

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 27, 2024 – 7:00 PM

MINUTES

The meeting was called to order at 7:03 PM by Chair Giffen.

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

**Excused:** Ms. Dimario, Mr. Eckel

1. **Public Comments** – None.

2. **Mayor Comments:** Mayor Karrow was working with Ms. McManus, the HPC Chair, Mr. Hatch and Mr. Tillotson on compliance with the Union Hotel resolution and SHPO requirements with the redeveloper.

3. **Council Comments:** Councilwoman Fusaro would be taking a close look at the Planning Board budget this year.

4. **HPC Comments:** Mr. Schoeb stated that the HPC approved 1 application and denied 1 application and was working on the historic map revisions. The historic house tour will be on June 1, 2024 at 11 am to 5 pm and was looking for volunteers to help.

5. **Professional Reports:**

A motion was made by: Karrow, seconded by: Hill to amend the order of the agenda to move the Application Checklist up to professional reports.

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

Nays: (None)

Abstain: Fusaro

Motion passed: 9-0-0

6. **Discussion: Planning Board Application Checklist**

Mr. Clerico discussed the summarized checklist format that he developed over the years which would include a use variance which the Borough did not have in the current checklist. The new checklist included the basics for submission and outlined the documentation needed and information required to be on the plans in a relatively simple format which would reduce number of pages of completeness reports and streamline noting that the checklist was part of the Land Use ordinance where the Board would need to recommend the changes to the governing body which then be sent back to the Board for consistency review similar to any zoning ordinance.

Ms. Giffen suggested that the Board decide if they want to approve Mr. Clerico to go ahead with the checklist update adding that she would like everyone to participate in the review and if it became too much would create a subcommittee. The Board discussed. Mr. Clerico confirmed that the Board could add any items that they would like to the checklist.

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Motion to approve Mr. Clerico to revise the checklist was made by: Karrow, seconded by: Hill  
Ayes: Karrow, Fusaro, Campion, Giffen, Hill, Doshna, Cook, Weitzman, Cimino  
Nays: (None)  
Abstain: Fusaro  
Motion passed: 9-0-0

**7. Approval of minutes for the February 13, 2024 regular meeting.**

Motion to approve the minutes was made by: Cook, seconded by: Fusaro.  
Ayes: Karrow, Fusaro, Giffen, Hill, Doshna, Cook, Campion, Weitzman, Cimino  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

**8. Resolution: 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 revisions to a condition. The applicant agreed to notice for the March 12, 2024 meeting.

**9. Resolution #2024-04: 2023 Annual Report**

Ms. Kaczynski discussed that the resolution had been prepared and could be adopted tonight with any recommendations provided by the Board to be forwarded to the governing body based on the Planning/Zoning Board annual report which included the Sign Review Committee annual report.

Mr. Doshna recommended that the Board establish checklist for variance applications. Mr. Cook's recommendation on signs was 2 fold where signs had been installed without approval of the SRC and some signs going up were vinyl banners where the ordinance does not actually say what materials were not permitted and suggested that any non-permanent materials be prohibited to make signs noting that some signs were missed during the transition of zoning officials. The Board discussed.

Motion to adopt resolution 2024-06 with the recommendations to be sent to the governing body was made by: Hill, seconded by: Karrow

Ayes: Karrow, Fusaro, Giffen, Hill, Doshna, Cook, Campion, Weitzman, Cimino  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

**10. Completeness: Hunterdon Tea House, LLC – Block 37, Lot 10 – 171 Main Street**

Attorney, Steven Gruenberg, appeared for the applicant and agreed to address the completeness items in Mr. Clerico's report and request to be placed on the March 12, 2024 meeting for completeness and notice for the March 26, 2024 meeting for the public hearing at the risk to the applicant.

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Ms. McManus discussed the items the completeness report recommended input from her including lighting and landscaping. Mr. Gruenberg would address.

Motion to deem the application incomplete made by: Cook, seconded by: Hill  
Ayes: Karrow, Fusaro, Giffen, Hill, Doshna, Cook, Campion, Weitzman, Cimino  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

Motion to place matter on the March 12, 2024 agenda for completeness and allow the applicant to notice for public hearing for March 26, 2024 at their own risk was made by: Hill, seconded by: Karrow  
Ayes: Karrow, Fusaro, Giffen, Hill, Doshna, Cook, Campion, Weitzman, Cimino  
Nays: (None)  
Abstain: (None)  
Motion passed: 9-0-0

7:53 pm Mayor Karrow and Councilwoman Fusaro were recused from the next item, left the meeting and did not return.

**11. Public Hearing: Golden Heart Group Homes, LLC – Block 28, Lot 8 – 47 Maple Avenue**

Attorney, Steven Gruenberg, appeared and discussed the application for a proposed adult day care facility with training for the client and classes which was technically not a permitted use in the TC district where the only relief required was for the d1 (use) variance which was an inherently beneficial use that provided value to the community and promoted the general welfare of the town.

The following exhibits were entered into the record.

- A-1 The application and supporting documents
- A-2 The notice of public hearing
- PB -1 Ms. McManus's report dated February 23, 2024
- PB-2 Mr. Troutman's report dated February 27, 2024
- PB-3 Flemington Borough Fire Marshal report dated December 18, 2023

Three witnesses were all sworn in for testimony, the director, listing agent and Barikisu Langyin, director of the adult daycare facility, appeared and discussed the community inclusion for disabled individuals who had no access to activities would be provided by this facility which would be open from approximately 9:00 am to 2:30 pm to teach the students how to come into the community. There would be a behaviorist on site to make a plan for each member with one onsite manager which would be herself. There would be no overnight accommodations. The members do not drive but are

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picked up in a van, the van would include the driver, the customers along with a worker to accompany them that are also workers at the site where they were only there during daylight hours; there was an existing accessible ramp, 2-3 mini vans would park on site, plus 2 other cars for the behaviorist and director for a total of 5 cars parked on site; there was no need for an additional dumpster, they would be leasing the internal space only with no proposed exterior improvements only interior modifications. The facility would benefit the community where there was a need in Hunterdon and Flemington for adult daycare facilities.

Ms. Kaczynski confirmed that there would be no overnight parking.

Ms. McManus discussed the parking on site asking if the employees had to ride in the van regardless of where they live. Ms. Langyin confirmed that the employees are required to travel in the van with the program attendees and that there was no need for an additional dumpster with internal garbage for regular office use. Ms. McManus asked for some numbers to confirm the need for this use in the area which was deferred to the planning testimony.

Mr. Clerico confirmed that the attendees are taken out on day trips and provided lunch.

Mr. Troutman confirmed Monday through Friday operation with 2 counsellors in the van including one driver and one riding and asked with 28 clients would they need another van. Ms. Langyin discussed that the vans drop off and leave to transport other people.

Ms. Swingle, looking at the pictures asked if there was an emergency exit. Mr. Robinson to answer.

Mr. Cook discussed no parking overnight and asked could there be an emergency where they might need to leave it or have a vehicle towed noting that he did not want to exclude all overnight parking in the case of an emergency. Ms. Langyin agreed that it could happen.

Mr. Doshna confirmed that the applicant was licensed by the DDS and asked if they had other facilities. Ms. Langyin did not have another facility but did have other programs where they go to the homes to take care of individuals from all over including Freehold and Long Branch adding that they were opening because there was need for the facility.

Ms. Giffen confirmed that this was the first facility with 28 clients and asked based on the square footage if there would be any expansion in the same building. Ms. Langyin would like to expand and open another location if successful.

Ms. Weitzman asked about the operations and what would be the turnaround or if the same individuals would remain or some will graduate or can they stay in the program. There was no age limit.

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Lois Stewart, 32 Emery Avenue Flemington, confirmed the traffic would be from 3 vans and 5 vehicles, per day from 9:00-2:30 pm and that they would go to the park approximately 2 times a week from noon to 2:30 pm and that the traffic would come from both Maple Street and Emery Avenue. Ms. Stewart asked if there were any signs proposed and if the facility expanded if they would have to come back to the Board. Mr. Gruenberg discussed that any signage would conform with the ordinance and that any expansion would require them to come back to the Board for an expansion of the use and confirmed that there would be no outside activity.

Mr. Robinson, a license real estate professional, and the listing agent for the site appeared and discussed an Exhibit marked A-3 which included sheets 1-6, including a plan of the building footprint which occupied an old law office where the facility was proposed to use; a landscaper's office; an art studio used for storage; a railing shop; the baseball academy and a facility that manufactures golf clubs were the other uses in the building. Mr. Robinson noted that the proposed use would be less intense than the law office regarding traffic and overall use of the space.

Exhibit A-4 an exterior photo of building was entered, Mr. Robinson discussed the location of the facility; Exhibit A-5 an interior photo of 3 offices and wide hallway was entered. Exhibit A-3 sheet 5 showed a large private office; Exhibit A-6 a photo of the employee lounge with a shower was entered. On Exhibit A-3 sheet 6 showed a photo of one of the restrooms; A-3 sheet 4 photo of the double door entrance, reception area and hallway to the offices; A-3 sheet 2 was a copy of the survey.

Mr. Hill asked if there would be any interior changes. Mr. Robinson discussed that no interior changes were proposed as the applicant liked the space as it was.

Ms. McManus discussed the site conditions in her report and suggested a condition would be to clean up the site by removing the barrels and debris and address the 2 trailers onsite which was more of an enforcement issue. Mr. Robinson agreed to work with Board professionals and the property owner to clean up the site adding that there was no need of additional dumpster.

Mr. Gruenberg discussed that the facility would use the office space with no exterior changes which did not trigger a site plan and suggested the Board include a site plan waiver in the revised checklist.

Mr. Doshna confirmed that there was no intention to use the shower and there was a typical office kitchenette with no capacity to start cooking substantial amounts of food.

Lois Stewart asked if clean up of site could be a condition of approval and if any landscaping was proposed. Mr. Gruenberg discussed that the applicant agreed to work with the Board professionals to clean up the site and noted that as a tenant the applicant was not in a position to install landscaping Mr. Robinson agreed to speak with landlord.

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9:02 pm the Board recessed the meeting.

9:09 pm meeting resumed.

John Taikina, licensed planner, appeared and gave his credentials and hearing no objections was accepted as same. Mr. Taikina discussed that his nephew was highly functioning autistic so he has familiarity with the State Developmental Disabled System and discussed the existing conditions of the site with approximately 65 existing parking spaces where the proposed facility would be on the west side of property which has accessed through Maple Avenue where the baseball academy with high activity dominates east side of property. The proposed facility would be a low traffic generator where the old law firm used more parking spaces adding that with the proposed use there could be up to 5 vans with the additional 2 employee vehicles for a total of 7 at maximum. There is a lawn area on the property including a very green manicured lawn where he could see the attendees and staff having a picnic on the lawn occasionally outside. Mr. Taikina discussed the DDS system when students do age out of being allowed to attend school until 21 where the proposed training facility would provide a set of life skills and community inclusion and discussed that per the DDS office as of Dec, 5 2023 there were over 26,000 receiving aid with 1,051 attending services at an inpatient facility where the other 25,000 either living at home or in a group home with 397 in Hunterdon County which had one facility in Clinton with a capacity of 86 attendees noting the need was all over including Hunterdon County where there was only one facility.

Mr. Taikina discussed the criteria and definition of a beneficial use where if found to be an inherently beneficial use it would automatically meet the positive criteria. Any detrimental impacts where he saw none with the mid-day use and minimal parking requirement, the Board can determine if any detrimental effects could be minimized where they have agreed to no residential use and to clean up the site. Next would be the balance test to see if the use provides a needed service that would benefit the entire community and promote the zoning plan and strengthens the commercial sector. TC district has permitted uses similar to the proposed use and also allows for multiple uses on one property. If it was determined to not be an inherently beneficial use it would still meet the medic test and meet the criteria of purpose A and G and also meet the enhanced quality of proofs that there are no detrimental effects in granting the relief.

Ms. Weitzman asked if there was any existing security camera surveillance in the exterior. Mr. Robinson would see if they were working.

Mr. Champion asked if there was a backup generator and what happens during inclement weather during operation hours. Mr. Taikina discussed that the facility would function like a school and either close or go home early and would follow Federal holidays.

Ms. Swingle asked if the State inspected or reviewed the facility. Mr. Taikina discussed that the State had the ability to come in anytime.

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Mr. Doshna asked if there was a numbers for Flemington or individual towns. Mr. Taikina only saw statistics by County.

Lois Stewart, 32 Emery Avenue, stated that it was not an attractive site for residential neighborhood in the area and would like to see site improved.

Mr. Gruenberg provided a summary including that this was a good use that fits in the Transition Commercial district with a tenant to lease one interior space with no exterior improvements, agreed to work to clean up the site. Requested the Board to grant the use variance and waive formal site plan requirements and grant minor site plan as discussed.

Motion to close the public hearing was made by: Doshna seconded by: Hill

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Ms. McManus discussed that her concerns listed in her report had been alleviated by the testimony including the hours of operation during daytime, the number of vehicles on site, the comparison of law firm use with 16 spaces being reduced to the 5-7 parking space demand and discussed the test if found to be an inherently beneficial use and suggested that any approval include light occasional outside use. Ms. McManus discussed why this use was not included in the recently adopted ordinances noting that this was a unique use which was not common.

Mr. Cook found that this was an inherently beneficial use noting that a child care & assisted living facilities were permitted listed uses just not adult daycare. The Board discussed.

Motion to find the facility an inherently beneficial use was made by: Doshna seconded by: Hill.

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

Nays: Campion

Abstain: (None)

Motion passed: 6-1-0

Ms. McManus discussed that the Board should now consider the negative criteria and outlined the sica balance test. The Board discussed.

Ms. Kaczynski listed the conditions including: no overnight parking anticipated except in an emergency; signage to comply with the ordinance; work with the Board professionals to cleanup the site; no residential use or overnight use; Mr. Robinson to convey to landlord to add landscaping; no additional dumpster to be installed.

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Mr. Doshna asked if they could condition compliance with the 1983 site plan approval. Ms. Kaczynski found that more of an enforcement issue.

Motion to approve the d1 use variance and grant minor site plan per the plans as provided was made by: Cook, seconded by: Doshna

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

Nayes: Campion

Abstain: (None)

Motion passed: 6-1-0

10:30 pm Mr. Campion left the meeting.

**12. Chair Items:**

- Committees: Ms. Giffen discussed the Sign Review Committee which had 1 vacancy that she would fill temporarily noting that the 2024 membership of the Sign Review Committee would include Mr. Cook, Ms. Giffen, Ms. Weitzman, Ms. Orr from the HPC, and Ms. Lapidus from the FCP. Ms. Giffen discussed having an ordinance committee including the Mayor Mr. Cimino and Mr. Schoeb and herself noting that there would be budget constraints this year for ordinance revisions and added that technical review committees would be better served to be created as the need arises based on the application.
- Next Meetings: March 12, 2024: Resolution: Blessed Wellness, LLC; Resolution: Resolution: Golden Heart Group Homes, LLC; Completeness: Hunterdon Tea, LLC; Public Hearing: Central Station. March 26, 2024: Resolution: Golden Heart Group Homes, LLC; Public Hearing: Chick-fil-A, Inc.; Public Hearing: Wertsville Road Properties, LLC; Public Hearing: Hunterdon Tea House, LLC.

**13. Bills:**

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

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

Nayes: (None)

Abstain: (None)

Motion passed: 8-0-0

**14. Executive Session: None.**

**15. Adjournment in executive session:**

At 10:34 pm. Motion to adjourn was made by: Hill, seconded by: Cook. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary