

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD REORGANIZATION MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, FEBRUARY 13, 2024 – 7:00 PM

MINUTES

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

Present: Mayor Karrow-remote, Councilwoman Fusaro-remote @ 7:14 pm, Ms. Giffen, Mr. Hill, Mr. Doshna, Mr. Cook, Mr. Campion-remote, Ms. Weitzman-remote, Mr. Cimino-remote, Ms. Swingle-remote, Ms. DiMario-remote, Mr. Eckel-remote, Mr. Schoeb-remote, Attorney Kaczynski, Planner McManus, Engineer Clerico, Traffic Engineer Troutman.

Excused:

1. **Public Comments** – None.

2. **Mayor Comments:** None.

3. **Council Comments:** None.

4. **HPC Comments:** Mr. Schoeb stated that the HPC has meeting next week and was planning to have another historic house tour on June 1, 2024 11 am to 5 pm and was looking for volunteers to help.

5. **Professional Reports:** Ms. Kaczynski updated the Board on the Living Wall foreclosure waiting for the final judgment to move toward a sheriff sale.

6. **Approval of minutes for the January 23, 2024 reorganization meeting.**

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

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

Nays: (None)

Abstain: Fusaro

Motion passed: 8-0-1

7. **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 to review a revision.

8. **Appointment of Traffic Engineer: Union Hotel Updated Traffic Study**

Ms. Giffen discussed that the Council would increase the Planning Board budget to pay Mr. Troutman to update traffic study for Union Hotel as he was already contracted for services on traffic/parking committee. The revised study would add streets that were not done in the original 2016 study and would take 2-6 weeks to prepare.

Motion to approve the contract with Mr. Troutman at a price not to exceed \$7,000 was made by: Karrow, seconded by: Cimino.

The Board discussed that the new study would include additional streets including Bloomfield Avenue, Broad Street and Maple Avenue. Mr. Doshna asked if this should be paid for by the developer. Mayor Karrow discussed that back then the Borough waived any new reports that would be needed. Mr. Cook

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noted that he had studies from 2016, 2017, 2020, & 2021. Mr. Troutman explained there were 2 locations to be looked at. Mr. Cook asked how can you get counts when streets are closed and would assumptions need to be made. Mr. Troutman wanted fresh counts.

Vote to approve the contract:

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

Nays: Doshna

Abstain: Cook

Motion passed: 7-1-1

9. Ordinance Review: Ordinance 2024-01 Amending Section 2609 Accessory Buildings, Structures or Use / Fences

Mayor Karrow discussed that the ordinance was tabled to allow the zoning officer to work with Ms. McManus on the ordinance.

10. Discussion: Historic District Map

Ms. McManus outlined the steps to adopt the new expansion of the historic district where for the Planning Board notice would be to Amend the Historic Element of the Master Plan to amend the historic map. Council steps would include notice to properties in the expansion and present changes to the ordinance; introduce the ordinance and send to the Board for recommendations and consistency with the Master Plan to send back to Council for their consideration for public hearing and adoption by ordinance. HPC would need to provide notice to the property owners that their house will be in the historic district. The Board had no further comments having received the updated report from Mr. Hatch.

Chair Giffen announced to any public attending for the Central Station, LLC application that the matter would be continued to the March 12, 2024 meeting at 7:00 pm at Borough Hall and that no further notice of hearing would be provided.

7:45 pm Mayor Karrow left the meeting.

11. Public Hearing: Chick-fil-A, Inc. - Block 44, Lot 7

Attorney, Stephen Hehl, appeared for the applicant and discussed the application to add a fully separated drive thru lane with variances required there would be no change in hours of operation or number of employees and was permitted use in the zone adding that this was a successful franchise in this location and would be calling the following witnesses: Matthew Dewitt, engineer; Gideon Lee; Chick-fil-A site engineer and design team, architect and planner which were sworn in for testimony.

The following Exhibits were entered:

A-1 – The application and supporting documents.

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- A-2 – Notice of hearing.
- PB-1 – December 19, 2023 report prepared by Mr. Clerico
- PB-2 – January 4, 2024 report prepared by Ms. McManus
- PB-3 – January 8, 2024 report prepared by Mr. Troutman

Matthew Dewitt, from Bowman Engineering, gave his credentials as a licensed professional engineer, and was accepted as same and discussed the application to add an additional fully functional pickup lane to increase the efficiency of the drive-thru which would increase the parking requirement to 109 required from 104 where 144 spaces were provided and a slight increase in impervious coverage from 83.66% to 86.02% and reduce some proposed tree locations. The applicant was still working on the updated report for Stormwater management where he was working with Mr. Clerico to come up with a solution. The applicant agreed to provide additional trees and to comply with requested items in Mr. Clerico's letter – including providing a turning radius; directional signs and stop signs in Mr. Troutman letter to get signage cleaned up; clarify that the double lane added was on the east and north side of building.

Mr. Clerico asked if the addition of the drive thru lane would be in the delineated leased area and if the lease agreement would need to be updated.

Gidion Lee, professional engineer on the Chick-fil-A design team, appeared and discussed that they are in a real estate deal with the property owner and will have the contract with property owner and agreed to mark the lease line on a revised plan. Mr. Clerico noted that the bulk of items in his report relate to stormwater due to the modest expansion of impervious coverage this raises stormwater issues where the State has changed and updated stormwater regulations on development where the incremental improvements will need to comply with current State regulations. Mr. Clerico discussed that the revised traffic and parking implications of the additional lane he would like to see revised plans including compliance with the new EV space regulations noting that the Board cannot grant waivers from the new regulations and the applicant will need to show they will comply added that regarding stormwater regulations there was also no mechanism for the Board to grant relief from the new State regulations which were adopted by the Borough.

Mr. Doshna noted that the new plan removed parking space, removes existing trees and they do not have an updated stormwater management report where they are asking for relief for increased impervious coverage asking how the Board could grant relief without proofs to grant that relief – noting that Mr. Clerico's report was dated December 19, 2023 and the stormwater has not been provided. The Board discussed that the applicant will have to come back and if there were any other issues or testimony that we can hear tonight.

Ms. Fusaro's preference was that they come back with all items complete at one time. Mr. Cook wanted to hear from Ms. McManus in case they need additional information to revise the plans.

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Ms. McManus discussed her January 3, 2024 report and if the applicant will need to reconfigure the canopy size or landscape area for updated landscaping; applicant would need to update the lease area line; address the lighting under the canopy where the lighting was excessive; and when and if the lighting be reduced after hours. Ms. McManus discussed that removal of landscaping along Route 202 and may be a further loss of landscaping in the pickup area noting that based on 2015 approval of landscaping there should be 4 additional trees which are not there and would like to have the applicant replace those; and recommended that the applicant provide elevations of canopy to evaluate the visual impact of the drive thru lane. Ms. McManus suggested that the applicant submit a revised landscaping and lighting plan and any changes to the canopy.

Mr. Hehl agreed to provide revised landscaping and lighting; a color rendering; add the trees that are supposed to be there; provide a landscaping maintenance plan and provide revised plans and stormwater management to address Mr. Clerico and Mr. Troutman's items.

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.

12. Central Station, LLC – Block 34, Lot 7 – 37 Mine Street

Ms. Kaczynski announced that the public hearing on this matter would be continued to the March 12, 2024 meeting at 7:00 pm at Borough Hall and that no further notice of hearing would be provided.

13. Chair Items:

- Next Meeting: February 27, 2024: Resolution: Blessed Wellness, LLC; Resolution: 2023 Annual Report; Completeness: Hunterdon Tea, LLC; Public Hearing: Golden Heart Homes, LLC; Discussion: Checklist
- Mr. Schoeb asked the procedure to deem an application complete. The Board discussed.

14. Bills: None.

15. Executive Session: None.

16. Adjournment in executive session:

At 8:57 pm. Motion to adjourn was made by: Cook, seconded by: Hill. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary