

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

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

Present: Mayor Karrow, Mr. Doshna, Mr. Levitt, Mrs. Engelhardt, Mr. Cook, Mr. Campion-remote, Ms. Weitzman-remote @7:07pm, Mr. Hill, Mr. Cimino, Mr. Eckel, Mr. Weintraub-remote, Mr. Schoeb-remote, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Troutman

Excused: Ms. Giffen

1. **Public Comments:** None.

2. **Mayor Comments:** None.

3. **Council Comments:** Councilperson Tony Parker appeared and discussed a new quarterly newsletter for the Borough that would include information about the Borough and what is going on and what should be seen noting that the Planning Board would get a section to present what has been done and what was coming up in the future. Mr. Parker added that they would form committees to get this done as it will be a lot of work to highlight volunteers including kids, seniors and will be inclusive to bring the community together. Mrs. Engelhardt noted that the newsletter will be great opportunity to educate the public about the Planning Board.

4. **HPC Comments:** Mr. Schoeb discussed that they had meeting last week with 1 application approved that was distributed and would have comments on the 13 Brown Street application prior to the public hearing on July 11, 2023 noting that the Wertsville Road Properties application was outside of the historic district.

5. **Approval of minutes for the June 13, 2023 regular meeting.**

Motion to approve the minutes was made by: Cook, seconded by: Hill.

Ayes: Karrow, Engelhardt, Cook, Campion, Doshna, Levitt, Weitzman, Hill, Cimino

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

6. **Escrow Return: Premier Outdoor Media, LLC – Block 49, Lot 2**

Mrs. Engelhardt noted that there were dead bushes at the site that should be replaced prior to the return of the escrow funds. Council would contact the applicant.

7:12 pm Mayor Karrow and Mrs. Engelhardt were recused from the next agenda item that was a use variance and left the dais.

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

7. Public Hearing: BSD Flemington Apartments, LLC – Block 39 Lots 3 & 4, Continued from April 25 and May 9, 2023

Mr. Doshna discussed the continuation of the public hearing that had been closed, Board discussion had concluded where the applicant requested to have the hearing continued to tonight to address the comments from the Board.

Attorney Steven P. Gruenberg appeared and requested that the public hearing be re-opened as the motions made on May 9, 2023 had been rescinded.

Motion to re-open the public hearing was made by Cook, seconded by: Hill.

Ms. Parks noted that Mr. Cimino was absent from the May 9, 2023 hearing but had reviewed the recording and documents making him eligible to vote on the application.

Ayes: Cook, Campion, Doshna, Levitt, Weitzman, Hill, Cimino

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

Attorney Gruenberg discussed that the Board's comments were surprising as he and his client did not know the history of the application prior to their involvement and that they had no intention to be disrespectful where they thought they were making the site plan better by adding the additional lot to adhere as close as possible to the ordinance standards. Mr. Gruenberg was seeking to revise the plans that will hopefully meet the ideas of the Board noting that the next day after the public hearing date the commercial tenant Regis was leaving the Spice Factory building where the applicant planned to revised architectural plans to provide a mix of commercial and residential for the existing Building 2. The revised architectural plans for Building 3 provides for scaling back the fifth floor which reduces the number of units by 4 and addresses the massing concerns with a 7000 square foot reduction in fifth floor area and instead have residential units on first floor and common amenities in the Spice Factory Building 2 which would result in eliminating the parking variance being needed. Mr. Gruenberg was looking for a dialog with the Board to give his client the opportunity to address the concerns during the public hearing noting that they will add 3 additional shade trees per Shade Tree Commission comments. Mr. Gruenberg acknowledged that the applicant will need a revised notice of hearing with the submission of revised plans.

Architect Mr. Zimbler appeared still under oath and presented a revised architectural plan including the previously approved Building 3, which had a step back and vertical elements etc. and the revised proposed new Building 3 to address the massing concerns where they were now proposing to pull back the 5th floor add a glass vestibule, vertical elements, added brick, added awnings along the Church Street elevation to try to emulated the prior approval resulting in lost units and square footage but was still larger than what was previously approved. The fifth floor was significantly smaller now. Mr. Zimbler discussed that he had no involvement in the prior approved application, he was trying to meet the

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

ordinance with his design which was revised now based on comments from the Board at the last meeting, the plans also modified the square footage of all units with no distinction between market and affordable units where it would be up to landlord to distribute.

Lois Stewart, Flemington, asked what materials would be used. Mr. Zimbler noted that it would not have stucco and will have a distinct appearance and be similar to the prior approval from the Board with a mix of materials to reduce the appearance of 5 story building. Ms. Stewart noted that the prior approval did not have a build out and asked the benefit of a bigger building was to the Borough.

Ms. McManus noted that the rendering did not show windows on the ends of the building. Mr. Zimbler agreed to add windows at the ends where there was a public corridor and could be changed to do something nice.

Board questions:

Mr. Cook asked for some open space and if it was possible to have an outdoor area on the roof top. Mr. Zimbler agreed to a roof top area accessed by the public corridor. Mr. Cook asked if the windows could have correlation to the exiting spice factory building. Mr. Zimbler was not a fan of copper windows. Mr. Cook asked for suggestions on how to make the new building more harmonious to existing spice factory building. Mr. Zimbler will be using clay tile coping and can incorporate more along with the utilization of the brick and matching the brick color as best as can be done. Mr. Cook noted that the awnings were only on Church Street and asked if this could be more of a continuous. Mr. Zimbler noted the cost adding that they can add awnings to the interior on the upper two floors facing Building 2. Mr. Cook asked about the materials and if they could have the look of glass similar to the prior approval. Mr. Zimbler had maintained the vertical element and agreed that it can look into something to attain that look. Mr. Cook asked if they could make the new building to appear like a repurposed factory building. Mr. Zimbler would look into it.

Mr. Doshna noted that the existing building has been modified suggesting they look at what it appeared like 30 years ago to get inspiration.

Mr. Schoeb clarified that the new plans scaled back fifth floor and asked if the Juliet balconies with patio doors would be everywhere. Mr. Zimbler confirmed that they would there noting that they did not come through on exhibit.

Mr. Cook asked if they could use the railings on balconies and if the cement board could it be glass like and could glass be used on the Church Street. Mr. Zimbler agreed noting that Church Street was a small façade

Ms. McManus discussed the second story unit at the rounded corner glass vestibule and asked how will there be privacy. Mr. Zimbler agreed that it could be tinted.

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

Mr. Zimble provided testimony on Building 2 regarding the first floor Regis space that will no longer be proposed as commercial but would be changed to living spaces with a portion to be common area amenities for the entire development and adds 7 units, with the 4 lost on the fifth floor of Building 3 there would be a net increase of 3 units with a loss of commercial space where the proposed 116 parking spaces will not meet the ordinance requirement.

Mr. Cook asked if the façade would be changed on Building 2. Mr. Zimble noted that there would be some modification of windows where there will be bedrooms.

Mr. Clerico noted that the plans for Building 2 had the main entrance opposite to Building 1 that was near the loading dock and asked if that would be the best place or if that could be changed. Mr. Zimble will take a look to see if the entrance could remain in the same location.

Mr. Gruenberg discussed that the application would require a new notice of hearing and would submit a letter of amendment to the application and asked for any input at this time as it was expensive to revise plans and conduct hearings where the applicant would like to put funds into building the project.

Mr. Cook asked if there would be trees near the new Building 3. Mr. Zimble noted that the rendering did not show trees so as not to block building but that the revised site plan will be including a revised landscaping with the 3 additional shade trees per the Shade Tree Commission comments. Mr. Cook asked them to look to the Spice Factory for inspiration and try to make the building harmonious with attention to the Church Street façade; asked if the railings would be looking historic and add awnings and to look at other industrial buildings in other areas asked if the gray areas could look like the glass on an old factory.

Mr. Clerico asked for clarification on procedure where the application had final approval for Phase 1 which was currently under construction and where they were now changing Building 2. Mr. Gruenberg was asking for amended site plan and asked that the public hearing on this matter be continued to a date certain acknowledging that new notice of hearing would need to be provided.

Mr. Gruenberg agreed to grant any extension of time for the Board to act as was necessary.

Mr. Doshna announced that the public hearing on this matter would be continued for the August 22, 2023 agenda at Borough Hall at 7:00 pm and with no further notice given and new notice provided as discussed.

8:14 pm Mayor Karrow and Mrs. Engelhardt returned to the meeting.

8:15 Mr. Clerico and Mr. Troutman left meeting.

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

8. Discussion: Ordinance Review:

Ms. McManus discussed the draft ordinances which included rezoning of some parcel and eliminated PO (Professional Office) district and lands south of Route 12 would be rezoned to the TC district as well as capturing lots east of this area rezoned to the HR district. The revised ordinances also will add permitted uses and design bulk standards and eliminated the MUMF overlay district in the Route 12 area and provided updated definitions in the ordinance such as retail sales and services.

Ms. Kaczynski asked for clarity of the definitions for contractor uses if the intent was to permit all uses at the same time or one or more of the following uses. Ms. McManus confirmed that the intent was permit all the uses at the same time on a site.

Board discussed the definitions, Ms. McManus noted that this ordinance would be more usable for the new zoning officer.

The Board discussed the TC district where existing single-family dwellings would remain a permitted use along with the option to enlarge the footprint of the dwelling and can be resold as same. Mr. Doshna discussed that the lots on Park Avenue and other areas where multi-family use was not permitted. Ms. McManus would look at the location and other areas where multifamily and increased density may make sense.

The Board discussed the zoning changes and permitted uses that would allow for fabulous ideas in the Borough including satellite college with housing etc.

Ms. McManus had a subcommittee meeting scheduled for July 10, 2023 and requested any comments be sent to her by July 3 so that she can get a package out to the subcommittee by July 5 or 6 for their review.

9. Chair Items:

- Next meeting July 11, 2023: Completeness for Wertsville Road Properties application; public hearing for the Stryker, 13 Brown Street application and the Stryker, 53 East Main Street application & escrow return for Premier Outdoor Media pending addressing the landscaping.
- July 25, meeting: Possible adoption of the Rules on Citizen Input.

10. Bills:

Motion to audit the bills was made by: Cook, seconded by: Karrow

Ayes: Karrow, Doshna, Engelhardt, Levitt, Cook, Campion, Weitzman, Hill, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JUNE 27, 2023 – 7:00 PM

MINUTES

11. Professional Reports: None.

12. Executive Session: None.

8:49 pm Motion to enter executive session to discuss contractual matters with action to be taken after executive session was made by: Karrow, seconded by: Engelhardt.

Ayes: Karrow, Doshna, Engelhardt, Levitt, Cook, Campion, Weitzman, Hill, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

8:58 pm Motion to exit executive session was made by: Karrow, seconded by: Engelhardt.

Ayes: Karrow, Doshna, Engelhardt, Levitt, Cook, Campion, Weitzman, Hill, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Motion to appoint RVE as the Borough's conflict planner at a rate no more than \$185 per hour was made by: Cook, seconded by: Hill.

Ayes: Karrow, Doshna, Engelhardt, Levitt, Cook, Campion, Weitzman, Hill, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

13. Adjournment:

At 9:01 pm. Motion to adjourn was made by: Karrow, seconded by: Eckel. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary