

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, SEPTEMBER 14, 2021 – 7:00 PM

MINUTES

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

Roll Call:

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

Excused: Traffic Engineer Troutman

1. Executive Session Resolution 2021-12: For Discussion of Settlement Agreement

7:05 pm Mayor Driver, Mr. Cook, Mr. Hain & Ms. Giffen were recused from executive session and left the meeting. All attendees also left the meeting with an estimated restart time of the remote meeting set at 7:25 pm.

Motion to adopt resolution 2021-12 and to move into executive session was made by: Engelhardt seconded by: Hill

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

Ayes: Engelhardt, Long, Mr. Campion, Budney, Doshna, Hill, Levitt, Weitzman

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

The webinar was locked by Mr. Doshna.

7:23 pm Motion to exit executive session was made by: Hill seconded by Budney.

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

Ayes: Engelhardt, Long, Mr. Campion, Budney, Doshna, Hill, Levitt, Weitzman

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

7:25 pm the meeting resumed to allow Board the recused members and attendees to return.

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

Mayor Driver, Mr. Cook, Mr. Hain & Ms. Giffen were recused from Resolution 2021-12 and did not participate.

Motion to amend the agenda to include Resolution 2021-13 was made by: Engelhardt, seconded by: Hill.

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Ayes: Engelhardt, Long, Mr. Campion, Budney, Doshna, Hill, Levitt, Weitzman
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

2. Resolution 2021-13: Authorizing Execution of Settlement Agreement Resolving Litigation Filed By The Friends of Historic Flemington, LLC, Gary Schotland and/or Lois Stewart Against The Borough of Flemington, The Mayor and Council of The Borough of Flemington, The Planning Board of The Borough of Flemington and Flemington Center Urban Development, LLC

Motion to adopt Resolution 2021-13 Authorizing the Planning Board Chairman to sign the settlement agreement was made by: Engelhardt, seconded by: Budney.
Ayes: Engelhardt, Long, Mr. Campion, Budney, Doshna, Hill, Levitt, Weitzman
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

3. Public Comments: None.

4. Mayor Comments:

Mayor Driver discussed that the sale of the filling station would be at the end of the month with a site plan coming; Council passed a resolution to direct Ms. McManus to work on some ordinances regarding affordable housing requirements; updating densities in some districts and provide clarity on structured parking where appropriate; the Borough had mailed out how to apply for FEMA aid from the flooding caused by hurricane Ida and that Council had waived building permit fees for hurricane damaged buildings. Mayor Driver thanked the Board for adopting the settlement for the Union Hotel project.

5. Council Comments:

Mr. Long reminded the Board of the rezoning request at 47 Maple Avenue and thanked the Board on adopting the settlement agreement.

6. HPC Comments: None

7. Approval of minutes for the July 27, 2021 regular meeting.

Motion to approve the minutes was made by: Hain, seconded by: Hill
Ayes: Engelhardt, Cook, Hain, Budney, Doshna, Giffen
Nays: (None)
Abstain: Driver, Campion, Long
Motion passed: 6-0-3

Mayor Driver and Mr. Long were recused from Resolution 2021-14 and did not participate.

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8. Resolution 2021-14: Application #2020-01 – Premier Outdoor Media - Block 49, Lot 2

Ms. Kaczynski discussed the revisions to the resolution which was distributed to the Board and the applicant.

Motion to adopt Resolution 2021-14 was made by: Hain, seconded by: Hill.

Ayes: Hain, Hill, Budney, Doshna, Hill

Nays: (None)

Abstain: (None)

Motion passed: 5-0-0

7:45 pm Mayor Driver and Mr. Long returned.

9. Council Resolution 2021-174: Referring a Rezoning Request to the Planning Board for Review – Block 28 Lot 8

Ms. McManus discussed the memo she prepared noting that the subject property had 2 frontages one on Emery and one on Maple Avenue where the owner had requested to change the lots fronting on Emery Avenue to the TC zone from residential. Ms. McManus, Mr. Cook and Ms. Giffen had looked at the zoning history and the future concluding that the area is predominantly single family residential and recommended that the land remain in the SF zone and not changed to maintain the character of the area noting that any non-residential requested should have to come to the Board adding that the property is an oddly shaped lot and unique with the 2 frontages.

Ms. Doshna discussed that there was some suggestion that the zoning was a mistake or mischaracterization but that the research indicated that this was intentionally zoned. The Board discussed.

Mr. Long to relay Ms. McManus's memo to Council.

10. Public Hearing: Redevelopment Study of Liberty Village: Block: 35; Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71 Flemington Borough NJ July 31, 2021 Area in Need of Redevelopment Preliminary Investigation

Mr. Doshna discussed that the purpose tonight was to determine whether this site meets the statutory requirements of An Area In Need of Redevelopment.

Ms. McManus discussed the 23 acre Study Area with 11 acres east of the railroad and 12 acres located west of the railroad that bisects the Study Area and discussed the procedures to make the determination if it qualified as an area in need of redevelopment including the role of the Board and Council. Ms. McManus was sworn in for testimony.

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Ms. McManus discussed that this was a complete and separate process than a Redevelopment Plan which process was after the determination and only if the area was designated noting that the Council did not include the power of condemnation. Ms. McManus discussed that benefits of redevelopment planning which would give the Borough enhanced powers to redevelop and zone to meet the community needs to update deteriorated conditions; offer tax incentives and create new businesses.

Ms. McManus discussed that the 10 lots in the Study Area were all owned by a single entity and were almost all in the VAS district which served as the Liberty Village Outlet Center except Lot 22 which was used as a commuter parking area; discussed the existing zoning and land use, environmental constraints, and discussed the statutory criteria in the Housing Law 'a' thru 'h' noting that the site only needs to meet one of the criteria where the report found the subject properties met several of the criteria including 'b', 'c', 'd' & 'h'. Ms. McManus discussed each criteria and where each lot met the statute. Criterion 'b' – significant vacancies were met in all properties except Lot 22 where all buildings were unlikely to be reoccupied where only 8 spaces appear to be currently occupied with vacancies continuing to increase. Criterion 'c' – unimproved vacant land - applied to 3 lots 23, 24 & 25 since at least 2007 and not likely to be developed through private capital due to the environmental constraints including a 100 year floodplain with trout streams which would require a 150 foot riparian zone. Criterion 'd' – dilapidation and deleterious land use – included the entire Study Area including the commuter parking area which was in disrepair, photos of the site were provided. Criterion 'h' – smart growth principals – applied to the entire Study Area where Flemington was a designated business center where future growth and development should be concentrated being serviced by municipal infrastructure and the possibility to be served by rail infrastructure with the Black River Railroad. Ms. McManus recommended the entire area met the criteria as An Area In Need of Redevelopment.

Motion to open to the public comments was made by: Cook, seconded by: Hill. All were in favor.

Mr. Doshna asked if there was any discretion to add Lot 37 which was owned by the Borough and Lot 29 which was the other part of the parking lot as a recommendation. Mayor Driver noted that Lot 37 contained a Borough well and the site was fully functioning. Mr. Doshna was most concerned about the other half of the parking area. Ms. McManus stated that Lot 29 was not owned by Liberty Village. The Board discussed.

Ms. Giffen discussed criteria 'b' noting that the deteriorated conditions were in the owner's ability to fix and suggested an ordinance be prepared to fix the conditions instead of designating the area. Ms. McManus noted that the law does not require or allow to ask why the site has gotten to this point

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adding that designation does not inherently make anything good for the property owner but allows the municipality enhanced zoning powers and can designate a redeveloper that is not the property owner. Ms. Giffen asked if the site could be developed under the existing zoning; asked about the tax abatement. The Mayor discussed that there have been tax appeals lowering the assessment value and that the property was not being fully utilized. The Board discussed the report and the criteria to designate as well as the benefits. Ms. Kaczynski to prepare a resolution for the next meeting and provide the recommendations letter to Council.

Motion to find that the entire Study Area met Criteria 'b', 'c', 'd' & 'h' to designate as An Area In Need of Redevelopment was made by: Hill, seconded by: Campion.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

11. Chair Items:

Next meeting: September 28, 2021. Anticipate the Amended Redevelopment Plan for Courthouse Square for a consistency review. Mr. Doshna will not be able to attend this meeting. Mr. Doshna discussed that Council had authorized him to submit a letter to the County for Master Plan funds and he would work with Ms. McManus to prepare.

12. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

13. Professional Reports: None

14. Adjournment:

9:48 pm. Motion to adjourn was made by: Hill, seconded by: Levitt. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary