

Amendment to Redevelopment Plan for the Union Hotel: Expanded Union Hotel Redevelopment Area



Flemington Borough, Hunterdon County, New Jersey

Clarke Caton Hintz



March 7, 2014



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Amendment to Redevelopment Plan for the Union

Hotel:

Expanded Union Hotel Redevelopment Area

Borough of Flemington, Hunterdon County, New Jersey

Prepared for the Borough of Flemington by:

**Carl E. Hintz, ASLA, LLA, PP, AICP
Clarke Caton Hintz
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Flemington Borough Land Use Board

Todd Cook, Chairman

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Clarke Caton Hintz **I. INTRODUCTION**

The Union Hotel has a long and important history in the center of Flemington Borough. Built in 1878 on the site of an earlier inn, the Hotel sits across from the historic Hunterdon County Courthouse, the Hall of Records and the Hunterdon County Administration Building. Since the 1950's, it has been underutilized. Since 2008, it has been vacant. This vacancy of a crucial building in the center of downtown business district and its deteriorating condition are the driving forces behind the preparation of this plan.

The original Redevelopment Plan for the Union Hotel was the result of lengthy public process that began in April of 2010 when the Flemington Borough Council authorized Clarke Caton Hintz to prepare an "Area in Need of Redevelopment Study", and culminated in a public presentation of the draft Redevelopment Plan on September 21, 2010 to get feedback and comments.

The Plan aims to understand and preserve the important history and architecture of the Union Hotel while making the site attractive for high-quality, economically viable redevelopment. The main portion of the building must be preserved and restored, while the plan seeks to give the potential Redeveloper some flexibility in terms of potential uses and treatments for the remainder of the building and site, and seeks to provide assistance in addressing parking requirements, funding and approvals.

Subsequently, on August 12, 2013 the Borough Council adopted a resolution directing the Planning Board to study the series of buildings to the south of the Union Hotel up to an including the Team Capital Bank building located at 110 Main Street and the building known as the Flemington Choir School located at 3 Chorister Place, consisting of the following properties identified by Lot and Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, (the "Expanded Study Area"), to determine whether the Expanded Study Area qualifies as an area in need of redevelopment under State law. This firm conducted that study on behalf of the Planning Board in which report it determined that the Expanded Study Area demonstrates various factors that supported an area in need of redevelopment designation.

A hearing on the study area was held by the Planning Board on December 16, 2013, during which public comment was encouraged. Following the hearing the Planning Board endorsed the study results and directed that a resolution be prepared. On January 28, 2014 the Board adopted its resolution recommending to the governing body that the Expanded Study Area be designated as a redevelopment area. On February 10, 2014 the



Clarke Caton Hintz governing body adopted a resolution designating the Expanded Study Area as an area in need of redevelopment.

2. GOALS OF THE REDEVELOPMENT PLAN

The overall goal of the Redevelopment Plan for the Expanded Union Hotel Redevelopment Area is to encourage vibrant, sustainable, long-term, mixed-use redevelopment of the block to the south of the Union Hotel that:

- Is compatible with and enhances the historic character of the Union Hotel and Historic District;
- Attracts new visitors and residents to Flemington Borough;
- Supports the existing businesses and other uses on Main Street and in Flemington Borough;
- And that is cohesive with adjacent residential uses.

3. STATUTORY REQUIREMENTS

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan.

With respect to items 3 and 4, no property acquisition is anticipated in the Expanded Study Area and no relocation shall be required.



Clarke Caton Hintz **4. BOUNDARY MAP**

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

5. EXISTING LAND USES

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

6. BUILDINGS AND SITE DESCRIPTION

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

7. PUBLIC OUTREACH

The preparation of this Redevelopment Plan was informed by the hearings at the governing body and Planning Board meetings at which the study and related report were initially directed to be prepared and ultimately adopted.

8. RELATIONSHIP OF THE REDEVELOPMENT PLAN TO THE BOROUGH'S MASTER PLAN

The Flemington Master Plan was adopted in 2010, replacing a master plan adopted in 1997. Six goals and objectives of the 2010 plan directly relate to the goals of this Redevelopment Plan for the Expanded Union Hotel Area:

- Preserve, protect and enhance the integrity of Flemington's historic district and the historic resources within.
- Employ strategies to encourage community and economic development within the Borough.



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- Integrate the residential and commercial segments of Flemington Borough to benefit the entire community.
- 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.
- 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.
- 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.

Redevelopment of the Expanded Union Hotel Area is consistent with the goals of the Borough’s Master Plan.

Since the Expanded Union Hotel Area is a series of buildings located in the center of the Borough, this Plan does not have a significant relationship or impact on any municipality adjacent to Flemington Borough.

9. LAND USE STANDARDS

This Plan shall constitute an “overlay” zone within the existing Downtown Business District (DB) Zone. Unless otherwise specified below or elsewhere in this Plan, the DB Zone zoning regulations and applicable use, bulk and design standards and requirements will continue to apply in the redevelopment area south of the Union Hotel. The Redevelopment Plan for the Union Hotel shall continue to control and apply to the Union Hotel property, as set forth in the Union Hotel Redevelopment Plan.

Minimum Lot Area: Existing

Minimum Lot Width: Existing

Minimum Front Yard: Match Existing Building

Minimum Side Yard: To be determined

Minimum Rear Yard: 20 feet (0 feet for accessory building)

Maximum FAR: To be determined



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Maximum Height: Four Stories and 55 feet; not to exceed the ridgeline of the existing Union Hotel building.

Maximum Building Coverage: To be determined

Maximum Impervious Coverage: 100%

Parking: Various options exist.

10. DESIGN STANDARDS

All exterior rehabilitation work and the design of any proposed additions shall meet all relevant Flemington Ordinances, as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties.

11. PARKING

There are various parking arrangements possible but all must recognize the existing parking presently owned or controlled by the individual property owners. Such parking arrangements and options are specified in the Union Hotel Redevelopment Plan previously adopted.

12. REDEVELOPER AGREEMENTS AND SELECTION OF REDEVELOPER

The Governing Body shall act as the Redevelopment Entity responsible for the implementation of this Plan.

As the Redevelopment Entity, the Governing Body shall preliminarily review and approve as set forth herein all project concepts and proposals, including design and architectural elements, proposed by any existing or potential property owner, whether such proposal is presented directly or through a competitive process. Note, however, that an RFP process is not mandated by this Plan, nor is the Borough required to solicit bids pursuant to the Local Public Contracts Law. Accordingly, the Borough expressly reserves the right to work with existing property owners, and in particular to select directly a qualified purchaser/developer for its 90-100 Main Street property.

13. ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS



Clarke Caton Hintz Amending the Redevelopment Plan:

Upon compliance with the requirements of applicable law, the Borough Council may amend, revise or modify the plan, as circumstances may make such changes appropriate. This Plan does not provide for variance relief pursuant to N.J.S.A. 40:55D-70. The Governing Body may, in its discretion, provide a waiver from any design requirements if it deems such waiver generally consistent with the goals and objectives herein and not otherwise detrimental to the Plan or the community.

Duration of the Plan:

The Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Borough Council.

14. IMPLEMENTATION

In order to insure a timely and effective redevelopment of the Expanded Union Hotel Redevelopment Area, the following action steps are suggested:

1. The Borough will schedule on-going meetings with property owners in the Redevelopment Area, adjacent property owners and with the public in general to keep them apprised of progress and to solicit feedback on the Redevelopment process.
2. The Borough will work to sell its 90-100 Main Street property in such a way as to achieve a fair price in view of the objectives of the Union Hotel Redevelopment Area and Plan.

15. FUNDING OPPORTUNITIES

There are a variety of funding mechanisms provided by law for which property owners within the Redevelopment Area may qualify, including:

- Tax Abatements and “Payment in Lieu of Taxes” (PILOT) Agreements
- Parking Authority
- Energy Efficient Commercial Buildings (EECB) Tax Deduction
- Federal Business and Utilities Generation Tax Credit
- NJ EDA: Economic Redevelopment and Growth (ERG) Grant
- NJEDA Financing



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- Historic Preservation Grants and Loans
- Federal Historic Tax Credit (if the project meets the Secretary of the Interior's Standards)

See the Union Hotel Redevelopment Plan for more detailed information



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Architecture

Planning

Landscape Architecture

Exhibit A.

Expanded Union Hotel Area In Need of Redevelopment Study



**Adopted by the
Borough of Flemington Land Use Board
on December 16, 2013**

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Architecture

Planning

Landscape Architecture

Area In Need of Redevelopment Study

Borough of Flemington, Hunterdon County, New Jersey

Prepared for the Borough of Flemington by:

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Introduction/Background

On April 26, 2010, the Flemington Borough Council authorized and directed the Planning Board to undertake a preliminary investigation to determine whether the meets the criteria for an “Area in Need of Redevelopment”, pursuant to NJSA 40A:12A-1 et seq. (the “Redevelopment Law”). The Planning Board authorized Clarke Caton Hintz to prepare the preliminary investigation for an “Area in Need of Redevelopment” for the Union Hotel.

The Borough council received the findings of the Planning Board that the property was an area in need of redevelopment. Eventually a developer was selected by the Borough Council after an extensive interview process. Flemington Union Hotel was selected and an agreement was executed on May 13, 2013 between the developer and the Borough.

The Council has since directed the Planning Board to preliminarily investigate whether an area of the downtown south of the Union Hotel also meets the statutory criteria for “An Area in Need of Redevelopment”.

Statutory Authority and Process

Under New Jersey’s Local Redevelopment and Housing Law (LRHL)¹, municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. Redevelopment is defined as:

Clearance, replanning *[sic]*, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

[N.J.S. 40A:12A-3]

¹ Local Redevelopment and Housing Law, N.J.S. 40A:12A-1 et seq.



To determine whether an area is in need of rehabilitation or redevelopment, the governing body of the municipality adopts a resolution and map providing for an investigation by the Planning Board within the targeted area of the municipality. The Planning Board received this authorization from the Borough Council to undertake the preliminary investigation on by Resolution No. In this study, only the determination of whether the area is in need of redevelopment will be reviewed.

This response to the Borough Council's request for a preliminary investigation occurs within a framework established by the LRHL. Additional steps in the process established by the Act include the following:

1. The Planning Board conducts a public hearing on whether the area meets one or more of the statutory criteria to become a redevelopment area. Public notice is given to property owners and any other known claimants to the land. The Board is required to hear all interested persons and make a record of their statements (whether written or oral). At the close of the hearing the Board makes a recommendation to the Borough Council. The recommendation can take three forms: That the entirety of the investigation area is in need of redevelopment, part(s) of the area is in need of redevelopment or that no part is in need of redevelopment.
2. The Borough Council receives the Planning Board's recommendations. The Council, assuming that it wishes to create a redevelopment area(s), adopts a resolution declaring the entire study area or a portion(s) an area in need of redevelopment.
3. The Council's resolution is sent by the Borough Clerk to the Commissioner of the Department of Community Affairs. Since the study area is situated in an area in which development or redevelopment is to be encouraged pursuant the State Development and Redevelopment Plan, the determination shall take effect after the clerk has transmitted a copy of the resolution to the Commissioner.

Once the determination takes effect and the redevelopment area is established, the municipality can start the second part of the redevelopment process – the creation of the Redevelopment Plan. Later steps will include the creation and issuance of a request for proposal, selection of a redeveloper(s) and execution of a Redevelopment Agreement. Pursuant to N.J.S.A. 40A:12A-5, a study area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of



**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

Clarke Caton Hintz

P.L.1992, c.79 (C.40A:12A-6), the Borough Council by resolution concludes that within the delineated area any of the following conditions is found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. Location within an Urban Enterprise Zone.



**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

Clarke Caton Hintz

- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

As work has progressed on the contractual agreements to redevelop the Union Hotel, the Borough Council determined that the study area should be expanded. Resolution 2013-132 appended authorized the Planning Board to undertake a preliminary investigation to incorporate other properties to the south of the Union Hotel as “An Area in Need of Redevelopment” as well. The Board then directed Clarke Caton Hintz to undertake the study. The expanded study area includes the Lynn property (Block 22, Lots 5 & 12), the Tweed Group LLC (Block 22, Lot 6), Flemington Borough properties including police headquarters (Block 22, Lots 7, 8, 9 and 10), the Choir Building on Chorister Place (Block 23, Lot 7) and the Cortes and Hay Building (Block 23, Lot 1).



Description. The expanded Union Hotel Redevelopment Area Consists of 2.12 acres (92,347 S.F.):

Block	Lot	Description	Area
22	5	Lynn Properties 78-80 Main Street, retail space, offices	0.3 ac
22	12	Lynn Properties parking lot	0.11 ac
22	6	Tweed Group LLC – 82 Main Street, Offices and apartments and retail	0.35 ac
22	8	Borough Parking Lot	0.37 ac
22	9	Borough Parking Lot	
22	10	Borough Parking Lot	
22	7	90-100 Main Street, Vacant Offices, vacant bank, Borough Police and parking	0.81 ac
23	7	3 Chorister Place, Hunterdon County – Choir Building	0.05 ac
23	1	110 Main Street, Cortes and Hay, Bank, offices	0.13 ac



**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

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The existing Land uses are shown on the next page. Most of the properties are used or have been used commercially for offices and retail uses, although there are vacancies including in the Lynn Property, Tweed Property and the bank and offices on Lot 7 (90-100 Main Street) owned by the borough.



0 10 20 40 60 80 Feet

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Architecture
Planning
Landscape Architecture

Legend

Land Use

- Public Property
- Church
- Cemetery
- Other Exempt
- Railroad Class I
- Vacant
- Residential
- Multi-Family
- Commercial / Mixed Use
- Open Space
- Public School

Existing Land Use

Expanded Union Hotel Study Area



**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

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An aerial photo of the area is attached. The parking areas constitute about 50% of the area, all primarily accessible from Spring Street. Flemington Furs has an easement for parking on Lot 4, Block 22. Another large parking lot is on property owned by the borough. Parking for Lots 5 and 6 are linear and therefore limited. Lots 1 and 7 in Block 23 (Choir Building and 110 Main Street) both have no off street parking.



**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

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There are parking issues as recognized by the Borough Council when it passed resolution 2013-132. The Union Hotel has approximately 10 spaces on Lot 4. Separated by a fence is the parking lot easement for Flemington Furs for 45 spaces. The Lynn property has 20 spaces on Lots 5 and 12 but they are not striped. The Tweed Group LLC to the immediate south has 14 parking spaces. The Borough properties which constitute 81 spaces, 15 of which are reserved for police vehicles. The Choir Building and Cortes and Hay Building have no off-street parking.

The parking demand for these combined properties is insufficient to meet the full occupancy of all of the buildings. There is some limited on-street parking on Spring Street and Main Street.

The following is an analysis of the square footage of the properties, the existing parking and the parking demand/supply:

PARKING SUPPLY/DEMAND*

Owner	Block and Lot	Current Parking	SF	Parking Excess/Deficit
Union Hotel	22, 4	55, (45 Parking easement to Flemington Fur)	Unknown	Deficit but unknown
Lynn Property 78-80 Main St.	22, 5	20	4,492SF retail, 7,404SF office, Total 11,896SF	44 needed, 24 deficit
Tweed Group LLC 82 Main St.	22, 6	14	900SF retail, 8,526SF Office 2 Apts.(?)	34 needed 20 deficit
Borough/ Police, 90-100 Main Street	22, 7, 8, 9 & 10	81	Police, Bank (vacant), misc. office space 16,003SF	81 existing 56 needed 25 excess
Cortes and Hay, Bank/Offices 110 Main Street	23,1	-0-	9,500 sf (3,750 bank, 5,750 offices)	-0- 39 deficit
Choir Building 3 Chorister Place	23, 7	-0-	Public 2,1,28 sf	-0-



Zoning for the area is entirely DB Downtown Business, which allows the following uses:

Permitted Principal Uses. In the Downtown Business Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.
2. Paint, glass and wallpaper sales and service (523).
3. Hardware store (525).
4. Lawn and garden center (5261).
5. Variety store (533).
6. General merchandise store (539).
7. Grocery store (541).
8. Meat and fish markets, including frozen food purveyors (542).
9. Fruit and vegetable market (543).
10. Candy, nut and confectionery store (544).
11. Dairy product sales (545).
12. Retail bakery (546).
13. Other food stores (549).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).
18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).
23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
29. Medical and dental offices (801, 802, 803, 804).



30. Municipal use.
31. Coin operated laundries, etc. (7215).
32. Miscellaneous repair (762-764).
33. Dance studios (791).
34. Travel agencies (4724).
35. Florists (5992).
36. Optical goods stores (5995).
37. Individual and family services (8322).
38. Farmer's market. (Ord. No. 2012-01)
39. Commercial Agriculture

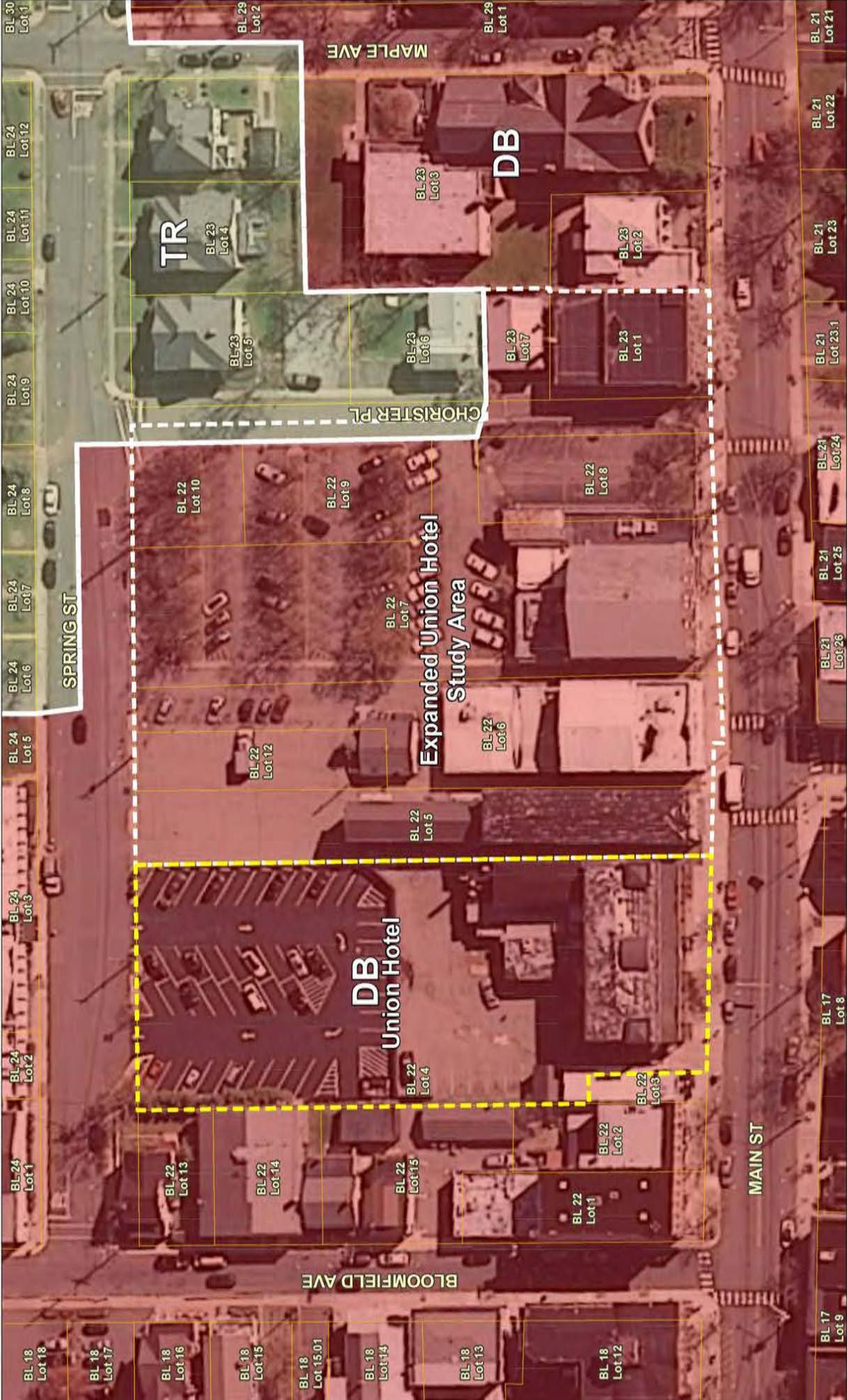
Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages used in conjunction with the principal use(S).
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.
8. Solar facilities. (Ord. No. 2012-01)
9. Community gardening. (Ord. No. 2012-01)

The property owned by the Borough at 90-100 Main Street is unoccupied and the upper floors contain an old theater. If reused as a theater it would not be a permitted use. The other buildings and properties in this study area are all being utilized with various uses which conform to the permitted uses; however there are vacancies in 78-80 Main Street (Lynn Property) and the 82 Main Street (Tweed Property).

The minimum lot size in the DB zone is 7,000sf or 0.16 acres. A number of the properties are in single ownership although separate lots such as the Lynn Property or the borough's property. All of the properties meet the minimum lot size except for the Choir Building and the building occupied by Cortes and Hay. Those two properties are 0.05 acres or 2,178sf for the Choir Building and 0.13 acres or 5,662sf for the Cortes and Hay building.

With regard to loading requirements the Choir Building and the Cortes and Hay building they do not have loading areas and do not meet Section 2630 of the Zoning Ordinance.



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 Architecture
 Planning
 Landscape Architecture

Legend
Zoning
 DB - Downtown Business
 TR - Transition Residential

Existing Zoning

Expanded Union Hotel Study Area



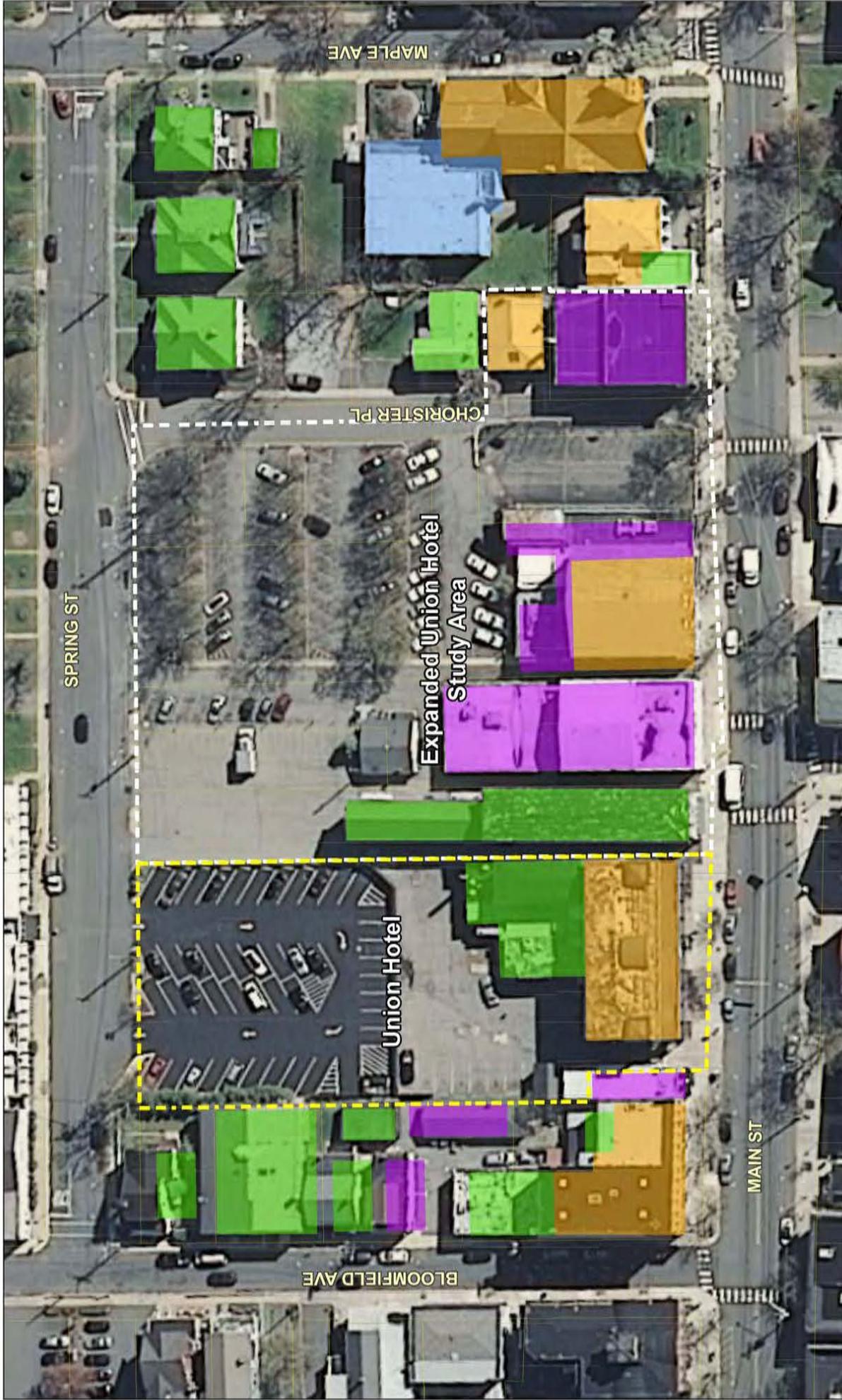
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**Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey**

12/16/2013

The entirety of the Study area is in the historic district. Several buildings (Union Hotel, vacant bank and theater and Choir Building) are all “significant”, while others are categorized as “contributing” or “non-contributing historic contemporary”.

See attached map.





 0 10 20 40 60 80 Feet

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 Architecture
 Planning
 Landscape Architecture

Legend
HISTORIC BUILDING TYPE
 CONTRIBUTING
 ENCROACHING
 NON-CONTRIBUTING HISTORIC CONTEMPORARY
 SIGNIFICANT

Flemington Historic District
 Expanded Union Hotel Study Area
 Flemington Borough, Hunterdon County, NJ December 2013



Site & Surrounding Area Characteristics

The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space as to be conducive to unwholesome living or working conditions.

90 Main Street is substandard, unsafe, unsanitary, dilapidated and obsolescent. The building needs substantial upgrades to plumbing, electrical, fire safety and adequate means of ingress and egress to meet current building codes. It is a vacant building.

Does the building and its improvements, including parking, dilapidated, obsolescent, have faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or combination of these factors which are detrimental to the health, safety, morals or welfare of the community?

As described in the parking analysis only the borough property has sufficient parking although that could depend on the future re-use of the property. All of the other properties do not have sufficient parking today and depending on future use, more than likely will have a parking deficit in the future.

The Choir Building and the Cortes and Hay building are fully developed with structures and therefore have excessive land coverage. Cortes and Hay et al. does not have any parking and relies on the county parking lot on the west side of Main Street and the current excess spaces at the borough parking lots facing Spring Street.

The property owned by the borough which is vacant and known as 90 Main Street has been unoccupied for some time. The building will need new HVAC systems, new plumbing and sanitary facilities and does not meet adequate emergency access.

Have the buildings been discontinued in their previous usage for commercial, manufacturing or industrial purposes? And have they fallen into so great a state of disrepair so as to be untenable?

The Lynn Property at 78-80 Main Street has had retail uses in the Storefront. The potting shed has closed, and an antique store is now open. The rest of the building is largely vacant offices.

Grom occupies part of the Tweed Building 82 Main Street, as offices, but the upper floors are vacant.



The borough property at 90 Main Street has not been used as commercial or office space for some period of time.

Findings

The following conditions have been examined in the investigation:

- The continued vacancies at the Lynn Property, Tweed Property and 90 Main impacts the entire community because they are detrimental to the economic health of the borough since they are situated on Main Street in the center of the downtown business district..
- Currently, 90 Main Street is substandard, unsafe, unsanitary, dilapidated and contains unwholesome working conditions.
- There is currently not a viable Certificate of Occupancy for 90 Main Street as it lacks electrical service.
- There are numerous code violations within 90 Main Street which will need to be addressed in order to obtain a new Certificate of Occupancy.
- Based solely upon visual inspection and the age of 90 Main Street, it is likely construction work to remediate existing code violations, an environmental engineer should inspect the building and offer recommendations for the treatment of any environmental concerns prior to the space being safely occupied.
- Prior to occupancy, the will need to meet the requirements of a CommCheck. This is required with all construction activities requiring a building permit. The CommCheck will verify the minimum energy efficiencies within 90 Main Street. As such, to meet these requirements, the building will need additional insulation, rehabilitation of the existing window assemblies and work performed to replace the existing roofing and issues related to water conduction will need to be addressed.
- As stated earlier, based solely upon visual observation, there may be structural condition conditions with 90 Main Street. A structural engineer should inspect the buildings.
- Designation of the site is consistent with smart growth planning principles since all of Flemington Borough is located in a designated center pursuant to the State Development and Redevelopment Plan.



