

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD REORGANIZATION MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, JANUARY 23, 2024 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Attorney Kaczynski.

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

Excused: Mr. Eckel

1. Oaths of Office:

Class	Years	Name	Expires
I	1	Marcia Karrow - Mayor	12/31/2024
II	1	Michael Campion	12/31/2024
III	1	Adrienne Fusaro	12/31/2024
IV	4	Brian Cimino	12/31/2027
Alternate #1	2	Milissa Swingle	12/31/2024
Alternate #2	2	Rose DiMario	12/31/2025
Alternate #3	2	Don Eckel	12/31/2024
Alternate #4	2	Dennis Schoeb	12/31/2025

Oaths were administered to Mayor Karrow, Mr. Campion, Councilwoman Fusaro, Mr. Cimino, Ms. Swingle, Ms. DiMario and Mr. Schoeb by the Board attorney.

2. Nomination of Chair:

Motion to nominate Ms. Giffen as Chair was made by: Karrow; seconded by: Cimino.
Hearing no other nominations. Nomination for Chair was closed.

Vote to appoint Ms. Giffen as the 2024 Chair:

Ayes: Karrow, Fusaro, Campion, Giffen, Hill, Doshna, Cook, Weitzman, Cimino

Nays: (None)

Abstain: (None)

Motion denied: 9-0-0

Ms. Giffen chaired the meeting.

3. Nomination of Vice Chair:

Motion to nominate Mr. Hill as Vice Chair was made by: Karrow; seconded by: Cimino.
Hearing no other nominations. Nomination for Vice Chair was closed.

Vote to appoint Mr. Hill as the 2024 Vice Chair:

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Ayes: Karrow, Fusaro, Campion, Giffen, Hill, Doshna, Cook, Weitzman, Cimino

Nays: (None)

Abstain: (None)

Motion denied: 9-0-0

4. **Chair Remarks** – Ms. Giffen thanked everyone, especially Mr. Doshna for leading the Board in prior years. Ms. Giffen found the Chair position as a role of service not leadership with communication to the Board and public where there were various interests of the town, with people from various backgrounds and that there was a responsibility to the public for good communication and encouraged participation in discussion from all members of the Board.

5. **Mayor Comments:** Mayor Karrow thanked Mr. Doshna and welcomed Councilwoman Fusaro and Ms. Swingle to the Board and all those reappointed noting that all bring something to the table. Mayor Karrow gave a Liberty Village update including: a presentation by the developer in December; the Redevelopment Plan amendment was in a last draft form with the redeveloper contract also in a last draft form which was in the hands of Council president to review and would be sent to rest of Council and then to developer; the PILOT agreement ordinance was drafted which was still being worked on with a townhomes, commercial and veteran components which would hopefully be finalized at a special meeting; the Redevelopment Plan ordinance would be sent to Board in early February for review. The Board discussed the Redevelopment Plan procedures where the documents would be available on the website 4-5 days prior to the public hearing at Council. Mayor Karrow noted that Ms. Swingle was also on the Environmental Commission.

6. **Council Comments:** Councilwoman Fusaro was happy to be here to serve the public.

7. **HPC Comments:** Mr. Schoeb stated that the HPC met last week and approved 9 Church Street and had submitted their revised recommendations on the historic map. The HPC was planning to have another historic house tour on June 1, 2024 and was looking for volunteers to help.

8. **Professional Reports:** Ms. McManus noted that there was upcoming legislation on affordable housing where COAH was a nonfunctioning office since 2015 which was now solidify court process and that the State Plan getting revamped where she will have more information during this process. Ms. McManus noted that the Borough was in great shape right now regarding Affordable Housing. Mr. Clerico noted that the stormwater regulations would need to be updated by the Board which was being reviewed under RSIS already adding that there was a model ordinance from State to be adopted by Borough.

9. **Public Comment:** None.

10. Resolution 2024-01: Open Public Meetings Act

The list of dates in the agenda (based on the second and fourth Tuesday of the month norm prevailing time of 7:00 pm) was presented.

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The meeting schedule, which would be published in the official newspaper, the Hunterdon County Democrat, and would be transmitted to the weekly alternate, the Courier News, is as follows:

January	9, 2024 Reorganization Meeting
January	23
February	13 & 27
March	12 & 26
April	9 & 16
May	14
June	11 & 25
July	9 & 23
August	13 & 27
September	10 & 24
October	8 & 22
November	19 & 26
December	10 & 17
January	14, 2025 (Reorganization Meeting)

Motion to approve the 2024 meeting dates as shown above per Resolution 2024-01 was made by: Cook, seconded by: Karrow

Ayes: Karrow, Fusaro, Campion, Cook, Doshna, Giffen, Hill, Weitzman, Cimino

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

11. Resolution 2024-02: Appointments of Professional Services

Kara Kaczynski, Esq. of MYKL, LLC as the Board's Attorney

Robert Clerico, of Van Cleef Engineering Associates as the Board's Engineer

Elizabeth McManus, of Kyle McManus as the Board's Planner

Jay Troutman, of McDonnough and Rea Associates, Inc. as the Board's Traffic Engineer

John Hatch, of Clarke Caton Hintz as the Historic Architect

Motion to approve the professional appointment for 2024 as shown above per Resolution 2024-02 was made by: Cook, seconded by: Hill

Ayes: Karrow, Fusaro, Campion, Cook, Doshna, Giffen, Hill, Weitzman, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

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12. Resolution 2024-03: Appointment of Board Secretary

Motion to approve the appointment of Eileen Parks as Board secretary for 2024 per Resolution 2024-03 was made by: Cook, seconded by: Fusaro

Ayes: Karrow, Fusaro, Campion, Cook, Doshna, Giffen, Hill, Weitzman, Cimino.

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

13. Approval of minutes for the December 19, 2023 regular meeting.

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

Ayes: Karrow, Doshna, Campion, Weitzman, Hill, Giffen, Cimino

Nays: (None)

Abstain: Fusaro, Cook

Motion passed: 7-0-2

14. Public Hearing: Bless Wellness, LLC – Block 44, Lot 7 – 313 US Route 22

Resolution was carried to the next meeting at the request of the applicant.

7:24 pm Karrow and Fusaro left the dais as the next item included a 'd' variance.

15. Completeness: Golden Heart Group Homes, LLC. – Block 28, Lot 8

Attorney, Steven Gruenberg, appeared for the application for a training institute which required a use variance noting that the Borough had no checklist for a use variance application where they had submitted an application with supporting documentation which the applicant felt provided sufficient information supplied. Mr. Gruenberg addressed the site plan issue brought up by Mr. Clerico and found that the ordinance did not require site plan application since there would be no proposed external site improvements and no major parking requirement as the students do not drive and the facility was moving into an existing space adding that they can deal with site plan at time of hearing adding that the applicant needed to move into the area as soon as possible. Mr. Gruenberg discussed that there were back taxes and utilities fees which were paid as part of application process and asked to be deemed complete and schedule public hearing.

Mr. Clerico felt that this requires a site plan which the Board can process as a bifurcated application but that there was no checklist for use variance but the Borough did have a site plan checklist where he made some recommendations in his report noting that the Board could waive site plan if no site improvements required.

Ms. Kaczynski discussed the bifurcation process noting that the Board can always request any additional information necessary where the ordinance does not have site plan waiver.

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Mr. Cook discussed that the Board was charged with whether to deem the application complete based on information submitted where the applicant submitted an application for a use variance where there was no checklist.

Mr. Gruenberg understood that additional information will be submitted where there was a d variance required and the applicant has retained a planner and felt that enough information was submitted and would like to move on in the process to have applicant move into building as soon as possible.

Motion to deem the application complete was made by: Doshna , seconded by: Cook

Ayes: Karrow, Fusaro, Giffen, Hill, Doshna, Cook, Weitzman, Cimino

Nays: (None)

Abstain: Campion

Motion denied: 8-0-1

Applicant would notice for a public hearing for February 27, 2024.

8:04 pm Karrow and Fusaro returned to the meeting.

16. Wertsville Road Properties, LLC – Block 45, Lots 11, 12 & 15

Mr. Doshna discussed that the Board had received a letter from the objector that they conditionally rescind the objection, but due to the language of the conditional withdrawal of the objection recused himself from the application.

Attorney, John Lanza, appeared for the applicant and discussed the application noting that the Condo Association which had objected to the project regarding the stormwater plan had submitted a letter to conditionally withdrawal the objection due to the revised stormwater management plan provided by the engineer. The project was located in the Mixed Use Overlay District where that ordinance was amended to rescind that overlay district but application was submitted prior to the current ordinance adoption. Mr. Lanza noted the contour of the property and narrowness of the lot of property caused the variances required and would call the following witnesses: Chad Barbieri, applicant and partner; Eric Rupnarain, engineer; Blackbush; architect and Mark Resma, planner.

Exhibits were entered:

A-1 – The application and supporting documents

A-2 – Notice of hearing

PB-1 – September 4, 2023 report prepared by Mr. Clerico

PB-2 – September 12, 2023 report prepared by Mr. Troutman

PB-3 – December 16, 2023 report prepared by Ms. McManus

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PB-4 - January 17, 2024 updated report prepared by Mr. Clerico
PB-5 - undated Environmental Commission report
PB-6 – June 23, 2023 report prepared by the Fire Marshal

Witnesses sworn in for testimony: Eric Rupnarain, Mark Remsa, Chad Barbieri

Chad Barbieri of 2 Orchard Road, Ringoes, grew up on Wertsville Road, married, Jamie Barbieri, had 2 children, appeared and discussed the partnership with his lifelong friend that purchased the property in 2015, located south of Route 12 in Borough which was landlocked around residential uses and was 2.3 acre flag lot with an existing dwelling on lot and 1 commercial building which was multi-use for bottling with the rest vacant noted that the existing buildings were to be demolished. Mr. Barbieri was requesting approval for unique piece of land with proposed townhomes which will be managed by a homeowners association adding that they have worked with the neighboring condo property in Raritan Township to alleviate their concerns. The 1 existing driveway for existing buildings would remain as an ingress and egress for the proposed project.

Linda Lane, Route 12 property next to her back yard, asked if they were aware that there was a big water problem there and asked why propose the retaining walls. Questions would be addressed by the engineer.

Attorney, Robyn Wright, appeared for the applicant.

Engineer, Eric Rupnarain, appeared and gave his credentials as a licensed professional engineer and was accepted as same. An aerial photo of the subject property consisting of 3 lots was presented and discussed the existing conditions, the demolition of the existing buildings on the property, the existing tree line along southerly boundary which would need to be removed for construction of the project. Exhibit A-3 was marked: a colored rendering of the site plan dated January 4, 2022, last revised November 21, 2023, showed the proposed 18 townhomes to be accessed by a new driveway 50 ft wide R.O.W. with 2 proposed townhouse buildings to the north each with 6 units which would be 25 feet wide and complied with the bulk standards with the exception of lot depth with the smallest lot depth of 86.3 ft where 100 foot required; all other bulk requirements would be met; the problem was with stormwater management where the existing surface water from adjacent lots runs onto the site and ultimately onto the adjacent condo property. The applicant proposed an underground detention system with inlets and collector pipes where the stormwater will be collected and discharged to the south; from north to south property line there is a 2 foot elevation change which made it necessary to raise the elevation of property which varies to 4 feet of fill to be placed on site to construct the road, driveway and dwellings so as not to trap water with additional stormwater collectors were being proposed with the installation of retaining walls where separate pipes were to be installed to convey runoff toward condo association and to ultimately discharge to where was presently going. Mr. Rupnarain discussed the runoff reductions for the 2 year 10 year & 100 year storms which would meet all

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stormwater requirements including recharge rates; an infiltration system would maintain the recharge that was current on the property and water quality requirement from any traffic surface they were proposing to treat the suspended solids instead of traditional inlets they were proposing stormscape inlets and bioretention in one inlet. The revised stormwater management plan was reviewed and approved by the condo association's engineer and they should have final certification from State soon.

RSIS waivers were needed for sidewalks on both sides of road, where there was a sidewalk proposed out to Route 12 but not on both sides of road where they were trying to minimize impervious coverage on dead end cul de sac where the only traffic will be the occupants. Variances were required for retaining wall height and location where they were nonconforming in order to develop the property with proposed stormwater management which drives the design to control the area to direct the stormwater created the need for the retaining walls and their location. Variances were required for buffers which were also reduced due to stormwater regulations where they provided limited buffering to provide outdoor space for each unit. A portion of the property extends into Raritan Township where they met with the Township engineer and they will need to apply and obtain relief from Raritan Township noting that the boundary line was established from surveys from the railroad which all give approximate location of boundary line noting that they did survey the surrounding area and projected boundary line.

Mr. Rupnarain discussed that items in Mr. Clerico's report including: EIS to be provided; the HOA was to manage stormwater with a manual provided which would outline the responsibilities; easement rights from the adjacent property for ingress/egress rights were not be abandoned; Borough to have rights for water and sewer to be provided; addressed swale suggestions along retaining wall where they would provide stone trenches using clean stone to minimize the potential for ponding along property lines; the property fronts on Parker Ave and addressed who had rights the DOT or Borough where the deeds make reference to Parker Avenue the tax map matches Route 12 where Parker Ave was vacated in 30's or 40's. Mayor Karrow confirmed when circle was built but Parker Avenue retained the historic names for voters on Parker Avenue; the access road would be private.

9:09 pm the meeting recessed.

9:15 pm the meeting resumed.

Roll call taken all Board members returned.

Ms. Kaczynski asked if any Board member had a conflict for this application. None were heard.

Mr. Rupnarain discussed the Board professional report items including: the easement benefiting lot 13; block and lots to be provide by tax assessor; access from DOT to Route 12 with any approval conditional on obtaining all outside agency approvals; 5 foot passing area along the sidewalk with ADA ramp details to be provided; agreed to provide ADA compliant cross walks by the proposed parking area; discussed that parking meets RSIS standards with EV parking spaces with each unit having a private garage and

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driveway where EV charging would take place on their own property; 43 parking spaces in lieu of 15% EV spaces with 3 proposed EV spaces for visitors + private home charging = proposed 48 spaces; Mr. Rupnarain did not anticipate cars turning around and if they do they could turn around in the striping parking area or at the end of cul de sac. Fire Marshal review of June 23, 2023 will comply noting that they have created a larger turning radius at the end of cul de sac; and they were providing more than the minimum parking for RSIS standards; agreed to tweak the site design to try to accommodate comments on site grading where swales were not practical on the site; the revised design analysis which differed to what was submitted to the condo association engineer would be provided to the Board for the record; where the site must comply with State regulations modifications would be made meet all State criteria; earthwork would comply; utilities per Exhibit marked PB-7 from the Borough engineer letter regarding water and sewer review dated 10-23-2023 there would be sufficient water capacity; electric and gas lines were to be provided per each utility and can be adjusted around any stormwater; proposed landscaping included street trees and provide screening of trees and shrubs, shrubs to soften foundation walls of proposed buildings; discussed lighting where the light stanchion, would be fully shielded and cutoff fixtures included.

Environmental Commission comments including: they have addressed plantings where possible; retaining walls were not designed yet but instead of masonry they proposed Henry decorative block wall or similar (diamond pro, Cambridge) which would be ideal for this property where the decorative wall would be seen by the neighboring adjacent properties and agreed to address additional comments in Mr. Clerico's letter regarding outside spaces where no common open space was proposed.

Board professional questions:

Mr. Clerico noted that there was a lot to be submitted including the request to establish the municipal boundary line for clear distinction of jurisdiction which was now somewhat approximate noting that there should have been monumentation of the boundary line, need to know where the proposed building was crossing over the line; open items included: several revisions of stormwater reports with information that should be submitted; this was a challenging site with runoff from north and east with wetlands on site they will need a letter from NJDEP to fill the wetlands; Mr. Rupnarain noted that the aggregate area of wetlands was under 1 acre which would qualify to be filled under a permit with the info to be submitted; Mr. Clerico discussed the placement of fill on site to prevent what is naturally occurring on site where the applicant pulled the walls away from property line but did not provide swales where the location near the walls will be a landscape planting area where water will be standing and may interfere with the stone trenches proposed; infrastructure has to be installed to precise elevations; sidewalks not on both sides; Route 12 was under DOT jurisdiction which will need outside approvals; Board should have the findings that these items are addressed; Raritan Township will need to review and approve; the Board may need a greater level of detail to reach a conclusion; Phase 1 Environmental was submitted but with a commercial building on site soil may need to be tested; importing a lot of fill. Ms. Wright noted that this was preliminary site plan. Mr. Clerico discussed that final site plan approval was just filing the map where preliminary approval allows what will be built;

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Board needs a level of detail where they cannot tell if the applicant can comply without something being submitted; there was a lot of detail and need to determine what does the Board need to go to a vote.

Mr. Troutman discussed that there was only 1 RSIS waiver for the sidewalk to which he took no exception where a 25 foot radii at Route 12 may be required by what the DOT plans.

Ms. Kaczynski discussed that under the MLUL definition of preliminary and final where the focus on final is the action after all conditions were completed and construction completed. Preliminary was all details.

Mr. Clerico noted that this was a site plan and subdivision where each townhouse will be individual lots with maintenance by a HOA.

Ms. McManus discussed the sidewalks on one side for a portion and asked if there would be a connection to the Route 12 existing sidewalk network as part of this proposal; discussed the infiltration trenches along retaining walls on the property line side of wall which would be 18 inches wide and had questions on the appearance and landscape area which would further reduce the buffer; requested the lighting color of the LED lighting which would be specified approx. 2700; discussed the outdoor areas for each townhome asking if the HOA was to maintain except building walls and drive. Ms. McManus asked the impervious coverage for the overall common tract and individual unit tracts.

Mr. Clerico discussed that they would need clarification if each unit would own the driveway and own to end of the property line to the rear where they will need HOA documents submitted; Retaining wall safety fencing to be provided with handrail; trash for individual units will that be handled by private hauler; the applicant will ask if the Borough will pick up on private street or hire a private hauler;

Ms. McManus asked would mailboxes require any additional structure and where will they be located; the proposed light poles had concrete base that was large and tall where the applicant agreed to reduce the concrete base; any reduction of lighting at night.

Mayor Karrow noting that the retaining wall was pulled in on the north and asked how far, on east right on line at cul de sac; a dimension would be added to revised plans; the applicant required a DEP permit to fill the wetlands and confirmed that the applicant did not have permit yet; confirmed the location of the bio inlets were to be along the road for solid removals; asked how the applicant proposed the removal of so many trees and was not replacing them asking where they were planting replacement street trees. Mayor Karrow asked why there were no amenities on site for dog walkers, baby strollers etc.

10:40 pm Ms. DiMario left meeting and did not return.

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Mayor Karrow discussed that they did not have to comply with the new State regulations based on the timing of the application submission; adding that the DEP may review during the wetlands permit application which then this project would then have to be designed to new State regulations noting that the flooding in Flemington was getting worse. Mr. Clerico due to need for DEP permit which has not been filed for yet the project may need to be designed to the new State stormwater regulations.

Mr. Cook discussed the 4 foot of raised grade to convey water and control runoff and asked if flooding will not happen and if this would solve the water dilemma on the property and if they put anything else would if they would need the same infrastructure; and asked if there was any consideration to connect to the Raritan Township roadway; the applicant talked to the condo association regarding stormwater not roadway.

Ms. Swingle will take this back to the Environmental Commission for additional comments.

Mr. Cimino discussed the 2.3 acres site with 1.1 acres covered impervious and asked how the stormwater was calculated; Mr. Rupnarain discussed and noted that they do not model storms like Ida.

Mayor Karrow asked where the runoff will go; to the condo association property and eventually to the Raritan Township system noting that they were reducing runoff into the condo stormwater system.

Ms. Giffen discussed the proposed trench along wall which has proposed landscaping asking how the trench would affect the landscaping and asked if the HOA limited accessory structures.

10:57 pm Mr. Campion left the meeting and did not return.

Public questions

Linda Lane, Flemington resident, only one side of the street sidewalk asking what if there are children to get on a bus and asked why you would do that concerned for the safety for children waiting for a bus.

Ms. Giffen recommended that the applicant submit revised plans as there were many unanswered questions.

Ms. Giffen announced that the public hearing on this matter would be adjourned to the March 26, 2024 meeting at 7 pm at the municipal building and that no further notice would be provided.

17. Chair Items:

- Next Meeting: February 13, 2024: Resolution: Blessed Wellness, LLC; Public Hearing: Chick-fil-A, Inc.; Public Hearing: Central Station, LLC; Discussion: Historic District Map Revisions
- February 27, 2024 meeting: Public Hearing: Golden Heart Group Homes, LLC

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18. Bills:

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

Ayes: Karrow, Fusaro, Cook, Doshna, Giffen, Hill, Weitzman, Cimino, Swingle

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

19. Executive Session: None.

20. Adjournment in executive session:

At 11:06 pm. Motion to adjourn was made by: Cook, seconded by: Karrow. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary