

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, SEPTEMBER 19, 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, Councilwoman Engelhardt, Mr. Campion-remote, Ms. Weitzman-remote, Mr. Hill-remote, Mr. Schoeb-remote, Attorney Kaczynski, Planner McManus, Engineer Ian Hill, Planner Cline, Traffic Engineer Troutman-remote.

Excused: Mr. Cook, Ms. Giffen, Mr. Cimino, Mr. Eckel, Engineer Clerico

1. Public Comments: None.

2. Mayor Comments: Mayor Karrow noted that the Borough YouTube was back and that meeting recordings would be posted.

3. Council Comments: Councilwoman Engelhardt had no report since Council had not met since the last Planning Board meeting.

4. HPC Comments: Mr. Schoeb had no comment, next HPC meeting tomorrow.

5. Approval of minutes for the September 12, 2023 regular meeting.

Motion to approve the minutes was made by: Karrow, seconded by: Levitt.

Ayes: Karrow, Engelhardt, Doshna, Levitt, Weitzman, Hill, Schoeb

Nays: (None)

Abstain: Campion

Motion passed: 7-0-1

6. Public Hearing: Flemington Realty Partners, LLC – Application #2022-04
Block 39, Lot 6 - 78 Church Street

Attorney, Danielle Kinback, appeared and discussed the application for minor site plan to convert the Rite Aid store to a bank with a drive-thru and office space for financial training on the 3.41 square foot lot in the HR district where a financial bank was a permitted use noting that the applicant provided public notice though no variances were being requested. Ms. Kaczynski having reviewed the affidavit of service and notice found that the Board had jurisdiction to proceed with the public hearing.

Mr. Mathew Seckler, engineer and planner from Stonefield Engineering Design also a professional traffic engineer gave his credentials and was accepted as same.

The following Exhibits were entered into the record.

PB-1 - Planner McManus's review letter dated revised through 9-15-2023.

PB-2 - Environmental Commission memo dated 8-31-2023.

PB-3 - Engineer Clerico's review letter dated 9-13-2023.

A-1 Site Plan Application and supporting documents

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- A-2 Public Notice and publication
- A-3 Aerial Exhibit 9-18-2023 google image of site

Mr. Seckler discussed the existing conditions of the subject lot which had 3 existing existing including American Tire, Wells Fargo bank and the abandoned Rite Aid building noting that the proposed uses were all permitted in HR District where the applicant proposed to convert the existing Rite Aid building to 2 uses including a bank in the southerly part of the building and a financial training office in rest of building in the northerly side of building with the existing drive-thru to be converted to an ATM unit.

Exhibit A-4 was entered as a revised set of plans dated September 18, 2023 prepared in response to the Board engineer's letter consisting of 5 sheets which showed the dividing line between three uses on the site and a dividing line in the building within the outline of bank. The third sheet included additional landscaping with 40 hollies added along with low lying shrubs to increase the vegetation and agreed to work on landscaping to the satisfaction of the Board professionals, they added an ADA space by the training office entrance which reduced the total parking spaces provided from 109 to 108 where 80 spaces were required on site with no relief being requested. The fourth sheet was an updated lighting plan where an ATM required safety lighting per State regulations which was to be placed on westerly side of building noting that they would be happy to work with the Board professionals on lighting to comply with Borough and ordinance and State statute noting that they agree to convert the remaining lights to LED fixtures as well clean the existing lights and provide maintenance as necessary. The hours of operation for the bank would be 8:30 am to 6:00 pm Monday to Friday and 8:30 am to 3:00 pm Saturday with a 24 hour ATM, maximum of 7 employees during a shift in the bank and 12-15 in the training center for an overall 8-14 full time and 5-10 part time employees. They would be removing the roll up overhead door in the rear of the building as this loading area would no longer be necessary.