- There is insufficient parking to meet the full occupancy of most of the buildings in the Study Area.

Conclusion

Based on the above analysis, the Study Area meets the criteria for an area in need of redevelopment. There are vacancies in several of the buildings. Parking areas are insufficient to meet future full occupancy of the various buildings.

This finding was previously made with regard to the Union Hotel which now has a contractual agreement with the borough to redevelop the property.



PHOTOGRAPHS



Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey

12/16/2013

Clarke Caton Hintz





Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey

12/16/2013

Clarke Caton Hintz





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Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey

12/16/2013

Clarke Caton Hintz





Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey

12/16/2013

Clarke Caton Hintz

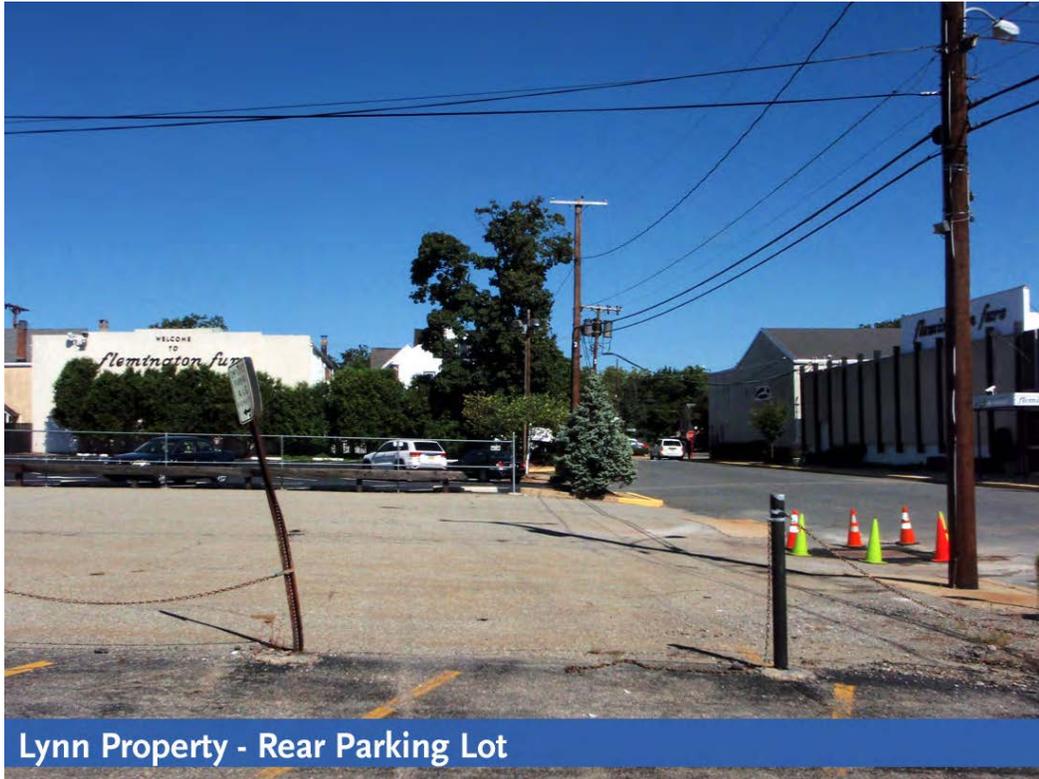




Area In Need of Redevelopment Study
Flemington Borough, Hunterdon County, New Jersey

12/16/2013

Clarke Caton Hintz





APPENDICES

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

**RESOLUTION 2010 - 94
RESOLUTION DESIGNATING THE UNION HOTEL AS "AN AREA IN NEED OF
REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND
HOUSING LAW**

WHEREAS, pursuant to Council Resolution 2010-82, adopted April 26, 2010, the Council of the Borough of Flemington directed the Planning Board to undertake a preliminary investigation to determine whether the Union Hotel, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map, (the "Study Area"), qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigations and prepared a report of its investigations entitled "Union Hotel, Preliminary Investigation For An Area In Need of Redevelopment", dated June 2010 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area exhibits conditions which conform with redevelopment criterion 'a', 'b', 'd', 'e' and 'h' under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Redevelopment Investigation Report recommends the designation of the Study Area as an Area in Need of Redevelopment pursuant to the Redevelopment Law; and

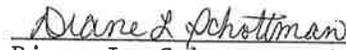
NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein be and hereby is designated as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-5.

Adopted: June 14, 2010

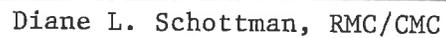


Robert B. Hauck, Mayor

Attest:


Diane L. Schottman, RMC/CMC
Municipal Clerk

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on June 14, 2010.


Diane L. Schottman, RMC/CMC

RESOLUTION 2012-193

RESOLUTION CONDITIONALLY DESIGNATING FLEMINGTON UNION HOTEL, LLC, AS THE REDEVELOPER FOR THE UNION HOTEL AND AUTHORIZING THE REDEVELOPMENT COMMITTEE TO PURSUE THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council, established by resolution adopted September 27, 2010, conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

WHEREAS, the Council has reviewed and considered the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals based upon its evaluations of the Proposals and the interviews of the redeveloper candidates that submitted the Proposals; and

WHEREAS, based upon its consideration of all of the above, the Council has determined that the Proposal submitted by Flemington Union Hotel, LLC (the “Flemington Union Hotel Proposal”), best reflects a project designed to achieve the goals and objectives of the Redevelopment Plan and that Flemington Union Hotel, LLC is most uniquely-qualified to implement a project for the Union Hotel Property, has already taken significant steps toward and made substantial investment in the implementation of project for the Union Hotel, and has presented a sound financial plan to implement the project; and

WHEREAS, Flemington Union Hotel, LLC has provided detailed representations as to the sums of monies already invested into the Proposal personally by its principals, has provided detailed representations as to the additional financing secured in amounts sufficient to acquire title to the Union Hotel Property, acquisition of a liquor license for transfer to the Union Hotel Property, and carry out the Proposal through the planning and approval stages; and

WHEREAS, based upon the foregoing, the Council wishes to conditionally-designate Flemington Union Hotel, LLC, as the redeveloper of the Union Hotel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that Flemington Union Hotel, LLC is hereby conditionally-designated as the redeveloper for the Union Hotel, pursuant to Section 12 of the Union Hotel Redevelopment Plan, subject to and contingent upon the following conditions:

1. Flemington Union Hotel, LLC shall have acquired title to the Union Hotel Property within ninety (90) days hereof;
2. Flemington Union Hotel, LLC shall have acquired title to a liquor license transferable to the Union Hotel Property within ninety (90) days hereof;
3. Flemington Union Hotel, LLC shall execute a redevelopment agreement with the Borough within ninety (90) days hereof, which agreement shall set forth any other subsequent conditions and contingencies that are required by the Borough.

BE IT FURTHER RESOLVED that The Redevelopment Committee is hereby authorized engage in negotiations of such a redevelopment agreement with Flemington Union Hotel, LLC, such redevelopment agreement subject to review and approval by the Borough Council and the execution to be authorized by Council resolution.

BE IT FURTHER RESOLVED that if Flemington Union Hotel, LLC fails to comply with any of the conditions and contingencies set forth herein within the required time periods or meet any other requirements and expectations to reasonably assure the successful completion of the Project, and present such proposed redevelopment agreement to the Borough Council within ninety (90) days from the date hereof, Flemington Union Hotel, LLC's conditional-designation shall expire and be revoked, without need for further action or proclamation by the Council, unless, prior to the expiration of such ninety (90) days, the Council shall determine, in its sole discretion, to extend the time for the completion of any incomplete condition or contingency for a reasonable period of time, if such extension is deemed likely to result in completion of such condition or contingency.

BE IT FURTHER RESOLVED that this conditional-designation shall not be deemed to vest or secure any right or interest in the Union Hotel Property or the redevelopment of the

Union Hotel Property to Flemington Union Hotel, LLC, absent an executed redevelopment agreement, and, if no redevelopment agreement is executed and Flemington Union Hotel, LLC is de-designated as the conditional redeveloper for the Union Hotel Property, it shall have no rights or claims of interest with respect to the development of the Union Hotel Property.

Offered: Veleva

Second: Greiner

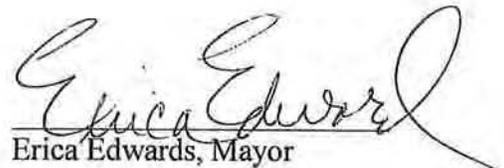
Approved: Veleva, Gorman, Swingle Greiner

Abst: Oberst, Hain

ATTEST:



Rebecca P. Newman, Clerk



Erica Edwards, Mayor

RESOLUTION 2013-27

**RESOLUTION EXTENDING TIME FOR NEGOTIATIONS AND EXTENDING
CONDITIONAL-DESIGNATION OF FLEMINGTON UNION HOTEL, LLC, AS THE
REDEVELOPER FOR THE UNION HOTEL**

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

WHEREAS, based upon its review and consideration of the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals, on November 26, 2012, the Council adopted Resolution 2012-193 (the "Resolution") conditionally-designating Flemington Union Hotel, LLC as the redeveloper of the Union Hotel Property; and

WHEREAS, the Resolution provided for a period of ninety (90) days for Flemington Union Hotel, LLC complete the following conditions of its conditional-designation:

1. acquire title to the Union Hotel Property;
2. acquire a liquor license for transfer to the Union Hotel Property; and
3. execute a redevelopment agreement with the Borough; and

WHEREAS, Flemington Union Hotel, LLC has completed the first condition of the Resolution and anticipates completing the second condition within the original ninety (90) day timeframe but the parties have not finalized the terms of the redevelopment agreement; and

WHEREAS Flemington Union Hotel, LLC has devoted and continues to devote substantial effort and time into investigating and seeking to secure additional capital financing, funding and potential grants for the Project; and

WHEREAS, the Resolution further provided that if prior to the expiration of such ninety (90) days, the Council shall determine, in its sole discretion, to extend the time for the completion of any incomplete condition or contingency for a reasonable period of time, if such extension is deemed likely to result in completion of such condition or contingency; and

WHEREAS, in recognition of the substantial accomplishments by Flemington Union Hotel, LLC toward this project the Council wishes to continue negotiations of the redevelopment agreement for this Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that the conditional-designation of Flemington Union Hotel, LLC as redeveloper for the Union Hotel is hereby extended for an additional ninety (90) days.

BE IT FURTHER RESOLVED that if Flemington Union Hotel, LLC fails to assure completion of any of the conditions and contingencies set forth in Resolution 2012-193 and execute a redevelopment agreement with the Borough Council within such ninety (90) day extension period, Flemington Union Hotel, LLC's conditional-designation shall expire and be revoked, without need for further action or proclamation by the Council.

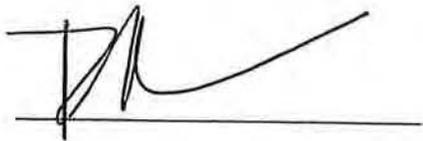
BE IT FURTHER RESOLVED that this conditional-designation shall not be deemed to vest or secure any right or interest in the Union Hotel Property or the redevelopment of the Union Hotel Property to Flemington Union Hotel, LLC, absent an executed redevelopment agreement and, if no redevelopment agreement is executed and Flemington Union Hotel, LLC is de-designated as the conditional redeveloper for the Union Hotel Property, it shall have no rights or claims of interest with respect to the development of the Union Hotel Property.

Offered:

Second:

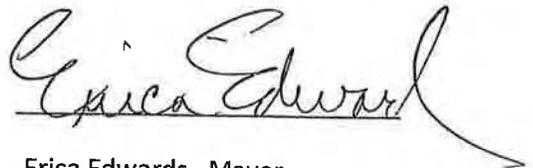
Approved:

Attest:



Rebecca P Newman, RMC

Borough Clerk



Erica Edwards, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/13/13 07:00 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1225

SCHEDULED

RESOLUTION 2013-78

Authorizing the Mayor and Clerk to Sign a Memorandum of Understanding Between the Borough of Flemington as the Redevelopment Entity and Union Hotel Hotel, LLC as the Redeveloper

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REDEVELOPMENT AGREEMENT WITH FLEMINGTON UNION HOTEL, LLC, AS THE REDEVELOPER FOR THE UNION HOTEL

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

WHEREAS, based upon its review and consideration of the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals, on November 26, 2012, the Council adopted Resolution 2012-193 (the

“Resolution”) conditionally-designating Flemington Union Hotel, LLC as the redeveloper of the Union Hotel Property; and

WHEREAS, the Resolution provided for a period of ninety (90) days for Flemington Union Hotel, LLC to acquire title to the Union Hotel Property, acquire a liquor license and execute a redevelopment agreement with the Borough; and

WHEREAS, by Resolution 2013-27, adopted February 11, 2013, the Council of the Borough of Flemington extended the conditional-designation of Flemington Union Hotel, LLC as redeveloper for the Union Hotel for an additional ninety (90) days through May 25, 2013; and

WHEREAS, Flemington Union Hotel, LLC has completed the first two conditions of its conditional-designation and is prepared to execute a redevelopment agreement with the Borough; and

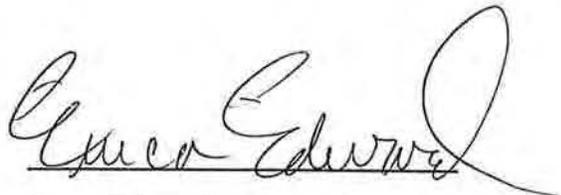
WHEREAS, the form of agreement annexed hereto and incorporated herein sets forth the rights and obligations between the Borough and Flemington Union Hotel, LLC with respect to the Union Hotel redevelopment.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Flemington that the Mayor of the Borough of Flemington be and hereby is authorized to execute the Redevelopment Agreement by and between the Borough of Flemington and Flemington Union Hotel, LLC, annexed hereto and made a part hereof.

ATTEST:



Rebecca Newman, RMC
Borough Clerk



Erica Edwards, Mayor

Offered:

Second:

Approved:

ATTACHMENTS:

- mou (PDF)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/12/13 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1303

ADOPTED

RESOLUTION 2013-132

Resolution Authorizing and Directing the Planning Board to Undertake a Preliminary Investigation to Determine Whether an Area of the Downtown to the South of the Union Hotel Meets the Statutory Criteria for "An Area in Need of Redevelopment" Pursuant to the Local Redevelopment and Housing Law

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel Property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, in May 2013, the Borough executed a Redevelopment Agreement with Flemington Union Hotel, LLC (the "Designated Redeveloper"), for the redevelopment of the Union Hotel;

WHEREAS, the Union Hotel Redevelopment Plan contemplated various alternative parking scenarios to address the increased demand that would likely result from such revitalization and reuse of the Union Hotel; and

WHEREAS, the Redevelopment Plan contemplated the possible inclusion and incorporation of certain properties surround the Union Hotel under a shared parking scenario by which the current owners and the Union Hotel would enter an arrangement to share parking to facilitate the respective uses; and

WHEREAS, the project proposed by the Designated Redeveloper will include uses that will likely generate parking demands in excess of the amount of parking spaces that could feasibly be constructed on the Union Hotel property; and

WHEREAS, one of the proposed parking solutions in the Union Hotel Redevelopment Plan was the inclusion of the remainder of Block 22 into a comprehensive parking plan to facilitate the redeveloped Union Hotel as well as existing businesses; and

WHEREAS, there exists an underutilized and largely vacant Borough-owned building within Block 22 to the south of the Union Hotel, separated by three additional privately-owned lots; and

BE IT FURTHER RESOLVED that the Planning Board shall specify a date for and give notice of the hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

BE IT FURTHER RESOLVED that the hearing notice shall set forth the general boundaries of the Study Area and state that a map has been prepared and can be inspected at the office of the Borough Clerk, and that a copy of the notice shall be published in a newspaper of general circulation in the Borough of Flemington once each week for two consecutive weeks, and the last publication shall be not less than ten (10) days prior to the date set for the hearing, and that a copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the Study Area according to the assessment records of the Borough of Flemington, as well as all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in any such parcel; and

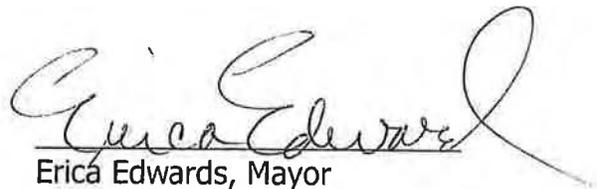
BE IT FURTHER RESOLVED that the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area qualifies under the redevelopment criteria. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record; and

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Council in the form of a Resolution with supportive documentation.

ATTEST:



Rebecca P. Newman, RMC
Borough Clerk



Erica Edwards, Mayor

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Phil Greiner, Councilman
SECONDER: Phil Velella, Council President
AYES: Swingle, Velella, Fine, Gorman, Novick, Greiner