



FLEMINGTON BOROUGH, HUNTERDON COUNTY, NJ



2015 Reexamination of the Master Plan

Flemington Borough, Hunterdon County, New Jersey

Adopted August 24, 2015

2015 Planning Board

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NJ PP #5915



A signed and sealed version of this report is available at the Flemington Borough municipal building.

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1. INTRODUCTION

The municipal Master Plan is a document, adopted by the Planning Board, which sets forth the policies for land use as envisioned by the municipality. The Master Plan is the principal document that addresses the manner and locations in which development, redevelopment, conservation and/or preservation occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets out a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map. New Jersey, among a handful of other states, specifically ties the planning of a community as embodied in the Master Plan with the zoning ordinance and zoning map. The zoning ordinance and map, which are adopted by the Borough Council, constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A Reexamination Report is a review of previously adopted Master Plans, amendments and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years. Additionally, the Municipal



Main Street Clock, Flemington (Clarke Caton Hintz)



Library, Main Street, Flemington (Clarke Caton Hintz)

Land Use Law now includes a waiver provision, where a municipality may waive the reexamination requirement through a determination by the State Planning Commission and the municipal Planning Board that the municipality is built-out, defined as there being no significant parcels, whether vacant or not, that currently have the capacity to be developed or redeveloped for additional use of the underlying land.

Five specific topics are to be considered in the Reexamination Report. These are:

- a. *The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.*
- b. *The extent to which such problems and objectives have been reduced or have increased subsequent to such date.*
- c. *The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in state, county and municipal policies and objectives.*
- d. *The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.*
- e. *The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.¹*

A Reexamination Report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new Master Plan. Alternatively, "if the recommendations set forth in the Reexamination Report are themselves substantially in such form as might or could be set forth as an amendment



Main Street, Flemington (Clarke Caton Hintz)

¹ N.J.S.A. 40:55D-89

or addendum to the Master Plan, the reexamination report, if adopted in accordance with the procedures [prescribed by the MLUL for adoption of a Master Plan], may be considered to be an amendment to the Master Plan.”²

This Reexamination Report includes all of the required components pursuant to the Municipal Land Use Law. Section II herein identifies the master plan elements and reexamination reports previously adopted by Flemington. Section III identifies major problems and objectives at the time of adoption of the 2007 Reexamination Report and the extent to which they have changed. Section IV identifies relevant changes in assumptions, policies and objectives at the local, county and state levels. Lastly, Section V provides recommendations.

A reexamination of the master plan is an opportunity to evaluate the status of existing policies, in light of recent conditions, and to provide necessary direction for future planning efforts. This reexamination report addresses those topics that have arisen since the Borough’s last Master Plan in 2010. The most significant topics include recommendations for the reuse, redevelopment, or revitalization of the Borough’s commercial districts, including but not limited to downtown and the Borough’s southwest corner.

Flemington’s last Master Plan was adopted on June 7, 2010. Although the Municipal Land Use Law requires that Master Plan reexaminations take place at intervals no greater than 10 years, there is no prohibition on the adoption of such reports on a more frequent basis.

1. Public Participation

It is essential that an evaluation of Flemington’s land use policies and the direction of the Borough involve the people who live and work there. The Planning Board Reexamination Report Subcommittee, with input from the full Planning Board, Borough Council, and the Flemington Business Improvement District (BID), identified key stakeholders among the Borough’s residents and municipal operations, as well as business, arts, religious, and land use communities, to interview for their input on the future of Flemington. On May 7, 2015, over 40 stakeholders were interviewed at Borough Hall in over 29 sessions. Additional telephone interviews were subsequently held with another half dozen stakeholders. Each stakeholder was asked four questions over an approximate 20 minute session.

The stakeholders provided thorough and diverse opinions about Flemington’s land use policies and direction. Overall, stakeholders enjoy living and/or working in the Borough and want to see a vibrant downtown with more pedestrian activity. The stakeholder input informs the findings

² New Jersey Zoning & Land Use Administration, Cox & Koenig, 2013 Edition, p. 965.

throughout this Reexamination Report, including the recommendations. Below is a brief summary of responses to each question.

- 1) *What is your vision of Flemington? What does a successful, attractive, and vibrant Flemington look like?*

Many stakeholders envision Flemington as a safe, vibrant, historic, and attractive mixed-use destination that has numerous restaurants (including those serving alcohol), diverse retail, and arts and cultural opportunities (particularly a theater) in the downtown. Many also cited pedestrian and bicycle-friendly streets and a downtown that offered activities for people of all ages. Those who cited an example town that should serve as inspiration for the Borough frequently chose Lambertville, but also New Hope, Somerville, and Doylestown.



Lambertville, New Jersey (Clarke Caton Hintz)



Doylestown, Pennsylvania (ilovebobbys.com)



Somerville, New Jersey
(<https://alojedaphotography.wordpress.com>)

- 2) *What are Flemington's strengths and opportunities?*

Stakeholders cited many strengths but the most common were that Flemington is a small town that is walkable and compact, safe, has adequate downtown parking, a great school system, and historic architecture. Several interviewees also cited the Stangl Factory complex and the ability to shop locally as a strength. Opportunities identified include 90 Main, the Cut Glass site, and the Union Hotel. People also viewed the Borough's status as the seat of Hunterdon County as strength.

3) *What are Flemington's challenges to success?*

The most commonly cited challenge were downtown vacancies, especially the Union Hotel, and limited evening hours of existing downtown business. Liberty Village's struggling store activity was also identified as a challenge. Additional common concerns with Flemington were an aging population, difficulty attracting young people (millennials), people loitering downtown, perceived crime,



Former 123 Main Street Restaurant, Flemington (Clarke Caton Hintz)

unmaintained rental units, and a lack of liquor licenses. People also noted that Flemington lacks recreational and other activities, especially for children. Wayfinding around the Borough could also be improved.

Stakeholders also discussed a perception that the Borough is not friendly to business and they cited the need for a stronger vision for the future and a more efficient and streamlined development approvals process.

4) *What changes are necessary for Flemington to realize your vision?*

Stakeholders called for more restaurants, particularly those with outdoor dining, brewpubs, a bar, and more places serving alcohol in general. Other interviewees said the Borough needs to attract residents with luxury apartments and more vibrant and active downtown uses and activities. Stakeholders frequently said additional residential



Liberty Village, Flemington (Mary Melfi)

density and building heights would help achieve their vision, provided the buildings were attractive and sensitive to the Borough's historic character and existing residential neighborhoods. Many interviewees called for a return of commuter train service to Flemington. Regarding the development process, some called for the Borough to be more business-friendly. Suggested changes to make the Borough more business-friendly include:

streamlining the planning board process and having more flexible regulations, particularly for small applications. At a broader municipal level, several stakeholders would like to see Flemington and Raritan Township services and municipalities merge.

Consistent with stakeholders' responses to Question 3, opinions on the Union Hotel varied. Some respondents felt demolition should be considered due to the building's deterioration and time necessary to perform adaptive reuse, while others felt the hotel's redevelopment was vital to the Borough's success and their vision.

2. PAST PLANNING EFFORTS

1. 1997 Master Plan

The Planning Board of the Borough last adopted a Master Plan on July 29, 1997 consisting of several chapters, or elements (including background studies). These include Goals and Objectives, Existing Environmental Factors, Analysis of Existing Land Use, Analysis of Existing Zoning, Existing Utility Services, Community Facilities Plan, Open Space and Recreation Plan, Land use Plan, Housing Plan, Circulation and Parking Plan, Historic Preservation Plan, Recycling Plan and an Analysis of Consistency with other Planning Documents. In addition to the general statement of goals and objectives included in the first section of the 1997 Master Plan, more specific goals and objectives are included as recommendations within particular elements of the 1997 Master Plan. The progress to date regarding the goals and objectives from the 1997 Master Plan is discussed under Section III, below.

2. 1999 Reexamination Report

In 1999, the Borough adopted a Reexamination Report that reviewed the goals and objectives for development, as well several obstacles to development that were identified in the 1997 Master Plan. The 1999 Reexamination Report also examined the worsening of several problems related to traffic congestion and recommended that the Circulation Element of the Master Plan be revised to address the need for a traffic light at Church Street and Broad Street, the creation of a Route 202 bypass road, the need for control of access along Reaville Avenue and Route 202, and establishing an appropriate right-of-way width along Reaville Avenue.

3. 2001 Center Designation Report

In 2001, the Borough submitted a report petitioning the State Planning Commission (now the Office of Smart Growth) to amend the State Plan policy map to designate Flemington as a Regional Center. In December 2001, the petition was approved, although the Borough was designated as a Town Center rather than a Regional Center. The 2001 Center Designation report discusses the Borough's planning goals and objectives and its relationship to State Plan policy objectives, provides population and employment estimates, analyzes local resources and development capacity, and provides a detailed Planning Implementation Agenda (PIA).

The Planning Implementation Agenda was updated in 2004 and in October, 2006 a report was submitted to the Office of Smart Growth regarding the status of all planning activities since the Borough's designation as a Town Center in 2001.

4. 2003 Land Use Plan Amendment

In July 2003 the Borough amended the Land Use Element of the Master Plan to revise the land use classification of an area at the corner of Walter Foran Boulevard and Main Street. With the realignment of Main Street and Walter Foran Boulevard, this intersection became more heavily utilized. The current Townhouse (TH) land use designation was inappropriate because it did not recognize the increased traffic passing by the site and the size of the lot. Accordingly, the Land Use Plan was amended to change the designation of this area to PO Professional Office land use.

5. 2005 Housing Element and Fair Share Plan (Third Round Version 1)

In response to the adoption of the “third round” rules regarding affordable housing by the New Jersey Council on Affordable Housing (COAH) in December 2004, the Planning Board adopted a Housing Element and Fair Share Plan in November 2005. This Plan satisfied an 11 unit rehabilitation obligation, 45 unit prior round obligation, and 25 unit third round obligation. It was submitted to COAH in December 2005 with a request for substantive certification.

6. 2007 Reexamination Report

In 2007, the Borough adopted a Reexamination Report that reviewed the goals and objectives for development, including revitalization of the Downtown Business District and discouraging the conversion of single-family homes to two or more units. Downtown revitalization recommendations addressed reuse, parking, streetscaping, historic preservation, and economic development.

7. 2008 Amended Housing Element and Fair Share Plan (Third Round Version 2)

Subsequent to the New Jersey Appellate Court decision overturning COAH’s 2004 third round rules, COAH adopted version 2 of its third round rules in 2008. In response, the Flemington Planning Board adopted its amended Third Round Housing Element and Fair Share Plan on December 17, 2008 to address a 17 unit rehabilitation obligation, 38 unit prior round obligation, and 21 unit third round obligation. The Plan received substantive certification on April 8, 2009.

8. 2010 Master Plan

In 2010, the Borough adopted a Master Plan that, overall, maintained the 2007 Reexamination Report’s recommendations. The Plan stressed the importance of finding a new use for the vacant Union Hotel to revitalizing the Downtown. Additional goals include protecting residential districts while integrating them with commercial areas, encouraging sustainable building

practices and technologies, and advocating for the return of passenger rail service to the Borough. The Plan also recommends several zoning changes to encourage mixed residential and commercial uses.

9. 2010 Historic Preservation Ordinance

The Borough's Land Development Ordinance sets forth standards in §1631 for review of development applications or permits affecting historic districts or landmarks. The Historic Preservation Commission prepared a Historic Preservation Ordinance that amended §1631 by incorporating more detailed design guidelines and by providing other updates to the existing regulations. The Ordinance includes the Secretary of the Interior's Standards for Rehabilitation. The Borough Council passed Ordinance 2010-17 in November 2010.

10. 2011 Sustainability Element

The Borough adopted the Green Building and Environmental Sustainability Element in June 2011. The overarching intent of the Element is to ensure that public and private planning and development in Flemington is done such that future generations enjoy the same or more opportunities in terms of housing options, access to open space and the local ecology, vibrant community life, and environmental health. The Element contains nine goals that address ways in which Flemington can become more sustainable. These goals address topics such as, but not limited to, center-based development, local food, complete streets, green infrastructure, and sustainable energy.

3. RELEVANT CHANGES IN ASSUMPTIONS, POLICIES & OBJECTIVES AT THE LOCAL, COUNTY AND STATE LEVELS (40:55D-89.c)

Several state, regional, county and local planning events have occurred subsequent to preparation of the 2010 Master Plan. The following section identifies the changes in assumptions, policies and objectives that have occurred and the impact on land use and planning policies in Flemington Borough.

1. Permit Extension Act

In response to the “Great Recession”, which is defined as the period from December 2007 through June 2009, the Permit Extension Act was signed into law July 2008. It was extended three times with the most recent extension signed in December 2014. The Act suspends the tolling period for most state, county, and local permits and approvals in existence on or after January 1, 2007 through December 31, 2015, except that no tolling period shall extend beyond June 30, 2016. There are several exceptions to the Act, including but not limited to federal permits, permits for development in the Meadowlands and environmentally sensitive areas (Planning Area 4B, 5 or critical environmental sites as defined by the 2001 State Development and Redevelopment Plan). The recent extension also does not apply to Flood Hazard Permits.

2. Time of Application Law

The “Time of Application” Law was signed on May 5, 2010 and took effect on May 5, 2011. The effect of this statutory change is that the municipal ordinance provisions that are in place at the time an application for development is filed are those which are applicable, regardless of whether or not an ordinance is amended subsequent to such an application. This is a departure from previously established case law, where courts in New Jersey have consistently held that the ordinance that is in place at the “time of decision” (the moment the Planning Board or Zoning Board of Adjustment votes on the application) is the law that applies to the application.

This provision raised many concerns with municipalities. Principal among these is whether the new law provides opportunities for developers to have their development rights “locked in” by submitting applications that are incomplete. The Borough revised the Land Use Regulations to revise the definition of “application for Development” to state that the documents required for approval is defined as all of the required information within the relevant development application checklists unless waivers for such information have been granted by the Board having jurisdiction. This amendment requires that a complete application be submitted by an applicant prior to “locking in” the current municipal ordinance provisions.

3. Renewable Energy Legislation

The New Jersey Legislature has been active since the 2009 Reexamination Report legislating to facilitate the production of alternative forms of energy. The following three new statutes, in particular, have changed the way alternative energy can be produced in New Jersey.

- **Industrial Zones.** The Municipal Land Use Law was amended March 31, 2009 to pre-empt local zoning authority and to permit, by right, solar, photovoltaic, and wind electrical generating facilities in every industrial district of a municipality. To be eligible for this permitted use, a tract must be a minimum size of 20 contiguous acres and entirely under one owner. Accordingly, this use may be permitted in some of the Borough's larger industrial areas but may require lot consolidation in order to achieve the 20 acre minimum lot size.
- **Inherently Beneficial Use.** The Municipal Land Use Law was amended to define inherently beneficial uses and to include solar, wind and photovoltaic energy generating facilities in the definition.
- **Solar Not Considered Impervious.** On April 22, 2010 an act exempting solar panels from being considered impervious surfaces was signed into law. This bill exempts solar panels from impervious surface or impervious cover designations. It mandates that NJDEP shall not include solar panels in calculations of impervious surface or impervious cover, or agricultural impervious cover and requires that municipal stormwater management plans and ordinances not be construed to prohibit solar panels to be constructed and installed on a site.

4. Wireless Telecommunications Facilities

There have been two changes to regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an "eligible facility" to modify an existing wireless tower or base station if such a change does not "substantially change" the physical dimensions of the tower or base station. The term "substantial change" is not defined by the law. Until regulation or case law is issued on this topic, Flemington will need to carefully interpret this on a case by case basis.

The second regulatory change is an amendment to the Municipal Land Use Law, *N.J.S.A. 40:55D-46.2*. This new section states applications for collated equipment on a wireless communications support structure shall not be subject to site plan review provided three requirements are met: 1) the structure must have been previously approved; 2) the collocation shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief.

5. Open Space Preservation

In November of 2014 New Jersey voters approved, via referendum, a constitutional amendment that will dedicate money from a business tax toward open space preservation. While it has not yet been decided how these funds will be allocated, the referendum will lead to a continuous funding stream for open space preservation and stewardship.

6. Hunterdon County Comprehensive Economic Development Strategy (CEDS)

The Hunterdon County CEDS plan was adopted and approved by the Federal government in the spring of 2015. Findings from research and public participation were compiled into a Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis and recommendations are provided to address those findings. Many of these recommendations are directly applicable to the Borough.

The key recommendations from the document, below, are consistent with Flemington's historic pattern of development and land use policies. Notwithstanding, with the exception of promoting commuter rail in Flemington, the recommendations are not specific to the Borough. See also the Changing Demographics item in this section for a discussion of the County's findings on demographics.



CEDS Plan Potential Development, Flemington (Hunterdon County)

- Repurposing vacant and underutilized commercial and industrial properties will provide additional housing (affordability) and jobs (ratables).
- Implement transportation projects leading to the provision of public transit, addressing affordability challenges and automobile-dependency.
- Create a friendlier business environment through the provision of quality and adequate capacity infrastructure (water/sewer/broadband/electric redundancy) and workforce training, ensuring a healthier Hunterdon County labor supply.
- Channel development to appropriate areas, focusing on “centers of development,” maintaining and improving Hunterdon County's current quality of life and rural atmosphere.
- Encourage collaboration and cross-education, communication, and sharing of information within the county and between municipalities creating a collective impact.

- Foster local economic development by enhancing the tourism industry in Hunterdon County through its cultural, recreational, historic, and agricultural assets.

7. State Development and Redevelopment Plan

In March, 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA1), Suburban Planning Area (PA2), Fringe Planning Area (PA3), Rural Planning Area (PA4) and Environmentally Sensitive Planning Area (PA5.).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendments to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted.

Rather, a new State Plan, the State Strategic Plan: New Jersey's State Development & Redevelopment Plan, was drafted and released in 2012. This draft State Plan takes a significantly different approach than the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". The Plan identifies four investment areas to be used for identifying locations for growth, preservation and related investments (listed in descending order from the most developed to the least developed condition): Priority Growth, Alternate Growth, Limited Growth and Priority Preservation. The locations of the Investment Areas are determined not by a State Plan Map, as in the past, but by a criteria-based system applied during State agency decisions on investments, incentives and flexibility on State land use regulations, programs and operations.

After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy which occurred on October 30, 2012. No Plan revisions have been released to date and no further public hearings on the Plan have been scheduled. Until such time as a new State Plan is adopted, the 2001 State Plan remains in effect. The Borough will monitor the State's efforts toward adopting a new State Plan and respond accordingly.

8. Affordable Housing

On December 11, 2008 Flemington Borough adopted a revised Third Round Plan that addressed the Borough's affordable housing obligation under COAH's 2008 third round rules. The Borough received third round substantive certification for this plan in 2009.

The 2008 COAH rules were challenged in an Appellate Court Case. On October 8, 2010, the Appellate Court invalidated several key provisions of COAH's rules, including the revised "growth share" approach. The Court directed COAH to revise its third round methodology and regulations by March 8, 2011 using a methodology substantially similar to COAH's first and second round methodologies. Subsequent delays in COAH's rule preparation and ensuing litigation led to the NJ Supreme Court, on March 14, 2014, setting forth a schedule for adoption of COAH's rules.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, the Council on Affordable Housing ("COAH") deadlocked 3-3 at its October 20, 2014 meeting and failed to adopt new rules. This put COAH in violation of the Supreme Court's Order. A motion in aid of litigant's rights was filed with the NJ Supreme Court.

On March 10, 2015, the Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights filed by Fair Share Housing Center ("FSHC") (In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing). This long-awaited decision provides a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans (housing plans) from COAH to designated Mount Laurel trial judges. The implication of this is that municipalities may no longer wait for COAH to adopt third round rules before preparing new third round housing plans and municipalities must now apply to Court, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits. These trial judges, likely with the assistance of an appointed Special Master to the Court, will review municipal plans much in the same manner as COAH previously did. Those towns whose plans are approved by the Court will receive a Judgement of Repose, the court-equivalent of COAH's substantive certification.

The decision established a 90-day transitional period starting the day of the decision, during which municipalities may prepare materials and data to demonstrate to the Courts that they are satisfying their Mt. Laurel obligation of creating a realistic opportunity for affordable housing. The Court indicated that during this 90 day period, COAH may re-establish control over the process by adopting 5:98 and 5:99 into law. The decision also requires that the Courts and municipalities calculate their 1999 to 2025 affordable housing obligations using the first and second round methodologies.

In addition to judicial activity, there have been a number of efforts at statewide affordable housing reform over recent years. The most significant occurred on July 17, 2008, when Governor Corzine signed P.L. 2008, c.46, known as the “Roberts Bill”, which amended the Fair Housing Act in a number of ways.

Key provisions of the Roberts bill include the following:

- Eliminated regional contribution agreements (“RCAs”);
- Added a requirement for 13% of third round affordable housing units to be restricted to very low income households (30% or less of median income);
- Established a statewide 2.5% nonresidential development fee instead of a nonresidential growth share delivery obligation for affordable housing; and
- Established a requirement that development fees be committed for expenditure within four years of being received by the municipality.

In addition, on July 27, 2009, Governor Corzine signed the “NJ Economic Stimulus Act of 2009”, which instituted a moratorium on the collection of nonresidential affordable housing development fees set forth by the “Roberts Bill”. The moratorium has been extended to nonresidential property which had site plan approval prior to July 1, 2013 and a permit for the construction of the building prior to January 1, 2015.

In light of the “Roberts Bill”, on or about July 17, 2012 Governor Christie anticipated recouping \$140 million for the 2013 budget from uncommitted monies in municipal affordable housing trust funds which are four years old or older. However, on July 17, 2012 the Appellate Division issued an Order that outlined a process for municipalities to resolve disputes with COAH over their trust funds. In light of the March 10, 2015 Supreme Court decision to transfer responsibility to review and approve housing elements and fair share plans (housing plans) from COAH to designated Mount Laurel trial judge, on April 9, 2015 the Appellate Division issued a decision that transferred responsibility of review and approval of spending plans from COAH to designated Mount Laurel trial judges and it also enjoined COAH or any other part of the executive branch from engaging in any further attempt to seize affordable housing trust funds.

9. VAS – Village Artisan Shopping District

The Borough created the VAS District in 2011 to encourage small businesses such as craft and artisan stores in a destination-oriented shopping area that is more inviting to pedestrians than typical highway commercial development. This area includes the small businesses along Stangl Road, Liberty Village Premium Outlets, Turntable Junction, Feed Mill Station, and Paradise Golf Center (located on the south side of Route 12).

10. ROSH – Redevelopment Office/Senior Housing Overlay District

Flemington created the Redevelopment Office/Senior Housing Overlay District in 2011 to promote pedestrian-oriented assisted living, senior housing, and amenities and services oriented toward these uses. The District covers several lots near the northern border of the Borough around Hopewell Avenue and North Main Street.

11. Sustainability Ordinances

In 2012, Flemington enacted several ordinances to support the Sustainability Element by encouraging the use of sustainable practices and technologies. These include for locally-sourced food, solar facilities, circulation, impervious surfaces, landscaping, lighting, mandatory recycling, and the location and maximum area of animal enclosures.

Food-related initiatives include specifically permitting farmer's markets, community gardening, and growing food for resale. Community gardens and solar facilities are permitted in all districts while farmer's markets and commercial agriculture are permitted in all commercial districts except the TC and O/SS Districts.

The ordinance also enacts standards to better promote people walking and biking in the Borough. These include



Flemington Women's Club, Flemington (Clarke Caton Hintz)

sidewalk passing areas for wheelchairs, internal sidewalks in commercial developments that also connect with surrounding uses, using permeable pavement where appropriate, shared parking where appropriate, bicycle parking, bicycle lanes, and prohibiting the creation of cul-de-sacs. Impervious surface requirements in the ordinance include requiring large developments that disturb at least 2,000 square feet or increase impervious coverage by than at least 200 square feet to abide by a 20% reduction in the permitted impervious coverage unless specific runoff-reducing stormwater management techniques are enacted. Green roofs are exempt from impervious calculations for all developments.

The ordinance's landscaping standards include prohibiting invasive species in recreational open spaces, requiring rain sensors for watering systems, and encouraging the use of native plants.

12. Union Hotel Redevelopment Plan

In October 2010, the Borough Council approved the Union Hotel Redevelopment Plan. The Union Hotel Redevelopment Committee, appointed by the Borough Council, identified a restaurant, bar, hotel, banquet hall, and multi-unit housing as the most economically viable uses for the long-term, financially stable operation of the property. However, all permitted uses in the Downtown Business District (DB), plus mixed uses and structured parking, are permitted within the redevelopment area. To maintain the historic character of the building, the Plan permits limited addition and demolitions to the structure. The Plan is an overlay zone within the DB District.



Union Hotel, Flemington (Clarke Caton Hintz)

In March 2014, the Borough Council amended the Redevelopment Plan to expand the redevelopment area. The expansion, which includes the Team Capital Bank and the Flemington Choir School buildings, is intended to promote vibrant mixed-use development adjacent to the Union Hotel and overall economic development along Main Street. The Plan remains an overlay zone within the DB District.

The Borough selected a redeveloper for the Hotel; however, project costs and other concerns have stalled redevelopment efforts.

13. Complete Streets

In November 2013 the Borough adopted a Resolution “Establishing a Complete Streets Policy for the Borough of Flemington”. Complete Streets are roadways designed to enable safe and convenient access for all users, including motorists, pedestrians, bicyclists, children, seniors, persons with physical challenges, movers of commercial goods, and users of public transportation. This generally means complete streets include space for vehicles (vehicle lanes), pedestrians (sidewalks), bicyclists (bike lane or shared vehicle lane) and any mass transit (bus shelters). The Borough adopted the resolution, finding that promoting pedestrian, bicycle, and public transportation travel as alternatives to the automobile promotes healthy living, reduces negative environmental impacts and is less costly to the commuter. The resolution calls for new construction and reconstruction (excluding maintenance) undertaken by the Borough to be

designed and constructed as "complete streets" whenever feasible and subject to the following conditions:

- a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.
- b. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities shall be determined on a project specific basis.
- c. In connection with any project, should the cost of pedestrian, bicycle and/or transit facilities cause an increase project costs consisting of local tax dollars by 10% or greater, as determined by engineering estimates, the project must be approved by a majority vote of the governing body prior to bidding of the project.
- d. Complete streets facilities shall not be required where significant adverse environmental impacts outweigh the positive effects of the infrastructure.
- e. The character of the particular road shall be considered in connection with the implementation of the complete streets policy.



Example complete street, Charlotte, North Carolina
(smartgrowthamerica.org)

14. Global Agway Redevelopment Area

In April 2014, the Borough Council designated the Global Agway site, and limited surrounding properties, as an area in need of redevelopment. This Redevelopment Area is primarily composed of vacant commercial and industrial buildings. The largest portion of the Redevelopment Area, Block 14, Lot 1, previously received approval for retail uses. A Redevelopment Plan for this area has not yet been prepared or adopted.

15. Flemington Business Improvement District (BID)

The Flemington Business Improvement District (BID) was established in 2011 with the goal of promoting development in Flemington's commercial areas.³ While documents produced by the BID are not adopted by the Borough, they can provide a valuable perspective for revitalizing Flemington's commercial districts.

³ <http://www.downtownflemington.com/pub/org/organization>, accessed June 26, 2015.

15.a) 2012 Market and Feasibility Analysis

The Market and Feasibility Analysis focused on revitalization opportunities in downtown and asserted that a rejuvenated Union Hotel with a restaurant and hotel use would be the strongest catalyst to revitalizing the area. The report also identified demand for complementary uses such as outdoor dining, event spaces, and a boutique movie theater. In addition, the report identified demand for a small performance venue to host speakers, presentations, and small music shows. The findings state that Flemington has demand for new restaurants and certain retail uses. It also finds that there is demand for townhouse, apartment and upscale condominium units.

15.b) 2014 Downtown Strategic Plan

The Flemington BID's Downtown (Strategic Plan) uses the development opportunities and demands identified in the 2012 report to recommend development options, including uses and layout, for seven (7) sites in the Borough. More broadly, the Plan proposes a revitalized downtown area with a mix of restaurants, amenities, boutique stores, art studios, public gathering spaces, condos, and apartments. The Strategic Plan also proposes zoning changes, a circulation plan, and design guidelines for streetscaping, wayfinding, complete streets, and green infrastructure to help make downtown more inviting and sustainable. These seven (7) sites and the appropriateness of the Plan's recommendations are analyzed in Section 4 herein. This Reexamination Report, in Section 4, also addresses the Strategic Plan's recommendations regarding bicycle routes, transit access, and streetscape design.



Mixed use building at Main Street and Bloomfield Avenue, Flemington (Clarke Caton Hintz)

16. Changing Socioeconomic, Real Estate, & Industry Trends

The Hunterdon County Comprehensive Economic Development Strategy (CEDS) provides an analysis of key socioeconomic, real estate, and industry trends (as well as analysis of other topics) facing the County. Its key findings include the following:

- Flat population and household growth;
- Rise in non-family households;

RELEVANT CHANGES IN ASSUMPTIONS, POLICIES & OBJECTIVES

- Growth in age cohorts most likely to increase housing demand for smaller units (55-64);
- The number of young families and families with children is declining in Hunterdon County.
- High office vacancy rate;
- Rising median home sale and rental prices;
- Healthcare and social assistance industry will continue to grow;
- Lower wage occupations are growing fast.
- The decline in corporate campuses is evident as large employers downsize or leave the County. Large office spaces left behind will need to be repurposed or demolished.

Flemington is generally consistent with these County trends. However, there are important exceptions, including Flemington's approximate 8% population growth from 2000 through 2013 (note that housing units increased only 4% during this time) and Flemington's growth in family households with children grew significantly – from 27% in 2000 to 40% in 2013.

The increase in population and families with children in Flemington shows that the Borough is a desirable place to raise children. However, it is important to note the only age cohorts to increase their share of the population between 2000 and 2013 were the very young (0-5) and baby boomers (55-64). The Planning Board can address these local and county trends by making the Borough attractive to young adults and providing housing for an aging population by encouraging housing such as townhomes and multifamily units that are well-suited to these age groups. Additionally, the Borough is becoming more demographically diverse. The Hispanic population experienced the largest growth – 11% in 2000 grew to 28% in 2013. Another significant change includes an increase in Asian residents – 4% in 2000 grew to 12% in 2013. Other growth occurred in Native Hawaiian and other Pacific Islanders and in those that reported "other".

The following tables provide a summary of demographic trends in the Borough.

Population & Household Characteristics		
	2000	2013
Total Population	4,200	4,559
Race		
White	90%	78%
Asian	4%	12%

RELEVANT CHANGES IN ASSUMPTIONS, POLICIES & OBJECTIVES

Population & Household Characteristics		
	2000	2013
Black or African American	4%	4%
Native Hawaiian and Other Pacific Islander	0%	4%
Other	2%	6%
Hispanic or Latino (of any race)	11%	28%
Family Households with Children	27%	40%
Average Age	34.9	35.6
Age Groups		
Under 5	7.0%	11%
5-14	12%	11%
15-24	12%	11%
25-34	19%	16%
35-44	18%	15%
45-54	13%	13%
55-64	7%	12%
65+	12%	11%
Median Household Income (1999)	\$39,886	\$50,330
Families Below Poverty Level	5%	5%
Education Attainment (25 years and over)		
Less than 9 th Grade	6%	6%
9 th – 12 th Grade, No Diploma	12%	11%
High School Graduate	33%	28%
Some College, No Degree	15%	18%
Associates Degree	7%	6%
Bachelor Degree	16%	20%
Graduate or Professional Degree	11%	12%

Sources: 2000 US Census, 2009-2013 American Community Survey (ACS)

RELEVANT CHANGES IN ASSUMPTIONS, POLICIES & OBJECTIVES

*The Census is a one-time count of the population while this ACS is an estimate taken over five years through sampling. As such, data in the ACS is subject to a margin of error.
Percentages may not add to 100% due to rounding.*

Housing Characteristics		
	2000	2013
Total Housing Units	1,876	1,944
Vacant Units	4%	5%
Occupied Units	96%	95%
Owner Occupied	39%	34%
Renter Occupied	61%	66%
Units in Structure		
1 unit, detached	31%	27%
1 unit, attached	6%	6%
2 units	22%	17%
3 or 4 units	23%	19%
5 to 9 units	6%	14%
10-19 units	6%	6%
20 or more units	7%	13%
Average Household Size – Owner Occupied	2.47	2.43
Average Household Size – Renter Occupied	2.13	2.37
Median Home Value (owner occupied)	\$163,300	\$280,400
Median Rent	\$773	\$1,244

Sources: 2000 US Census, 2009-2013 American Community Survey (ACS)

*The Census is a one-time count of the population while this ACS is an estimate taken over five years through sampling. As such, data in the ACS is subject to a margin of error.
Percentages may not add to 100% due to rounding.*

4. MAJOR PROBLEMS AND OBJECTIVES AT THE TIME OF ADOPTION OF THE 2010 MASTER PLAN, THE EXTENT TO WHICH THEY HAVE CHANGED & CURRENT RECOMMENDATIONS (40:55D-89.A, B AND D)

For the sake of brevity and clarity, these required sections of the Reexamination Report have been combined into the following section.

1. 2010 Master Plan, including the Historic Preservation Element, and 2011 Sustainability Element Goals and Objectives

The 2010 Master Plan set forth the following goals and objectives.

- 1) *Protect and enhance the integrity of the existing residential districts within the Borough.*
- 2) *Preserve, protect and enhance the integrity of Flemington's historic district and the historic resources within.*
- 3) *Employ strategies to encourage community and economic development within the Borough.*
- 4) *Integrate the residential and commercial segments of Flemington Borough to benefit the entire community.*
- 5) *Strengthen and enhance the commercial sector of the Borough, with an emphasis on attracting specialty retail and restaurants, and encouraging the redevelopment of underutilized properties particularly those within the Downtown Business District.*
- 6) *Encourage a redevelopment solution for the Union Hotel property that protects and enhances the site as a significant historic resource and at the same time ensures the site's long-term financial viability.*
- 7) *Encourage sustainable practices including the use of green building techniques as well as the use of alternative technologies including those that produce clean energy or otherwise have a comparative reduced impact upon the environment.*
- 8) *Continue to work with NJ Transit, NJDOT, the counties of Hunterdon and Somerset, the New Jersey Transportation Planning Authority and other authorities to reestablish passenger rail service to Flemington Borough, and provide appropriate planning for adjacent land uses including parking.*
- 9) *Encourage the conversion of two, three and four-family residences to single-family residences and other structures as originally designed where appropriate.*
- 10) *Encourage the establishment of arts and cultural uses within the Borough, including public art.*

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

The 2010 Master Plan separately set forth the following goals and objectives of the Historic Preservation Element.

- 1) *Locate, designate, protect and maintain Flemington's most important historic sites and district(s).*
 - *Develop mechanisms to preserve the contexts of historic resources.*
 - *Continue survey, registration and designation activities of historic buildings with the Borough.*
 - *Undertake survey, registration and designation activities of historic landscapes and landscape elements.*
 - *Undertake survey, registration and designation activities of archaeological resources in areas where development is likely to occur.*
 - *Through design review, tailored to specific historic resources, that conforms to the standards as outlined in the Borough of Flemington's Historic Preservation Ordinance, insure high standards of preservation.*
- 2) *Maintain the historic character of Flemington's historic commercial and institutional resources while encouraging their development as commercial and cultural assets.*
 - *Afford protection through designation.*
 - *Encourage preservation and adaptive reuse.*
 - *Encourage archaeological investigation in sites to be developed.*
 - *Coordinate preservation activities with open space goals and programs.*
- 3) *Maintain the historic character of Flemington's historic residential resources while encouraging their development as commercial and cultural assets.*
 - *Afford protection through designation.*
 - *Encourage preservation and adaptive reuse.*
 - *Encourage archaeological investigation in sites to be sites.*
 - *Coordinate preservation activities with open space goals and programs.*



Historic Home, Flemington (Clarke Caton Hintz)

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

- 4) *Contribute to the improvement of the economy of Flemington by encouraging expenditures for the restoration and/or adaptive reuse of historic buildings for local purposes and to encourage and promote tourism.*

- *Work to prevent deterioration and demolition of historic structures.*
- *Encourage preservation and rehabilitation of all historic structures in the Historic District to preserve and enhance Flemington's historic character and ambiance, thus encouraging heritage tourism.*
- *Encourage construction jobs by promoting preservation efforts.*
- *Encourage many types of jobs by revitalizing and maintaining historic commercial areas.*



*Adaptive reuse of the historic train station, Flemington
(Clarke Caton Hintz)*

- *Encourage tourism by promoting the historical appeal of Flemington's historic resources and by promoting the rehabilitation of such resources in commercial areas for tourism-related uses.*
 - *Encourage the preservation of designated non-conforming historic buildings by creating a vehicle to provide expedited zoning variances or exemptions.*
- 5) *Enhance Flemington's Historic Preservation Program to foster local interest in and a greater appreciation of and support for historic and archaeological resources.*
- *Send out a yearly notice to all property owners in the historic district informing them of their properties' historic status and the obligation this entails.*
 - *Develop an educational outreach program to promote preservation awareness in Flemington.*
 - *Distribute survey findings and documentation to land use boards and the public.*
 - *Develop mechanisms for publicly acknowledging successful preservation efforts.*
 - *Assemble and distribute technical information that can assist property owners in appropriately rehabilitating their historic properties.*
- 6) *Establish a local incentive program to provide assistance in the preservation of historic resources.*
- *Provide local incentives for owners of locally designated historic resources.*
 - *Update and revise existing zoning code to encourage preservation of Flemington's historic resources, by providing expedited variances or exemptions for non-conforming historic properties.*

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

- Create a local tax-abatement/reduction program for locally designated historic resources.
 - Establish mechanisms to publicize tax-relief programs.
 - Encourage local lenders to provide low-interest loans for rehabilitation of local historic resources.
- 7) Integrate historic preservation review criteria and data into the local planning and development review process.
- Establish procedures to make certain that all municipal agencies involved in the planning process are aware of Flemington's historic resources and preservation goals.
 - Make certain that no local ordinances are contrary to preservation goals.
 - Require all public sector planning studies on land use issues to identify the presence of historic resources and the impact of any such proposals on these resources.
 - Prepare historic preservation ordinances consistent with governing state statutes and recent court decisions.
 - Ensure that sign controls are sympathetic to the historic district.

The 2011 Sustainability Element set forth the following goals and objectives.

- 1) Capitalize on the Borough's center-based development pattern to decrease the environmental footprint of Borough residents, institutions and businesses.
- Objective 1.a. Support the Borough's mixed-use and commercial areas by encouraging complementary infill development and removing barriers to success, such as but not limited to, permitting a variety of complementary and supporting uses and encouraging shared parking.
- Objective 1.b. Support the Borough's diverse housing stock in order to accommodate a mix of incomes and household sizes.
- Objective 1.c. Locate community amenities, such as schools and recreation amenities in areas within one-quarter mile of residential neighborhoods.
- 2) Focus the Borough's remaining development potential on lands that can support compact development, are well served by transportation infrastructure, and are in proximity to employment and service centers.
- Objective 2.a. Support the Borough's mixed-use and commercial areas by encouraging complementary infill development and removing barriers to success, such as but not limited to, permitting a variety of complementary and supporting uses and encouraging shared parking.
- Objective 2.b. Support the Borough's diverse housing stock in order to accommodate a mix of incomes and household sizes.

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

- Objective 2.c. *Locate community amenities, such as schools and recreation amenities in areas within one-quarter mile of residential neighborhoods.*
- 3) *Encourage local food production through community gardens and permitting urban agriculture.*
- Objective 3.a. *Encourage creation of private food gardens and community gardens in public and private open space.*
- Objective 3.b. *Permit farmers' markets on appropriate Borough-owned land and nonresidentially zoned land. Permit properly scaled farm stands where food is grown.*
- 4) *Reduce vehicle miles travelled within the Borough and by Borough residents.*
- Objective 4.a. *Provide separate walking and bicycling facilities throughout the Borough and facilitate connections to walking and biking facilities outside of the Borough. Such facilities should be accessible by all users and should include but not be limited to sidewalks (pedestrian only), bike lanes, crosswalks and bike racks.*
- Objective 4.b. *Require pedestrian friendly street design to make walking and bicycling a pleasant and safe experience for all users.*
- Objective 4.c. *Encourage the reestablishment of passenger rail service to Flemington Borough.*
- Objective 4.d. *Promote street connectivity within the Borough and to points outside of the Borough.*
- Objective 4.e. *Encourage vehicular and pedestrian/bicycle inter-connectivity between nonresidential developments.*
- 5) *Encourage green design in new construction and rehabilitation.*
- Objective 5.a. *Encourage new construction and rehabilitation to utilize green building design strategies.*
- Objective 5.b. *Incorporate green buildings design strategies into municipal facilities and infrastructure as upgrades and renovations become necessary.*
- Objective 5.c. *Reduce the environmental impact of development in the Borough via adjustments to the Borough's site plan standards, such as but not limited to lighting and impervious cover, to the extent possible.*
- 6) *Promote local production of renewable energy.*
- Objective 6.a. *Encourage property owners in all zone districts to produce renewable energy on their property as accessory uses.*

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

- Objective 6.b. *Require the placement and design renewable energy facilities on historic buildings and/or in the Historic District to be compatible with the historic character or screened to the extent practical.*
- Objective 6.c. *Incorporate renewable energy production into municipal facilities and infrastructure as upgrades and renovations become necessary.*
- 7) *Enhance the Borough's green infrastructure so that its benefits of may be fully realized.*
- Objective 7.a. *Minimize the loss of trees during the development and redevelopment process.*
- Objective 7.b. *Expand the urban tree canopy by requiring that trees be part of the streetscape and that they be integrated into site designs .*
- Objective 7.c. *Increase the use of green infrastructure to address stormwater management, including but not limited to such methods as rain gardens, green roofs and increased vegetated areas.*
- Objective 7.d. *Preserve greenways connecting stream corridors, wetlands, wildlife corridors and other environmentally sensitive lands.*
- Objective 7.e. *Promote functional landscaping that provides runoff treatment, such as vegetated islands, rain gardens, vegetative filters, constructed wetlands, etc.*
- 8) *Enhance water conservation practices and improve the quality of surface and groundwater in the Borough.*
- Objective 8.a. *Encourage the use of landscaping vegetation that requires little to no irrigation, such as native or adaptive plants and xeriscaping (landscaping or gardening that reduces or eliminate the need for supplemental watering or irrigation).*
- Objective 8.b. *Encourage recycling of rainwater and reuse of "grey" water when landscape watering/irrigation is necessary. Grey water is wastewater generated from domestic activities such as laundry, dishwashing, and bathing, which can be recycled on-site for uses.*
- Objective 8.c. *Encourage use of innovative stormwater management technologies that not only protect against flooding, but also address nonpoint source pollution, recharge groundwater, and mimic natural hydrology.*
- Objective 8.d. *Retrofit or replace existing stormwater management infrastructure that is failing or not providing groundwater recharge and/or water quality treatment.*
- Objective 8.e. *Retrofit or replace existing public water infrastructure that is leaking or failing.*
- Objective 8.f. *Encourage homeowners and business owners to use rain barrels, rain gardens, and porous pavement on their property.*
- Objective 8.g. *Promote the disconnection of impervious surfaces throughout the Borough.*

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

9) *Reduce the waste stream of Borough households, businesses and institutions.*

- Objective 9.a. *Encourage the use of landscaping vegetation that requires little to no irrigation, such as native or adaptive plants and xeriscaping (landscaping or gardening that reduces or eliminate the need for supplemental watering or irrigation).*
- Objective 9.b. *Encourage recycling of rainwater and reuse of “grey” water when landscape watering/irrigation is necessary. Grey water is wastewater generated from domestic activities such as laundry, dishwashing, and bathing, which can be recycled on-site for uses.*
- Objective 9.c. *Encourage use of innovative stormwater management technologies that not only protect against flooding, but also address nonpoint source pollution, recharge groundwater, and mimic natural hydrology.*
- Objective 9.d. *Retrofit or replace existing stormwater management infrastructure that is failing or not providing groundwater recharge and/or water quality treatment.*
- Objective 9.e. *Retrofit or replace existing public water infrastructure that is leaking or failing.*
- Objective 9.f. *Encourage homeowners and business owners to use rain barrels, rain gardens, and porous pavement on their property.*
- Objective 9.g. *Promote the disconnection of impervious surfaces throughout the Borough.*

The goals and objectives of the Master Plan, Historic Preservation Element, and Sustainability Element remain relevant. However, two goals and objectives of the Historic Preservation Element should be updated as follows:

Goal 3: Maintain the historic character of Flemington’s historic residential resources.

Goal 7, Objective 5: Ensure that sign controls are consistent with Historic District goals.

2. **Additional Goals to Enhance the Viability and Vibrancy of the Downtown**

While the Borough’s existing goals and objectives remain relevant, additional goals are necessary to better emphasize the Borough’s commitment to strengthen the economic viability and vibrancy of the downtown core of Main Street and nearby surrounding properties, and the Liberty Village and Turntable Junction area.

1. *Concentrate retail, service, and entertainment uses which best contribute to creating a vibrant downtown and that will draw residents and visitors alike to the retail portion of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.*
2. *Use density, a mix of uses, and public open space to enhance the downtown.*

3. *Provide opportunities for appropriately scaled and located residential development to encourage redevelopment/revitalization of underutilized properties and to provide opportunity for additional market support for the retail, service, and entertainment portions of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.*

3. Flemington BID Downtown Strategic Plan Redevelopment Opportunities

The Downtown Strategic Plan identified seven (7) redevelopment opportunities in the Borough. The purpose of identifying these seven sites is to help stimulate economic development based on historic development patterns and mixed-use principles, primarily through increasing residential density in targeted areas while protecting existing neighborhoods. The proposals incorporate arts and cultural attractions and revitalized, pedestrian-oriented commercial areas with numerous restaurant and retail establishments that attract residents and visitors. This Reexamination Report uses the Downtown Strategic Plan's proposals to inform decisions about alternative zoning schemes.



4. 2010 Master Plan Land Use Recommendations, the Extent to Which They Have Changed and Current Recommendations.

4.a) Residential Districts (SC SF, TH, and TR Districts)

With the exception of sites specifically mentioned in this Plan, it is important to maintain the residential character and scale of the Borough's neighborhoods by limiting the impacts from more intense uses, such as noise, light, and traffic congestion.

There are no changes recommended for the Borough's residential districts except for that of the SC district in the following item.



Borough neighborhood, Flemington (Clarke Caton Hintz)

The Borough should revise the SC district to remove the senior component in order for it to reflect the only existing use of family housing.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

4.b) DB – Downtown Business District & DB II Downtown Business District II

First floor residential uses should be a conditional use.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. First floor residential uses in the downtown are appropriate where they do not disrupt first floor active commercial uses; as such, first floor residential uses may be appropriate where they do not face a public street or where the unit occupies a minimal area to accommodate the



Main Street, Flemington (Clarke Caton Hintz)

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

residential entrance. Due to the presence of existing residences in the DBII district, conditions for first floor residential uses should be more flexible in this district than the DB district.

The permitted uses should be revisited.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

The permitted uses should be evaluated as part of the restructuring of permitted uses recommended in item 4.n. The list should also be reviewed to determine if the current permitted uses will positively contribute toward an active and vibrant downtown and will draw residents and visitors alike to the retail portion of Main Street, including but not limited to restaurants, retail, and entertainment uses.

Uses that are not active such as offices that disrupt first floor commercial activity should be converted to conditional uses. Similar to residential uses, these uses may be appropriate in upper stories, where they do not face a public street or where the unit occupies a minimal area to accommodate the entrance. Additionally, the district should reflect the existing office buildings in the district by stating those existing as of the date of the implementing ordinance may remain as permitted uses.

The Borough should add permitted uses that would advance the Borough's downtown development goals of attracting residents and visitors and creating an active downtown, especially during nights and weekends. Example uses include theaters (stage and movie), brewpubs (where coupled with a restaurant), fitness-oriented centers (yoga, Pilates, etc.), personal services, and structured parking. Brewpubs and fitness-oriented centers, in particular, are growing in popularity, and contribute



Main Street, Flemington (Clarke Caton Hintz)

to an active downtown. Theater uses are complementary to the art and retail uses in the zone would contribute toward establishing a stronger reputation for the Borough as a destination.

The bulk standards should be revised for predictability and to permit strategic increases in density and intensity.

The Borough should revise the bulk standards to better encourage redevelopment to be consistent with the district's development pattern and incentivize redevelopment in appropriate locations. Increases in permitted density or height should not upset the existing historic fabric of the district's frontages.

- The minimum front yard setback should be changed from a minimum of 25 feet to a minimum of approximately 0 feet and a maximum of approximately 10 feet. While the zoning currently states the front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building, the smaller setback is voluntary and therefore the district permits buildings to be setback significant distances from the street. The change to a minimum and maximum setback would eliminate the potential for new buildings to be setback from the street such that they create a void in the commercial activity.
- The Borough should conditionally permit buildings of up to four (4) stories where the development advances other Borough goals, such as providing parking which serves the surrounding area, providing affordable housing, and/or providing recreation or entertainment space (open space, plaza, etc.). Additionally, any increase in building height in the district must be sensitive to the historic buildings and nearby residences – many of



Old Town Alexandria, Virginia (Brian Budney)



Main Street, Flemington (Clarke Caton Hintz)

which are two, or perhaps three, stories.

- The Borough should create a form-based code or hybrid form-based and conventional code for this district. Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than use) as the organizing principle for the code. They are an alternative to conventional zoning that address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the desired form and scale (and therefore, character) of development rather than focusing on distinctions in types of land use. This is in contrast to conventional zoning's focus on the segregation of land uses and the control of development intensity through parameters such as floor area ratios, dwellings per acre, setbacks, and parking ratios. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Downtown Strategic Plan Proposal: Main Street Site (Main Street, Chorister Place, and Spring Street; 1.97 acres)

This site includes the Union Hotel and 90 Main. The Downtown Strategic Plan proposes 51 stacked flats, 90 luxury apartments, an operational Union Hotel, structured parking, 13,500 sf. of retail, and 6,000 sf. of restaurant/tavern space for the site. The proposed residential density is 72 units per acre.

The overall concept of incorporating additional residential units to this area, including along Spring Street, is positive and consistent with Borough goals to concentrate commercial activity in the retail area of downtown and to permit residential development as a strategy to encourage reuse of underutilized properties and to create the opportunity to provide market support to the Borough's commercial districts. However, the residential density proposed may exceed the capacity of the site.



*Downtown Strategic Plan Artist Rendering: Main Street
(Flemington BID)*

Downtown Strategic Plan Proposal: Cut Glass Site (Main, William, Broad, and Spring Streets; 7.95 acres)

The Downtown Strategic Plan proposes 27 townhouses, 102 stacked flats, 118 luxury apartments, 14,000 sf. of retail, a 0.2 acre pocket park, and restoring the historic Saw Mill building on the site. The proposed residential density is 31 units per acre. The plan also proposes to extend Spring Street through the site and provide a connection to Main Street. The site also includes smaller areas in the TC and TR districts, which primarily permit retail, office, service, and residential uses.

The owner of a portion of this site received final site plan approval from the Flemington Planning Board on December 1, 2014 (memorialized in Resolution 2014-12). The Board approved the removal of all existing structures and the construction of 16 buildings with a total of 59 residential units and 3,789 square feet of commercial space. Of the 59 residential units, six (6) will be affordable housing units.



*Downtown Strategic Plan Artist Rendering: Cut Glass
(Flemington BID)*

This Downtown Strategic Plan's design provides a good alternative to the plan approved by the Planning Board. A possible extension of Spring Street would help restore this area's historic street grid and enhance connectivity with and to the neighborhood. Residential units should have appropriate setbacks and screening (visual and auditory) along the rail right-of-way to ensure the compatibility between the two uses. However, the Plan's alternative use of the rail right-of-way as a greenway is inconsistent with the Borough's goal of reestablishing commuter rail service.

Encourage redevelopment of the "Hineline Property".

Reuse and/or redevelopment of the Hineline property should be encouraged. The Borough took ownership of the property on June 1, 2015 and hopes to sell it in the near future. The site previously had a gas station and has been subject to NJDEP contamination monitoring since 1992.



*Existing Conditions on the Hineline Site, Flemington
(Clarke Caton Hintz)*

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

The underground storage tanks were later removed and it appears that previous soil contamination was largely addressed. Groundwater monitoring is ongoing and will continue for the next several years until contamination declines to meet NJDEP Ground Water Quality Standards.

This property's reuse should be consistent with the Borough's downtown development goals and should enhance downtown activity through redevelopment with active commercial uses and/or public open space. Until the site is redeveloped, there should be temporary active uses on the property, such as but not limited to community events and/or temporary retail sales.

Revise the zoning for a portion of the area along the railroad tracks

See recommendations regarding the RORR district in item 4.i herein.

4.c) VAS – Village Artisan Shopping District

A set of standard signage ordinance, lighting standards, circulation standards (including cross-access parking, pedestrian and vehicular) and landscape requirements should be established for the entire VAS district. This should also include street furniture such as benches, trash and recycling containers and bike racks.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

Enhance and revitalize the VAS district using strategic increases in density and intensity.

Nearly the entirety of the VAS district consists of Liberty Village and Turntable Junction, which are local and regional shopping destinations, and surface parking lots that either support the district's shops or serve as a commuter parking lot. Most of this district is not in the historic district. Portions of Liberty Village and Turntable Junction are struggling with vacancies due to changes in retail shopping trends (i.e. internet shopping and other) and additional retail competition in the surrounding area.



Liberty Village, Flemington (Together North Jersey)

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

The addition of complementary uses to this area and uses which facilitate additional demand for businesses would enhance the district's short term and long term viability. The district should be amended to permit additional entertainment and destination uses, such as theaters (movie and stage), brewpubs and indoor recreation (children's bounce, sports training, bowling, etc.), and fitness-oriented centers (yoga, Pilates, etc.). This change will reinforce the district's draw as a destination. However, any such use should be designed to complement the walkability of the district and should be integrated into the district in terms of circulation, scale and character.

Additionally, the district should be amended to expand the permitted accessory uses. Structured parking should be permitted, so as to promote greater land use efficiency, and outdoor amenities, such as fountains, sculpture, carrousels, etc., should be specifically permitted to create more appealing and meaningful gathering places.

Residential development in this area would create the opportunity for additional residents to be within walking and biking distance of the shops, services and activities in the zone and the downtown and would therefore make these commercial areas more accessible and convenient to a larger number of people and help counter the advantage of convenience much of the area's highway retail enjoys.

The zoning should permit residential uses on upper stories of commercial space or where they would not disrupt active commercial streets or walkways. Townhouses and multi-family units without commercial uses on the first floor should be permitted in the western portion of the district, north of Route 12. A new zoning district or overlay district should be created for this area, which is currently undeveloped or



Columbia Heights, District of Columbia (The Sunday Blog)



Branson, Missouri (Todd Cook)

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

consists of surface parking lots. These lands are underutilized and such a zoning change would offer an opportunity to more efficiently use the land and to further advance Borough goals of supporting the business community and concentrate commercial development in this area, the retail portion of Main Street (Downtown Business I and II), and nearby surrounding properties. Any residential development in this area should be inclusionary and should have excellent connectivity to nearby businesses and existing streets (excluding residential cul-de-sacs). Additionally, any residential development should incorporate outdoor space for residents in the form of plazas, lawn space for leisure and/or recreation, playgrounds, and/or other forms of passive or active recreation.

The Borough should conditionally permit buildings of up to four (4) stories in the VAS district where the development advances other Borough goals, such as providing parking which serves the surrounding area, providing affordable housing, and/or providing recreation or entertainment space (open space, plaza, etc.). Additionally, any increase in building height in the district must be sensitive to the historic buildings and nearby residences – many of which are one or two stories.

Any zoning changes or redevelopment in this area should be sensitive to other Borough goals and should ensure that the area is well integrated with the downtown in terms of convenient and attractive vehicle and pedestrian connections and wayfinding. The Borough should consider adopting a form-based code or hybrid form-based and conventional code for this district.

Portions of the VAS district are located in the Special Flood Hazard Area (formerly referred to as the “100 year floodplain”), including the parking lots and the area south of Route 12. Any redevelopment of these areas should be sensitive to flood conditions to reduce environmental impact and impact on neighboring properties, and to address safety and accessibility concerns during flood events.

To complement the Borough’s continued support of reestablishing commuter rail service to Flemington, development in this zone should have a transit-oriented focus with appropriate intensity, height, and continued emphasis on walkability. Additionally, any redevelopment in the area should be able to accommodate transit in the future.

Downtown Strategic Plan Proposal: Fulper Road Site (Fulper Road, Main Street, and Central Avenue; 4.6 acres)

The Downtown Strategic Plan proposes 15 stacked flats, 117 luxury apartments, a 20,000 sf. cinema or theater, and 50,500 sf. of retail, including restaurants, specialty stores, and live/work space, on the site. Included in the proposal is “restaurant row” along Fulper Road that would include a variety of restaurants and specialty retail with residential above, and “artists alley” off of Central Avenue that would provide live/work artisan studios. The proposed residential density is

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

34 units per acre. The site is also in the DB and DBII districts, which primarily permit retail, food, arts, and service uses.

The concept of introducing residential units to this part of the Borough would provide support for area businesses, contributing toward retail activity thriving in the southwest portion of the Borough. The new commercial uses, such as art studios and a community theater, are consistent with creating active uses that will further establish the Borough as a destination. While the concepts of “restaurant row” and “artist alley” would also help advance goals and are encouraged by the Planning Board, they are primarily a marketing strategy that is not within the jurisdiction of the Board.



*Downtown Strategic Plan Artist Rendering: Fulper Road
(Flemington BID)*

Downtown Strategic Plan Proposal: Turntable Junction Site (Church Street, Fulper Road, and Central Avenue; 5.7 acres)

The Downtown Strategic Plan proposes 34 stacked apartments, 105 luxury apartments, 2,500 sf. of retail, a carousel, and 1.1 acre plaza for the site. The proposed residential density is 24 units per acre. A portion of the site is also in the DB district, which primarily permits retail, food, and service uses.



*Downtown Strategic Plan Artist Rendering: Turntable Junction
(Flemington BID)*

Through public open space, the plan intends to retain much of what makes Turntable Junction a special place. For example, the existing carousel would remain. The introduction of multi-family residential units in this area would be a good transition between the existing single-family homes along Church Street to the east and commercial uses to the west.

Rezone the area south of Route 12.

The Borough should place an overlay zone for inclusionary townhouses and/or multifamily housing on the area south of Route 12 and adjacent to the Borough's western boundary. This area currently contains a mini-golf course and driving range but would be well suited as a residential extension of the mixed-use VAS zone. Zoning requirements should ensure that there are adequate pedestrian and bicycle connections across Route 12 to the services and possible transit access in the VAS zone.

Outdoor entertainment (amphitheater, etc.) and recreation (sports fields, golf facilities, etc.) should also be permitted in this area. Not only would such a use permit the existing golf facility, but it would also facilitate a different or additional regional use that would benefit from the area's highway access and it would complement the retail and entertainment uses in the VAS district north of Route 12.

4.d) TC – Transition Commercial District

Amend the district's permitted uses to limit retail and services uses which are best concentrated in the Borough's Downtown and VAS districts.

The TC district provides areas for more intensive commercial use and is generally located along the periphery of the Borough. While the district permits a variety of retail, service, office, and light industrial use, the predominant uses existing in the zone are office and light industrial uses.

Notwithstanding, the TC district's permitted uses include a variety of retail and service uses that are more appropriate for the Downtown and VAS districts, whose purpose is to serve as a walkable destination and draw to residents and visitors alike. Retail and service uses in the TC districts will undermine Borough efforts to create a vibrant downtown with a concentration of active uses in the downtown and VAS districts. Despite their status as permitted uses, few of these retail and service uses are currently located in the TC district.



*Commercial development in the TC district, Flemington
(Clarke Caton Hintz)*

The TC district's permitted uses should be limited to uses such as office, professional services, medical uses (office, laboratory and support), light industrial, repair facilities, and indoor/outdoor recreation. These uses will

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

accommodate the majority of existing uses in the district and are appropriate in areas that are not dependent on pedestrian or bicycle traffic. Additionally, they are well suited to the existing stock of buildings. Notwithstanding, any use which relies on truck traffic should be limited to places where direct access to the regional road network is provided.

Downtown Strategic Plan Proposal: Global Agway Site (Walter E. Foran Boulevard and Hopewell Avenue; 3.34 acres)

The Downtown Strategic Plan proposes 30 stacked flats and 84 luxury apartments for the Global Agway Site. The proposed residential density is 34 units per acre. The site has been designated an area in need of redevelopment (a redevelopment plan has not been adopted). The site is also in the ROSH overlay district, which primarily permits senior housing and small retail and service uses.



Downtown Strategic Plan Artist Rendering: Global Agway Site (Flemington BID)

Residential development at this location is an alternative to the existing commercial development that furthers Borough goals to concentrate commercial activity toward the retail area of downtown and to permit residential development as a strategy to encourage reuse of underutilized properties and to create the opportunity to provide market support to the Borough's commercial districts.

Portions of the Agway site are located in the Special Flood Hazard Area (formerly referred to as the "100 year floodplain"), including the frontage along Walter E. Foran Boulevard. Any redevelopment of these areas should be sensitive to flood conditions to reduce environmental impact and impact on neighboring properties, and to address safety and accessibility concerns during flood events.

Downtown Strategic Plan Proposal: Nilkanth Site (42 North Main Street; 2.27 acres)

The Downtown Strategic Plan proposes 12 stacked flats, 132 luxury apartments, 10,000 sf. retail (including a health club), and 0.4 acre public open space on the site. The proposed residential density is 63 units per acre. The site has been designated an area in need of redevelopment (a redevelopment plan has not been adopted). This site recently received preliminary site plan approval for over 21,000 square feet of commercial space in single-story buildings.



Historic building on the Nilkanth site, Flemington (Clarke Caton Hintz)

Residential development, limited commercial development, and public open space at this location is an alternative to the approved development that furthers Borough goals to concentrate commercial activity toward the retail area of downtown, to permit residential development as a strategy to encourage reuse of underutilized properties, and to create the opportunity to provide market support to the



Nilkanth site along Main Street, Flemington (Clarke Caton Hintz)

Borough's commercial districts. However, any zoning changes for this district should permit the approved development on the site as well as provide alternative development opportunities.

Expand the District's boundaries along the south side of Route 12.

The portion of the TC district along Route 12 should be expanded to include lots to the east up to Route 12's intersection with South Main Street. These lands include a restaurant, car wash, office uses, and residential uses. Elimination of the HR – Highway Retail and the CB – Community Business districts (see items 4.e and 4.f, respectively) and those districts' permitted retail and service uses will support Borough efforts to create vibrant destinations with a concentration of active uses in the downtown and VAS districts.

The Borough should encourage regional uses along Route 12.

The establishment of regional uses along Route 12 would create educational, cultural, recreation, entertainment and/or employment opportunities for Borough residents and visitors and would enhance the Borough's reputation as a destination, especially for millennials. Such uses include, but are not limited to, a satellite college campus, hotel/conference center and/or indoor/outdoor recreation. This recommendation is consistent with the County CEDS recommendation for Raritan Valley Community College (RVCC) to create a satellite campus in Hunterdon County. Flemington would be an excellent location for RVCC since it is centrally located in the County, the County seat, offers a vibrant downtown for students and employees, and may be transit accessible in the future. These regional uses attract people who may need a place to stay overnight and/or have spare time to shop, eat at local restaurants, and visit local services. Additionally, this area's proximity to Routes 202 and 31 makes it easily accessible via car and group bus to those from outside of Hunterdon County.

Revise the zoning for the area along the railroad tracks.

See recommendations regarding the RORR district in Item 4.i herein.

4.e) HR – Highway Retail

The boundaries of the HR district should be revised.

In support of the Borough's downtown development goals, the HC district should be replaced with the TC – Transition Commercial district on lots which are located west of the Route 12 Circle and South Main Street. This change will facilitate greater concentration of retail, service and entertainment uses within the downtown and within the existing



Shoppes at Flemington, HR District, Flemington (Clarke Caton Hintz)

concentration of retail uses along Routes 202 and 31. See also the TC district recommendations herein. Additionally, the HR district should be expanded along Reaville Avenue west to South Main Street (currently the CB district). This change will create commercial opportunities consistent with and complementary to those adjacent along Reaville Avenue.

Theaters (stage and movie) should be added to the list of permitted uses.

Theater uses are complementary to the retail uses in the zone and the highway access afforded to the zone makes it an excellent location for such a regional use. Cinema Plaza on Route 202, a movie theater that operated for decades until approximately 2010, was a key fixture in the region and the addition of a new theater would restore this memorable activity for residents and visitors.

4.f) CB – Community Business District

Revisit some of the uses permitted in the zone with an aim to reduce or eliminate common variances.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

The boundaries of the CB district should be revised.

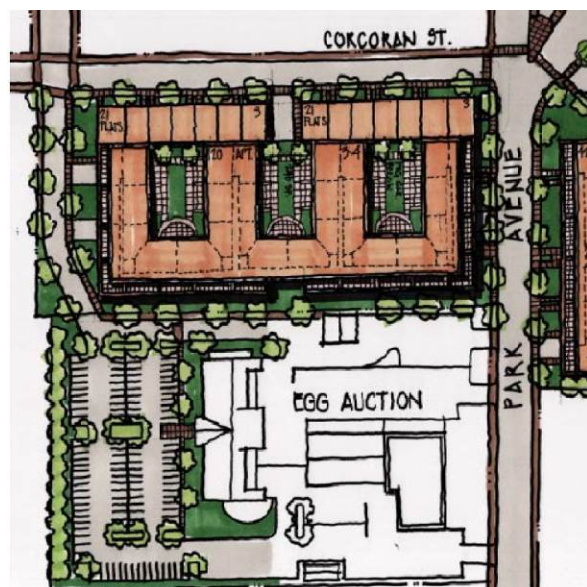
The CB district south of Route 12 should be replaced with the TC and HR zoning districts. See items 4.d) and 4.e), respectively, for additional information.

4.g) PO – Professional Office District

Downtown Strategic Plan Proposal: Daiboch (Park Avenue and Corcoran Street; 2.93 acres)

The Downtown Strategic Plan proposes 42 stacked flats and 120 luxury apartments on this site. The proposed residential density is 55 units per acre. The plan suggests a land swap with the Egg Auction site to relocate the existing parking lot and reconnect the two Daiboch properties. The majority of the site is also in the ROSH overlay district, which primarily permits senior housing and small retail and service uses.

The design of residential units along Corcoran Street at increased density creates an opportunity to convert the underutilized PO district to a land use that can advance Borough goals to concentrate commercial



Downtown Strategic Plan Artist Rendering: Daiboch Site, (Flemington BID)

activity toward the retail area of downtown, to permit residential development as a strategy to encourage reuse of underutilized properties, and to create the opportunity to provide market support to the Borough's commercial districts. Additionally, it creates consistent land use – residential – along both sides of Corcoran Street. However, the density of 55 units per acre is too great for this small area that is south and east of single-family homes. A lower density that supports townhouse and multifamily homes at heights of two or three stories with parking in proximity to the homes should be considered. The Borough should encourage the parking swap between owners to better utilize land in this area.

4.h) ROSH – Redevelopment Office/Senior Housing Overlay District

The properties to the south of the Global Agway property should be incorporated into a mixed-use overlay, including senior housing, medical offices, a small park, institutional uses such as a satellite to a community college, and office uses related to the county courthouse.

This recommendation from the 2010 Master Plan has been implemented.

Notwithstanding its implementation, this overlay may need to be reevaluated once a Redevelopment Plan for the Global Agway site is adopted.

Permit residential development.

The Daiboch site (land along Corcoran Street, north of the Egg Auction site), the Nilkanth site, and the Global Agway site offer opportunities to integrate residential development into these commercially-zoned areas of the Borough. Conversion from commercial to residential would create the opportunity for additional residents to be within walking and biking distance of the shops, services and activities in the downtown and would therefore make these commercial areas more accessible and convenient to a larger number of people and help counter the advantage of convenience much of the area's highway retail enjoys.



Townhouses in Haddonfield, New Jersey (Clarke Caton Hintz)

Townhouse and multi-family inclusionary housing should be permitted in this area. Given the scale of surrounding homes, residential redevelopment in these areas should be limited to two

stories where adjacent (or across the street) from single-family uses; however, three stories may be appropriate where setback from single-family homes. Additionally, any residential development should incorporate outdoor space for residents in the form of plazas, playgrounds, and/or lawn space for leisure and/or recreation.

4.i) RORR – Redevelopment Overlay – Residential/Retail District

The Borough should create a district for the area known as “Cut Glass” based on the use variance given in 2008 for multifamily residential housing with townhouses and apartments in the TC Transition Commercial district.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. **Expand this recommended zoning to include the TC district adjacent and proximate to Memorial Park.**

Zoning regulations for the RORR district should reflect and permit the approved development on the Cut Glass site as well as provide additional development opportunities for a larger area. The new zoning district should permit inclusionary multifamily residential and townhouses, as well as commercial uses (pursuant to the DB district) along Main Street. Residential development in this area would create the opportunity for additional residents to be within walking and biking distance of the shops,



Cut Glass site along Broad Street, Flemington (Clarke Caton Hintz)

services and activities in the downtown and would therefore make the downtown more accessible and convenient to a larger number of people and help counter the advantage of convenience much of the area’s highway retail enjoys. Additionally, it will provide alternative land uses to an area with struggling viability, as evidenced by vacancies and tenant turnover. Given the scale of surrounding homes, residential development in these areas should be limited to two stories where adjacent (or across the street) from single-family uses; however, three stories may be appropriate where setback from single-family residential uses.

To complement the Borough’s continued support of reestablishing commuter rail service to Flemington, development in this zone should have a transit-oriented focus with sensitivity to the adjacent rail line, appropriate intensity, height, and continued emphasis on walkability. Site and architectural design in this district should mitigate noise from potential passenger rail service.

4.j) O/SS – Overlay/Super Shopping District

In order to encourage additional development with higher intensity land uses, improved circulation and parking (including interconnectivity of uses), and more modern stores, it is recommended that the Super Shopping Overlay District be extended to include the western quadrants of the Reaville Avenue – Routes 202/31 intersection.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

4.k) Pedestrian, Bicycle, and Transit Circulation

The Borough should consider ways to facilitate access to area bike routes, through signage or other means.

The 2010 Master Plan included this recommendation but specifically referenced County bike routes; this recommendation has not been implemented but remains valid. Additionally, the Borough should facilitate access to bike routes in Raritan Township. The Township's 2012 Bicycle and Pedestrian Circulation Study recommends connection to Flemington via Walter E. Foran Boulevard, Pennsylvania Avenue, Church Street, Reaville Avenue, Main Street (south of Route 12), and Capner Street. Facilitating bicycle access to the downtown from areas outside of the Borough will not only encourage additional demand for downtown goods, services, and restaurants without vehicle parking demand, but will advance recreation and public health in both the Borough and Township and increase coordination between the two municipalities.



*Example bike Lane, Unknown Location
(Clarke Caton Hintz)*

Placement of additional bike racks within the Borough should be considered in conjunction with any parking reconfiguration for downtown areas and a future train station.

This recommendation from the 2010 Master Plan has not been implemented but remains valid.

A survey of sidewalk conditions should be considered to determine the priority of future sidewalk improvements.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. In addition to identifying streets in need of pedestrian facilities, the Borough should use this survey to identify streets that are not compliant with the Americans with Disabilities Act (ADA) and work with the County and NJDOT to ensure ADA compliance on roads under their jurisdiction.

The Borough should continue to pursue funding for streetscape improvements along Main Street to enhance the pedestrian experience in the downtown area.

The Flemington BID successfully obtained a grant for streetscape improvements along Main Street. The design phase began in 2015 and construction is anticipated to begin in 2016. As such, this recommendation from the 2010 Master Plan is in the process of being implemented. The streetscaping improvements should ensure that sidewalk users of all abilities can safely navigate.

The Borough should continue to advocate for the reestablishment of commuter rail service to Flemington. Potential sites for a future train station and additional parking should be considered adjacent to the existing rail line.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. Additionally, the Borough should advocate for additional fixed-route bus service within and to downtown Flemington that provides adequate connections, headways, and operating hours to attract both transit-dependent and transit-choice riders. Proven ridership on fixed-route buses is a first step to supporting rail ridership.



Train Station, Glen Ridge, New Jersey (KatelemmerRealEstate.com)

The Borough should advocate to the New Jersey Department of Transportation (NJDOT) to provide pedestrian-friendly infrastructure on and across State routes in Flemington.

NJDOT should add sidewalks, pedestrian crossing signals and crosswalks, benches, and pedestrian-level lighting to Routes 12, 31, and 202. The State already has the policies to implement such improvements: NJDOT approved a complete streets policy in 2009 and a

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

Pedestrian Safety Action Plan Toolbox in 2014. The priorities for improvements should be where existing or permitted residential uses are proximate to commercial uses such as along Route 12.

Downtown Strategic Plan Streetscape Design Guidelines

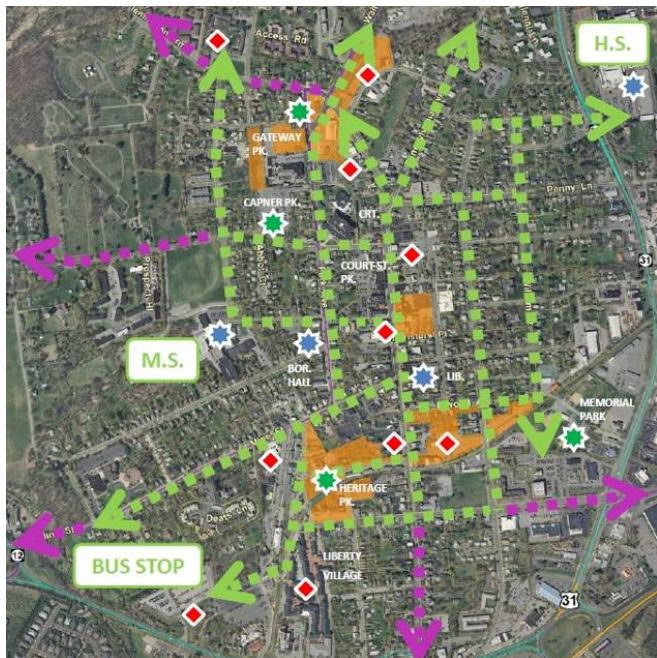
The Downtown Strategic Plan provides guidelines for streetscape design, including but not limited to sidewalk design, street furniture, lighting, landscaping, public art and traffic calming. The guidelines are consistent with Flemington's complete streets, circulation, and downtown land use policies. While the Planning Board supports these guidelines, additional analysis may be necessary before the specific recommendations can be incorporated into the Master Plan or zoning ordinance.



Main Street, Flemington (Clarke Caton Hintz)

Downtown Strategic Plan Bicycle Route Plan

The Bicycle Route Plan is a conceptual plan of bike routes, bicycle parking locations, and bicycle destinations. The Plan complements the Borough's Complete Streets policy and its bicycling recommendations that are also mentioned in this section. It provides valuable recommendations for how Borough bike routes could connect to HART/County proposed bike routes and identifies those streets most desirable for bicycling routes. While the Planning Board supports these guidelines, additional analysis of street rights-of-ways to determine how bikes can best be accommodated may be necessary before the specific recommendations can be implemented.



Downtown Strategic Plan: Bicycle Route Plan (Flemington BID)

Downtown Strategic Plan Transit Opportunities Plan

The Transit Opportunities Plan is a conceptual plan of railroad routes, trolley routes and potential stops and destinations. The Plan complements the Borough's policy of advocating for reestablishment of commuter rail service to the Borough. The Planning Board supports these recommendations in conjunction with additional study of the transit right-of-way, ridership, and potential transit facilities.



Existing train tracks, Flemington (Clarke Caton Hintz)

4.l) Vehicle Circulation & Parking

The Borough should continue to require cross access easements and connections between properties for parking, circulation, and pedestrian access.

This recommendation from the 2010 Master Plan is implemented regularly and remains valid for future application.

To provide additional parking, a reconfiguration of several existing parking areas behind commercial businesses on Main Street should be considered, including parking within the interior of Block 21 on the west side of Main Street and parking within the interior of Block 18 on the east side of Main Street.

This recommendation from the 2010 Master Plan has not been implemented but remains valid. Implementation of this recommendation would create more logical parking arrangements and may increase available parking.

To provide additional parking, a potential new parking area located near the park and ride lot along Route 12 should be considered.

Demand for additional parking in this area is unclear and any new parking should be part of comprehensive redevelopment as recommended for the VAS district in item 4.c.

Through truck traffic should be strongly encouraged to use the State highway system.

This recommendation from the 2010 Master Plan remains valid.

Once Park Street is realigned to meet Walter Foran Boulevard, signalization will be required at the intersection of N. Main Street, Park Street, and Walter Foran Boulevard

This recommendation from the 2010 Master Plan has been implemented.

Exclude existing floor area in the DB and DBII districts that is undergoing a change in use from generating a parking requirement.

Given the already dense nature of downtown and existing parking availability, the current parking requirements are an impediment to more active uses relocating to these districts. The Borough should revise its parking regulations such that additional parking in the DB and DBII districts will only be required for any additional proposed floor area, provided any existing on-site parking remains. Moreover, the Borough should review the parking requirements for retail and restaurant uses in these districts and lower them under some or all circumstances.

Time limits for street parking should be strongly enforced on Main Street.

Street parking is better suited for active vehicle turnover than parking lots, which should act as the primary parking location for people working or otherwise spending a full day downtown. People spending just a few hours or less downtown are most likely to visit businesses and inject money into the local economy. Time limits of existing metered parking should be strongly enforced.



The Borough should also study the supply of barrier-free parking spaces in downtown and enforce their proper use. On-street barrier-free parking spaces should be available in proximity to concentrations of commercial uses, as well as in parking lots. Unfortunately, abuse of these spaces is typical throughout the State, including Flemington. Availability of these parking spaces will allow those with disabilities to frequent the commercial establishments downtown rather than being required to frequent highway-oriented retail in order to find convenient barrier-free parking. Due to widespread abuse of barrier-free spaces, their use should be strongly enforced.

A parking authority or utility should be considered to oversee the provision of downtown public parking and parking enforcement.

A parking authority or utility oversees the acquisition, creation, maintenance, and enforcement of on or off-street public parking. Parking authorities are public body corporate and are technically political subdivisions of the State. Created by ordinance, they also have the power to set and collect parking fees, although such charges are not recommended in this report.

Wayfinding to downtown parking lots should be improved.

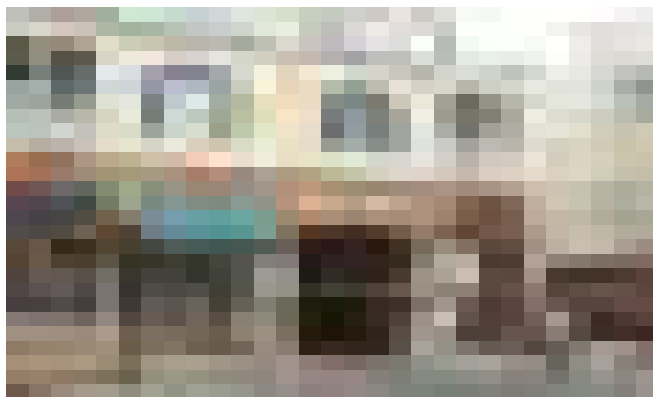
Stakeholders interviewed at the May 7, 2015 meeting indicated that the Borough has an adequate quantity of parking downtown but it is difficult to find. The Borough should implement better signage to direct motorists to downtown parking lots.



*Example wayfinding in Jersey City, New Jersey
(Brian Budney)*

Structured parking should be permitted as a conditional use in the DB, HR, TC, and ROSH, VAS districts.

When implemented sensitively, structured parking can promote greater land use efficiency and reduce impervious coverage devoted to pavement, especially in districts that are looking to attract more intense uses.



Structured parking in Princeton, New Jersey (Clarke Caton Hintz)

4.m) Community Facilities

The Borough should commence planning for the construction of a new municipal building which is sufficiently large to house all municipal functions including administration, judicial, and public safety.

This recommendation from the 2010 Master Plan has not been implemented. The Borough purchased a building at 90-100 Main Street with the intention of retrofitting it to a new municipal building. However, the Borough only housed the Police Department at that location before deciding to sell the building. The Borough should continue considering how the Police Department can be accommodated in municipal facilities.



Borough Hall, Flemington (www.nj.com)

4.n) Miscellaneous

Restructure the permitted uses.

The Borough should restructure permitted uses in the various zone districts. Currently most of the Borough's nonresidential districts permit dozens of uses that are indicated by the Standard Industrial Classification (SIC) codes – four digit numerical codes assigned by the U.S. government to business establishments that identify the primary business. However, since this structure was adopted by the Borough, the SIC codes have been replaced by the North American Industry Classification System (NAICS), an alternative code system for businesses.



Main Street, Flemington (Clarke Caton Hintz)

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

In addition to the Borough's SIC codes being outdated, this structure for permitted uses requires that every conceivable desired use be identified specifically. This creates significant opportunity for new uses and uses mistakenly overlooked uses to be prohibited (consider that yoga studios and farmers markets were relatively rare a decade ago).

An alternative to this structure is to create larger categories of permitted uses. For example, "retail sales" may be permitted and may be defined to include the variety of retail uses currently permitted in the Borough. Retail uses that are undesirable, for example vehicle dealerships in the downtown, may be specifically prohibited. This change would also simplify and shorten the Borough's zoning regulations.

Conditionally permit houses of worship in nonresidential zones.

Additionally, the Borough should add houses of worship as a conditional use. These regional uses, which typically have bursts of intense traffic demand, are appropriate where direct access to a regional road, such as Route 12 or 31, is provided.

Revise outdoor dining requirements.

The current outdoor dining requirements in §2620.F of the Land Development Ordinance make it difficult for restaurants to offer this amenity. Specifically, the required distance between the eating area and the curb should be reduced to better accommodate the dining while ensuring adequate pedestrian space, the prohibition on outdoor food and drink preparation should be



Blue Fish Grill, Flemington (NJ.com)

eliminated in favor of reliance on health regulations, and large accessories such as umbrellas, heat lamps, and canopies should be permitted to remain outside overnight.

Encourage public art.

The Borough should permit and encourage public art, such as but not limited to murals and sculptures, throughout the nonresidential districts. Doing so will make these areas more interesting and attractive and will remind viewers of the art and culture opportunities in the Borough. Regulations and siting standards should be enacted for the placement of public art. These standards should include, but not be limited to, lighting and adequate setbacks for clear pedestrian passage on sidewalks and driver sight lines.

Sites that might be appropriate for public art include: Borough and Tuccamirgan Parks; Liberty Village; the sides of nonresidential buildings; the streetscapes of commercial districts such as Main Street; and the “gateways” to the Borough, including but not limited to Main Street near the Route 12 circle, Route 12 near the Paradise Golf Center, and near the intersection of Walter E. Foran Boulevard and North Main Street. Additionally, the Borough should discuss with NJDOT the feasibility of placing art inside the Route 12 or Route 202 traffic circles



Public art in San Francisco, California (<http://www.flickrriver.com>)

that meet the agency’s engineering and safety standards. Art at Flemington’s gateways will announce the Borough’s interest in the arts and will communicate that drivers are about to enter a special place.

Vacant storefronts are temporary and will hopefully become a past challenge. However, they can still contribute to an active street if public art is incorporated. The Borough or BID should commission artwork from local artists and high school students to temporarily place in vacant window displays. More broadly, the Borough should establish an arts committee for any municipal art initiatives.

To further encourage new local artists to flourish and establish Flemington as an arts destination, the Borough should support incubator space where entrepreneurial artists can create and display their work, including paintings, drawings, sculptures, song, dance, and theater. There may be opportunity to designate the BID or other organization on such a project.

Encourage more pedestrian-oriented events and youth activities

The downtown area should host series of events or youth activities throughout the year that draw or retain foot traffic downtown, especially on evenings and weekends. Recent successes involving music (i.e. Stangl complex), art galleries (i.e. BID and DIY partnered art gallery at 90 Main Street), and seasonal events (i.e. car shows, Thursday Night Lights) should serve as inspiration and examples for future events and activities.

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

The Borough should continue to support BID events and activities that draw foot traffic downtown and the Borough and BID should coordinate as necessary for new events that make downtown a destination for residents and area visitors who would otherwise seek activities outside of the Borough.

Additionally, the Borough should provide opportunities for youth activities, such as but not limited to safe and legal gathering places, sports, and arts activities.



October 2014 Street Fair, Flemington
(<http://www.downtownflemington.com>)

Promote commercial façade improvements.

The Borough should encourage owners and tenants to keep their facades which face public lands or ways (streets, open space, parking, etc.) in good conditions. Doing so can make businesses more inviting to customers and overall makes the Borough more aesthetically-pleasing for foot and vehicle traffic. Eligibility criteria should be developed to ensure the improvements are permanent in nature and will have a positive impact on the Borough's appearance. Additionally, the Borough should consider working with the BID promote façade improvements through education programs, a grant and/or loan program, and/or other financial incentives.



Narragansett, Rhode Island (Providence Monthly)

Revise the sign ordinance.

A-frame signs are a key feature of walkable mixed-use districts and encourage foot traffic to impulsively enter a business. This form of advertising should be permitted in all the Borough's pedestrian-oriented commercial districts, rather than only the DB and DBII zones (§2631.B(d)(2)),

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

provided there is adequate pedestrian space in conjunction with the sign. Additionally, the existing time restriction on A-frame signs should be eliminated.

The Borough should revise the sign ordinance to clearly permit “blade” or “projecting” signs in the pedestrian-oriented commercial districts. These signs are more easily seen by pedestrians than wall signs mounted flush to a building façade.

Furthermore, the sign ordinance should be reviewed to ensure the permitted signs provide properly balance the need for advertising and information with the need for an uncluttered and attractive downtown. Additionally, inconsistencies between the “Summary of Sign Regulations” table and the ordinance, §2631, should be eliminated.

Review the current development approvals process.

There may be opportunity to increase the efficiency of the Borough’s development approvals process. In response to concerns about difficult approvals processes, the Board should review the application checklists for opportunities to reduce the number of items that must be submitted and allow for some or all submissions to be made electronically. Additionally, the Board should revise the definition of minor site plan to exclude a change of use which does not require site or exterior building modifications and/or to exclude conforming sign applications. Such a change would streamline new tenants which do not require, for example, additional parking. All such applications could be addressed by the zoning officer pursuant to the zoning permit process.

Satisfy the Borough’s affordable housing obligation.

Affordable housing should be integrated into townhouse and multifamily projects to ensure that the Borough continues to meet its constitutionally-mandated affordable housing obligation and to ensure that the Borough continues to provide housing for a diversity of households.

Support desired development and redevelopment with adequate sewer and water infrastructure and capacity.

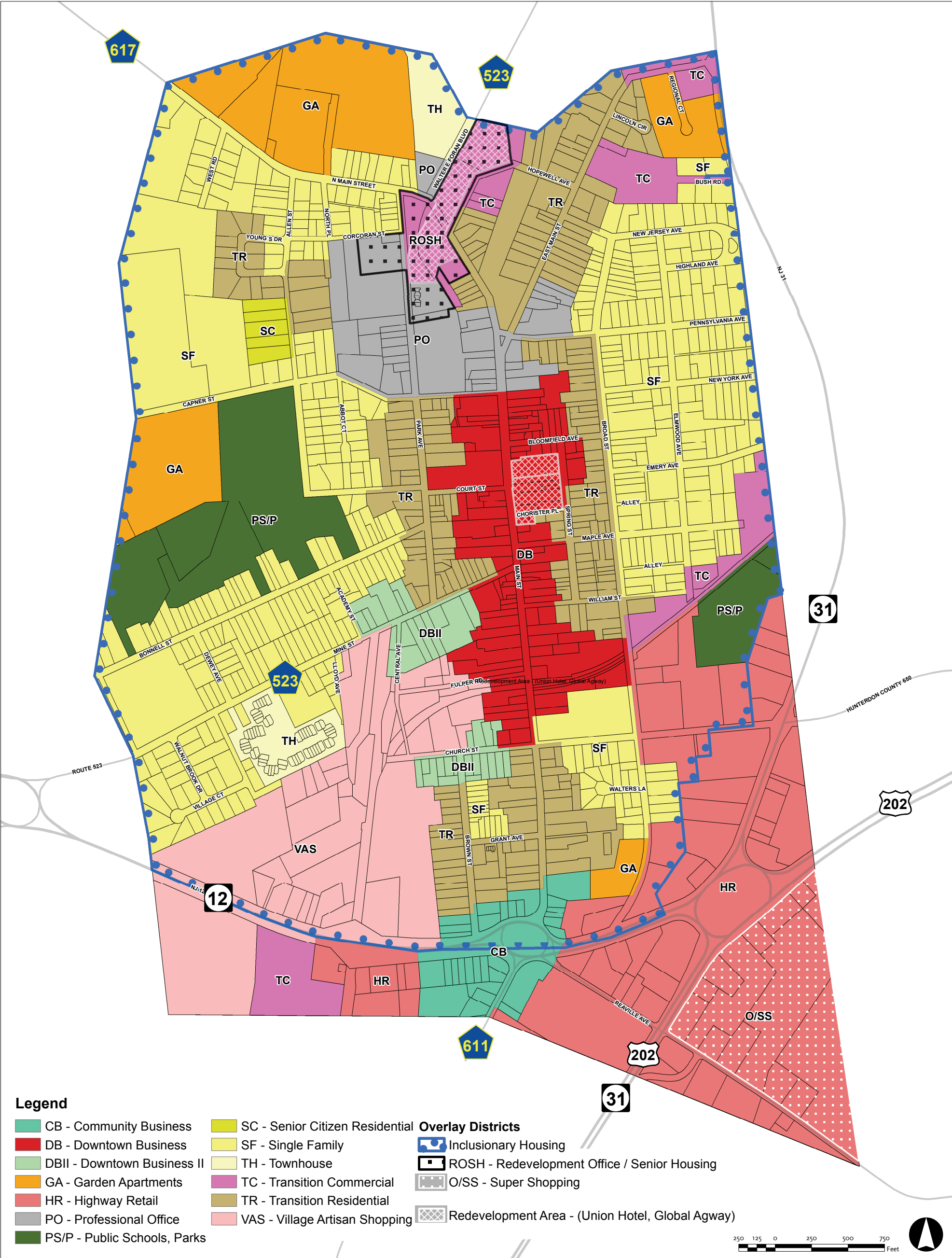
The Flemington Water Department (FWD) operates six wells to provide water to Borough residents and businesses. While the entire Borough is located within the service area of the FWD, there remain a limited number of residences served by private wells. The groundwater diversions from these wells and the distribution to customers are regulated by the NJDEP. After identifying a lack of NJDEP mandated water capacity to accommodate existing demand and future growth, the Borough has, and continues to work diligently to, identify new groundwater sources and is in the process of pursuing additional water sources, including a new well (the sixth well), to serve approved and anticipated development.

MAJOR PROBLEMS AND OBJECTIVES & CURRENT RECOMMENDATIONS

The entire Borough is located within the sewer service area of the Raritan Township Municipal Utilities Authority (RTMUA). The sewerage collection system in the Borough was initially installed in the mid-1800's and has expanded over the years to include newer development. The sewage treatment is handled by the RTMUA treatment plant, located in Raritan Township along the South Branch of the Raritan River, and is regulated by the NJDEP. The Borough is pursuing expansion of sewer capacity through infrastructure improvements (reduction of infiltration, for example) in order to adequately serve existing, approved, and anticipated development.

5. REDEVELOPMENT PLANNING

There are two areas in need of redevelopment in the Borough – the “Expanded Union Hotel” (Block 22, Lots 4-10, 12; Block 23, Lots 1, 7) and the Global Agway (Block 5, Lots 1 2; Block 14, Lot 1). A Redevelopment Plan for the Expanded Union Hotel was adopted in 2013 and amended in 2014. The Borough should adopt a redevelopment plan for the Global Away site that is consistent with the recommendations herein.



Zoning

Flemington Borough, Hunterdon County, NJ March 2015

APPENDIX A
STAKEHOLDERS

Affiliation	Contact	Category
EMS	Chief David Giuliani and Anita Huebscher	Borough
Fire Department	Robert Motzel, Chief	Borough
Tax Assessor	Ed Kerwin	Borough
Historic Preservation Commission	Elaine Gorman and Linda Swingle	Borough
Raritan-Flemington Intermediate School	Dr. Kathleen Suchorsky, Principal	Borough
Tirpok Cleaners	Andy Tirpok, III	Business
Main St. Manor B&B	Ken/Donna Arold	Business
Property Owner	Dick Stothoff	Business
Barkley's Pet Store	Andy Cohen	Business
The Grill Shack	Roseanna Di Marzio	Business
Blue Fish (Stangl)	Kelly and Stacey Casanova	Business
Turntable Junction	Michael Stuart	Business
Flemington Precast and Supply	Jeff Hoffman	Business
Cecilian Worldwide	Kathleen Cecilian	Business
Local Land Use Attorney	George Dilts	Business
Local Land Use Attorney	Steven Gruenberg	Business
Local Architect	Chris Pickell	Business
Local Developer	Bill Vogt	Developer
Local Developer	Barry Rubin	Developer
Local Developer	Mark Mulligan	Developer
Local Investor	Steve Romanowsky	Developer
Flemington Presbyterian Church	Rev. Dr. Thomas Robinson and Bill McGloghlin	House of Worship
Flemington United Methodist Church	Dr. Paul Jaw, Pastor	House of Worship
Hunterdon Land Trust	Patricia Ruby	Community
Resident -Blogger	Betsy Driver	Public
Resident -Blogger	Rich Higgins	Public
Resident -Blogger	Michele Blood	Public
Resident -Blogger	Amy Soltis	Public
Resident	Phil Velella	Public

APPENDIX A

Affiliation	Contact	Category
Resident	Karl Lackemacher	Public
Resident	Salvatore DiPasquale	Public
Resident	Jennifer Dyba	Public
Resident	Alice and Bob Schwade	Public
Resident	Lois Stewart	Public
Senior Community	Irma Bodine	Public
HealthQuest	Jack Cust, Sr.	Developer
Mayor	Mayor Phil Greiner	Borough
Police Department	Lt. Jerry Rotella	Borough
130 Main Office Building	Don Shuman	Business
Agway Site Developer	Mike Patel	Developer
Stangl	Frank Banisch & George Eckelmann	Business
Family Success Center	Carmel Gettings	Community
Matt's Red Rooster	Matt McPherson	Business
United Way	Bonnie Duncan	Community
Dallas Group	David Dallas	Developer