

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
38 PARK AVENUE, FLEMINGTON, NJ 08822  
HELD VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM  
TUESDAY, MAY 25, 2021 – 7:00 PM

MINUTES

The meeting was called to order at 7:09 PM by Mr. Doshna due to another Commission trying to start another zoom webinar which conflicted with the start of the meeting.

**Roll Call:**

**Present:** Mayor Driver, Mr. Campion, Mr. Long, Mrs. Engelhardt, Mr. Cook, Mr. Budney, Mr. Hain, Mr. Doshna, Ms. Giffen, Mr. Hill, Mr. Norton, Ms. Weitzman, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Troutman.

**Excused:** Mr. Levitt

Ms. Kaczynski asked if any Board members had a conflict of interest with any items on the agenda for this evening, none were heard.

1. **Public Comments:** No comments had been received to either the planning board email or the Borough's public comment email.

There were no public comments from attendees.

2. **Mayor Comments:** Mayor Driver discussed the governors latest executive orders and that the Borough would be moving back to in person meetings for the Council and Committees noting that she would like to keep the technology that has been used. Mayor Driver discussed that the Council would introduce an updated parking ordinance for non-office and non-business uses which would come to the Board the second meeting in June.

3. **Council Comments:** Mr. Long discussed that a reopening in-person committee had been formed with himself, Ms. Tilly, OEM Coordinator McNally and Mr. Doshna and would update the Board once he had details.

4. **HPC Comments:** No comments, one HPC resolution had been distributed to the Board.

5. **Approval of minutes for the May 11, 2021 regular meeting.**

Motion to approve the minutes to be revised as discussed was made by: Cook, seconded by: Hain

Ayes: Long, Campion, Engelhardt, Cook, Budney, Hain, Doshna, Giffen

Nayes: (None)

Abstain: Driver

Motion passed: 8-0-1

Mr. Long was recused from the next use variance item and did not participate.

6. **Extension:** 70 Church Spice Factory, LLC - Block 39, Lot 3

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Ms. Kaczynski would have the resolution prepared for the next meeting.

7:22 pm Mayor Driver and Mr. Long were recused from the next 2 Use Variance applications and did not return to the meeting.

**7. Public Hearing: Application #2020-03 - Lee B. Roth - Block 21, Lot 25 – 91 Main Street**

Continued from February 23, March 9 & 23, April 13 & 27, 2021

Ms. Kaczynski discussed that an attorney, John Lanza, was hired by the adjacent property owner as an objector to which Mr. Roth had raised a possible conflict as Mr. Lanza was part of a firm which represents Hunterdon County which owned the property across the street. Ms. Kaczynski stated that until the possible conflict issue has been resolved the applicant could either continue the hearing to June 8, 2021 and provide no testimony tonight or provide testimony with no questions from the objector's counsel. Mr. Lanza appeared noting that the objector's letter was entered 10 days to 2 weeks ago and the conflict was first heard 5 minutes ago therefore he was not prepared to address any conflict tonight. Ms. Kaczynski would receive an opinion on the issue from both attorneys noting that the hearing could proceed tonight adding that the letter was received after the last meeting therefore questions would be limited to only the testimony going forward and not from prior meetings.

Attorney and applicant, Lee B. Roth, appeared and discussed that he would like to proceed tonight with new testimony from the architect and engineer and introduce Art Bernard for the affordable housing and take questions for Mr. Stearns's planning testimony. Mr. Doshna clarified that the hearing should continue where it left off with questions for Mr. Stearns.

Ms. McManus discussed the 'd' variances for residential use on the first floor and the 2 parking structures and directed the Board to consider if the site was particularly suited for these uses and to consider the standards for the bulk variances and if the criteria had been met to grant the variances. Ms. McManus clarified testimony on senior housing and asked where tenants would find additional parking overnight where 19 spaces were required and 13 spaces were proposed. Mr. Roth answered that tenants will need to find the additional parking in the roughly 850 public parking spaces in the Borough. Ms. McManus discussed her report where most comments and questions had been address by various witnesses including the land use policies and the variety of Borough wide goals and asked the Board to consider the impacts specific to this application and if it fits as a whole in the location and neighborhood on Main Street.

Mr. Troutman asked how the parking would be managed and if the spaces would be assigned noting his concern for overnight parking demand created by this application adding that the reality that each unit

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could have 2 vehicles and needed an explanation of where these cars are ending up overnight. Mr. Roth responded and added that the spaces will be assigned.

Mrs. Engelhardt asked that the garbage facility be screened from view. Mr. Roth agreed. Mrs. Engelhardt asked how Mr. Stearns came up with the 9 units for the project to work noting that the Board cannot consider economics and asked if Mr. Stearns advised on any funding. Mr. Roth responded that he did not ask Mr. Stearns to provide that information.

Mr. Hill asked how spaces would be assigned in the carousel. Mr. Roth responded.

Mr. Cook asked where tenants would park overnight and if the final answer was park wherever you can. Mr. Roth responded that tenants may have to walk 2 blocks to find parking.

Mr. Doshna discussed testimony that no one would ever see the enclosed carousel unless they were looking for it and referring to an exhibit where the 38 foot blank structure was shown would clearly be visible to anyone walking by asked if there would be a negative impact adding that the parking carousel was higher than the surrounding buildings and asked if there was another example in the DB zone. Mr. Stearns had not prepared an impact study on blank walls along Main Street.

Mr. Doshna asked for questions from the public for Mr. Stearns.

Mr. Lanza asked if he would be able to cross examine on testimony provided by Mr. Stearns today only or his entire testimony. Ms. Kaczynski would discuss offline.

Robin Lapidus, executive director of the FCP, clarified the sponsor of the study.

The applicant's architect, Doug Shotland, appeared still under oath and presented a Main Street view exhibit marked A-10 and discussed the front building separation of commercial and residential uses with an accessibility in change in elevation. Mr. Shotland discussed the cladding of the building and the importance of an air barrier to create the energy efficiency in the building as well as maintaining as much of the original material as possible noting that the applicant would need to take off the original siding to provide continuity and create an air barrier. Mr. Shotland presented a 7 page Rotary parking enclosure exhibit which was marked A-11 dated April 1, 2021 and clarified the opening and the back wall of the parking structure; discussed the detailed drawing of the enclosure which would be vetted by a structural engineer and the building code official to encase the carousel to be 2 hour fire rated to protect the neighboring buildings and would also be sprinkled located 3 inches from the property line; 6.5 inches to the adjacent building and 24 feet from the structure to the northerly property line adding that he could create fake windows and provide contrasting color to make the building more interesting. Mr. Shotland discussed the location of the concrete pilings on a plan and side view and discussed the perspective views of the pilings in regards to the adjacent building and trash enclosure location. Mr.

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Shotland discussed the energy demand to be reduced by 80-90% with the solar panels to generate the remaining energy demand to meet the passive housing standard which will need a 30 watt system to get very close to net zero energy which was a goal and not a requirement to at zero.

Mr. Clerico clarified the width of the opening of 9'x22-0 ¼" and distance from the property line.

Ms. McManus asked the screening of the trash enclosure to be made a condition.

Ms. Kaczynski asked the height of the ventilation fan. Mr. Shotland did not have the height yet noting that it would not be visible lower than parapet. Ms. Kaczynski asked the depth of the adjacent building foundation which was not known at the time to be verified in the field.

Mr. Budney discussed the quietness of the system estimated at 50 decibels and asked when the vent fan operated and what the noise level would be and asked if there had been discussions with the HPC. Mr. Shotland responded that the vent fan would be quieter than the unit.

Ms. Giffen asked the depth of the pilings and the foundation of the adjacent building and if there would be excavation. Mr. Shotland responded that there would be no disturbance to the adjacent building foundation.

Mrs. Engelhardt clarified comments on aesthetics and height came from the HPC and not from the Board and asked if the applicant would need to go back to the HPC. The Board discussed. Mrs. Engelhardt appreciated the detailed drawings provided on the parking structure and asked that the civil engineering plans be updated to coordinate; asked which buildings would be net zero energy; discussed the NJ energy code; asked how the applicant came up with 9 units as feasible for this project and if the number could be reduced. Mr. Shotland responded noting that he was not involved in the financial decision.

Ms. Weitzman discussed that the project relied on the solar panels and asked if they would be installed immediately. Mr. Shotland discussed that yes once installed and connected to the power grid the project would net out over the year.

Mr. Doshna asked for questions from the public for Mr. Shotland. None were heard.

9:07 pm the meeting recessed.

9:15 pm the meeting resumed.

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Mr. Ingram appeared still under oath and discussed the shared sight distance and turning exhibit that had been updated.

9:18 pm Mr. Hill returned to the meeting.

Mr. Ingram discussed the turning maneuvering for each space and clarified the distance to the property line. Mr. Clerico noted that the distance did not scale on the plans. Mr. Ingram to revise the plans to show dimension and discussed the turning 5 movements to get out of the garage and handicap space next to the front building. Mr. Clerico asked the vehicle size used in the template which was a standard 19 foot passenger car. Mr. Clerico asked what stormwater standards were trying to be met with an increase of 142 sf of impervious coverage and clarified that the volume of storage would not meet the Borough ordinance where the applicant was not asking for waivers. Ms. McManus asked if the space of the walls was accounted for on the parking structure in the revisions and if the parking space next to the building would be limited to a compact car since the dimension was reduced to 8'-2". Mr. Ingram responded. Mr. Troutman confirmed that the vehicle template and exhibit was accurate and worked as stated with a standard vehicle.

Mrs. Engelhardt asked that the dimension from the carousel to the north property line be added; asked the maintenance on the permeable pavement and its effect on runoff and stormwater. Mr. Ingram agreed to provide. Mr. Hill clarified which way the cars were facing in the template and that the ordinance would require an operations manual to be submitted. Mr. Ingram clarified the vehicles and agreed to comply.

9:48 pm Mr. Doshna announced that the Board would continue with the public hearing for 91 Main Street and would not start any new business after 10:30 pm making it unlikely that the hearing would complete testimony and move to the next item on the agenda for the public hearing for Premier Outdoor Media. Attorney for this application, Jeff Hall, appeared and asked that the Board accept jurisdiction to proceed today and continue the public hearing to June 22, 2021. Ms. Parks verified that all the certified mailing receipts matched the certified 200 foot lists from the Borough and Raritan Township. Ms. Kaczynski had reviewed the notice submitted and found that the Board had jurisdiction to proceed. Mr. Doshna announced that the public hearing for Premier Outdoor Media would be continued to the June 22, 2021 with no further notice being provided.

The applicant's affordable housing professional, Art Bernard, also a licensed planner appeared and was sworn in for testimony. Mr. Bernard provided his credentials and hearing no objections was accepted as an affordable housing professional. Mr. Bernard having reviewed the State documents, the Borough overlay and ordinances conclude that if a residential development was permitted on a site for the ordinance to apply would need the density to double to require an affordable unit where there were 6 existing units on site with 9 proposed the applicant was not doubling the number of units therefor no affordable units were required. Ms. McManus discussed that this was a unique site in the DB district

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with no gross density to compare to agreed with Mr. Bernard but opined that the Borough would need an affordable housing unit on this site in the downtown area close to jobs and services adding that the Board should keep in mind the potential benefits to the Borough. Mr. Doshna asked for clarification of the doubling of density where no residential was existing. Ms. McManus discussed that it was not so much what exists but what the ordinance allowed that would be applicable as potential units. Mr. Bernard stated that the applicant would agree to provide a unit but wants a moderate 1 bedroom unit not a low income unit. Ms. McManus requested a low income 2 or 3 bedroom unit. Mr. Bernard discussed the income levels for the affordable housing in Hunterdon County.

Mr. Doshna announced that this application would be carried to the next meeting on June 8, 2021 at 7:00 pm to be held remotely and that no further notice of hearing would be provided.

Ms. Kaczynski asked the applicant to provide an extension of time for the Board to act on the application. Mr. Roth agreed to an extension to June 22, 2021 and would follow up in writing to be submitted to Ms. Parks.

**8. Public Hearing:** Application #2020-01 Premier Outdoor Media – Block 49 Lot 2

Mr. Doshna announced that the public hearing would be continued to the June 22, 2021 meeting and that no further notice would be provided.

**9. Chair Items:**

- Mr. Doshna discussed that the Board will be returning to in person meetings where the Planning Board was far more complex than Council meetings with witnesses providing testimony and exhibits and was trying to ensure digital access to continue moving forward including use of I-pads and allowing public that cannot attend Borough Hall access to provide input and participate. Mr. Doshna noted that the second meeting in June on the 22<sup>nd</sup> was also the Hunterdon Central graduation. Mr. Doshna asked the Board to plan for Master Plan work over the summer.
- Mrs. Engelhardt asked if Board members would be able to attend remotely. Ms. Kaczynski to find out the details of the emergency orders. Mr. Hill had been at combination meetings in person and virtual which had been successful. The Board discussed.
- Next meetings: June 8, 2021. Items on the agenda: Continuation of the public hearing for Lee B. Roth and Resolution for 70 Church Spice Factory, LLC.

**10. Bills:**

Motion to audit the bills was made by: Giffen, seconded by: Hain.

Ayes: Campion, Engelhardt, Cook, Budney, Hain, Doshna, Giffen, Hill, Norton

Nays: (None)

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

- 11. **Professional Reports:** None
- 12. **Executive Session:** Not needed.
- 13. **Adjournment:**

Motion to adjourn the meeting at 10:31 p.m. was made by: Engelhardt, seconded by: Budney. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary