

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD REORGANIZATION MEETING
38 PARK AVENUE, FLEMINGTON, NJ 08822
HELD IN PERSON AND OFFERED VIRTUALLY VIA 'ZOOM WEBINAR' PLATFORM
TUESDAY, MARCH 26, 2024 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 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-remote, Ms. Swingle-remote, Mr. Eckel, Mr. Schoeb-remote, Attorney Kaczynski, Planner Harris, Engineer Clerico, Traffic Engineer Troutman.

Excused: Ms. Dimario

1. **Public Comments** – None.

2. **Mayor Comments:** Mayor Karrow discussed that the Redevelopment Plan, Developer Agreement and Financial Agreement for the Liberty Village would have a public presentation in April prior to the public hearing at a Council meeting.

3. **Council Comments:** Councilwoman Fusaro had no comment.

4. **HPC Comments:** Mr. Schoeb stated that the HPC had their meeting and approved 171 Main Street and 20 Main Street and that the historic house tour will be on June 1, 2024 at 11 am to 5 pm and was looking for volunteers to help.

Ms. Giffen announced that the public hearing for Wertsville Road Properties, LLC at the request of the applicant would be continued to the May 14, 2024 meeting, no further notice of the hearing would be provided.

5. **Professional Reports:** None.

6. **Approval of minutes for the March 12, 2024 regular meeting.**

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

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

7. **Resolution 2024-05: Bless Wellness, LLC, Application 2023-06: Block 44, Lot 7 – 313 US Route 22**

Motion to adopt the resolution was made by: Doshna, seconded by: Cook.

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

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

8. **Resolution: Golden Heart Homes, LLC – App.#2023-08; Block 28, Lot 8 – 47 Maple Avenue**

Resolution to be prepared for the next meeting.

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9. Ordinance 2024-01 Review: Liberty Village Phase 1 Redevelopment Plan

Mr. Harris discussed the procedures of adopting a Redevelopment Plan which was a governing body document and that this discussion before the Board was for consistency with the Master Plan and not a public hearing and gave an quick overview and summary of the Plan. After adoption by the governing body a site plan would be submitted to the Board and the applicant would have to go through the Planning Board process. The Plan included proposed townhomes with affordable housing units, some for sale and some multi-unit residential rentals for veterans.

Mr. Harris discussed the consistency of Redevelopment Plan with Master Plan where the Plan included landscaping to protect existing residential areas; employed strategies to encourage economic development in the Borough; integrated residential and commercial elements; provided community benefits with the proposed public park along Brown Street; and was consistent with the final objective to provide relevant green strategies. The Redevelopment Plan would provide new residential units with various housing types; provide affordable housing and provide connectivity with the community as well as provide economic support with compliance with the new stormwater regulations.

Motion to find the Ordinance 2024-01 regarding the Redevelopment Plan of Liberty Village to be not substantially inconsistent with the Master Plan was made by: Cook, seconded by: Fusaro

Mr. Doshna discussed that the concept plan must be adhered to which provided a large stormwater detention basin by Route 12 and asked why an inactive use was located right next to Route 12. Mr. Harris noted that there had been a lot of negotiation between the developer and DEP on the location. Mayor Karrow adding that this had nothing to do with the Borough but was determined by the DEP. Mr. Harris discussed that the goal was to keep all stormwater runoff onsite. Mr. Doshna discussed Stangl Road were there was a proposed cluster of 5 townhomes in what was now a parking lot with a brewery nearby and a distillery across the way asking if there was any concern about the proximity of residents to those uses. Mr. Harris noted that the site was designed to incorporate community benefits and walkability, with stormwater management, a proposed park; a building donation to the Borough and with a building to be preserved. Mr. Doshna added that there was lots of discussion around the brewery with residential uses surrounding and there seemed to be no buffer to townhomes. Mayor Karrow recommended to add a note in every deed to make owners aware that they are near this thriving commercial area. Mr. Doshna noted that Central Avenue is now Central Station and should be changed in the Plan. Mr. Doshna discussed the affordable housing was to be dispersed evenly and asked if there was any issue with the cluster of rental units in multi housing units. Mr. Harris noted that the Plan will comply with all housing regulations adding that the multi-units would be managed for disabled vets. Mr. Doshna discussed the concept plan with a well treatment expansion area and asked if there was concern with DEP or encroachment to the existing well. Mayor Karrow noted that the Plan had DEP review.

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Mr. Cook discussed that the Plan would be inconsistent to have a stormwater basin in the location next to Route 12 but was also consistent with the Master Plan to provide compliance with stormwater regulation. Ms. Kaczynski discussed that the Plan can be substantially not inconsistent with Master Plan.

Ms. Weitzman asked if the developer was planning to continue to provide bus service from the remaining car park. Mayor Karrow noted that they were trying to figure that out regarding the flood plain and for now will continue to rent while they were working to comply with stormwater regulations.

Mr. Schoeb noted that any changes to the remaining existing buildings that were historic district would be subject to HPC review.

Mr. Cook summarized his motion for Resolution 2024-06 with recommendations regarding stormwater; developer should consider appropriate buffers to residential properties and change Central Avenue to Central Station and find the Ordinance not substantially inconsistent with the Master Plan which was seconded by: Giffen

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

10. Public Hearing: Wertsville Road Properties, LLC- App. #2019-05 - Block 45, Lots 11, 12 & 15

Continued from 1/23/24

The public hearing on this matter, at the request of the applicant, was continued to the May 14, 2024 meeting, no further notice of the hearing would be provided.

11. Public Hearing: Chick-fil-A, Inc. – Application #2023-07 - Block 44 Lot 7-Continued from 2/13/24

Mayor Karrow certified that she had viewed the recording of the February 13, 2024 meeting and was eligible to vote. Ms. Kaczynski confirmed that she was eligible and would need to have the certification signed for the record.

Attorney, Stephen Hehl, appeared and discussed the continuation of the public hearing to add a dedicated drive thru lane to provide more efficient customer service which resulted in eliminating 3 parking spaces. The following Exhibits were entered which addressed the revised plans.

PB-4 Ms. McManus report dated March 21, 2024.

PB-5 Mr. Clerico's report dated March 22, 2024.

Engineer, Matthew Dewitt, appeared and discussed the stormwater; landscaping and circulation. Exhibit A-3 a revised landscaping plan was entered with had minor changes from the last meeting including: the lease line revised; stormwater regulations; added more green space by removing 2

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parking stalls on the south side of the property and by converting 9 parallel stalls to add green space and added river rock under the landscaping; 8 trees were added and addressed the 4 trees that were previously approved on prior site plan that will be installed; more landscaping would added near the pylon sign and the lighting was reduced per the recommendation from McManus.

Mr. Harris noted that there was a 13 tree deficiency with 8 added and the 4 trees previously approved to be planted would result in a 1 tree deficiency adding that the applicant made a payment for the tree deficiency in prior approval. The applicant agreed to work with the Board professionals so that there will be no tree deficiency.

Mr. Dewitt discussed Ms. McManus's letter including: photometrics were added to the plan; hours of operation were 6:30 am to 10:00 pm Monday to Saturday with exterior lights reduced to safety light levels ½ hour after closing or 10:30 pm. Mr. Clerico's letter: the lease area was revised on the plan: an additional cross walk was not necessary since there was no ADA space in the location noting that the site would be ADA compliant; stormwater would have no change to the conveyance since they are now decreasing the impervious coverage and would provide calculations; added turning movement templates as shown on Exhibit A-4 which showed the passenger car movement demonstrating car turning into site with enough clearance adding that all truck traffic will come from the other side. Mr. Troutman confirmed the turning templates.

Mr. Doshna discussed the stormwater where they were previously increasing impervious coverage which triggered the new regulations and now are reducing coverage. Mr. Dewitt discussed that the site has an existing underground stormwater structure where they gave back 11 parking spaces to green space to reduce to the impervious coverage to 88.52% and ran calculations and they are now less than what was existing and now meet stormwater regulations.

Planner, John Taikina, gave his credentials as a professional planner and was accepted as same. Mr. Tiakina discussed the planning testimony with pre-existing nonconforming conditions for an under sized lot; existing signage previously approved under c1 criteria; and found that the new application meets criteria G by adding green space and added trees while reducing impervious coverage and improving stormwater conditions and operational efficiency; discussed the negative criteria where he found no detriment to the public good or the zoning plan and implements elements of the Master Plan including pedestrian destination; using sustainable tactics and noting that there were no site issues where the project was functioning as existing.

Lois Stewart, 32 Emery Avenue, appreciated them adding more trees.

Attorney Hehl thanked the Board for their suggestions and the Board professionals' recommendations on improvements that will make a good project even better.

Motion to close the public hearing was made by: Cook, seconded by: Karrow. All were in favor.

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Motion to approve the amended site plan with the conditions as discussed was made by: Cook,
seconded by: Hill

Mr. Cook appreciated the revisions to the plans echoed by Mr. Hill.

Ms. Kaczynski discussed the conditions for the relief of the preexisting nonconforming conditions including: compliance with the professionals reports; the memorandum of the lease to be provided; compliance with the plan as revised; 9 trees to be added and agree to work with the planner on all landscaping including prior approval of 4 trees; hours of operation to be 6:30-10:00 pm with lighting reduced at 10:30 pm; no Sunday hours along with all standard conditions.

Vote on motion:

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

8:47 pm meeting recessed

8:53 pm meeting resumed

12. Public Hearing: Hunterdon Tea House, LLC – Block 37, Lot 10 – 171 Main Street

Ms. Kaczynski reviewed the proofs of notice for the public hearing and found that the Board had jurisdiction to proceed. The following Exhibits were entered into the record:

A-1 Application and supporting documents.

A-2 Notice of Hearing

PB-1 Mr. Clerico's report dated March 24, 2024

PB-2 Ms. McManus's report dated March 22, 2024

PB-3 Mr. Troutman's report dated March 25, 2024

HPC March 21 approval

Attorney, Steven Gruenberg, appeared and discussed the application that was submitted to the zoning officer for a change of use which was granted and had applied for an outdoor cooler which was denied. Mr. Gruenberg discussed that he filed an appeal of denial of zoning officer noting that in Ms. McManus's report it was clearly a permitted accessory use.

Motion to open the hearing on the appeal to the public was made by: Karrow; seconded by: Doshna. All were in favor.

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Hearing no comments from the public, a motion to close the public hearing was made by: Karrow; seconded by: Doshna. All were in favor.

Motion to grant applicant's appeal to overturn the decision of zoning officer was made by: Karrow, seconded by: Doshna.

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

Mr. Gruenberg discussed the application and variances requested for preliminary and final site plan noting that the professional reports prepared were in support of the application.

Applicant Susan Peterson and Planner John Taikina were sworn in for testimony.

Susan Peterson discussed that this was the third location in the Borough and they were looking to convert the building into Teaberry's and would be improving the parking lot and replace windows, replace small stairs and landing outside and proposed to include an outside walk in freezer that is large and cannot fit inside the building. Hours of operation would be 11 am to 3 pm with a total of 25 employees all part time, no additional lighting was proposed; landscaping to be installed to screen the walk in freezer per the professionals recommendations. The existing parking space in the right of way would be modified to merge into one large space to move out of the right of way and add landscaping; the freezer would be painted to match the existing building and she agreed to add one street tree on Main Street per the recommendation. The main entrance would be on Main Street and agree to add a sign and the sidewalk along Church Street would be improved with Belgian block curb.

Mr. Harris asked if they would provide an access easement per item 5-10 in his report. Mr. Gruenberg discussed that the applicant would prefer to not provide at this time.

Mr. Cimino was in full support. Mr. Cook discussed reusing the existing sign and recommended using the maximum area allowed.

Mayor Karrow noted that the building was a former law office and asked about Form A for the water and sewer service.

Mr. Gruenberg noted that Form A had been submitted and approved by the Borough engineer and agreed to provide a copy of the approval.

Planner John Taikina appeared and provided some additional credentials as a professional planner and was accepted as same. Exhibit A-1: a revised plan dated March 22, 2024 for 171 Main Street was

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entered. Mr. Taikina discussed the ADA parking and agreed to provide signage in the rear of the building and discussed the existing conditions on site and agreed to provide new striping at the parking space to be removed from right of way; a new entry was proposed near the new walk in cooler; per HPC recommendation 9 arbor vitae were to be planted to screen the cooler; they would be reconstructing the driveway apron; there would be a total of 9 parking space with the lost space in the right of way; one lost to the cooler and one lost for landscaping. Mr. Taikina listed the variances needed including: locating an accessory structure in a front yard; pre-existing bulk variance for the rear yard setback and maximum impervious coverage and discussed that the benefits far outweighed any detriments and listed criteria to grant the variances adding that the Downtown Business district was an appropriate location for Teaberry's; the noise ordinance was met; the walk in cooler would be screened and painted; the site would encourage economic development and the applicant agreed to work with the Board professionals on any site improvements. The site was a unique property with 2 front yards which made it difficult to locate the cooler in any other location on site.

Mr. Doshna discussed that the town was planning improvements on Main Street including reconfiguration of the intersection and asked if there was any potential conflict with the roadway improvements. Mr. Taikina noted that the site was substantially set back from right of way.

Ms. Giffen asked if the main access for from the ADA parking space would be from Main Street. Mr. Taikina discussed.

Mr. Gruenberg thought this was a good application for the Borough and appreciated working with Board professionals and the recommendations in the reports.

Motion to close the public hearing was made by: Cook; seconded by: Hill. All were in favor.

Motion to grant the variance and preliminary and final site plan approval with the conditions as discussed was made by: Karrow, seconded by: Cook

Mr. Cook discussed that any signage would still need to go to the SRC for approval and recommended that the applicant maximize the signage allowed.

Mr. Campion discussed the success of Teaberry's in the prior location and noted that there was a demand for parking during holidays adding that there was a parking committee meeting April 5 was concerned for the overflow onto Church Street for Teaberry's and was in support of the application.

Ms. Kaczynski discussed the conditions including: the standard compliance with reports with the exception of an access easement; plans to be revised to add one final tree for the 9 arbor vitae – parking reduced to 9 spaces total; freezer to be painted to match the building and blend in as much as possible; sidewalk to be replace as needed; compliance with HPC approval.

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Vote on motion:

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

Nays: (None)

Abstain: (None)

Motion passed: 9-0-0

13. Chair Items:

- Next Meetings: April 9, 2024: Resolution: Golden Heart Group Homes, LLC; Resolution: Hunterdon Tea, LLC; Public Hearing: Central Station.
- The Board discussed rescheduling the April 16, 2024 meeting to April 30, 2024.

A motion to amend the April meeting dates by cancelling the April 16, 2024 meeting and scheduling a meeting for April 30, 2024 was made by: Karrow, seconded by: Doshna. All were in favor.

14. Bills:

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

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

Nays: (None)

Abstain: Karrow

Motion passed: 8-0-1

15. Executive Session: None.

16. Adjournment:

At 9:48 pm. Motion to adjourn was made by: Hill, seconded by: Cook. All were in favor.

Respectfully submitted:

Eileen Parks, Planning Board Secretary