

\* 5/13/14 \*

FLEMINGTON BOROUGH  
PLANNING/ZONING BOARD MEETING  
MONDAY, MAY 5, 2014 – 7:00 PM

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The meeting was called to order at 7:00 PM by Board Chair Todd Cook.

**Roll Call:**

Present: Mrs. Engelhardt, Ms. Kenoyer, Mr. Greiner, Ms. Melfi, Mr. Cook, Mayor Edwards, Mrs. Pedrick, Mr. Wachter, Mr. Budney, Mr. Hain, Attorney Gianos, Planner McManus, Engineer Clerico, Traffic Engineer Rocciola

Absent: None

Professionals excused:

1. **Public comments** (7:00 – 7:15 PM) None.
2. **Approval of minutes from the April 29, 2014**, regular meeting  
Deferred to the next regular meeting.
3. **Completeness: United Way of Hunterdon County (Block 37, Lot 17-Fulper Road)**

Attorney George Dilts appeared for the applicant and discussed the application requiring a d(1) use variance and a request to waive site plan approval. Mr. Dilts discussed the completeness review letter dated May 1, 2014 prepared by Mr. Clerico and agreed to provide the items listed in the review prior to the public hearing including a complete copy of the survey, floor plan of the current and proposed interior space within the building, copy of the current deed of record and photographs of the current building and adjoining structures. Mr. Clerico discussed his review letter and the waiver requests made by the applicant. Mr. Dilts requested a waiver from site plan approval for completeness purposes only and agreed to provide such site plan information as the Board deemed appropriate at the time of the public hearing. Mr. Dilts requested that if deemed complete that the application be placed on the agenda for public hearing for the June 2, 2014 meeting.

Motion to grant waivers for completeness purposes only, deem the application complete and schedule the public hearing for June 2, 2014 moved by: Melfi; second: Wachter

Ayes: Engelhardt, Kenoyer, Melfi, Cook, Pedrick, Budney, Wachter

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

4. **Extension: Eight Main Street, LLC (Block 18, Lots 1, 4 & 37) Initial one-year extension of Final Site Plan Approval, running from January 1, 2015 through December 31, 2015**

Attorney George Dilts appeared for the applicant and discussed the application to extend the final site plan approval for one year starting at the conclusion of the permit extension act which ends December 31, 2014. Mr. Dilts explained that the approval for modification to the building to permit a residence on the property had not been completed for economic reasons. There was discussion

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of which approvals were to be extended. Mr. Dilts requested that all approvals be covered in the extension.

Motion to approve: Melfi; second: Engelhardt  
Ayes: Engelhardt, Kenoyer, Melfi, Cook, Pedrick, Budney, Wachter  
Nays: (None)  
Abstain: (None)  
Motion passed: 7-0-0

**5. Discussion:**

Mr. Cook stated that Ms. McManus had prepared a memo after discussion at the last meeting dated May 5, 2014 to address the next steps going forward to increase economic development in the town by reviewing the Master Plan and zoning ordinances. Ms. McManus discussed the ongoing projects in the Borough including the Union Hotel expanded area which already had a redevelopment plan in place and the expanded Global Agway area noting that the next step would be the redevelopment plan which could be as specific or general as the town wanted noting that the Board would have a limited role in the preparation of the redevelopment plan. Ms. McManus stated that the last Master Plan was adopted in 2010 and recommended that instead of a full Master Plan review which would be time consuming and costly that a Re-examination of the Master plan would still allow the Board to take a comprehensive look at the town Borough-wide and take all of the items under discussion in context and noted that a re-exam would provide the legal foundation for any ordinance amendments and further noted that a re-exam could be done as quick as a couple of months or the Board could go in depth on a few issues. Ms. McManus suggested that the Board set a scope for the plan. The Board discussed the re-exam as well as the planning board budget. Mr. Cook suggested creating a subcommittee to study the sections of the master plan that need revision, the subcommittee included Mr. Cook, Ms. Melfi, Mrs. Engelhardt and Mr. Budney with solicitation from all other Board members.

**Discussion: FBID's Recommended Changes to the Land Use Ordinance**

Attorney Lee Roth, FBID Quality of Life Committee Chairman, appeared to discuss the recommended changes to the land use ordinance noting that the goal was to attract and retain businesses and by reducing complications and the time table in the approval process would help to keep Flemington competitive in attracting development. Mr. Roth stated that the use of SIC Code numbers to identify permitted uses was difficult and caused applications to require variances and suggested they be removed. The Board discussed the SIC code and the intent of the Board for putting the codes in when the ordinance was written. Ms. McManus stated that generally there was two schools of thought 1) to list all permitted uses which was a burdensome process and

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needed constant updating as technology changed and 2) to list very broad permitted uses with a list of exceptions that are not permitted.

Mr. Roth stated that the general trend in Hunterdon County has been to limit development but that now things were changing and the intent was to encourage development and economic growth while still maintaining the rural nature of the county and suggested that in order to attract development the approval process should be streamlined and the goal would be to reduce complications in the process focusing today on minor site plans. Mr. Roth suggested that parking requirements for the DB & DBII zone be eliminated noting that not one parcel in those zones could meet the parking requirements and therefore a variance was always triggered for any application which caused costs and delays. Mr. Roth stated that currently the checklist for an application was 15 pages and suggested that the checklist for minor site plans could be reduced to 1 or 2 pages noting that asking for waivers from the checklist can cause further delays and also suggested that the 18 page application form could be simplified to a letter from the applicant. Mr. Roth stated that the checklist slowed down development and suggested that the Board could ask for any information that they found necessary during the hearing process and further suggested that the Board could approve an application with the understanding that all details would be worked out to the satisfaction of the professionals later. Mr. Roth stated that the number of copies of the application and plans were costly and unnecessary and also suggested that the reduced number of copies should be considered timely when submitted 3 days prior to the meeting. Mr. Roth stated that professional review of an application was not always necessary and review letters when deemed appropriate should be prepared by the Board professional no later than 5 days after the meeting. Mr. Clerico stated that the review of the application was done prior to a meeting not after. Mr. Roth suggested that there should be a moratorium or cap on escrow accounts. Mr. Cook asked if the professionals could give an estimate on costs for a type of application. Ms. McManus stated she could not noting that each application was different with many factors including the quality of the plans submitted. Mr. Clerico stated that the applicant could use the checklist as a guide for what information to submit for an application. Ms. Melfi asked if Mr. Dilts gave a cost estimate to his applicants, Mr. Dilts said no he did not noting that he had seen abuse of the escrow system in the past in some towns but not as much today. Mr. Roth stated that minor site plans should be reviewed for completeness and public hearing at the same meeting and that completeness could be done by the zoning officer instead of a Board professional. Mr. Gianos stated that the requirement of public notice made it difficult to have both completeness and public hearing on the same night and that it may cause even more delay and cost to the applicant to do that. Mr. Roth discussed removing the parking & building setback requirements from the DBI & DBII zones and revising setbacks for signs and suggested that the ordinance permit blade signs for

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downtown businesses and suggested a simplified checklist for sign applications. The Board discussed the recommendations.

**6. Council Items:** None

**7. Chair items:**

Mr. Cook discussed the agendas for the next meetings on May 27 & June 2, 2014

Mr. Greiner gave an summary of the County CEDS meeting he attended on May 1, 2014 including discussions regarding transportation, inventory of the county assets and the trend toward adaptive reuse of existing buildings instead of new construction.

Ms. Melfi asked if the new COAH regulations were in effect and if there were any numbers yet. Ms. McManus stated that there were significant differences she had briefly looked at the numbers and gave an approximate estimate of 58 rehab units required where previously 20+/- were required and 45 prior round units were required where previously 38 units were required noting that almost all of the prior round units were taken care of. Ms. McManus stated that statewide the amount of units went down.

**8. Bills:** None

**9. Adjourn**

Motion to adjourn at 9:45 p.m.: Melfi; second: Greiner

Ayes: All were in favor

Nays: (None)

Motion passed 10-0-0

Respectfully submitted

Eileen Parks  
Planning Board Secretary

These minutes were approved May 27, 2014