

## RESOLUTION

### FLEMINGTON PLANNING BOARD

#### REVIEW OF ORDINANCE 2021-24 AMENDING CERTAIN PROVISIONS OF THE BOROUGH CODE REGARDING THE HISTORIC PRESERVATION COMMISSION FOR CONSISTENCY AND RECOMMENDATIONS

**WHEREAS**, at its meeting of September 24, 2021, the Borough of Flemington (the “Borough”) Mayor and Council (the “Governing Body”) introduced Ordinance 2021-24 (the “Ordinance”) on first reading and referred it to the Planning Board; and

**WHEREAS**, the Ordinance seeks to amend certain provisions of the Borough Code relative to the Borough’s Historic Preservation Commission (the “HPC”); and

**WHEREAS**, pursuant to N.J.S.A.40:55D-26(a), the Borough Planning Board (the “Board”) is required to make and transmit to the Governing Body, within thirty-five (35) days after referral, a report identifying any portion(s) of a proposed development regulation, revision or amendment that are inconsistent with the Borough’s Master Plan, recommendations concerning these inconsistencies and any other matters the Board deems appropriate; and

**WHEREAS**, at its duly noticed virtual public meeting of October 5, 2021, the Board heard testimony from the Board Planner, James Kyle of Kyle McManus (“Kyle”), as to the consistency of the provisions of the Ordinance with the Borough’s Master Plan; and

**WHEREAS**, the Board reviewed and discussed the testimony of Kyle and determined, by majority vote, that the Ordinance was not inconsistent with the Borough’s Master Plan; and

**WHEREAS**, the Board also determined, by majority vote, to make the following recommendations to the Governing Body with regard to the Ordinance:

1. The Ordinance should incorporate the definition of a “minor application” and reference the ability of the HPC Chair to act in place of the full HPC on such applications pursuant to N.J.S.A. 40:55D-111;
2. Section 1K of the Ordinance should clarify the role of the HPC and the forty-five (45) day review period should be analyzed to determine its effect on the review of an application by the Board and the scheduling of public hearings for the same;
3. Section 1M of the Ordinance should be reviewed to determine whether the designation of “landmark” status is within the purview of the Board;
4. The definitions of “demolition”, “alterations” and “additions” within Section 3A.1 of the Ordinance should be reviewed in relation to the New Jersey Rehabilitation Subcode (N.J.A.C. 5:23-6.1, et seq.) and Jeffrey Klein, Borough Building

Inspector, Construction Official and Zoning Official, should provide input as to the same;

5. The twelve (12) month period referenced in Section 3G of the Ordinance should be reviewed and analyzed to determine its effect on project delays; and
6. All of the proposed changes should be reviewed to determine whether they are required by the Department of Community Affairs in order for the HPC to be designated as a Certified Local Government Agency and/or suggestions of the State Historic Preservation Office.

**NOW THEREFORE**, be it resolved by the members of the Board that voted in favor of the aforementioned inconsistency determination and recommendations, that Ordinance 2021-14 is not inconsistent with the Borough's Master Plan and that the within recommendations are hereby transmitted to the Governing Body with regard to the same<sup>1</sup>; and

**BE IT FURTHER RESOLVED**, that the Board Secretary is hereby directed to submit a copy of this Resolution to the Borough Mayor and Council in accordance with the requirements of N.J.S.A. 40:55D-70.1 and to maintain a copy available for public inspection.

---

<sup>1</sup> Driver, Hain and Campion did not vote in favor of the inconsistency determination, Doshna abstained from the vote on the inconsistency determination and Giffen abstained from the votes on the inconsistency determination and the recommendations. Therefore, all of the aforementioned individuals were not eligible to and did not vote on Resolution 2021-17.

This Resolution was moved, seconded, and adopted by the following vote on the 5th day of October 2021:

MOVED BY: Long  
SECONDED BY: Cook

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified</u>
Mayor Betsy Driver					X
Jeremy Long	X				
Michael Campion					X
Jeffrey Doshna					X
Susan Engelhardt	X				
Todd Cook	X				
Brian Budney	X				
Marc Hain					X
Karen Giffen					X
James Hill					X
David Norton					X
Trent Levitt					X
Hannah Weitzman					X

FLEMINGTON PLANNING BOARD

By:   
Jeffrey Doshna, Chair

CERTIFIED TO BE A TRUE COPY

By:   
Eileen Parks, Secretary to the Planning Board