

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, OCTOBER 24, 2023 – 7:00 PM

MINUTES

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

Mr. Doshna welcomed the new Alternate #3 member Rose DiMario, who was previously administered the oath of office by the Borough clerk.

Present: Mayor Karrow, Mr. Doshna, Mr. Levitt, Mr. Campion-remote, Mr. Cook, Ms. Weitzman-remote, Mr. Hill-remote, Mr. Cimino, Mr. Eckel, Ms. DiMario, Mr. Schoeb-remote, Attorney Kaczynski, Planner McManus, Engineer Clerico Traffic Engineer Troutman.

Excused: Councilwoman Engelhardt, Ms. Giffen

1.Public Comments: None.

2.Mayor Comments: Mayor Karrow met with the County Commissioners to update the status of the expenditures of the grant for the adoption of the Master Plan and ordinances.

3.Council Comments: None.

4.HPC Comments: Mr. Schoeb discussed that the HPC approved 2 applications which were distributed.

5. Approval of minutes for the October 3, 2023 regular meeting.

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

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

Nayes: (None)

Abstain: Karrow

Motion passed: 8-0-1

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

Resolution was prepared with revisions from the applicant and Board professionals for the next meeting.

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

Resolution to be prepared for the next meeting.

8. Completeness: Bless Wellness, LLC – Block 44, Lot 7 – 313 US Route 22

Attorney Larry Cutalo, appeared via zoom to represent the applicant. Mr. Clerico's discussed his completeness letter dated 10/19/2023 including items regarding a title search to clarify the deed, easements, utilities including a Borough utility easement which would require an updated site plan or establish in processing application; a delinquent utility payment had been taken care of; the leased area around building was shown on the plan graphically and recommended that the applicant have a description of the lease area. Mr. Cutalo noted that the parking area was common with Burger King and

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other tenants on the site where the applicant was easing only the building with no need for a metes and bound description for the parking area for this use. Mr. Cutalo would show that there was sufficient parking around building along with upgrades to lighting and landscaping during hearing adding that they can do improvements to the site if necessary after a consult with the client. Mr. Clerico discussed that items 19 & 20 were now not required to have a waiver and recommended that until the title search requirement was provided that the application be deemed incomplete. Mr. Cutalo agreed to provide a title search and requested that the application be deemed complete.

Motion to grant the requested waivers for checklist items #36 & 69 along with Temporary Waivers for items #28, 58, 59 & 62 and grant a permanent waiver for item #66, partial and temporary wavier for #42, partial waiver for #53 & 71; and temporary waivers for #61, 3, 4, & 27 and to deem complete was made by Karrow; seconded by: Levitt

Ayes: Karrow, Doshna, Levitt, Cook, Weitzman, Cimino, Eckel.

Nayes: (None)

Abstain: Campion, Hill

Motion passed: 7-0-2

7:28 pm Mayor Karrow was recused from items 9 & 10 and did not return. Ms. McManus was recused from item 9 and left the meeting.

9. Discussion: Douglas Stryker, Application #2023-03: Block 7 Lot 5 – 53 E. Main Street.

Attorney, Steve Gruenberg, appeared for applicant and discussed the uses proposed at the site including a tattoo artist shop which was interested in occupying the space and asked that resolution be clarified to read:

The first floor shall be authorized for use as a professional office, barber/beauty shop, licensed tattoo artist, cosmetology and other similar uses or book store for operation by no more than three (3) individuals, one of which shall be the owner/occupant of the second floor residential unit.

Ms. Kaczynski discussed definitions in the ordinance adding that there was a mechanism to amend the resolution where a notice would be required for a significant condition or something that if changed would effect the board decision; if the amendment would not have changed the Board decision no notice would be required.

Those Board members that voted on the application were Cook, Doshna, Levitt, Weitzman, Cimino & Giffen who was not present. Mr. Cook took no issue with the change same with the remaining eligible Board members.

Motion that to include licensed tattoo artist, cosmetologist and other similar uses would not have changed their mind on their motion was made by: Cook, seconded by: Levitt

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

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

Nays: (None)

Abstain: (None)

Motion passed: 5-0-0

Resolution to be on the next meeting November 14, 2023

7:40 pm Ms. McManus returned to meeting.

10. Public Hearing: Central Station, LLC – Application #2023-05; Block 34, Lot 7 - 37 Mine Street
Continued from October 3, 2023

Attorney, Steven Gruenberg, appeared for the continued hearing on the application.

Eric Rupnarain, the applicant's engineer, appeared still under oath to provide clarification on some testimony and questions. A site cross section was entered as Exhibit A-4 dated 10/24/2023, provided a cross section through the site showing the new buildings shown in gray and the existing building along with grades, the new line of sight from the rear property line would be a solid building similar to the existing condition with the proposed building the angled line of sight would be less where the proposed building conforms to the building height ordinance where the visual impact will be less. A concept plan dated 9/22/22 was entered as Exhibit A-5, which included 1 proposed mix use building in the front which was 3 stories with commercial below and 12 residential uses on second and third floor, which would be conforming.

Mr. Clerico asked the purpose of the cross section plan, Mr. Rupnarain discussed that the plan showed that the proposed building would have less of an impact than the existing.

Ms. McManus confirmed that on the concept plan all residential would be conforming on 2nd and 3rd floor with all setbacks conforming. Ms. McManus asked what the impact of the proposed building with increased building height would be to the surrounding properties. The aesthetic impact would be provided by architect.

Mr. Cook confirmed that there was not an exhibit of the view from the surrounding existing homes and that the concept plan would still not be conforming with buffers.

Public question:

Nancy Connelly, 22-1 Bonnell Street, asked if there would be something to show the height difference from Bonnell Street.

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Richard Kyle, architect, appeared still under oath and provided his credentials and was accepted as same. Exhibit A-6 set of plans dated October 3, 2023 titled Central Station a Proposed Mixed Use project. Mr. Kyle discussed the proposed project to further along the revitalization of the Stangl area with commercial and residential uses and discussed the materials of the building, provided a description of each building including the building on Mine Street as a mixed use with commercial on the first floor and with 4 total residential units on the second & third floors with a building height of 39'-1" at top most peak of hip roofs with the flat roof area having a height of 33'-0" and at the cornice a height of 33'-6"; the second, rear building would be multifamily building with 7 townhouse style units, with 2 stories above a garage of the ground floor with a width of 140 ft and depth of 38'-8", Upper floor all units will all be 3 bedroom and 2 baths, building height will conform at 36'-0" from current grade with an approximate 2 ft grade change over the length of the building.

The mixed use front building would have 2 commercial spaces on Mine Street with 900 sf floor area and 732 sf floor area; the residential would have 2 units each per floor including 1 bedroom and 2 bedroom units, the HVAC units would be on the roof in a central location to reduce visibility; utilities to be installed to code and they will work with the respective utility companies for location of meters, fire suppression not required for this project.

Mr. Kyle discussed a rendering of the garbage removal area with a central dumpster enclosure that would be brick and block to match the buildings; pickup schedule to be determined; and discussed the proposed exterior lighting noting that a black band on the façade would provide a signage band for the commercial units with downward lighting; the rear lobby would have a similar black band with recessed lighting to light the residential lobby doors, with a mix of materials to be used as discussed with some colors to be determined, details around doorways would be provided to create interest and a look of historic sites in town, signage would be worked out with tenants and made to comply with town ordinances. The multi-family rear building would be 5600 sf in total with a 36'-0" conforming building height where the garage elevation level will change toward the rear of the property but they will keep the first floor height level; HVAC units to be placed in the center part of roof so as to not be visible and can install screening if necessary. A 10'x6' concrete patio was proposed for each unit with a proposed 6 ft high and 6ft long screening fence placed between the patios for privacy and there would also be a 10'x6' deep deck proposed above each patio with no outside stairs provided from the deck to grade; utilities to be located per respective utility companies, each unit would have a parking space in the garage and 1 space outside. Front lighting to be provided with recessed lights over the garage door, materials and colors to match.

Mr. Kyle discussed the HPC report dated 8-24-2023 discussing the surrounding properties with smaller lot areas and smaller building with some converted to commercial uses on the first floor and found that the proposed building to be in proportion with lot area and be in line with the surrounding lots. Mr. Kyle discussed Sheet H-1 of the set which had a graphic of the surround buildings where the design of proposed building was made to fit with the neighborhood architecture with cornices to make the building attractive and discussed the architectural elements to match the surrounding historic nature of the neighborhood noting that it was difficult to match the historic but attempted to respect the surrounding buildings with a more modern design to complement noting that the applicant was open to

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suggestions on design adding that the exhibit does not reflect the proposed landscaping where they did not want to hide the building.

Mr. Clerico asked if the commercial space was only accessible from the front doors with only the lobby in the rear to access to residential. Mr. Kyle noted that they could not provide access to the commercial units from rear of the building due to grade change. Mr. Clerico asked how the differential in grade will be made up for the residential building. Mr. Kyle would provide for the grade change in the garages and where needed would provide steps. Mr. Clerico confirmed that the seventh residential unit was entirely in the rear yard setback.

Ms. McManus confirmed that the building materials would not include vinyl siding but instead would be Hardie plank for cement fiber. Ms. McManus addressed the HPC comments including that the vertical orientation contributes to perception of building height and asked what had been proposed to lessen the impact. Mr. Kyle noted material choices which were not all one color/material, adding the signage band, reference to the surrounding porches; windows that would match what is found on the street and the roof peaks to add architectural interest, noting that they could look at to lower the peaks. Ms. McManus asked if new plans be submitted? Mr. Doshna noting that the Board will need to see new plans prior to the acting on the application as there were questions regarding the patios, maintenance access, landscaping and the visual impact. Mr. Gruenberg requested the Board to provide all their comments prior to revising the plans. Ms. McManus, addressed a HPC comment on the lack of interest on the proposed store fronts. Mr. Kyle noted that they can add brick details around windows.

Mr. Schoeb asked if they looked at the design of surrounding buildings and if they considered adding historic elements noting that both buildings were similar. Mr. Schoeb commented on the height effect of the proposed building from Central Station and Stangl Road. Mr. Kyle discussed. Mr. Schoeb asked if they would consider different roof types. Mr. Kyle discussed.

Ms. Weitzman asked any proposed sustainable materials or practices would be used. Mr. Kyle had not looked at any at this time. Ms. Weitzman confirmed that the HVAC units would be in center of roof and shielded if necessary with roof access from a ladder inside lobby stairwell in front building and an exterior ladder back building, the HVAC units should not be able to be seen. Ms. Weitzman asked in the front building if the windows on Mine Street had any proposed consistent window treatments for aesthetics. Mr. Doshna noted that it would be difficult to control.

Mr. Troutman confirmed that there were 2 existing street parking spaces in front of the building on Mine Street.

Mr. Hill asked the story level on surrounding buildings. Mr. Kyle confirmed they were 1 story.

Mr. Cimino noted that the back building grade goes down to the rear yard and asked where steps would be placed. Mr. Kyle noted that the building was on a slab on grade and that a step would be provided out the back door if necessary.

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Mr. Cook noted that the peaks were decorative which added 6 ft of height to the front corners and asked if these could be changed without significant change to the building to lower the massing. Mr. Kyle responded yes. Mr. Cook asked how wide the last residential unit was and the distance to the rear yard. Mr. Kyle confirmed that the unit was 20 foot wide noting that a variance would still be required for the rear setback if the seventh unit was eliminated.

Mr. Levitt asked the proposed lighting on residential units. Mr. Kyle noted that there would be recessed lighting and downward facing lighting proposed and shielded with no wall packs proposed on the buildings.

Mr. Doshna asked if Mr. Kyle had done any historic work in prior experience and what in the design of this building evoked Flemington's historic period what makes this building Flemington in a key area of revitalization. Mr. Kyle noted that this type of design was more what you see on Main Street. Mr. Doshna noted that this was in the Stangl arts and culture district and asked if they considered the recent renovations along Stangl. Mr. Kyle would look at the materials and size noting that most were all 1 story and did not compare. Mr. Doshna noted that this site was the anchor on the north end of the district.

Ms. McManus asked that a roof plan with the visibility of units on roof be prepared for the next meeting.

9:26 pm the Board recessed.

9:36 pm the meeting resumed.

Nancy Connelly - 22-1 Bonnell Street, asked if the revised plans will show the view from the proposed decks above and the materials. Mr. Kyle discussed that the decks would be wood. Ms. Connelly asked what kind of vantage point and view the proposed decks would have into surrounding backyards. Mr. Kyle was not sure and would take a look.

Lois Stewart, Flemington, asked if the applicant would consider changes to make the buildings a better fit for Flemington. Ms. Stewart asked if they would consider a continuous roofline more traditional. Mr. Gruenberg noted that they will come back with revised architectural plans. Ms. Stewart asked about the 7th unit on back building and if eliminated how many feet from rear property would the building be which was 43 feet where 50 was required, Ms. Stewart asked if they would consider eliminating the last unit and if they would you consider shutters on the front building and asked if any sustainability elements would be used.

Brian Beckenbaugh, 22 Bonnell Street asked the materials to be used on the front building. Mr. Kyle noted that it would be Hardie plank. Mr. Beckenbaugh asked the materials for the surrounding fence which was provided by other testimony as plastic stone-looking fencing. Mr. Doshna noted that the HPC would review any revised plans.

Mr. Gruenberg did not wish to begin the testimony of the Board planner noting that revised plans would be submitted.

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Mr. Doshna announced that this matter would be continued to the November 28, 2023 meeting in this building at 7:00 pm and that no further notice would be provided.

11. Public Hearing: Wertsville Road Properties, LLC – Application #2022-05 – Block 45, Lots 11, 12 & 15

New notice of hearing had been provided and after review Ms. Kaczynski found that the Board had jurisdiction to proceed.

Mr. Doshna announced that the public hearing on this matter would be continued per the request of the applicant to the November 14, 2023 meeting at 7:00 pm in this building and that no further notice of hearing would be provided. Revised plans were to be submitted well in advance to allow time for the Board professionals to review.

12. Chair Items:

- Next meeting: November 14, 2023: Resolution: Flemington Realty, LLC, - 78 Church Street; Resolution: Douglas Stryker- 13 Brown Street & Amended Resolution: Douglas Stryker, 53 E. Main Street; HPC Presentation of District Revisions by John Hatch; Possible Completeness: Chick-fil-A, Inc.; Public Hearing continuation: Wertsville Road Properties, LLC.
- November 28, 2023 meeting items: Continued Public Hearing: Central Station, LLC; Public hearing: Bless Wellness, LLC.
- Living Wall Update: No response to letter, Ms. Kaczynski to look into what legal actions were available to the Board.

13. Bills:

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

14. Professional Reports: None.

15. Executive Session: None.

16. Adjournment:

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

Respectfully submitted:

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Eileen Parks, Planning Board Secretary