

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, OCTOBER 3, 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, Mr. Cook, Ms. Giffen-remote, Ms. Weitzman-remote, Mr. Hill, Mr. Cimino, Mr. Eckel-remote, Mr. Schoeb-remote, Attorney Kaczynski, Planner Harris, Engineer Clerico Traffic Engineer Troutman.

Excused: Planner McManus

Mr. Doshna extended his sympathies to Ms. Giffen.

1. Public Comments: Lois Stewart, Flemington, made a plea to the Board to consider on all applications to make sustainability a high priority, noting that there was not enough tree cover in the Borough to increase landscaping and reduce impervious coverage and do whatever we can to avert a climate crisis and a plea to reduce curbing requirements.

2. Mayor Comments: Mayor Karrow extended her sympathies to Ms. Giffen from herself and Council on the passing of her mother.

3. Council Comments: Councilwoman Engelhardt and the Mayor attended a Go Hunterdon award breakfast where the Borough and the school district received an award on the continued safe passage for pedestrians and students.

4. HPC Comments: Mr. Schoeb discussed that the HPC approved a porch at 7 Bonnell Street, had made a presentation to Council to expand the historic district to add 36 properties and that the HPC would make a presentation to the Board with the recommended changes. Mr. Doshna suggested that the HPC come to a meeting in November depending on the availability of Mr. Hatch. Mr. Schoeb reminded the Board that the HPC would have a Walk and Talk event on 10/21 at 10:30 am starting in front of the Courthouse, the event was free but attendees are asked to sign up on the HPC website.

5. Approval of minutes for the September 19, 2023 regular meeting.

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

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

Nayes: (None)

Abstain: Cook, Giffen

Motion passed: 7-0-2

6. Resolution #2023-15: BSD Flemington Apartments, LLC - Block 39, Lots 3 & 4, 70 Church Street
Ms. Kaczynski discussed that the resolution had been distributed and reviewed by the Board professionals and the applicant's counsel.

Motion to adopt the resolution was made by: Cook, seconded by: Levitt

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

Nayes: (None)

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Abstain: Cook, (None)

Motion passed: 6-0-0

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

Resolution to be prepared for the next meeting.

8. Resolution: Douglas Stryker - Application #2023-02 - Block 35 Lot 60 - 13 Brown Street

Resolution to be prepared for the next meeting.

9. Public Hearing: Central Station, LLC – Application #2023-05; Block 34, Lot 7 - 37 Mine Street

Attorney, Steven Gruenberg, appeared and discussed the application for major site plan for a mixed use including commercial and residential uses which included 'd' variances and a 'c' variance for rear setback which would be more conforming than what was existing. Experts to appear were sworn in for testimony including: Eric Rupnarain, engineer, Richard Kyle, architect, and Daniel Block, planner all were sworn in for testimony.

The following Exhibits were entered into the record:

A-1 - Application and supporting documents

A-2 - Public notice of hearing

PB-1- HPC report dated August 24, 2023

PB-2- Engineer's report dated September 30, 2023

PB-3- Planner's report dated October 2, 2023

PB-4- Traffic Engineer's report dated October 3, 2023

Eric Rupnarain, the applicant's engineer, appeared and gave his credentials, having appeared numerous times before the Board Mr. Rupnarain was accepted a professional engineer. Mr. Rupnarain discussed the aerial photo of subject property including the existing conditions on site and the surrounding area where the applicant was proposing to remove all existing improvements on the property and construct 2 new buildings. The front building would be a mixed use 3 story building with commercial uses on the first floor and residential apartments above on second and third floor with 2,024 square feet with the rear building to be a multi-family condo units with a garage on first floor and living space on second and third floor, circulation on the site would have a 32 foot wide access drive with a parking area with 8 spaces for the front building with 3 EV parking spaces and a 12'x12' trash enclosure which would be completely enclosed and a 12'x40' proposed loading zone with the anticipated largest delivery truck would be a typical box truck 30 ft in depth, parking would be adequate for the uses proposed; garbage pickup would be scheduled to allow loading and unloading and trash pickup. A bioretention basin was proposed toward rear of the property adjacent to northerly most unit where there were a couple of issues raised by Mr. Clerico, they agreed to create a physical separation from basin to unit, the basin

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would be surrounded by retaining walls due to shallow water table and to create a planting material depth so they would need to construct the bioretention basin with retaining walls to adequately drain the property. Mr. Rupnarain discussed that there was an existing 10 foot wide drainage easement running parallel to property line with some existing broken pipes which collects runoff from Mine Street and Central Avenue which then goes out to Bonnell Street across the adjacent property to the rear of the subject property adding that the stormwater runs into across Bonnell Street to the school property and finally to the stream and out to Park Avenue. The applicant gained an easement from 20 Bonnell Street that will allow them to completely reconstruct the pipe and storm drainage with a manhole and inlets to redirect a pipe to Bonnell Street where a video was provided to the Borough and DPW provided a statement that the pipe was in good condition. The easement would be dedicated to Borough for maintenance and would provide a benefit to the property and surrounding properties where currently all the angles in the existing pipe have no access for maintenance and reduces capacity of the storm pipes where the new design will increase capacity the pipe will be repaired, modernized and be a benefit to surrounding properties as it will function better.

There were no variances required for parking from RSIS or Borough ordinance requirements for the commercial and two – 1 bedroom and two – 2 bedroom apartment in the front building and the 7 condo units in the rear building each with 3 bedrooms where 32 spaces were required and 29 spaces are provided and when you include the 3EV parking space credit a total of 32 spaces are provided. The applicant agreed to require a commercial use in the front building to comply with the parking standards. The lighting plan proposed 10 pole mounted fixtures 12 feet high with no wall mounted lighting which would be all in compliance; all LED with cutoffs and located on the plan with house shield to provide adequate lighting in parking area with minimal spillage onto adjacent properties and agreed to provide all light intensities and a revised detail of light stanchion show the base flush to the ground per the planner comments. No subdivision was proposed with condo units with on grade patios proposed for each condo unit with the second floor to have a balcony and elevated 6'x10' deck. The plan will comply with impervious standards of the borough. There will be a privacy fence between each unit, and they will have a homeowners association with common areas and the lawn area will be open space for HOA members.

Mr. Rupnarain discussed Mr. Clerico report and agreed to provide a truck turning template; discussed how the garbage truck would access the trash enclosure; discussed the proposed 27 feet aisle width for cars backing out of commercial/EV spaces when the loading zone was occupied, agreed to provide a 'No Stopping or Standing' sign for access aisle; agreed to have a geotechnical engineer be retained. Mr. Rupnarain explained the new stormwater regulations to compare existing development to the proposed runoff conditions for the 2 year, 10, year and 100 year storms, where the rain storm intensity increased and they will need to increase the size of bio retention system by elevating the basin or expanding into the lawn area adding that they agreed that they can comply with new stormwater regulations; sewer and water line locations were discussed where they will need a sewer line extension with a connection in Mine Street which would extend into the property with a gravity line the water line will extend from Mine Street into the property with service lines to each unit.

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Mr. Clerico asked if each townhouse/condo unit would own just the interior parts of the building but have patio and deck as part of the common area and the driveway owned by the HOA. Mr. Gruenberg stated that the idea was to have 1 Home Owners Association including the commercial and residential units under one HOA. Mr. Rupnarain agreed to address and provide fencing around bio retention basin. Mr. Clerico noted that any approval would be subject to approval from Council for all offsite improvements and that the offsite stormwater design will be incorporated into the application and the easement to be dedicated to the Borough.

Mr. Troutman asked how the parallel parked cars get out; a turnaround was provided at end of access aisle to make a u-turn. Mr. Troutman asked if there was any concern with sight distance for exit drive to Mine Street with vehicles parking along Mine Street. Mr. Rupnarain explained the sight distance on to street with minimal traffic volume would not be a problem. Mr. Troutman asked why not align the access drive with Central Avenue, Mr. Rupnarain found that this was not practical.

Mr. Clerico asked if they would need to file with the DEP for the sewer main extension where the flow would be less than what was necessary for DEP approval if they made the extension a sewer lateral. The site may have to be elevated further to provide the additional stormwater from 3-4 feet to maybe an increase to 4.5 feet. Mr. Clerico recommended to have something from the power company on the location of poles i.e. transformers, the applicant agreed. Mr. Clerico asked if the patio areas would be part of the common area. Mr. Gruenberg noted that the 6'x10' patios would be part of the condo unit area which can be done by easement on the site plan approval not subdivision.

Mr. Harris asked the location of mail delivery, signage which would all comply with the ordinance and bicycle racks which would be provided one along Mine Street and a rack on the southwesterly side of the condo units.

Mr. Rupnarain discussed the landscaping plan, including in bioretention basin which would need to comply with BMP manual; the site proposed 4 street trees along Mine Street and 7 shade trees in interior along with an additional combination of shrubs and shade tree along islands with a 6 foot high vinyl fence installed continuously along the property lines on sides and rear of the property made of pvc with a rock wall design/look. Exhibit A-3 – the Allegheny vinyl fence panels detail was entered similar to what was installed at Stangl and the color would match exterior of building.

Mr. Clerico asked if any variances would be created with a fence being installed on top of additional fill being installed which was not known.

Mr. Harris asked if they would limit lighting at night. Mr. Rupnarain agreed to reduce lighting levels off hours.

Ms. Kaczynski asked if there would be private garbage pickup and if there would be signage for no loading for specific times provided, Mr. Rupnarain agreed and further agreed to reduce the fence height to 4 feet in front yard setback as necessary.

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Mr. Weitzman confirmed that there was no proposed landscaping in lawn area where they were willing to work with Board professionals to add landscaping where necessary.

Mr. Schoeb asked if there would be access to the lawn area for maintenance where the basin would be separated from last unit which would create access to the lawn area and clarified that the privacy fences in rear of units only go out to the end of patio to there would be room for maintenance.

Mr. Campion asked if TWA permit would be required from the DEP where a Treatment Work Application would be required for a sewer main extension and they would revise to make it a sewer lateral and if needed the Borough would be responsible for the main on site. Mr. Campion asked about snow removal where they will a property management on site and the snow could be hauled out if necessary.

Mr. Hill asked what style of fencing would in the back of the units where whatever style the Board preferred would be provided.

Mr. Cimino confirmed that the building would have no fire suppression and the electricity would be underground.

Mr. Cook discussed the proposed raising of grade of the property and asked what happens to the properties that front on Bonnell, and the increased runoff into stream. Mr. Rupnarain discussed that the runoff gets to the stream either through a pipe or overland by flooding where all the water runs that way now but they can control the flow through the proposed pipe. Mr. Cook asked if the existing pipe on the property on 20 Bonnell Street would be abandoned where it will remain as the existing pipe may have other connections from other pipes in the area adding that they have discussed providing a manhole over the 45 degree angle for maintenance. Mr. Cook asked if raising the grade would create any detrimental effect to the surrounding properties. Mr. Rupnarain discussed the storm drainage for the surrounding area adding that the proposed development would not increase runoff to the adjacent properties but will slightly reduce the runoff. Mr. Cook asked if they would add shrubbery along proposed fence lines and clarified that the fence along back will be connect and be part of fencing around basin.

Mr. Doshna discussed the existing topography conditions which showed Mine Street at 180.1 was 3 feet higher in elevation than rear of property at 177.2 and asked what the new elevation at the rear of the property would be approximately. Mr. Rupnarain discussed that the higher elevation would be at the building line not property line which would remain the same where they would be filling in parking lot and the building and transition to existing grade at the property line. Mr. Doshna asked if the steep drop of the existing drive would be flatten out and asked if this easing of grade on the property have an adverse effect on the inlets on Central and Mine. They would have control over the slope of the pipe where they can maintain the existing slope in the drainage system.

8:55 pm the Board recessed.
9:03 pm the meeting resumed.

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Public questions for Mr. Rupnarain.

Nancy Connelly, 22-1 Bonnell Street discussed that proposed drainage coming through the property to Bonnell Street which was currently having gas line repairs and the road was being paved and asked if the street would be ripped up again for the drainage. Mr. Rupnarain had spoken to DPW and they proposed to connect to the existing culvert outside of right of way with manholes installed in sidewalk/grass area. Ms. Connelly noted that the natural landscape slopes to her property and asked would the additional storm water would make more problems and flooding. Mr. Rupnarain discussed the existing stormwater from her inlets where the drainage system from his site had a separate conveyance and would not connect into those catch basins which was a completely separate. The low point at her driveway had multiple catch basins should not expect any addition stormwater runoff.

David Moscowitz, 14 Bonnell Street, his backyard floods with elevations that pitch to the back yard asked will there be more runoff onto his property. Mr. Rupnarain discussed that the drainage will collect runoff on the subject property and will not allow any additional runoff to leave the property even with elevating the grade the stormwater management will collect to Bonnell Street noting that they cannot improve flooding outside of property.

Ellen Gluck, 16 Bonnell Street, owned the property adjacent to the easement asked what material would be used for the retaining wall that will be seen, which had not been decided on the style and was willing to take comments. Ms. Gluck pictured a waterfall in her backyard and asked what will be done and will there be an increase in runoff. Mr. Rupnarain noted that the proposed outlet structure at the retention basin would be lowered to below the surrounding existing grade which will direct runoff into the outlet structure and not onto the adjacent properties. Ms. Gluck asked if the light fixtures would shine light into neighboring properties. Mr. Rupnarain explained that the ordinance allowed 0.2 footcandles at the property where they were proposing 0.1 and diminishes quickly.

Brian Beckenbaugh, 22 Bonnell Street, asked if the bioretention basin would be a hole in the ground to store water and asked the elevations where the bottom elevation would be 175 and to the top of wall would be from 177.5 to 178.0, asking what period of time will water be standing, where the basin was required to drain in 72 hours or less where they have done soil testing which drained at 1 inch per hour noting that over time infiltration will diminish over time and regulations will require inspection and maintenance. The mature tree on the adjacent property will be undisturbed and agreed to not disturb the root system of existing trees.

Ken Kovachs, had a lease agreement with the owner of 39 Mine Street asked if the current drainage will remain noting that the property owner has flooding issues that he does not want to get worse and asked if there would adequate parking for the commercial use. Mr. Doshna noted that if the tenant was a permitted commercial use with the proposed parking requirement they would not have to come back to the board unless the tenant was a more intense use they would have to come back to the Board

Jill Goetz, 17 Bonnell Street, on the north side of Bonnell asked how they can prevent the flooding. Mr. Rupnarain discussed the existing drainage along Bonnell.

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Missy Nemec, 26 Bonnell Street, asked if the new pipe would connect to the pipe in the school parking lot and if this would add more water to the creek, Mr. Rupnarain discussed the stormwater regulations which looked at existing and proposed site conditions need to reduce for storms as option 1 or look at the peak rate to make sure it is lower or look at water going into the stream where the existing was higher than with the developed property where this project will create less runoff into the stream than existing. Less volume would be leaving the site than existing and there would be less intensity at the peak than the present time.

Lois Stewart, Flemington, asked the impervious coverage, where 66.2% was existing and 64.7% was proposed where 75% was permitted. Surface water will be able to get into the repaired pipe where they would be creating additional points of input for the water into the system. Ms. Stewart questioned why there was not a variance required for the parking requirement of 32 spaces, where 29 provided, Mr. Rupnarain explained that each EV space received a credit 1 additional parking providing 3 addition spaces and listed the variances requested including: a use variance for residential on first floor and a rear yard setback variance where 50 feet was required and they proposed 23.3 feet noting that the existing rear setback was 4 feet adding that the basin will be located 4 feet from property line.

Colleen Rosetti, 20-22 Park Avenue property owner, asked will this address and remediate the flooding on Bonnell Street. Mr. Rupnarain explained that the applicants requirement was reducing what occurs on the property currently noting that it will not make a measurable difference to the area but will not exacerbate the situation.

Mr. Gruenberg did not wish to begin the testimony of a new witness given the hour.

Mr. Doshna announced that this matter would be continued to the October 24, 2023 meeting in this building at 7:00 pm and that no further notice would be provided.

10. Chair Items:

- Next meeting: October 24, 2023: Resolutions: Flemington Realty, LLC & Douglas Stryker- 13 Brown Street; Completeness: Bless Wellness; Continued Public Hearing: Central Station, LLC – 37 Mine Street; Public Hearing: Wertsville Road Properties.
- Upcoming items: HPC Presentation of District Revisions
- Living Wall Update: No response to letter, Ms. Kaczynski to look into what legal actions the Board had, will request the owner come to the Planning Board.

11. Bills:

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

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

Nayes: (None)

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Abstain: (None)

Motion passed: 9-0-0

12. Professional Reports: None.

13. Executive Session: None.

14. Adjournment:

At 9:55 pm. Motion to adjourn was made by: Cook, seconded by: Hill. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary