED fixtures proposed in the surface parking area for Building A and 2 fixtures proposed for Building B along with 2 proposed along the center access drive; 12 mounted building lights were proposed. The maximum footcandles would be revised to comply with the Borough standards.

Mr. Hough discussed that one of the proposed retention basins needed to be relocated and agreed to provide more soil borings and agreed to obtain all DEP permit approvals per comments in Mr. Clerico's report. Mr. Hough confirmed that the applicant would comply with all the items in the reports and would work with the Board professionals to their satisfaction.

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Mr. Hough discussed the traffic analysis he prepared including the study of the volumes in the area which were adjusted for the effects of Covid and estimated the trips generated by the redevelopment including capacity analysis prepared at the signal and found that the level of service would be slightly effected and agreed with the Hunterdon County Planning Board recommended that the green time for Walter E. Foran Blvd. should be increase by 10 seconds to the improve the condition at the signal. The level of service at the other intersections had no degradation. Mr. Hough applied the land use code recommended by Mr. Troutman in his report which generated more trips finding that the level of service would still be within the limits.

Mr. McGowan asked for any items from the professionals to consider for the next meeting.

Mr. Clerico asked for a copy of the application to the DEP. Mr. Troutman asked for copy of the traffic counts and asked them to think about the 42 surface parking spaces where 29 were EV stations where the signage read 'EV parking only when charging' recommending that the spaces would need flexibility for parking. Ms. McManus asked when the revised lighting plan would be prepared. Mr. Hough agreed to provide the information by April 1, 2022 (10 days prior to the next meeting). Mr. Clerico commented that no EV parking was located under the building at the recommendation of the Fire Marshal and asked for some clarity at the next meeting if it was a preference or code.

Mr. Doshna announced that the public hearing on this matter would be carried to the April 12, 2022 meeting and that no further notice would be provided.

9. Chair Items:

Next meetings: April 12, 2022 Agenda items include the continuation of the public hearing for Captiva Main Street, LLC.

Ms. McManus updated the Board on the Master Plan where the existing conditions portion was being prepared and the public participation information tasks were ongoing. The subcommittee to provide a list of stockholders, the big ideas and priorities for the Master Plan. Mr. Hill to coordinate with Ms. McManus regarding the traffic and parking element.

Skylar Bird of 144 Main Street application had reached out to coordinate a technical subcommittee review with the Board professionals, Mr. Doshna and Mr. Parker.

10. Bills:

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

Ayes: Driver, Campion, Doshna, Engelhardt, Cook, Budney, Weitzman, Hill, Levitt

Nayes: (None)

Abstain: (None)

Motion passed: 9-0-0

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11. Professional Reports:

Mr. Clerico discussed that the State was updated the Stormwater Management Plan requirements which would be added to the Master Plan. Ms. Kaczynski discussed the EV charging station statute mandating the number of charging station that must be a condition of any approval.

McManus discussed that she & Mr. Clerico met with the property owner of 37 Mine Street to develop the site and anticipated an application would be filed soon.

12. Executive Session: None needed.

13. Adjournment:

10:32 pm. Motion to adjourn was made by: Driver, seconded by: Engelhardt. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary