

* 6/10/14 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
MONDAY, JUNE 2, 2014 – 7:00 PM

MINUTES

The meeting was called to order at 7:00 PM by Board Vice Chair Susan Engelhardt.

Roll Call:

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

Absent: Mr. Cook

Professionals excused: Traffic Engineer Rocciola

1. **Public comments** (7:00 – 7:15 PM) None
2. **Approval of minutes from the May 27, 2014**, regular meeting deferred to the next meeting.

3. Council Items:

This item was moved up in the agenda to allow Mr. Greiner provide Council items prior to the public hearing.

Mr. Greiner stated that at the Council meeting there was interest from the public to be included in the subcommittee to address the Master Plan Re-examination. Mr. Gianos stated that the public was included in the last review and there was no legal reason not to include members of the public. After a general discussion it was decided that a member of the public should be included in the subcommittee.

4. Public Hearing: United Way of Hunterdon County (Block 37, Lot 17, 20 Fulper Road)

Mayor Edwards and Mr. Greiner were recused and left the meeting.

The proofs of public notice were entered as Exhibit A-1 Mr. Gianos stated that he had reviewed these proofs of notice and found that the Board had jurisdiction to proceed with the public hearing.

Attorney George Dilts appeared for the applicant and discussed the application, stating that the applicant was the contract purchaser of the lot which included one existing retail building to be converted into a community volunteer center including office and storage space which was not a permitted use in the VAS zone. Mr. Dilts stated that the property was on the zoning line noting that in the adjacent zone the use was permitted and discussed that the proposed community center would be a beneficial use. Mr. Dilts discussed that there were eight (8) existing parking spaces on the property and three (3) spaces on the adjacent property owned by the Black River Western Corp. known as Block 37, Lot 1007, Mr. Dilts stated that he had received a letter of consent to permit the continued use of the parking spaces to the applicant from Black River Western Corp dated June 2, 2014, which was entered as Exhibit A-2 noting that the consent was conditioned upon the applicant removing overlapping AC units and a portion of fencing that were on the adjacent

* 6/10/14 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
MONDAY, JUNE 2, 2014 – 7:00 PM

MINUTES

property further noting that the applicant agreed to removing/moving those items. Mr. Dilts stated that the application was requesting a d(1) use variance, 'c' variance for the parking requirements and a site plan waiver noting that there were to proposed exterior modifications to the site. Mr. Dilts stated that he had received the review letter dated May 1, 2014 prepared by Mr. Clerico and the review letter dated May 23, 2014 prepared by Ms. McManus.

Bonnie Duncan, CEO of United Way of Hunterdon County and Frank Banisch, PP were sworn in for testimony. An aerial photograph of the site and the surrounding area prepared by Mr. Banisch was entered as Exhibit A-3. Ms. Duncan introduced herself and described the non profit United Way organization with 1,100 chapters worldwide which provides a way for people to connect and provide support to the local communities. Ms. Duncan stated that presently the United Way had an office located at 4 Walter Foran Boulevard which had 6 staff members which was used to hold meetings which the United Way would continue to occupy and stated that the purpose of the additional space at the Fulper Road project was to expand their income support programs which included collecting items for use by others including school supplies, a diaper bank program and 'holiday hands' stating that the United Way needed space for a drop off/pick up point for these items. Ms. Duncan stated that a schedule would be created to provide an even flow of workers throughout the day consisting of 8-10 volunteers for 2-3 hour shifts. Ms. Duncan stated that there was adequate existing lighting and currently there was a 3'x4 sign for the existing Waystation that would either be reused or would apply for a zoning permit for a proposed sign in the future. Ms. Duncan agreed to enhance the landscaping to the extent possible and agreed to remove the AC units and fencing as requested by the adjacent property owner.

Mr. Wachter asked if the fence being removed prevented people from entering the railroad tracks noting his safety concerns. Ms. Duncan stated that a portion of the fence that ran from the parking area to the corner of the building was to remain and that that fencing prevented trespassing onto the railroad tracks. Mr. Wachter asked if there was overflow parking, Mr. Dilts stated that there was some public parking across the street to the east. Mr. Hain stated that the proposed floor plan showed a kitchen and asked what it would be used for, Ms. Duncan stated that the kitchen would be used in the event of an emergency such as Hurricane Sandy to provide support to the community. Mr. Hain stated that the Board has previously requested a trash enclosure for a dumpster for food disposal, Ms. Duncan agreed that if a kitchen was installed that screening would be provided for the trash enclosure. Mrs. Pedrick asked if the applicant was taking over the entire building, Ms. Duncan stated that the United Way would be occupying the entire building and noted that the existing salon was moving to a private residence. Mr. Clerico asked what the existing shed would be used for, Ms. Duncan stated the shed would remain and be used for storage, possibly landscape maintenance equipment and/or trash disposal. Ms. McManus asked how the center would be used

* 6/10/14 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
MONDAY, JUNE 2, 2014 – 7:00 PM

MINUTES

for the programs, a coordination center or a pick-up location, Ms. Duncan said both including a low income tax preparation program where people would come in, drop-off/pick-up and leave with some staying for about 15 minutes noting that many customers would be able to walk to the center. Ms. Melfi clarified that there were no changes to the building footprint, Ms. Duncan confirmed. There were no public questions of Ms. Duncan.

Mr. Frank Banisch stated that he was involved with the project from the beginning and stated it was an inherently beneficial use noting that it involved the kind of activities that advanced the MLUL noting that the Board would have to decide what activities proposed would not be beneficial. Mr. Dilts stated that the approach that the United Way would advance the public good and welfare of the community and would help to make a more vital downtown stating that the purpose of the VAS Zone in the master plan was as a destination area that was highway oriented and encouraged walking noting that the project was one step away from a zone that allows the proposed use. Mr. Dilts discussed the variance for parking stating that the proposed use would reduce the parking variance versus the existing retail use and that the regular routine of the community center would not utilize all of the spaces noting that the center would not function as a normal office but had the ability to schedule shifts of volunteers throughout the day. Mr. Banisch located the additional public parking spaces on the aerial photograph A-2. . There were no public questions of Mr. Banisch.

Mr. Budney asked if the parking addressed the ADA requirements and if the building was accessible. Mr. Dilts stated that there was a step up into the building. Mr. Clerico stated that the ADA compliance would come under the jurisdiction of the construction code official and that if changes need to be made the applicant may have to come back to the Board to show how it could be done. Ms. Melfi asked if a cross agreement could be made with Unity Bank to comply noting that the closest space to the building would be on the bank's property. Mr. Dilts stated that the applicant would comply as necessary and would defer to the construction code official regarding ADA compliance and if it resulted in changes would come back to the Board for approvals. Mr. Clerico stated that changes to the steps could be worked out with the borough engineer and the zoning officer. Mrs. Engelhardt stated that she would like to see some aesthetic changes to the building instead of waiving site plan review stating that an elevation change may be needed in the front as well as widening of the covered sidewalk and removal of the planters noting the use could create a lot of foot traffic and was not currently convenient for pedestrian movement. Mrs. Engelhardt stated that the community center was a beneficial use and would like to see the United Way as a permanent part of the downtown. Ms. Melfi asked if the United Way intended to be there long term enough to invest in fixing up the building, Ms. Duncan stated that they would like to stay as long as possible and asked if all of the improvements needed to take place right away.

* 6/10/14 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
MONDAY, JUNE 2, 2014 – 7:00 PM

MINUTES

Ms. Melfi suggested phasing the improvements working on the interior first but asked if the bushes could be removed to help pedestrian travel, Mr. Dilts agreed. Mr. Clerico stated that the sidewalk could be more difficult to modify stating that the walk may be into the right of way. Mr. Clerico asked if the interior was all one level, Mr. Dilts stated that there was a partial second floor which would be used for storage. Mrs. Engelhardt asked if that would require a sprinkler system, Mr. Clerico stated that the fire official would have jurisdiction. Mr. Clerico stated the items to be considered if the Board was to waiver site plan review would be the applicant to provide for garbage storage; if the lighting was to be altered the applicant would need to come back to the Board; any material changes to the site in order to comply with ADA requirements would be under the jurisdiction of the construction official, the applicant should submit FORM A: Planning Board Application for Report on Feasibility and Allocation of Public Sewer and Water to the Borough sewer and water departments with the installation of a kitchen. Ms. McManus clarified the parking calculation in her review letter; noted that the partial second floor should be noted as storage only or the parking calculation would change and increase the number required, Mr. Dilts agreed to have the second floor to be used as storage only. Ms. McManus discussed the inherently beneficial use to the community noting the value of having building fully occupied. Mrs. Engelhardt stated that although the building would come off the tax roll that there were other benefits to having the United Way in the community. Ms. McManus stated that the parking would come into more compliance with the change in use noting that there was not an opportunity to add any parking and further that there were approximately 20 public parking spaces available across the street and to the east of the building.

There were no public comments on the application.

Motion to close the public hearing: Melfi; second: Hain

Ayes: All were in favor

Nays: (None)

Motion passed 7-0-0

Motion to approve the application with the conditions as discussed: Melfi; second: Hain

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

Nays: (None)

Abstain: (None)

Motion passed: 7-0-0

5. Chair items:

Mrs. Engelhardt discussed the next meeting on June 24, 2014 stating that she would not be able to attend but that Mr. Cook would be there.

* 6/10/14 *

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
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MINUTES

Ms. Melfi asked if the master plan review subcommittee had scheduled a meeting date, there was discussion that the budgeting, scope and selection of a member from the public would need to be resolved prior to the subcommittee meeting to discuss the reexamination of the master plan.

6. **Bills:** None

7. **Adjourn**

Motion to adjourn at 8:45 p.m.: Budney; second: Wachter

Ayes: All were in favor

Nays: (None)

Motion passed 7-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary

These minutes were approved on June 24, 2014