Mr. Seckler discussed the revised floor plan and façade changes provided in the Deitz Partnership architectural plan dated 8-21-2023 which was entered as Exhibit A-5 and discussed the interior layout. The applicant was not seeking to increase the signage and was proposing to reface the existing Rite Aid signs. A plan entitled 'Signage Exhibit' dated 9-18-23 was marked as Exhibit A-6. The existing signs to be refaced including the free standing sign which would have the same dimensions; the façade signs would have a reduced square footage and fit within the oval of the Rite Aid signage; and the free standing on Church Street would be refaced with the bank sign using the same area, the existing directional signage would be reutilized and refaced as well. A series of photos was marked as Exhibit A-7 which was provided by the architect showing the prior Rite Aid signage and agreed to comply with what was previously approved by prior site plan resolution. The applicant would be removing the 'peak' on the frontage above both façade signs where they will now have a flat top over the signage adding that they would be expanding the front glazing of the windows and will be adding a similar tower over the training center use entrance materials to match the existing. Mr. Seckler discussed the re-tenanting of the existing building would include upgrading the lighting, landscaping, cleaning up the features of the building and include enhanced maintenance of the property. The project was in compliance with all zoning ordinances and HR zone requirements. Mr. Seckler agreed to comply with all comments in the engineer's letter noting that item #7: the OEM manual was not on file and would work with the engineer to provide and agreed to comply with all comments in the planner's review. Mr. Seckler discussed the

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Environmental Commission review memo where the applicant would not be reducing the parking area to add landscape islands as this would require significant site plan modifications.

Ms. McManus asked about the architecture materials for the new tower. Mr. Seckler agreed that they will match the materials of existing tower. Ms. McManus asked to consider submission of architectural plans as a condition and confirmed that the signage would remain internally illuminated and discussed the LED lighting conversion in the rear of the building asking if the applicant would agree to work with the professionals in terms of light color etc. to mimic the previously approved lighting levels only for this condo unit and discussed the hours of lighting operation at the ATM overnight would comply with State statute. Mr. Seckler agreed.

Engineer Ian Hill noting that the added ADA space would need grading detail. Mr. Seckler agreed to provide.

Mayor Karrow discussed the landscaping confirming that they would not be cutting down any existing trees and asked location of additional shrubs and ornamentals including the rug junipers. Mr. Seckler agreed to look at the species and locations of the additional landscaping and work with the Board professionals on landscaping.

Mr. Levitt confirmed that the proposed ATM would be under the existing drive-thru and asked if there would be new wallpack lighting with shields. Mr. Seckler agreed to replace the wallpack lights to LED with cutoffs and shielded

Councilwoman Engelhardt asked if there had been any consideration to upgrade color scheme and façade of the building. Mr. Seckler discussed that the building would be painted all white removing stripes and would maintain the same efface. Councilwoman Engelhardt asked if there was any chance to add seven (7) shade trees with new landscape island. Mr. Seckler agree to try to add as many additional shade trees as possible adding that the façade signs may be rectangular but would fit inside the existing 'Rite-Aid' oval and may change color from the blue and white to the bank colors.

Mr. Doshna discussed the free standing sign and asked if there would any signage for the training center. Mr. Seckler confirmed that there would be no signage for the training center as it would not be an advertised tenant noting that if there was a new tenant in the future they would have to submit a sign package.

Ms. Kasczynski confirmed that the training center was only for bank employees.
Mr. Troutman confirmed the total number of spaces and added that the condo space had 60 spaces where 39 spaces was required.

Robert Berlant, of Flemington Realty, part owner of the property to the north speaking for the LLC as a member, discussed that the original site plan for Eckerd showed an inner connection with his property and asked if there was any proposal for an inner connection to lot 8. Mr. Seckler noted that none was proposed. Ms. Kinback noted that the inter connection was not part of the previous approval and that

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the Board could not make it a condition of approval, after discussion with the applicant, they were willing to explore the interconnection with interested parties.

Public comment:

Robert Berlant, noted that the previous approval included an easement for the interconnection with the Spice Factory that was a recorded document in 1997 but shows the property in Raritan Township adding that the Board agreed to the interconnection 2000 with the chance to get the interconnection which was to be at the property owners expense noting that it would be a safety issue. Mr. Berlant was in favor of the application and the proposed improvements.

Closing statement: Mr. Kinback appreciated Mr. Berlant's support and agreed to look at an interconnection in the future but not for this application. There were no variances or waivers being requested or required and agreed to all the conditions as discussed including submission of architecture plans; a signage plan submission and agreed to work with the professionals on creating new landscape islands per comments from the Environmental Commission.

Motion to close the public hearing made by: Karrow seconded by: Levitt
Ayes: Karrow, Engelhardt, Campion, Doshna, Levitt, Weitzman, Hill, Schoeb
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

Ms. Kaczynski discussed the conditions for the minor site plan including: there would be a reduction in parking spaces from a total of 109 to 108 per revised plans to include the addition ADA space; compliance with technical reviews; Board to discuss the lighting conversion; add deciduous trees that will be larger (i.e. sugar maples); lighting in the area of the ATM to be reduced to safety standard after hours; signage to comply with what was previously approved with the proposed sign area to be reduced to the area of oval (not to include the lettering below); no signage for training center use; copies of Exhibit A-4-7 to be provided for the record; a master deed be provided; item 7 engineer report OEM Manual to be submitted; proposed tower to match the efface; applicant to submit architectural plans; building to be painted but would keep the materials; signs to remain internally illuminated; provide ADA space grading detail; add up to 7 shade trees and landscape islands; work with the professionals on landscaping and lighting; prior resolution to be provided for compliance with that prior approval.

Mr. Schoeb asked about the interconnection to the adjacent property. Mr. Doshna discussed that this has been a goal of the Borough noting that this site had a condo agreement on the property with open spaces that were not controlled by the applicant where the Board cannot require an interconnection as a condition as it would affect the entire property and common areas which was not being proposed to the Board now where the access would not be in the condo area of this application and was beyond what was in front of the Board right now.

Ms. Weitzman noted that removing some spaces and adding green spaces would be appreciated, citing the recent discussion on overparked lots.

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Mayor Karrow discussed that the Shade Tree and Environmental Commissions as well as the DPW would be looking at replacement of trees as are removed to reduce the heat island effect in the Borough. Mayor Karrow supported the removal of parking spaces to add landscaping island and would like to see architectural plans prior to building and supported the conversion of the existing light fixtures to LED and noted concern for safety supported having brighter lights in certain areas with the ATM and could be reduced at night in other areas.

Councilwoman Engelhardt addressed having a proposed bank next to a bank noting that this was a highly visible site in town and encouraged interconnection.

Mr. Levitt suggested the lighting replacement of the wallpacks with details to be submitted for approval of the Board professionals. Ms. McManus recommended adding the submission of a new lighting plan as a condition. Mr. Levitt noted that the plans need to be revised to correct the bidirectional arrows to show the existing conditions of the 2 lanes being an ingress off of Route 31.

Mr. Doshna was happy that the site was being occupied and improved and suggested adding as many landscape islands as possible to the satisfaction of Board professionals but not require a specific number if not possible. Councilwoman Engelhardt suggested a minimum of 4 shade trees.

The Board agreed to have the parking lot lighting conversion be to the satisfaction of the Board professionals with a new lighting plan to be submitted to the extent possible with the wallpacks to be replaced and added the repurposing of the drive thru. Mayor Karrow added that the approval would be conditioned upon the water and sewer department approval.

Motion to approve the minor site plan was made by: Karrow; seconded by: Levitt

Ayes: Karrow, Engelhardt, Campion, Doshna, Levitt, Weitzman, Hill, Schoeb

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

Ms. McManus and Mr. Troutman were recused and left the meeting.

8:33 pm the meeting recessed.

8:39 pm the meeting resumed.

7. Public Hearing: Douglas Stryker - Application #2023-02: Block 35 Lot 60 - 13 Brown Street
Continued from July 11, August 8 & September 12, 2023

Ms. Kaczynski discussed that the plans had been revised and no longer required a 'd' variance adding that since no testimony had been provided at prior meetings the Class I (Mayor) and Class III (Councilmember) can now participate and that no new notice had been required or provided.

Attorney, Steven Gruenberg, appeared and discussed the revisions to the application which eliminated the 'd' variance with only a 'c' variance required for undersized lot area with an existing lot size of 7,913

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square feet where 9,000 square feet was required. Mr. Greunberg discussed Mr. Clerico's review letter in regards to the impervious coverage and stormwater noting that stormwater management was not required for a residential application.

The following Exhibits were entered into the record.

A-1 - The application and supporting documents
A-2 - Notice of hearing and Affidavit of Service

PB-1 - Remington Vernick Engineering review letter dated 9-18-2023
PB-2 - Van Cleef first technical review letter dated 6-9-2023
PB-3 - Van Cleef second technical review letter dated 9-13-2023
PB-4 - Environmental Commission memo dated 6-28-23 revised 9-18-2023
PB-5 - Email dated 9-11-23 from HPC Chair with no further comments with revisions of the plans.

The applicant's engineer, Eric Rupnarain, was sworn in for testimony and having testified numerous times before the Board was accepted as a professional engineer and discussed the revised plans which showed that the circulation was adequate to provide access to the proposed garage in the rear of the building white addressed Mr. Clerico letter regarding access. Exhibit A-3 - revised plans dated 9-15-23 to show that there would be a sidewalk from the driveway to the front steps and reduced width of the porch so there will be no additional impervious coverage.

Engineer Ian Hill noted that his concern for a car to navigate into garage had been corrected and confirmed the width of driveway at 9.5 feet wide recommending that the dimension be added to the plans and provide a turning template. Mr. Rupnarain agreed.

Mr. Cline confirmed the 'c' variance relief requested for the under sized lot. Mr. Gruenberg discussed that the applicant could not comply where all the neighboring lots were undersized as well. Mr. Cline commented that the architectural plans now matched the site plan in terms of steps and façade and noted that the proposed architecture matches the neighboring buildings in size and character.

Ms. Kaczynski noted that the lot area table on plans did not match the plan which should be corrected as a condition.

Mayor Karrow noted that there was no proposed landscaping on plans. Mr. Gruenberg agreed that the applicant will provide landscaping on property noting that this application was not a not site plan where a landscaping plan was not required.

Motion to close the public hearing made by: Karrow , seconded Levitt
Ayes: Karrow, Engelhardt, Campion, Doshna, Levitt, Weitzman, Hill, Schoeb
Nays: (None)
Abstain: (None)
Motion passed: 8-0-0

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Ms. Kaczynski discussed the conditions including satisfaction of Board comments as discussed noting that no stormwater management design was required for single family home; impervious coverage not to exceed 50%; an asbuilt plan to be provided; plans to be revised to correct lot area in the zoning table and add the proposed driveway width.

Councilwoman Engelhardt commented that the architectural design works well with access to garage in back and appreciated the work done.

Mr. Schoeb was happy they revised the dwelling per the HPC concerns.

Mr. Levitt discussed that this dwelling would fill the hole on Brown Street with a house that fits in with character of neighborhood.

Motion to approve plan and grant the 'c' variance was made by: Hill; seconded by: Engelhardt

Ayes: Karrow, Engelhardt, Campion, Doshna, Levitt, Weitzman, Hill, Schoeb

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

8. Chair Items:

- October 3, 2023: Resolution: BSD Flemington Apartments, LLC; Public Hearing: Central Station, LLC – 37 Mine Street.
- October 24, 2023: Resolution: Flemington Realty Partners, LLC-78 Church Street; Resolution: Douglas Stryker- 13 Brown Street; Completeness: Bless Wellness; Public Hearing: Wertsville Road Properties, LLC

9. Bills:

Motion to audit the bill was made by: Engelhardt, seconded by: Levitt

Ayes: Karrow, Engelhardt, Doshna, Levitt, Campion, Weitzman, Hill, Schoeb

Nays: (None)

Abstain: (None)

Motion passed: 8-0-0

10. Professional Reports:

Ms. Kaczynski had received no response to her letter to Catalyst (Living Wall) and would follow up.

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11. Executive Session: None.

12. Adjournment:

At 9:09 pm. Motion to adjourn was made by: Karrow, seconded by: Levitt. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary