

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
38 PARK AVENUE, FLEMINGTON, NJ 08822  
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM  
TUESDAY, NOVEMBER 15, 2022 – 7:00 PM

MINUTES

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

**Present:** Mr. Doshna, Mr. Cook, Mr. Campion remotely, Mrs. Engelhardt-remotely, Ms. Giffen, Mr. Hill remotely, Mr. Levitt, Attorney Kaczynski, Engineer Ian Hill, Planner McManus, Traffic Engineer Troutman.

**Excused:** Mayor Driver, Mr. Parker, Ms. Weitzman, Engineer Clerico

1. **Public Comments:** None
2. **Mayor Comments:** None.
3. **Council Comments:** None.
4. **HPC Comments:** None.

5. **Approval of minutes for the October 25, 2022 regular meeting.**

Motion to approve the minute was made by: Hill, seconded by: Giffen.

Ayes: Doshna, Cook, Campion, Giffen, Hill, Levitt

Nays: (None)

Abstain: Engelhardt

Motion passed: 6-0-1

6. **Resolution: Family Promise of Hunterdon County, Inc.** - Block 19 Lots 7 & 8: 8 New York Avenue

Ms. Kaczynski to prepare for the next meeting.

7. **Resolution: Tidbits NJ, LLC** – 144 Main Street, Block 38 Lot 1.01

Ms. Kaczynski to prepare for the next meeting.

8. **Completeness: Aunt Mary's Dispensary, LLC** – Block 49, Lots 1, 9, 10 & 11 (Shoppes at Flemington)

Attorney, Michael McQueeney, appeared and discussed application for minor site plan and conditional use at the Shoppes at Flemington which was for a fit out for existing tenant space with no exterior changes and discussed the completeness memo prepared by Mr. Clerico dated November 12, 2022 and agreed with Mr. Clerico's comments. Mr. McQueeney agreed to provide a package with the recommended checklist items prior to public hearing including signed and sealed plans for the conditional use and site plan and seeking waivers which were recommend by Board engineer in his report including: to "(1) Grant requested Waivers for checklist items: 3, 8, 10, 15, 19, 21, 28, 42, 45, 50, 53, 58, 59, 61, 62, 63, 64, 69, 70 and 72. (2) Have the Applicant request and the Board grant Waivers for checklist items: 20, 22, 24 and 71. (3) Deny the requested waivers for checklist items 12

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*& 18 and (4) Deem the application to be incomplete for the noted deficient under checklist items 1, 4, 6, 7, 16 & 34 along with items 12 & 18 if those waivers are denied.*“

Mr. McQueeney asked the Board to deem application complete and to schedule public hearing as this was the last step to become operational.

Mr. Doshna clarified that for items #20, 22, 24 & 71 the applicant was requesting for waivers and that the applicant would provide items 12 and 18. McQueeney agreed that these would be provided on the new plans.

Ms. Kaczynski discussed that the Board could deem the application incomplete for the checklist items 1, 4, 6, 7, 16 & 34 to allow application to continue and grant the waivers as listed for items 3, 8, 10, 15, 19, 21, 28, 42, 45, 50, 53, 58, 59, 61, 62, 63, 64, 69, 70 and 72 as well as the newly requested items 12 & 18.

Mrs. Engelhardt's connection was lost temporarily.

Motion to grant the waivers listed and to deem the application incomplete was made by: Cook,  
seconded by: Giffen

Ayes: Doshna, Campion, Cook, Giffen, Hill, Levitt

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

Mr. Doshna discussed that if the outstanding items were submitted to the satisfaction of Mr. Clerico at least 10 prior including allowing for the Thanksgiving holiday when the Borough would be closed, the public hearing on this matter could be tentatively scheduled for the December 6, 2022 meeting. Ms. Parks noted that the publication deadline for the weekly Hunterdon County Democrat was moved up to November 17 for the November 24, 2022 edition and noted that the escrow submitted would need to be increased due to the invoices received. The applicant agreed and has signed the escrow agreement.

**9. Public Hearing: 161 Dolce, LLC – Block 37 Lots 14 & 15: 161 Main Street**

Attorney, John Lanza, appeared for the applicant and discussed the site plan to propose a retractable awning for outside dining.

Ms. Kaczynski had reviewed the submitted proofs of notice for the public hearing and found that the Board had jurisdiction to proceed. The following Exhibits were marked.

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MINUTES

- Exhibit A-1 - The application and supporting documents.
- Exhibit A-2- The notice of hearing
- Exhibit PB-1 Board Planner report dated 11/10/2022
- Exhibit PB-2 Board Engineer report dated 11/12/2022
- Exhibit PB-3 Board Traffic Engineer report dated 11/14/2022

Witnesses: restaurant manager and co-owner Adrian Mantaj and engineer Kelly O'Such were sworn in for testimony.

Adrian Mantaj, the manager of Dolce restaurant discussed his experience at 161 Main Street, Flemington for over 6 years where the property was first leased and was since purchased along with the lot next door noting that no changes have been made to the lot. Mr. Mantaj discussed the existing parking on contiguous lots and hours open of operation for dinner service only from 4:00 pm to 9:00 pm. Mr. Mantaj was the manager and co-owner with Mr. Clemente with 3 employees in kitchen and 3 to 4 part time employees in dining area noting that employees do not park on site. Mr. Mantaj discussed that he proposed to install a convertible awning with windows and roof that can be retracted and since the September 2021 purchase of the property this would be the first major improvement to the business noting that the installer inspected the building and roof and provided measurements and submitted drawings.

Mr. Mantaj discussed the submitted plan sheet which was marked as Exhibit A-3 titled project production plan which depicts the patio and proposed retractable roof prepared by Eagle Bilginer dated 1/10/2020 with 60 seats existing in main building and the patio used in summer with 40 seats where the proposed improvements to the business would extend the outdoor seating a couple of months with approximately 8 employees; parking has been adequate for patrons for their northern Italian dining and discussed how the existing patrons access site by entering on the site on one side and exiting from a separate location. Mr. Mantaj agreed to add a 'Do Not Enter' sign on back of the Exit sign drive. Deliveries were made by small vans that were refrigerated and parked in back of building once a week; refuse containers were totes which are brought to the curb with the company Republic contracted to pick up each week; the number of patrons would not be increased with the proposed awning only to extend the season a month or two.

There were no questions for Mr. Mantaj.

The applicant's engineer, Kelly O'Such, appeared and gave his credentials as a licensed civil engineer and professional planner and was accepted as same. Mr. O'Such discussed the prepared survey and site

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plan application which was marked Exhibit A-4 - sheet 4 of 5 last revised 10/25/2022 Site and Grading Plan which had been revised after the original completeness determination. Mr. O'Such discussed that the adjacent lot had 98% existing impervious coverage which would not change and that the installation of the awning structure would result in requiring a front yard setback variance of 2.7 ft. where 25 ft. was required noting that the ordinance provided for prominent structures on site to be reduced to 19.25 ft. and agreed to provide that calculation. Mr. O'Such discussed that the application included both lot 14 & lot 15 and discussed the circulation entering and exiting site with 27 existing parking stalls noting that lot 15 had an existing mixed use building with apartments over a barber shop and a separate garage. The proposed structure would include 780 square feet of common enclosure over the existing patio seating area-with 40 seats which would not change the number of seats and would fit within the patio area with no other improvements with the exception of the roof and retractable awning except restriping and minor grading to provide ADA parking and a fenced area for the dumpster enclosure where the fence would match what was existing noting that the containers would continue to be wheeled to the curb for pickup and agreed to work with Board professionals.

Mr. O'Such discussed the report prepared by Mr. Clerico regarding 14 additional parking spaces to be required noting the applicant could either request a variance or provide an agreement with the neighbor where Mr. O'Such noted that as a restaurant the ordinance would not require any new parking with the existing 60 seats provided inside the building and by enclosing patio area it would not increase floor area thereby increasing parking demand of 13.3 parking stalls, adding however, the site as a whole with a shared lot agreement and the different uses would result in an over parking situation. Mr. Hill noted that the existing parking easements had expired and would need to be updated. Mr. O'Such agreed noting that the applicant owns both properties and agreed to update easement agreement; discussed the minor grading disturbance to provide ADA compliance adding that they do not anticipate repaving the parking area at this time and that there were no other improvements to the entrance or exit noting that the owner addressed traffic comments in his testimony. Variances required were noted as the front setback and existing non-conforming impervious coverage requirement where both would be considered a hard ship variance where the existing impervious condition where was no option to improve without changing circulation noting that there was no change to the existing impervious coverage and to meet 75% requirement would be an undue hardship. Mr. O'Such discussed the positive criteria where he opined that criteria '1' would be advanced in creating a desirable visual public benefit where the seats exist only seasonally and would be expanding business which brings people into the Main Street area providing an economic benefit, Mr. O'Such saw no negatives or detriments to the zoning plan or the public good as this was an approved use for this property and meets goals of the

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MINUTES

Master Plan in DB district with community circulation and would will further the Master Plan and zoning purpose.

Mr. Ian Hill asked if there was lighting in the rear of the building. Mr. O'Such discussed the existing lighting noting that the applicant was not proposing to change the lighting as it has been working and agreed to provide dumpster details as well as grading for the ADA space noting that the request to pave the entrance for the first 25 ft would be considered but would be costly for the applicant.

Ms. McManus confirmed that they agreed to provide fencing detail around the trash enclosure and clarified the proposed canopy would fit within existing brick knee wall and that they agree to compliment the color of canopy to existing buildings.

Ms. Kaczynski asked if the striping of parking area would meet the standards in depth and width. Mr. O'Such noted that only the ADA parking space was to be striped and would meet standards.

Ms. Giffen noted that although there was no increase in coverage since the existing patio was pavers asked if there would be an increase in runoff. Mr. O'Such discussed that the awning comes with a gutter system which would run to the existing storm system.

Mr. Doshna asked if the proposed front yard setback of 2.7 ft. was to awning line and not the patio knee wall which was closer than the proposed awning. Mr. Hill determined that the existing knee wall was over the property line into the right of way. Ms. McManus suggested the resolution document that the knee wall was an existing non-conforming condition. Ms. Kaczynski recommended that they leave setback variance requested at 2.7 fts and document non-conformity.

Eagle Bilginer appeared and was sworn in for testimony as the manufacturer of the retractable roof and awning system. Mr. Bilginer discussed that the system was a heavy duty very strong awning roof system that adds value to the town and joy to customers in all weather conditions with an aluminum structure with stainless steel and all aluminum columns. The roof materials was passed out as a handout of materials marked as Exhibit A-5: Sloan roof colors and Exhibit A-6: Kohler aluminum with a choice of colors fabricated of PVC which was non-flammable (not fire proof) a long lasting fabric with – high load which does not lose the feeling of being outdoors either in rain, cold or snow and the awning was retractable in seconds using the motor automation system. Exhibit A-8: an aluminum sample as passed around the system would have windows which would be double pane tempered glass with argon gas between panes and well insulated. Mr. Bilginer discussed the retraction system and an alternate

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canopy plan which was entered as Exhibit A-3B (Exhibit A-3 was renamed A-3A) with additional retractable windows.

Mr. Ian Hill asked if the fabric was retractable. Mr. Bilginer discussed the retraction system with water proof mechanics with a post & rail system with concrete foundations 3 feet deep with triangular windows that would be stationary between the retractable roof and windows.

Mrs. Engelhardt asked what the connection would be between existing façade of building and the awning system to eliminate water coming between the frame and building. Mr. Bilginer discussed the posts would be close to the building and that he had special insulation that would be placed between the structures and composite panels based on conditions of existing structure.

Ms. Giffen asked the frame height where it meets with the existing building. Mr. Bilginer discussed that it would be above the little roof overhang. Mr. O'Such noted that they will remove the roof overhang.

Ms. Kaczynski noted that temporary waivers were granted including for soil erosion, an EIS and lighting and asked if the Board wanted to require or grant permanent waiver. Mr. Doshna discussed that they would need lighting details within awning since there were glass walls to see if there would be any spillover with lighting levels limited to the patio area.

Mrs. Engelhardt asked for a side elevation with the detail to include all vertical members as well as how far out the structure would be with adjacent existing buildings located behind elevation.

Mr. Cook asked if the glass vestibule doorway would be a permanent structure. Mr. Bilginer noted that the door would always be there and agreed to recess the door 36 inches so as to not open out on the public sidewalk. Mr. Cook noted that the applicant could have a sign on the glass if he wanted to add to the application and that now would be the time.

The applicant would provide the additional documents, information details as discussed.

Mr. Doshna announced that the public hearing on this matter would be continued to the January 10, 2023 reorganization meeting at 7:00 pm and that no further notice would be provided.

**10. Chair Items:**

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- Next meetings - November 22, 2022: Resolutions for Family Promise and Tidbits and citizen input for the Master Plan.
- December 6, 2022 - Possible public hearing for Aunt Mary's Dispensary
- December 13, 2022 – Public hearing for possible adoption of the Master Plan

A list of the possible 2023 meeting dates was distributed. Mrs. Engelhardt reminded the Board to watch the Stormwater videos.

**11. Bills:**

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

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

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

**12. Professional Reports:** None.

**13. Executive Session:** None needed.

**14. Adjournment:**

At 9:04 pm. Motion to adjourn was made by: Giffen, seconded by: Hill. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary