

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, SEPTEMBER 20, 2022 – 7:00 PM

MINUTES

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

Present: Mr. Parker, Mr. Doshna, Mr. Cook, Mr. Campion remotely, Mrs. Engelhardt, Mr. Budney, Ms. Giffen remotely, Ms. Weitzman remotely, Mr. Hill remotely, Mr. Levitt, Attorney Kaczynski, Engineer Clerico, Traffic Engineer Troutman, Planner Brett Harris.

Excused: Mayor Driver, Planner McManus

1. **Public Comments:** None
2. **Mayor Comments:** None.
3. **Council Comments:** None.
4. **HPC Comments:** None.

5. **Approval of minutes for the September 13, 2022 regular meeting.**

Deferred to the next meeting to allow the Board a chance to review.

6. **Resolution 2022-08: 54 East Main Street TIC I, LLC & 54 East Main Street TIC II, LLC – 54 East Main Street, Block 5 Lot 12**

Ms. Kaczynski discussed the resolution to formally extend the use variance approval as required by the DEP. Since no formal vote was taken at the meeting when discussed those eligible to vote would be those present for the discussion in July.

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

Ayes: Budney, Engelhardt, Giffen, Weitzman, Hill, Levitt

Nays: (None)

Abstain: (None)

Motion passed: 6-0-0

7:07 pm Ms. Giffen recused from the HPC Ordinance.

7. **Discussion: Ordinance 2022-08 Amending Sections 1404 of the Borough Code Regarding the Historic Preservation Commission**

Mr. Doshna discussed that the ordinance had been revised based on the Board's recommendations and introduced by Council. Mr. Harris had reviewed the ordinance with the revisions which were largely points of clarification and noted that no changes were made on the Board recommendation for Item 7 – regarding the time period when the Board should act. Ms. Kaczynski discussed that Item 7 was for consistency and not a legal issue and had no objection for revised ordinance. Mr. Harris found that

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the ordinance was not inconsistent with the Master Plan and noted that the consistency in definitions was taken care of with the latest revisions.

Motion to find the most recent version not inconsistent with Master Plan and no further recommendations would be provided to Council was made by: Cook, seconded by: Budney

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

8. Discussion: Ordinance 2022-18: Amending the Downtown Business (Db) Zone to Include Block 14 Lots 11, 12, a Portion of 13, 14, 15, 16, 17, 17.01 & 20 and Block 18 Lots 1, 2, 3 & 4

Mr. Doshna discussed that the ordinance to change the zoning district for the listed block and lots which Ms. McManus had laid out at the prior meeting which were currently zoned PO on the north end of the business district and would be changed to the DB district to promote activities more consistent with Main Street. Mr. Harris found the ordinance not inconsistent with the Master Plan where goals 3 and 5 of the Master Plan were being met.

Mrs. Engelhardt discussed that the zone changes had been previously contemplated and this change was inline with the Master Plan subcommittee noting that additional parcels to the south may be recommended to be changed to the DB zone as well.

Motion to find the ordinance not inconsistent with Master Plan and with no recommendations was made by: Cook, seconded by: Engelhardt

Ayes: Doshna, Parker, Campion, Engelhardt, Cook, Budney, Giffen, Weitzman, Hill

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Mr. Doshna discussed chair items since Mr. Cook and Ms. Giffen would be recused from the public hearing scheduled.

9. Chair Items:

- **The October 25, 2022 meeting location:** announced to be held at the Stangl Factory, 4 Stangl Road and Mine Street for the continuation of the public hearing for the Family Promise application no further notice would be provided. Ms. Giffen will be out of the Country for this meeting and will attempt to join via Zoom using the call in from the UK. Mr. Campion noted

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that Public Works Department would set up at the Stangl Factory and would come back in the morning to break it down as well.

- Next meeting – Wednesday, October 12, 2022 - Mr. Doshna would not be able to attend the meeting. Agenda items to include completeness Tidbits NJ, LLC & completeness for 161 Dolce, LLC and the deferred approval of minutes from the September 13, 2022 meeting.
- The Master Plan subcommittee would next meeting on September 30, 2022.

7:26 pm Mr. Cook and Ms. Giffen recused from the public hearing for the Flemington Center Urban Renewal application left the meeting and did not return.

10. Public Hearing: Flemington Center Urban Renewal, LLC – Union Hotel Redevelopment – Amended Site Plan

Attorney for the applicant, John Lanza, appeared and discussed the amended site plan application noting that the plan was in conformance with Ordinance 2021-23 Union Hotel Redevelopment Plan Amendment as adopted. The applicant's engineer and architect would provide testimony.

Exhibits were marked: A-1 Application and supporting documents; A-2 Proofs of Notice, affidavit of service; PB-1 Mr. Clerico's completeness report dated 8-5-22; PB-2 Mr. Clerico's technical engineering report dated 9-15-22; PB-3 Ms. McManus's planning review dated 9-16-2022.

Keith Cahill from Bohler Engineering, was sworn in for testimony and was qualified as a professional engineer and hearing no objections was accepted as same. Exhibit A-3 was entered a submitted colorized plan sheet which added a proposed open air porch to the potting shed building located on the exhibit along Main Street but still within courtyard area. The proposed porch was 15 ft wide x 48 ft long and was in conformance with the Redevelopment Plan no other revisions were proposed to the previously approved site plan.

Mr. Budney asked if the proposed porch would have any impact on circulation in the Courtyard or outside of the development area; Cahill responded no that all of the porch was located within the courtyard and no changes to the redevelopment plan.

Mrs. Engelhardt asked the distance from the porch to the closest element in courtyard area. Mr Cahill measured 13 – 14 ft to the element.

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Jake Raker from Minno and Wasko, was sworn in for testimony and was qualified as a professional architect and hearing no objections was accepted as same. Exhibit A-4 a blown up perspective zoomed in and at a different angle of the proposed porch concept dated 9-20-2022 was entered. Mr. Raker described the 12 ft x 48 structure to be used for the restaurant in potting shed which would help to activate courtyard with outdoor activities and discussed the porch materials which would be the same as on potting shed including the brick to match the existing, as well stucco, metal framing of windows. Mr. Raker noted that there were no interior changes with the exception of doors added to access the porch where windows have been changed to doors.

Mr. Clerico thought there were interior changes. Mr. Raker discussed that they added some meeting space in the interior but there would still be the same number of hotel rooms and apartments along with some changes in configuration of parking spaces but would have the same number of stalls.

Mr. Harris asked if the changes in meeting spaces would that have any impact on parking demand. Mr. Raker responded that there would be no increase in parking demand and agreed to correct the total number of spaces on the plans to make them agree.

Mr. Troutman asked if the interior changes would require changes in parking calculations. No.

Ms. Kaczynski asked if the meeting space would be used by hotel guests only and if the applicant would agree to comply with professional's reports. Mr. Raker agreed and clarified the dimensions of the porch as 15 ft x 48 ft which would be updated on the plans.

Mrs. Engelhardt asked that the inconsistency on the plans be corrected. Mr. Raker agreed and discussed the roof materials which would meet the criteria in the Redevelopment Plan. Mrs. Engelhardt agreed that the proposed porch was well proportioned and there was a good distance to courtyard element.

Mr. Budney noted that the prior plans provided a view from the courthouse to spring street and asked if the extension create a visual clutter. Mr. Raker discussed that if standing right in front or porch yes, but anywhere else there was plenty of view.

Mr. Doshna asked the use of the second floor of the building. Mr. Raker discussed that the second floor was part of the restaurant that could be used as private dining party area where the ground level was restaurant use.

Ms. Weitzman if there would any point of entrance to porch area from the courtyard. Mr. Raker responded no - that restaurants do not like multipoint entrance where they like to have the hostess greet customers adding that the accesses would need to be accessible which would lose more space.

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Motion to close the public hearing was made by: Engelhardt seconded by: Parker

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

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

Ms. Kaczynski listed the conditions including that the use of internal meeting space be for hotel guests only, compliance with the reports; dimensions of the porch be depicted on plan, conformance with Redevelopment Plan.

Mr. Budney commented that the porch was a nice addition to project. Mr. Parker agreed.

Motion to approve the site plan subject to the conditions was made by: Budney seconded by: Campion

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

Nays: (None)

Abstain: (None)

Vote: 8-0-0

11. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

12. Professional Reports: None.

13. Executive Session: None needed.

14. Adjournment:

At 7:58 pm. Motion to adjourn was made by: Budney, seconded by: Weitzman. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary