

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JULY 12, 2022 – 7:00 PM

MINUTES

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

Present: Mayor Driver, Mr. Doshna, Mrs. Engelhardt, Mr. Budney, Mr. Campion remotely, Ms. Weitzman remotely, Mr. Hill remotely @ 7:20 pm, Mr. Levitt, Attorney Kaczynski, Engineer Clerico, Planner McManus, Traffic Engineer Troutman

Excused: Mr. Parker, Mr. Cook, Ms. Giffen

1. **Public Comments:** None
2. **Mayor Comments:** None.
3. **Council Comments:** None.
4. **HPC Comments:** None.
5. **Approval of minutes for the June 28, 2022 regular meeting.**

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

Ayes: Driver, Doshna, Budney, Campion, Weitzman, Levitt

Nays: (None)

Abstain: Engelhardt

Motion passed: 6-0-1

6. Resolution PB- 2022-06: Recommendations to Council regarding Ordinance 2022-08

Ms. McManus discussed the recommendations on the ordinance including the definition section where this ordinance differed from the Planning Board ordinance definition suggesting that in the introduction state that the definitions are specific to this ordinance or take a more thorough approach and review the entire ordinance and make sure all definitions match throughout to avoid any conflict which could be subject to interpretation during an application. the Board discussed and recommended that Ms. McManus review all the definitions for duplications and create the best language for each definition.

Ms. McManus discussed Section C page 10 under general guidelines under 3-21 historic guidelines which had standards used by the HPC which were not design guidelines that the Planning Board used and suggested that this was an opportunity to make clear who is reviewing the guidelines and enforcement noting that the way the ordinance was written was unclear. Ms. McManus recommended that a single sentence be included that states how the standards will be used and how they shall be imposed including if the Board shall take the HPC comments into consideration as a recommendation and not require a variance from the guideline standards. The Board discussed that an applicant should not need to provide testimony to grant relief from those standards. Recommending that that Ms. McManus draft language that makes it clear how the HPC applies their guidelines and clarify that these standards do not

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need variance relief and that the HPC review carries the same weight as any other professional review letter recommendation.

7:20 pm Mr. Hill entered the meeting remotely.

Ms. McManus discussed the sections regarding demolition, relocation of a historic building within the historic district and relocation outside of the historic district noting that demolition was generally not permitted and listed other and factors which would allow demolition which were not particularly clear and recommended cleaning up the language to clarify the application, reasons and factors with the elimination of the word “generally” noting that it was difficult to define ‘prosperity to the Borough’ and simplification may be better.

Ms. Kaczynski recommended a change in L.3.i. to change the wording to as soon as possible instead of 60 days and likewise change the same in J to as soon as possible as well.

Motion to adopt the resolution as discussed was made by: Engelhardt, seconded by: Budney

The Board discussed the recommendations and found the ordinance consistent with the Master Plan with the recommendations as discussed.

Mayor Driver asked if these changes would be substantive and require a re-introduction of the ordinance. Mayor Driver to consult with the Borough attorney.

Roll call on the motion:

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

Nays: (None)

Abstain: Hill

Motion passed: 7-0-1

7. Public Hearing: Captiva Main Street, LLC – Block 5 Lots 1 & 2 – Continued from March 8 & 22 and April 12, June 14 & June 28, 2022.

Mr. Doshna discussed that the Board closed the public hearing at the last meeting with the option for the applicant to re-open if necessary.

Attorney, Sean McGowan, appeared for the applicant noting that the witnesses were present in person and remotely if needed and had reviewed the list of conditions prepared by Ms. Kaczynski which was distributed to the Board.

Mrs. Engelhardt discussed that item 19 requiring smart glass should be eliminated as the industry standard was to install Low E glass and not smart glass which was expensive.

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Mr. McGowan confirmed that the item regarding a letter of no interest from Raritan Township could be eliminated where Mr. Clerico confirmed that no portion of the property was located in Raritan Township and item 34 could come out which was included in Mr. Clerico's review letter which they agreed to comply with regarding access to the rear of building B for maintenance where the applicant agreed to provide a door in the garage and block off parking spaces for access upon request and agreed to strike 'NJDEP' and replace with 'to service rear of building to the satisfaction of the Board planner and engineer'. Item 29 regarding providing a turning radius could be eliminated as Mr. Troutman had reviewed and found that the circulation does work since there was such low volume and tenants would be familiar with the configuration. Mr. Troutman confirmed that he was satisfied.

Mr. McGowan discussed the items regarding EV charging stations including items 10 which was required by statute and items 11, 12, 13, 22, 23, 25, 45, 47.

Mr. Troutman discussed the location of the EV spaces where there was a total of 174 parking spaces during peak time occupancy the site will need almost all of them the 29 EV stations needed to be flexible for spacing where the State gave guidelines and suggested that 6 of the 33 surface spaces for building A; 12 of the 75 garage spaces for building A; 2 of the 9 surface spaces for building B and 9 of the 57 garage spaces for building B be EV stations which would provide proper distribution. Mr. Troutman discussed the designation of the EV spaces suggesting that the garage spaces be assigned to residents and leave the surface spaces unassigned as the RSIS required some to be open and recommended that there should not be a need for a time requirement placed on the EV spaces where this could be controlled by management. Mr. Clerico asked how to assure the installation of the mandated timing of 1/3; 1/3; 1/3 installation of the EV stations Mr. Troutman confirmed that the 29 EV spaces need to be wire ready at the beginning of construction this item could be combined in item 10. Item 11 – locations provided by Mr. Troutman; item 13 goes away with no time limits; item 12 not needed with no assigned surface spaces; item 22 EV add parking spaces shall be utilized by visitors of the residents or as designated in the redevelopment agreement; item 23 surface visitors of the project made clear with item 12; item 25 eliminated as the garages were gated and have access to tenants only and assigned EV spaces would be controlled by lease agreements; item 45 there would be no time limits for EV spaces since they are distributed item eliminated; item 47 agreed that EV charging stations would be universal.

The Board discussed item 45 regarding hours of the 'gym porch' which would need to conform to the Borough ordinances and was eliminated and item 14 regarding affordable housing for 15% of the units to meet all applicable standards, Ms. McManus clarified that 3 units need to be 3 bedroom Mr. Caballo agreed. Mr. McGowan agreed to the following: Item 35 – the applicant will obtain approval from the water and sewer department; Item 42 generators will have visual screening; item 38 to add that the applicant will pursue the traffic timing change from the County at the signal at Walter Foran Blvd. and agreed to all outside approvals.

Mrs. Engelhardt discussed that the sustainable elements will be addressed in the Redevelopment Agreement.

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Motion to grant preliminary and final site plan; design waivers and 'c' variances with the conditions as discussed was made by: Driver, seconded by: Engelhardt

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

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

8. Public Hearing: Family Promise of Hunterdon County, Inc. – Block 19, Lots 7 & 8 (8 New York Ave)
Continued from June 14, 2022

Mr. Doshna announced that the matter was continued to the July 26, 2022 meeting and that no further notice would be provided and further that on July 26, 2022 the Board would announce the continuation of this public hearing to the August 9, 2022 at 7:00 pm at an alternate location to be announced and posted on website noting that a larger venue was required to accommodate the anticipated number of public attending.

Ms. Parks to request an extension of time for the Board to act.

9. Chair Items:

Next meetings: July 26, 2022 – Resolution for Captiva Main Street, LLC; announcement to continue public hearing for Family Promise of Hunterdon County, Inc. to August 9, 2022 and Extension of Prior Approval request for 54 East Main Street. Mr. Doshna and Mr. Cook will not be attending the July 28, 2022 meeting.

Other projects in the works included Amended site plan for Courthouse Square, the Board discussed the application and escrow fees for the amended site plan. The Master Plan subcommittee scheduled a meeting July 14, 2022 at 2 pm.

Mr. Doshna requested that all Board members get off of facebook noting that the members had an obligation to hear what was before them only at the public hearing and that posting on social media opens the Borough to potential litigation.

10. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

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11. Professional Reports: None.

12. Executive Session: None needed.

13. Adjournment:

At 8:42 pm. Motion to adjourn was made by: Driver, seconded by: Hill. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary