Mayor and Common Council
Borough of Flemington

April 16, 2014

Council Meeting Room

Work Session Agenda (6:45 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

1. DISCUSSION: BANNER ORDINANCE MODIFICATIONS (GREINER)
2. DISCUSSION: STATUS OF BOROUGH-OWNED LOT ON CAPNER STREET (BLOCK 16 LOT 28)

Regular Meeting Agenda (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Erica Edwards	Mayor
Dorothy Fine	Councilwoman
John Gorman	Councilman
Phil Greiner	Councilman
Joey Novick	Councilman
Brian Swingle	Council President
Phil Velella	Council Vice President

1. ORDINANCE 2014-2: SECOND READING: AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE AREA SOUTH OF THE UNION HOTEL
2. RESOLUTION 2014-72: AUTHORIZING THE GOVERNING BODY'S REDEVELOPMENT COMMITTEE FOR THE UNION HOTEL REDEVELOPMENT AREA, TO ENGAGE IN EXCLUSIVE NEGOTIATIONS WITH THE CURRENTLY-DESIGNATED UNION HOTEL REDEVELOPER CONCERNING THE EXPANDED UNION HOTEL REDEVELOPMENT AREA
3. RESOLUTION 2014-73: DESIGNATING AN AREA OF THE BOROUGH INCLUSIVE OF THE GLOBAL AGWAY SITE AND CERTAIN ADJACENT AND PROXIMATE PROPERTIES, AS MORE PARTICULARLY DESCRIBED HEREIN, AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW
4. Public Comments -- Session I (up to approximately 3 minutes each for a maximum of approximately 30 minutes)
5. Mayor's Report (up to approximately 3 minutes)

6. Council Members' Reports (up to approximately 3 minutes each)

   Councilwoman Fine

   Councilman Gorman

   Councilman Greiner

   Councilman Novick

   Council President Swingle

   Council Vice President Velella

7. Approval of Minutes

   Motion To: **Approve Minutes: March 10, 2014 Regular Council Meeting**

   Approve Minutes: March 24, 2014 Regular Council Meeting

8. PROCLAIMING JUNE 13-14, 2014 AS RELAY FOR LIFE DAYS IN THE BOROUGH OF FLEMINGTON

9. RESOLUTION 2014-74: AUTHORIZING THE MAYOR AND CLERK TO SIGN A GRANT APPLICATION FOR FUNDING UNDER THE 2014 TRANSPORTATION ALTERNATIVES PROGRAM FOR SIDEWALK AND STREETSCAPE IMPROVEMENTS TO MAIN STREET BETWEEN BLOOMFIELD AVENUE AND MINE STREET

10. RESOLUTION 2014-75: AUTHORIZING A COUNTERCLAIM TO BE FILED ON TAX APPEALS FILED BY ADVANTAGE BANK, BLOCK 47 LOT 8, HESS REALTY CORPORATION, BLOCK 44 LOT 3 AND 70 CHURCH SPICE FACTORY LLC, BLOCK 39 LOT 3

11. RESOLUTION 2014-76: AUTHORIZING A TOWN WIDE YARD SALE TO BE HELD ON MAY 3 RD AND 4 TH 2014

12. RESOLUTION 2014-77: AUTHORIZING THE CHARGES FOR MAINTENANCE OF 82 BROAD STREET TO BE COLLECTED BY THE TAX COLLECTOR

13. RESOLUTION 2014-78: APPOINTING TOM CLADEK TO THE FLEMINGTON-RARITAN PARKS AND RECREATION COMMITTEE

14. RESOLUTION 2014-79: AUTHORIZING A COUNTER PETITION TO BE FILED FOR THE TAX APPEAL FILED ON BLOCK 39 LOT 9, LOCATED AT 10 HIGHWAY 31 BY FLEMINGTON FC, LLC

15. RESOLUTION 2014-80: AUTHORIZING THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH MARTIN ALLEN, ESQ OF THE FIRM DIFRANCESO, BATEMAN, COLEY, YOSPIN, KUNZMAN, DAVIS, LEHRER & FLAUM P.C. TO REPRESENT THE BOROUGH IN A TAX APPEAL FILED BY LIBERTY VILLAGE

16. RESOLUTION 2014-81: AUTHORIZING THE HIRING OF STEPHEN COTTONE AS A DPW LABORER AT A RATE OF $17.57 PER HOUR EFFECTIVE 5/1/14

17. RESOLUTION 2014-82: AUTHORIZING THE MAYOR AND CLERK TO SIGN A LEASE RENEWAL WITH RARITAN TOWNSHIP FOR THE USE OF THE MUNICIPAL COURT AND OFFICE SPACE
18. RESOLUTION 2014-83: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-0183 HELD ON BLOCK 27 LOT 5 AND INSTRUCTING THE CFO TO ISSUE A CHECK IN THE AMOUNT OF $1,136.41 PLUS A PREMIUM IN THE AMOUNT OF $1,300.00 TO CHRYSALIS INVESTORS, LLC
19. RESOLUTION 2014-84: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-015 HELD ON BLOCK 35 LOT 55 AND INSTRUCTING THE CFO TO ISSUE A CHECK IN THE AMOUNT OF $2,156.84 PLUS A PREMIUM IN THE AMOUNT OF $1,200.00 TO US BANK CUST FOR BV001 TRUST
20. RESOLUTION 2014-85: SUPPORTING A NO PASSING ZONE ON ROUTE 31
21. ORDINANCE 2014-4: FIRST READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE DOWNTOWN BUSINESS DISTRICT (SECTION 2620.F.2.E)
22. ORDINANCE 2014-5: FIRST READING: AN ORDINANCE REMOVING A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE VILLAGE AND ARTISAN SHOPPING DISTRICT (SECTION 2623.F.2.E)
23. ORDINANCE 2014-6: FIRST READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE TRANSITION COMMERCIAL DISTRICT (SECTION 2618.E.3.E)
24. ORDINANCE 2014-7: FIRST READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE DOWNTOWN BUSINESS II DISTRICT (SECTION 2621.F.2.E)
25. ORDINANCE 2014-8: FIRST READING: AN ORDINANCE ADDING A CONDITION FOR THE PLACEMENT OF BANNERS ACROSS MAIN STREET (SECTION 2361.A.1.C.4)
26. ORDINANCE 2014-9: FIRST READING: REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (I) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (II) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFORE
27. ORDINANCE 2014-3: SECOND READING: AN ORDINANCE AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED USE FOR HANDICAPPED PERSONS, BY ADDING A SPOT AT 25 SPRING STREET

28. Public Comments -- Session II (up to approximately 3 minutes each for a maximum of approximately 30 minutes or until 10:00 PM, whichever earlier occurs)
29. Attorney's Report
30. Payment of the Bills

    Motion To: **Pay The Bills**

Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Adjournment

Motion To: **Adjourn**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Banner Request
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

AGENDA ITEM 2014-8

DOC ID: 1528

Discussion: Banner Ordinance Modifications (Greiner)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

AGENDA ITEM 2014-9

DOC ID: 1529

Discussion: Status of Borough-Owned Lot on Capner Street (Block 16 Lot 28)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1486

TABLED

ORDINANCE 2014-2

Second Reading: an Ordinance Adopting the Redevelopment Plan for the Area South of the Union Hotel

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

AN ORDINANCE ADOPTING THE REDEVELOPMENT
PLAN FOR THE AREA SOUTH OF THE UNION HOTEL

WHEREAS pursuant to Borough Council Resolution 2014-44, adopted February 10, 2014, and then amended and readopted as Resolution 2014-47 on February 24, 2014, the Council of the Borough of Flemington designated the area south of the Union Hotel property, inclusive of the properties located at 80, 82, 90-100, 104 and 110 Main Street and 3 Chorister Place, designated on the Borough Tax Map as Block 22, Lots 5, 6, 7, 8, 9, 10 and 12 and Block 23, Lots 1 and 7, as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq (the ?Redevelopment Law?); and

WHEREAS the law requires that a redevelopment plan be drafted for the area in need of redevelopment; and

WHEREAS it is the intention of the governing body that the redevelopment plan for the area south of the Union Hotel reflect to a large extent the underlying principles of the Union Hotel Redevelopment Plan; and

WHEREAS it is the intention of the governing body to provide flexibility to property owners within the redevelopment area to pursue development of their properties with uses permitted within the Downtown Business zone and to provide flexibility to property owners within the redevelopment area to seek amendments to the Redevelopment Plan to accommodate uses not currently permitted in the Downtown Business Zone, where appropriate; and

WHEREAS consistent with these intentions the Borough's professional planner, Carl Hintz, P.P. of the firm of Clarke Caton & Hintz, with input from redevelopment attorney, Robert Beckelman, Esq. of the firm of Greenbaum, Rowe, Smith & Davis LLP and the Mayor, has drafted this Redevelopment Plan for the area south of the Union Hotel and has presented it to the governing body; and

WHEREAS the governing body has referred the Redevelopment Plan to the Planning Board for its comments and recommendations pursuant to N.J.S.A. 40A:12A-7(e)-(f); and

WHEREAS at its duly-noticed meeting on March 25, 2014 the Planning Board proceeded to consider the Redevelopment Plan; and

WHEREAS the Borough's professional planner attended the March 25th meeting of the Planning Board meeting to respond to questions and comments from the Board and members of the public on the Redevelopment Plan; and

WHEREAS the Planning Board heard and considered comments from the public regarding the Redevelopment Plan; and

WHEREAS the Planning Board found that the Redevelopment Plan addresses the requirements of the Redevelopment Law set forth in N.J.S.A. 40A:12A-7; and

WHEREAS the Planning Board found that the Redevelopment Plan is substantially consistent with the Master Plan and promotes existing local development policies and objectives; and

WHEREAS the Planning Board found that the Redevelopment Plan has no impact upon and/or does not conflict with any policies or objectives of the Hunterdon County Master Plan and the State Development and Redevelopment Plan, or master plans of surrounding municipalities; and

WHEREAS the Planning Board recommended that the governing body adopt the Redevelopment Plan; and

WHEREAS the governing body has considered the Redevelopment Plan and wishes to adopt the Redevelopment Plan as recommended by the Planning Board, with any clarifications noted below.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Redevelopment Plan, attached hereto and incorporated herein, is hereby adopted upon publication in accordance with the laws of the State of New Jersey.

ATTEST:

Rebecca P. Newman, RMC Borough Clerk	Erica Edwards, Mayor

HISTORY:

03/10/14	**Governing Body**	**INTRODUCED**	**Next: 04/16/14**

Amendment to Redevelopment Plan for the Union Hotel: Expanded Union Hotel Redevelopment Area

Flemington Borough, Hunterdon County, New Jersey

Clarke Caton Hintz

March 7, 2014

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Clarke Caton Hintz

March 7, 2014

Amendment to Redevelopment Plan for the Union Hotel:

Expanded Union Hotel Redevelopment Area

Borough of Flemington, Hunterdon County, New Jersey

Prepared for the Borough of Flemington by:

Carl E. Hintz, ASLA, LLA, PP, AICP
Clarke Caton Hintz
PP License # 1217

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Clarke Caton Hintz

Flemington Borough Land Use Board

Todd Cook, Chairman

Erica Edwards, Mayor

Phil Velella, Mayor's Designee

Brian Budney

Laureen Kenoyer

Mary Melfi

Mark Hain

Edna Pedrick

William Wachter

Susan Monaco Engelhardt

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Robert Clerico, PE, CME, PP (Van Cleef Engineering) – Board Engineer

Judd Rocciola, PE (Rocciola Engineering) – Board Traffic Engineer

Clarke Caton Hintz

Flemington Borough Council

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Robert Beckelman, Esq. (Greenbaum, Rowe, Smith & Davis) – Borough Attorney

Robert Martucci, PE (Van Cleef Engineering) – Borough Engineer

Judd Rocciola, PE (Rocciola Engineering) – Borough Traffic Engineer

I. INTRODUCTION

The Union Hotel has a long and important history in the center of Flemington Borough. Built in 1878 on the site of an earlier inn, the Hotel sits across from the historic Hunterdon County Courthouse, the Hall of Records and the Hunterdon County Administration Building. Since the 1950's, it has been underutilized. Since 2008, it has been vacant. This vacancy of a crucial building in the center of downtown business district and its deteriorating condition are the driving forces behind the preparation of this plan.

The original Redevelopment Plan for the Union Hotel was the result of lengthy public process that began in April of 2010 when the Flemington Borough Council authorized Clarke Caton Hintz to prepare an "Area in Need of Redevelopment Study", and culminated in a public presentation of the draft Redevelopment Plan on September 21, 2010 to get feedback and comments.

The Plan aims to understand and preserve the important history and architecture of the Union Hotel while making the site attractive for high-quality, economically viable redevelopment. The main portion of the building must be preserved and restored, while the plan seeks to give the potential Redeveloper some flexibility in terms of potential uses and treatments for the remainder of the building and site, and seeks to provide assistance in addressing parking requirements, funding and approvals.

Subsequently, on August 12, 2013 the Borough Council adopted a resolution directing the Planning Board to study the series of buildings to the south of the Union Hotel up to an including the Team Capital Bank building located at 110 Main Street and the building known as the Flemington Choir School located at 3 Chorister Place, consisting of the following properties identified by Lot and Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, (the "Expanded Study Area"), to determine whether the Expanded Study Area qualifies as an area in need of redevelopment under State law. This firm conducted that study on behalf of the Planning Board in which report it determined that the Expanded Study Area demonstrates various factors that supported an area in need of redevelopment designation.

A hearing on the study area was held by the Planning Board on December 16, 2013, during which public comment was encouraged. Following the hearing the Planning Board endorsed the study results and directed that a resolution be prepared. On January 28, 2014 the Board adopted its resolution recommending to the governing body that the Expanded Study Area be designated as a redevelopment area. On February 10, 2014 the

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

governing body adopted a resolution designating the Expanded Study Area as an area in need of redevelopment.

2. GOALS OF THE REDEVELOPMENT PLAN

The overall goal of the Redevelopment Plan for the Expanded Union Hotel Redevelopment Area it to encourage vibrant, sustainable, long-term, mixed-use redevelopment of the block to the south of the Union Hotel that:

- Is compatible with and enhances the historic character of the Union Hotel and Historic District;
- Attracts new visitors and residents to Flemington Borough;
- Supports the existing businesses and other uses on Main Street and in Flemington Borough;
- And that is cohesive with adjacent residential uses.

3. STATUTORY REQUIREMENTS

According to the Local Redevelopment and Housing Law (NJSA 40A: 12A-1, et seq.), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan.

With respect to items 3 and 4, no property acquisition is anticipated in the Expanded Study Area and no relocation shall be required.

4. BOUNDARY MAP

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

5. EXISTING LAND USES

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

6. BUILDINGS AND SITE DESCRIPTION

See Study of Expanded Union Hotel Area in Need of Redevelopment prepared by this firm and adopted by the Planning Board on December 16, 2013, which is incorporated by reference and attached hereto as Exhibit A.

7. PUBLIC OUTREACH

The preparation of this Redevelopment Plan was informed by the hearings at the governing body and Planning Board meetings at which the study and related report were initially directed to be prepared and ultimately adopted.

8. RELATIONSHIP OF THE REDEVELOPMENT PLAN TO THE BOROUGH'S MASTER PLAN

The Flemington Master Plan was adopted in 2010, replacing a master plan adopted in 1997. Six goals and objectives of the 2010 plan directly relate to the goals of this Redevelopment Plan for the Expanded Union Hotel Area:

- Preserve, protect and enhance the integrity of Flemington's historic district and the historic resources within.
- Employ strategies to encourage community and economic development within the Borough.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

- Integrate the residential and commercial segments of Flemington Borough to benefit the entire community.
- Strengthen and enhance the commercial sector of the Borough, with an emphasis on attracting specialty retail and restaurants, and encouraging the redevelopment of underutilized properties particularly those within the Downtown Business District.
- Encourage a redevelopment solution for the Union Hotel property that protects and enhances the site as a significant historic resource and at the same time ensures the site's long-term financial viability.
- Encourage sustainable practices including the use of green building techniques as well as the use of alternative technologies including those that produce clean energy or otherwise have a comparative reduced impact upon the environment.

Redevelopment of the Expanded Union Hotel Area is consistent with the goals of the Borough's Master Plan.

Since the Expanded Union Hotel Area is a series of buildings located in the center of the Borough, this Plan does not have a significant relationship or impact on any municipality adjacent to Flemington Borough.

9. LAND USE STANDARDS

This Plan shall constitute an "overlay" zone within the existing Downtown Business District (DB) Zone. Unless otherwise specified below or elsewhere in this Plan, the DB Zone zoning regulations and applicable use, bulk and design standards and requirements will continue to apply in the redevelopment area south of the Union Hotel. The Redevelopment Plan for the Union Hotel shall continue to control and apply to the Union Hotel property, as set forth in the Union Hotel Redevelopment Plan.

Minimum Lot Area: Existing

Minimum Lot Width: Existing

Minimum Front Yard: Match Existing Building

Minimum Side Yard: To be determined

Minimum Rear Yard: 20 feet (0 feet for accessory building)

Maximum FAR: To be determined

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Maximum Height: Four Stories and 55 feet; not to exceed the ridgeline of the existing Union Hotel building.

Maximum Building Coverage: To be determined

Maximum Impervious Coverage: 100%

Parking: Various options exist.

10. DESIGN STANDARDS

All exterior rehabilitation work and the design of any proposed additions shall meet all relevant Flemington Ordinances, as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties.

11. PARKING

There are various parking arrangements possible but all must recognize the existing parking presently owned or controlled by the individual property owners. Such parking arrangements and options are specified in the Union Hotel Redevelopment Plan previously adopted.

12. REDEVELOPER AGREEMENTS AND SELECTION OF REDEVELOPER

The Governing Body shall act as the Redevelopment Entity responsible for the implementation of this Plan.

As the Redevelopment Entity, the Governing Body shall preliminarily review and approve as set forth herein all project concepts and proposals, including design and architectural elements, proposed by any existing or potential property owner, whether such proposal is presented directly or through a competitive process. Note, however, that an RFP process is not mandated by this Plan, nor is the Borough required to solicit bids pursuant to the Local Public Contracts Law. Accordingly, the Borough expressly reserves the right to work with existing property owners, and in particular to select directly a qualified purchaser/developer for its 90-100 Main Street property.

13. ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

Amending the Redevelopment Plan:
Upon compliance with the requirements of applicable law, the Borough Council may amend, revise or modify the plan, as circumstances may make such changes appropriate. This Plan does not provide for variance relief pursuant to N.J.S.A. 40:55D-70. The Governing Body may, in its discretion, provide a waiver from any design requirements if it deems such waiver generally consistent with the goals and objectives herein and not otherwise detrimental to the Plan or the community.

Duration of the Plan:
The Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Borough Council.

14. IMPLEMENTATION

In order to insure a timely and effective redevelopment of the Expanded Union Hotel Redevelopment Area, the following action steps are suggested:

1. The Borough will schedule on-going meetings with property owners in the Redevelopment Area, adjacent property owners and with the public in general to keep them apprised of progress and to solicit feedback on the Redevelopment process.
2. The Borough will work to sell its 90-100 Main Street property in such a way as to achieve a fair price in view of the objectives of the Union Hotel Redevelopment Area and Plan.

15. FUNDING OPPORTUNITIES

There are a variety of funding mechanisms provided by law for which property owners within the Redevelopment Area may qualify, including:

- Tax Abatements and "Payment in Lieu of Taxes" (PILOT) Agreements
- Parking Authority
- Energy Efficient Commercial Buildings (EECB) Tax Deduction
- Federal Business and Utilities Generation Tax Credit
- NJ EDA: Economic Redevelopment and Growth (ERG) Grant
- NJEDA Financing

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

- Historic Preservation Grants and Loans
- Federal Historic Tax Credit (if the project meets the Secretary of the Interior's Standards)

See the Union Hotel Redevelopment Plan for more detailed information

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Exhibit A.

Expanded Union Hotel

Area In Need of Redevelopment Study

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Adopted by the
Borough of Flemington Land Use Board
on December 16, 2013

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Area In Need of Redevelopment Study

Borough of Flemington, Hunterdon County, New Jersey

Prepared for the Borough of Flemington by:

Carl E. Hintz, ASLA, LLA, PP, AICP
Clarke Caton Hintz
PP License # 1217

Kendra Lelie, PP, AICP, ASLA
Clarke Caton Hintz
PP License # 5537

John D. S. Hatch, AIA, LEED AP
Clarke Caton Hintz
AIA License # 21AI01192700

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Clarke Caton Hintz

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

Introduction/Background

On April 26, 2010, the Flemington Borough Council authorized and directed the Planning Board to undertake a preliminary investigation to determine whether the meets the criteria for an "Area in Need of Redevelopment", pursuant to NJSA 40A:12A-1 et seq. (the "Redevelopment Law"). The Planning Board authorized Clarke Caton Hintz to prepare the preliminary investigation for an "Area in Need of Redevelopment" for the Union Hotel.

The Borough council received the findings of the Planning Board that the property was an area in need of redevelopment. Eventually a developer was selected by the Borough Council after an extensive interview process. Flemington Union Hotel was selected and an agreement was executed on May 13, 2013 between the developer and the Borough.

The Council has since directed the Planning Board to preliminarily investigate whether an area of the downtown south of the Union Hotel also meets the statutory criteria for "An Area in Need of Redevelopment".

Statutory Authority and Process

Under New Jersey's Local Redevelopment and Housing Law (LRHL)[1], municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. Redevelopment is defined as:

> Clearance, replanning *[sic]*, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.
>
> *[N.J.S. 40A:12A-3]*

[1] Local Redevelopment and Housing Law, N.J.S. 40A:12A-1 et seq.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

To determine whether an area is in need of rehabilitation or redevelopment, the governing body of the municipality adopts a resolution and map providing for an investigation by the Planning Board within the targeted area of the municipality. The Planning Board received this authorization from the Borough Council to undertake the preliminary investigation on by Resolution No. In this study, only the determination of whether the area is in need of redevelopment will be reviewed.

This response to the Borough Council's request for a preliminary investigation occurs within a framework established by the LRHL. Additional steps in the process established by the Act include the following:

1. The Planning Board conducts a public hearing on whether the area meets one or more of the statutory criteria to become a redevelopment area. Public notice is given to property owners and any other known claimants to the land. The Board is required to hear all interested persons and make a record of their statements (whether written or oral). At the close of the hearing the Board makes a recommendation to the Borough Council. The recommendation can take three forms: That the entirety of the investigation area is in need of redevelopment, part(s) of the area is in need of redevelopment or that no part is in need of redevelopment.

2. The Borough Council receives the Planning Board's recommendations. The Council, assuming that it wishes to create a redevelopment area(s), adopts a resolution declaring the entire study area or a portion(s) an area in need of redevelopment.

3. The Council's resolution is sent by the Borough Clerk to the Commissioner of the Department of Community Affairs. Since the study area is situated in an area in which development or redevelopment is to be encouraged pursuant the State Development and Redevelopment Plan, the determination shall take effect after the clerk has transmitted a copy of the resolution to the Commissioner.

Once the determination takes effect and the redevelopment area is established, the municipality can start the second part of the redevelopment process – the creation of the Redevelopment Plan. Later steps will include the creation and issuance of a request for proposal, selection of a redeveloper(s) and execution of a Redevelopment Agreement.
Pursuant to N.J.S.A. 40A:12A-5, a study area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

P.L.1992, c.79 (C.40A:12A-6), the Borough Council by resolution concludes that within the delineated area any of the following conditions is found:

a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenantable.

c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. Location within an Urban Enterprise Zone.

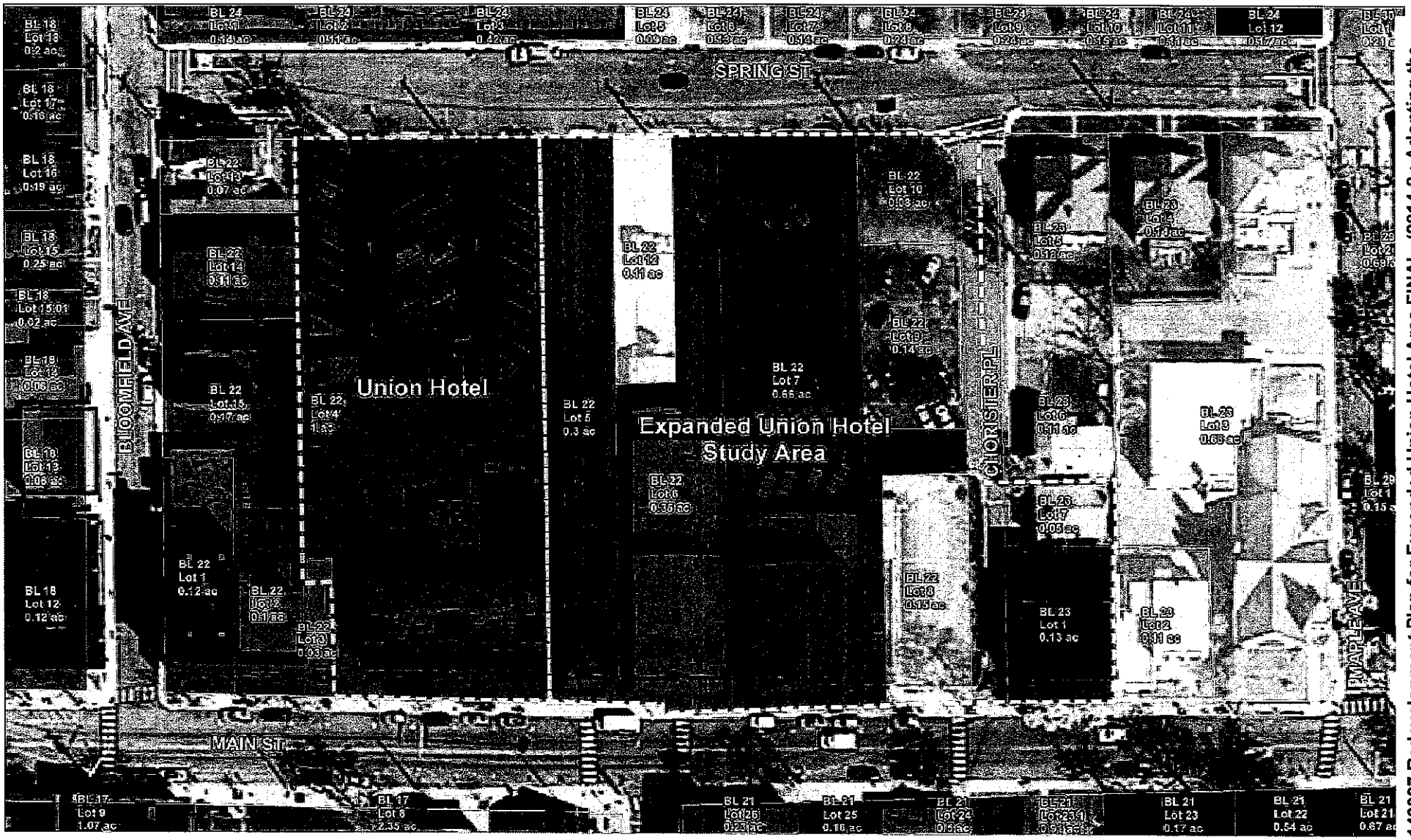
Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

As work has progressed on the contractual agreements to redevelop the Union Hotel, the Borough Council determined that the study area should be expanded. Resolution 2013-132 appended authorized the Planning Board to undertake a preliminary investigation to incorporate other properties to the south of the Union Hotel as "An Area in Need of Redevelopment" as well. The Board then directed Clarke Caton Hintz to undertake the study. The expanded study area includes the Lynn property (Block 22, Lots 5 & 12), the Tweed Group LLC (Block 22, Lot 6), Flemington Borough properties including police headquarters (Block 22, Lots 7, 8, 9 and 10), the Choir Building on Chorister Place (Block 23, Lot 7) and the Cortes and Hay Building (Block 23, Lot 1).

The existing Land uses are shown on the next page. Most of the properties are used or have been used commercially for offices and retail uses, although there are vacancies including in the Lynn Property, Tweed Property and the bank and offices on Lot 7 (90-100 Main Street) owned by the borough.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of



Existing Land Use

Expanded Union Hotel Study Area

Legend

Land Use

- Residential
- Multi-Family
- Commercial / Mixed Use
- Open Space
- Public School
- Public Property
- Church
- Cemetery
- Other Exempt
- Railroad Class I
- Vacant

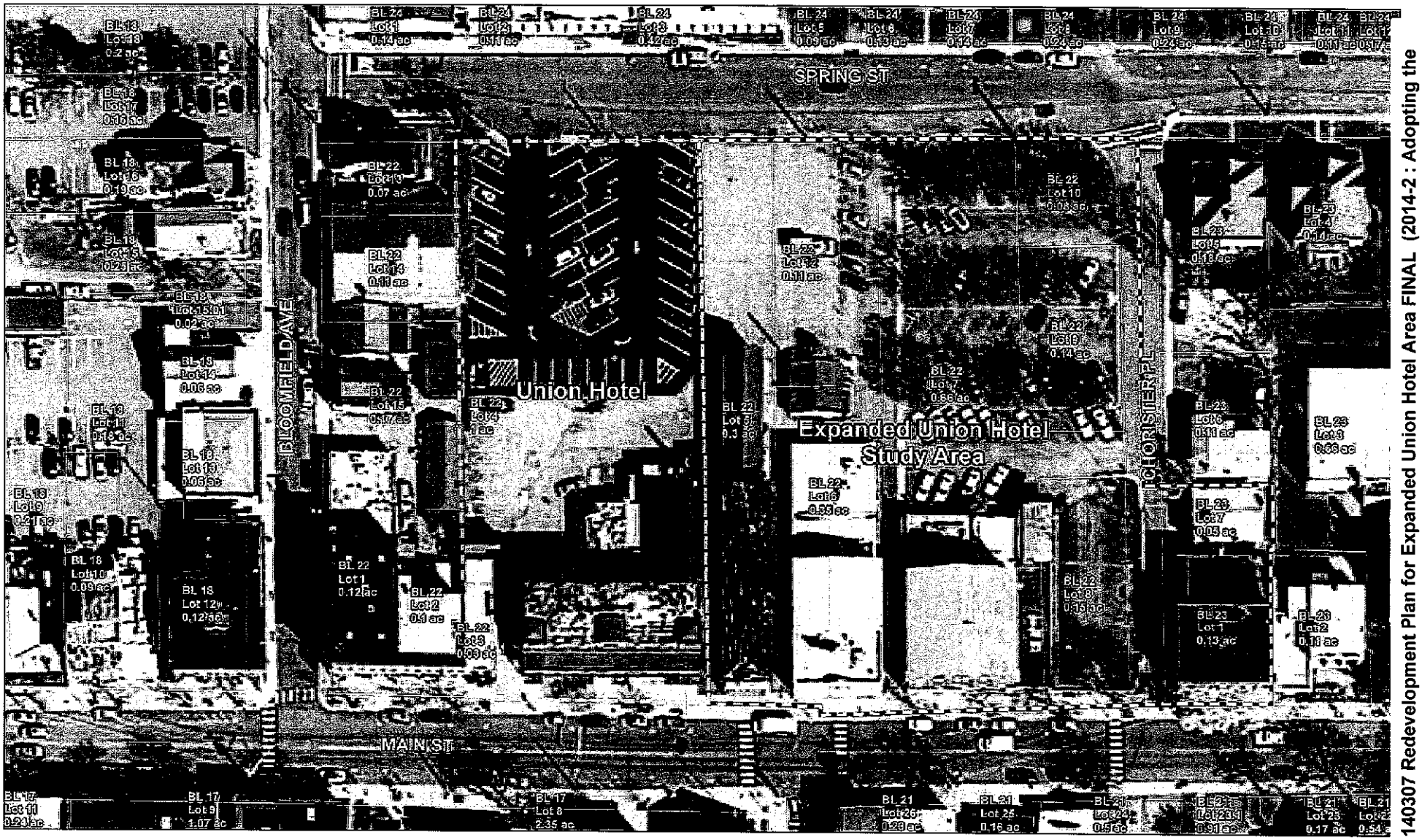
0 10 20 40 60 80 Feet

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

An aerial photo of the area is attached. The parking areas constitute about 50% of the area, all primarily accessible from Spring Street. Flemington Furs has an easement for parking on Lot 4, Block 22. Another large parking lot is on property owned by the borough. Parking for Lots 5 and 6 are linear and therefore limited. Lots 1 and 7 in Block 23 (Choir Building and 110 Main Street) both have no off street parking.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of



Aerial Photo

Expanded Union Hotel Study Area

Clarke Caton Hintz
Architecture
Planning
Landscape Architecture

There are parking issues as recognized by the Borough Council when it passed resolution 2013-132. The Union Hotel has approximately 10 spaces on Lot 4. Separated by a fence is the parking lot easement for Flemington Furs for 45 spaces. The Lynn property has 20 spaces on Lots 5 and 12 but they are not striped. The Tweed Group LLC to the immediate south has 14 parking spaces. The Borough properties which constitute 81 spaces, 15 of which are reserved for police vehicles. The Choir Building and Cortes and Hay Building have no off-street parking.

The parking demand for these combined properties is insufficient to meet the full occupancy of all of the buildings. There is some limited on-street parking on Spring Street and Main Street.

The following is an analysis of the square footage of the properties, the existing parking and the parking demand/supply:

PARKING SUPPLY/DEMAND*

Owner	Block and Lot	Current Parking	SF	Parking Excess/ Deficit
Union Hotel	22, 4	55, (45 Parking easement to Flemington Fur)	Unknown	Deficit but unknown
Lynn Property 78-80 Main St.	22, 5	20	4,492SF retail, 7,404SF office, Total 11,896SF	44 needed, 24 deficit
Tweed Group LLC 82 Main St.	22, 6	14	900SF retail, 8,526SF Office 2 Apts.(?)	34 needed 20 deficit
Borough/ Police, 90-100 Main Street	22, 7, 8, 9 & 10	81	Police, Bank (vacant), misc. office space 16,003SF	81 existing 56 needed 25 excess
Cortes and Hay, Bank/Offices 110 Main Street	23,1	-0-	9,500 sf (3,750 bank, 5,750 offices)	-0- 39 deficit
Choir Building 3 Chorister Place	23, 7	-0-	Public 2,1,28 sf	-0-

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Zoning for the area is entirely DB Downtown Business, which allows the following uses:

Permitted Principal Uses. In the Downtown Business Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.
2. Paint, glass and wallpaper sales and service (523).
3. Hardware store (525).
4. Lawn and garden center (5261).
5. Variety store (533).
6. General merchandise store (539).
7. Grocery store (541).
8. Meat and fish markets, including frozen food purveyors (542).
9. Fruit and vegetable market (543).
10. Candy, nut and confectionery store (544).
11. Dairy product sales (545).
12. Retail bakery (546).
13. Other food stores (549).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).
18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).
23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
29. Medical and dental offices (801, 802, 803, 804).

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

30. Municipal use.
31. Coin operated laundries, etc. (7215).
32. Miscellaneous repair (762-764).
33. Dance studios (791).
34. Travel agencies (4724).
35. Florists (5992).
36. Optical goods stores (5995).
37. Individual and family services (8322).
38. Farmer's market. (Ord. No. 2012-01)
39. Commercial Agriculture

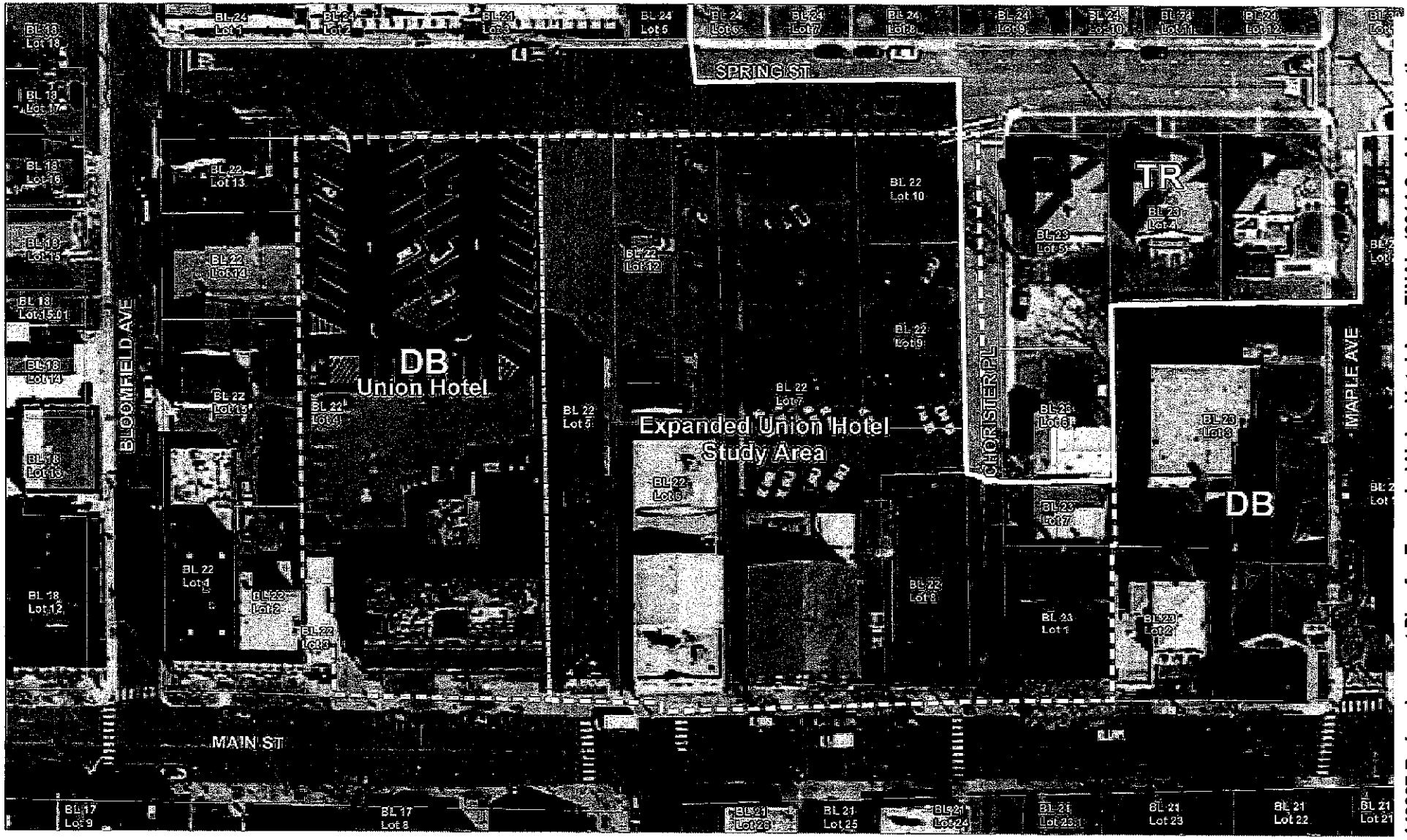
Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages used in conjunction with the principal use(S).
5. Fences and walls.
6. Signs, §2631.
7. Storage and maintenance buildings.
8. Solar facilities. (Ord. No. 2012-01)
9. Community gardening. (Ord. No. 2012-01)

The property owned by the Borough at 90-100 Main Street is unoccupied and the upper floors contain an old theater. If reused as a theater it would not be a permitted use. The other buildings and properties in this study area are all being utilized with various uses which conform to the permitted uses; however there are vacancies in 78-80 Main Street (Lynn Property) and the 82 Main Street (Tweed Property).

The minimum lot size in the DB zone is 7,000sf or 0.16 acres. A number of the properties are in single ownership although separate lots such as the Lynn Property or the borough's property. All of the properties meet the minimum lot size except for the Choir Building and the building occupied by Cortes and Hay. Those two properties are 0.05 acres or 2,178sf for the Choir Building and 0.13 acres or 5,662sf for the Cortes and Hay building.

With regard to loading requirements the Choir Building and the Cortes and Hay building they do not have loading areas and do not meet Section 2630 of the Zoning Ordinance.



Existing Zoning

Expanded Union Hotel Study Area

Flemington Borough, Hunterdon County, NJ December 2013

Legend

Zoning

DB - Downtown Business

TR - Transition Residential

Clarke Caton Hintz

Architecture

Planning

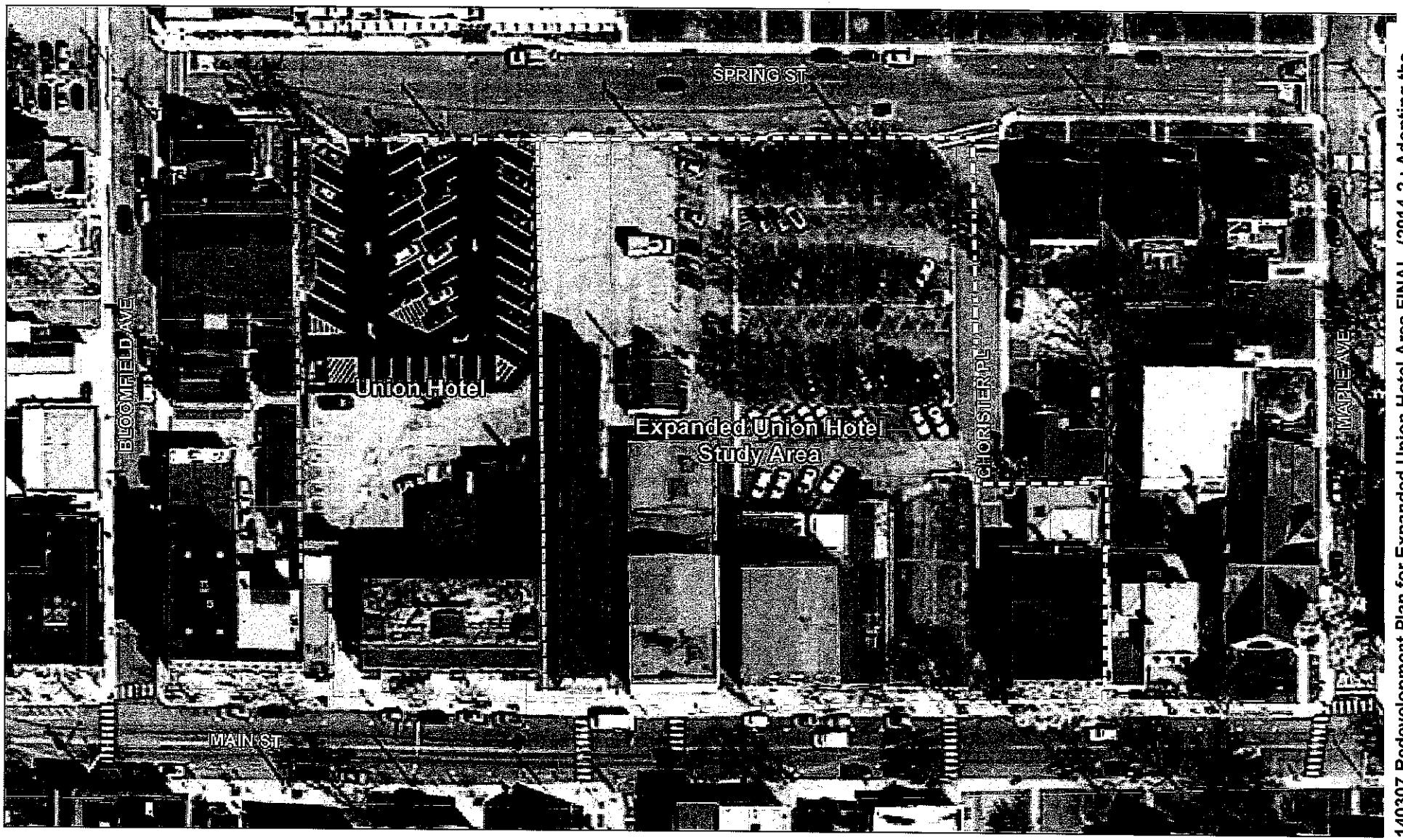
Landscape Architecture

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the

The entirety of the Study area is in the historic district. Several buildings (Union Hotel, vacant bank and theater and Choir Building) are all "significant", while others are categorized as "contributing" or "non-contributing historic contemporary".

See attached map.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of



Flemington Historic District

Expanded Union Hotel Study Area

[illegible] Borough, Hunterdon County, N[illegible] December 2013

Legend

HISTORIC BUILDING TYPE

- CONTRIBUTING
- ENCROACHING
- NON-CONTRIBUTING HISTORIC CONTEMPORARY
- SIGNIFICANT

0 10 20 40 60 80 Feet

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

Site & Surrounding Area Characteristics

The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space as to be conducive to unwholesome living or working conditions.

90 Main Street is substandard, unsafe, unsanitary, dilapidated and obsolescent. The building needs substantial upgrades to plumbing, electrical, fire safety and adequate means of ingress and egress to meet current building codes. It is a vacant building.

Does the building and its improvements, including parking, dilapidated, obsolescent, have faulty arrangement or design, lack of ventilation, light or sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or combination of these factors which are detrimental to the health, safety, morals or welfare of the community?

As described in the parking analysis only the borough property has sufficient parking although that could depend on the future re-use of the property. All of the other properties do not have sufficient parking today and depending on future use, more than likely will have a parking deficit in the future.

The Choir Building and the Cortes and Hay building are fully developed with structures and therefore have excessive land coverage. Cortes and Hay et al. does not have any parking and relies on the county parking lot on the west side of Main Street and the current excess spaces at the borough parking lots facing Spring Street.

The property owned by the borough which is vacant and known as 90 Main Street has been unoccupied for some time. The building will need new HVAC systems, new plumbing and sanitary facilities and does not meet adequate emergency access.

Have the buildings been discontinued in their previous usage for commercial, manufacturing or industrial purposes? And have they fallen into so great a state of disrepair so as to be untenantable?

The Lynn Property at 78-80 Main Street has had retail uses in the Storefront. The potting shed has closed, and an antique store is now open. The rest of the building is largely vacant offices.

Grom occupies part of the Tweed Building 82 Main Street, as offices, but the upper floors are vacant.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

The borough property at 90 Main Street has not been used as commercial or office space for some period of time.

Findings

The following conditions have been examined in the investigation:

- The continued vacancies at the Lynn Property, Tweed Property and 90 Main impacts the entire community because they are detrimental to the economic health of the borough since they are situated on Main Street in the center of the downtown business district..

- Currently, 90 Main Street is substandard, unsafe, unsanitary, dilapidated and contains unwholesome working conditions.

- There is currently not a viable Certificate of Occupancy for 90 Main Street as it lacks electrical service.

- There are numerous code violations within 90 Main Street which will need to be addressed in order to obtain a new Certificate of Occupancy.

- Based solely upon visual inspection and the age of 90 Main Street, it is likely construction work to remediate existing code violations, an environmental engineer should inspect the building and offer recommendations for the treatment of any environmental concerns prior to the space being safely occupied.

- Prior to occupancy, the will need to meet the requirements of a CommCheck. This is required with all construction activities requiring a building permit. The CommCheck will verify the minimum energy efficiencies within 90 Main Street. As such, to meet these requirements, the building will need additional insulation, rehabilitation of the existing window assemblies and work performed to replace the existing roofing and issues related to water conduction will need to be addressed.

- As stated earlier, based solely upon visual observation, there may be structural condition conditions with 90 Main Street. A structural engineer should inspect the buildings.

- Designation of the site is consistent with smart growth planning principles since all of Flemington Borough is located in a designated center pursuant to the State Development and Redevelopment Plan.

- There is insufficient parking to meet the full occupancy of most of the buildings in the Study Area.

Conclusion

Based on the above analysis, the Study Area meets the criteria for an area in need of redevelopment. There are vacancies in several of the buildings. Parking areas are insufficient to meet future full occupancy of the various buildings.

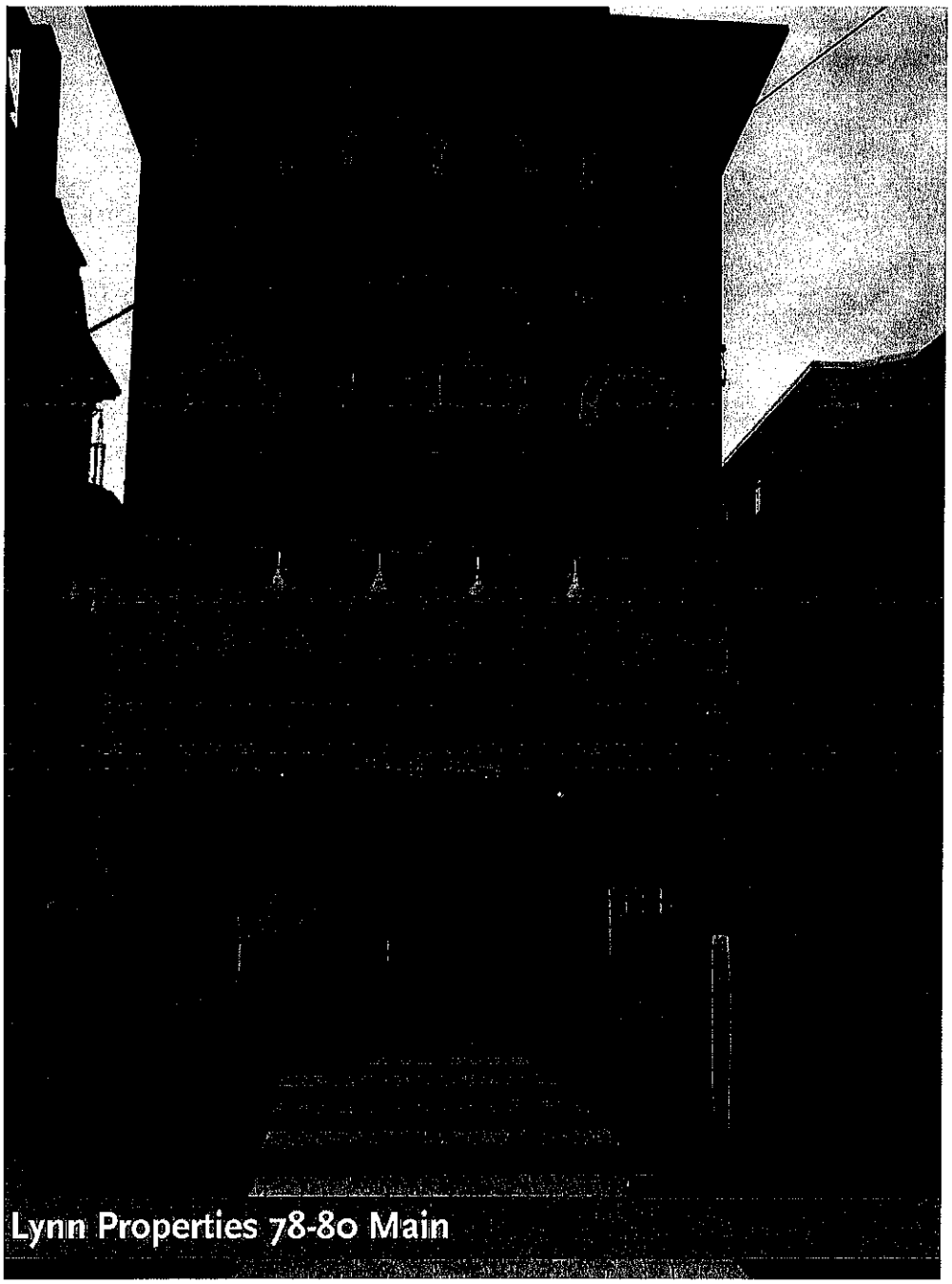
This finding was previously made with regard to the Union Hotel which now has a contractual agreement with the borough to redevelop the property.

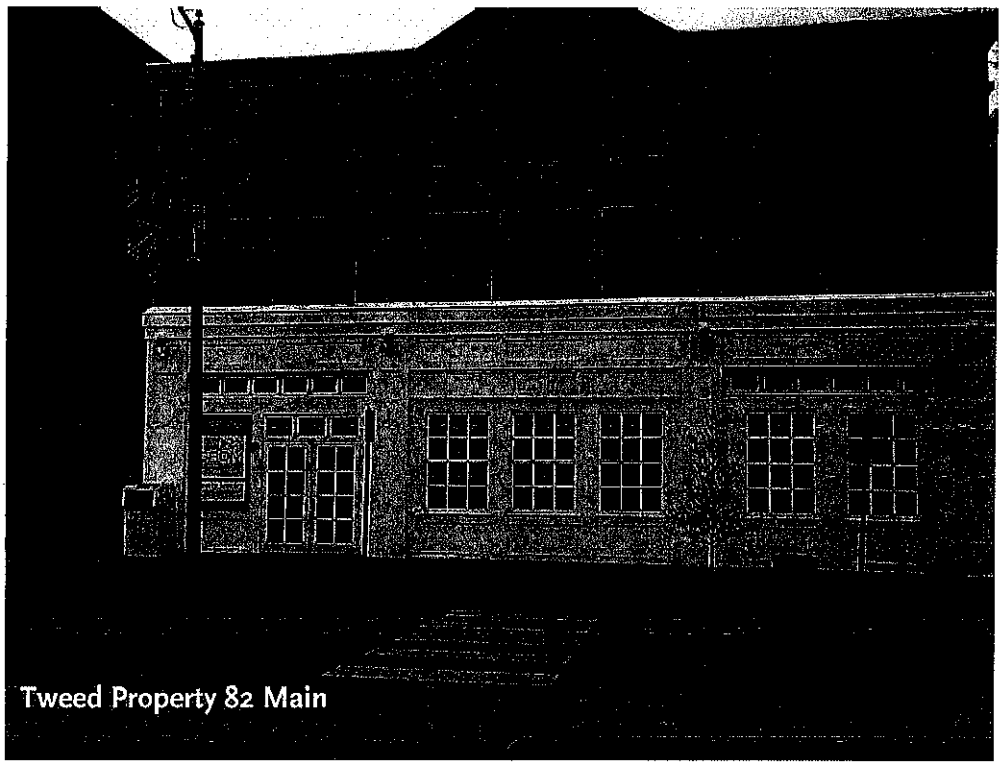
W:\5000's\Flemington Borough\Planning Board\5210.10\131216 Adopted Redevelopment Study.docx

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Photographs

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of


Lynn Properties 78-80 Main



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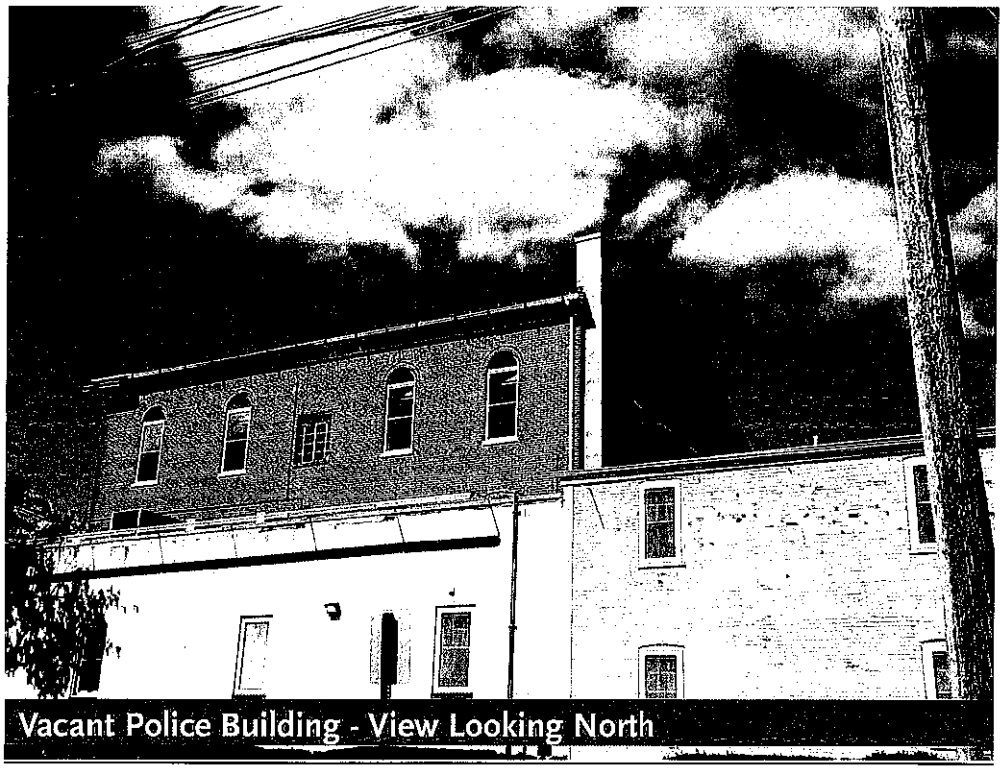


Vacant Police Building - View Looking North

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Stored Historic Windows

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Mezzanine Above Third Floor

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

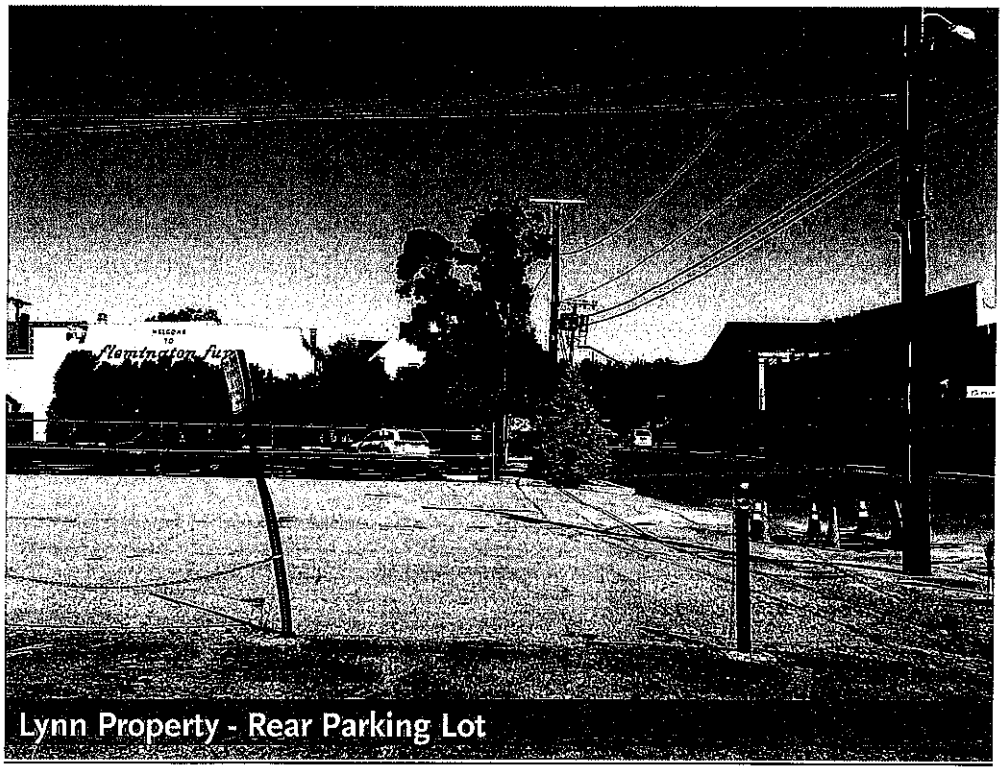
Choir Building and Rear of 110 Main Street

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Small Retail Building - Lot 6

Rear of 90 - 100 Main Street

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of



Lynn Property - Rear Parking Lot

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Appendices

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

RESOLUTION 2010 - 94
RESOLUTION DESIGNATING THE UNION HOTEL AS "AN AREA IN NEED OF REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, pursuant to Council Resolution 2010-82, adopted April 26, 2010, the Council of the Borough of Flemington directed the Planning Board to undertake a preliminary investigation to determine whether the Union Hotel, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map, (the "Study Area"), qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigations and prepared a report of its investigations entitled "Union Hotel, Preliminary Investigation For An Area In Need of Redevelopment", dated June 2010 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area exhibits conditions which conform with redevelopment criterion 'a', 'b', 'd', 'e' and 'h' under Section 5 of the Redevelopment Law, *N.J.S.A.* 40A:12A-5; and

WHEREAS, the Redevelopment Investigation Report recommends the designation of the Study Area as an Area in Need of Redevelopment pursuant to the Redevelopment Law; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein be and hereby is designated as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-5.

Adopted: June 14, 2010

Robert B. Hauck, Mayor

Attest:

Diane L. Schottman, RMC/CMC
Municipal Clerk

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on June 14, 2010.

Diane L. Schottman, RMC/CMC

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

RESOLUTION 2012-193

RESOLUTION CONDITIONALLY DESIGNATING FLEMINGTON UNION HOTEL, LLC, AS THE REDEVELOPER FOR THE UNION HOTEL AND AUTHORIZING THE REDEVELOPMENT COMMITTEE TO PURSUE THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council, established by resolution adopted September 27, 2010, conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

WHEREAS, the Council has reviewed and considered the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals based upon its evaluations of the Proposals and the interviews of the redeveloper candidates that submitted the Proposals; and

WHEREAS, based upon its consideration of all of the above, the Council has determined that the Proposal submitted by Flemington Union Hotel, LLC (the "Flemington Union Hotel Proposal"), best reflects a project designed to achieve the goals and objectives of the Redevelopment Plan and that Flemington Union Hotel, LLC is most uniquely-qualified to implement a project for the Union Hotel Property, has already taken significant steps toward and made substantial investment in the implementation of project for the Union Hotel, and has presented a sound financial plan to implement the project; and

WHEREAS, Flemington Union Hotel, LLC has provided detailed representations as to the sums of monies already invested into the Proposal personally by its principals, has provided detailed representations as to the additional financing secured in amounts sufficient to acquire title to the Union Hotel Property, acquisition of a liquor license for transfer to the Union Hotel Property, and carry out the Proposal through the planning and approval stages; and

WHEREAS, based upon the foregoing, the Council wishes to conditionally-designate Flemington Union Hotel, LLC, as the redeveloper of the Union Hotel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that Flemington Union Hotel, LLC is hereby conditionally-designated as the redeveloper for the Union Hotel, pursuant to Section 12 of the Union Hotel Redevelopment Plan, subject to and contingent upon the following conditions:

1. Flemington Union Hotel, LLC shall have acquired title to the Union Hotel Property within ninety (90) days hereof;

2. Flemington Union Hotel, LLC shall have acquired title to a liquor license transferable to the Union Hotel Property within ninety (90) days hereof;

3. Flemington Union Hotel, LLC shall execute a redevelopment agreement with the Borough within ninety (90) days hereof, which agreement shall set forth any other subsequent conditions and contingencies that are required by the Borough.

BE IT FURTHER RESOLVED that The Redevelopment Committee is hereby authorized engage in negotiations of such a redevelopment agreement with Flemington Union Hotel, LLC, such redevelopment agreement subject to review and approval by the Borough Council and the execution to be authorized by Council resolution.

BE IT FURTHER RESOLVED that if Flemington Union Hotel, LLC fails to comply with any of the conditions and contingencies set forth herein within the required time periods or meet any other requirements and expectations to reasonably assure the successful completion of the Project, and present such proposed redevelopment agreement to the Borough Council within ninety (90) days from the date hereof, Flemington Union Hotel, LLC's conditional-designation shall expire and be revoked, without need for further action or proclamation by the Council, unless, prior to the expiration of such ninety (90) days, the Council shall determine, in its sole discretion, to extend the time for the completion of any incomplete condition or contingency for a reasonable period of time, if such extension is deemed likely to result in completion of such condition or contingency.

BE IT FURTHER RESOLVED that this conditional-designation shall not be deemed to vest or secure any right or interest in the Union Hotel Property or the redevelopment of the

Union Hotel Property to Flemington Union Hotel, LLC, absent an executed redevelopment agreement, and, if no redevelopment agreement is executed and Flemington Union Hotel, LLC is de-designated as the conditional redeveloper for the Union Hotel Property, it shall have no rights or claims of interest with respect to the development of the Union Hotel Property.

Offered: Velella

Second: Greiner

Approved: Velella, Gorman, Swingle Greiner

Abset: Oberst, Hain

ATTEST:

Rebecca P. Newman, Clerk

Erica Edwards, Mayor

RESOLUTION 2013-27

RESOLUTION EXTENDING TIME FOR NEGOTIATIONS AND EXTENDING CONDITIONAL-DESIGNATION OF FLEMINGTON UNION HOTEL, LLC, AS THE REDEVELOPER FOR THE UNION HOTEL

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

WHEREAS, based upon its review and consideration of the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals, on November 26, 2012, the Council adopted Resolution 2012-193 (the "Resolution") conditionally-designating Flemington Union Hotel, LLC as the redeveloper of the Union Hotel Property; and

WHEREAS, the Resolution provided for a period of ninety (90) days for Flemington Union Hotel, LLC complete the following conditions of its conditional-designation:

1. acquire title to the Union Hotel Property;
2. acquire a liquor license for transfer to the Union Hotel Property; and
3. execute a redevelopment agreement with the Borough; and

WHEREAS, Flemington Union Hotel, LLC has completed the first condition of the Resolution and anticipates completing the second condition within the original ninety (90) day timeframe but the parties have not finalized the terms of the redevelopment agreement; and

WHEREAS Flemington Union Hotel, LLC has devoted and continues to devote substantial effort and time into investigating and seeking to secure additional capital financing, funding and potential grants for the Project; and

WHEREAS, the Resolution further provided that if prior to the expiration of such ninety (90) days, the Council shall determine, in its sole discretion, to extend the time for the completion of any incomplete condition or contingency for a reasonable period of time, if such extension is deemed likely to result in completion of such condition or contingency; and

WHEREAS, in recognition of the substantial accomplishments by Flemington Union Hotel, LLC toward this project the Council wishes to continue negotiations of the redevelopment agreement for this Project.

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that the conditional-designation of Flemington Union Hotel, LLC as redeveloper for the Union Hotel is hereby extended for an additional ninety (90) days.

BE IT FURTHER RESOLVED that if Flemington Union Hotel, LLC fails to assure completion of any of the conditions and contingencies set forth in Resolution 2012-193 and execute a redevelopment agreement with the Borough Council within such ninety (90) day extension period, Flemington Union Hotel, LLC's conditional-designation shall expire and be revoked, without need for further action or proclamation by the Council.

BE IT FURTHER RESOLVED that this conditional-designation shall not be deemed to vest or secure any right or interest in the Union Hotel Property or the redevelopment of the Union Hotel Property to Flemington Union Hotel, LLC, absent an executed redevelopment agreement and, if no redevelopment agreement is executed and Flemington Union Hotel, LLC is de-designated as the conditional redeveloper for the Union Hotel Property, it shall have no rights or claims of interest with respect to the development of the Union Hotel Property.

Offered:

Second:

Approved:

Attest:

Rebecca P Newman, RMC

Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 05/13/13 07:00 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1225

SCHEDULED

RESOLUTION 2013-78

Authorizing the Mayor and Clerk to Sign a Memorandum of Understanding Between the Borough of Flemington as the Redevelopment Entity and Union Hotel Hotel, LLC as the Redeveloper

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REDEVELOPMENT AGREEMENT WITH FLEMINGTON UNION HOTEL, LLC, AS THE REDEVELOPER FOR THE UNION HOTEL

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel Property"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Council of the Borough of Flemington adopted the Union Hotel Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on August 17, 2012, the Borough issued a Request for Development Concept Proposals for the Union Hotel Property (the "RFP"); and

WHEREAS, on September 28, 2012, the Borough received four (4) proposals in response to the RFP (the "Proposals"); and

WHEREAS, the Proposals were made available to the public and were provided to the members of the Council; and

WHEREAS, the Redevelopment Committee of the Council conducted interviews with each entity that submitted a Proposal and engaged in the process of evaluating and assessing the Proposals; and

WHEREAS, the Redevelopment Committee shared its assessments, comments and recommendations with respect to the Proposals with the members of the Council; and

WHEREAS, based upon its review and consideration of the Proposals and the assessments, comments and recommendations from the Redevelopment Committee concerning the Proposals, on November 26, 2012, the Council adopted Resolution 2012-193 (the

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

"Resolution") conditionally-designating Flemington Union Hotel, LLC as the redeveloper of the Union Hotel Property; and

WHEREAS, the Resolution provided for a period of ninety (90) days for Flemington Union Hotel, LLC to acquire title to the Union Hotel Property, acquire a liquor license and execute a redevelopment agreement with the Borough; and

WHEREAS, by Resolution 2013-27, adopted February 11, 2013, the Council of the Borough of Flemington extended the conditional-designation of Flemington Union Hotel, LLC as redeveloper for the Union Hotel for an additional ninety (90) days through May 25, 2013; and

WHEREAS, Flemington Union Hotel, LLC has completed the first two conditions of its conditional-designation and is prepared to execute a redevelopment agreement with the Borough; and

WHEREAS, the form of agreement annexed hereto and incorporated herein sets forth the rights and obligations between the Borough and Flemington Union Hotel, LLC with respect to the Union Hotel redevelopment.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Flemington that the Mayor of the Borough of Flemington be and hereby is authorized to execute the Redevelopment Agreement by and between the Borough of Flemington and Flemington Union Hotel, LLC, annexed hereto and made a part hereof.

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Offered:

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Second:

Approved:

ATTACHMENTS:

- mou (PDF)

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 08/12/13 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1303

ADOPTED

RESOLUTION 2013-132

Resolution Authorizing and Directing the Planning Board to Undertake a Preliminary Investigation to Determine Whether an Area of the Downtown to the South of the Union Hotel Meets the Statutory Criteria for "An Area in Need of Redevelopment" Pursuant to the Local Redevelopment and Housing Law

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel Property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, in May 2013, the Borough executed a Redevelopment Agreement with Flemington Union Hotel, LLC (the "Designated Redeveloper"), for the redevelopment of the Union Hotel;

WHEREAS, the Union Hotel Redevelopment Plan contemplated various alternative parking scenarios to address the increased demand that would likely result from such revitalization and reuse of the Union Hotel; and

WHEREAS, the Redevelopment Plan contemplated the possible inclusion and incorporation of certain properties surround the Union Hotel under a shared parking scenario by which the current owners and the Union Hotel would enter an arrangement to share parking to facilitate the respective uses; and

WHEREAS, the project proposed by the Designated Redeveloper will include uses that will likely generate parking demands in excess of the amount of parking spaces that could feasibly be constructed on the Union Hotel property; and

WHEREAS, one of the proposed parking solutions in the Union Hotel Redevelopment Plan was the inclusion of the remainder of Block 22 into a comprehensive parking plan to facilitate the redeveloped Union Hotel as well as existing businesses; and

WHEREAS, there exists an underutilized and largely vacant Borough-owned building within Block 22 to the south of the Union Hotel, separated by three additional privately-owned lots; and

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

BE IT FURTHER RESOLVED that the Planning Board shall specify a date for and give notice of the hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

BE IT FURTHER RESOLVED that the hearing notice shall set forth the general boundaries of the Study Area and state that a map has been prepared and can be inspected at the office of the Borough Clerk, and that a copy of the notice shall be published in a newspaper of general circulation in the Borough of Flemington once each week for two consecutive weeks, and the last publication shall be not less than ten (10) days prior to the date set for the hearing, and that a copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the Study Area according to the assessment records of the Borough of Flemington, as well as all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in any such parcel; and

BE IT FURTHER RESOLVED that the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area qualifies under the redevelopment criteria. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record; and

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Council in the form of a Resolution with supportive documentation.

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Phil Greiner, Councilman
SECONDER: Phil Velella, Council President
AYES: Swingle, Velella, Fine, Gorman, Novick, Greiner

Attachment: 140307 Redevelopment Plan for Expanded Union Hotel Area FINAL (2014-2 : Adopting the Redevelopment for the Area South of

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1531

SCHEDULED

RESOLUTION 2014-72

Authorizing the Governing Body's Redevelopment Committee for the Union Hotel Redevelopment Area, to Engage in Exclusive Negotiations with the Currently-Designated Union Hotel Redeveloper Concerning the Expanded Union Hotel Redevelopment Area

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, pursuant to Council Resolution 2010-94, adopted June 14, 2010, the Council of the Borough of Flemington designated the Union Hotel Property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map, as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, in May 2013, the Borough executed a Redevelopment Agreement with Flemington Union Hotel, LLC (the "Designated Redeveloper"), for the redevelopment of the Union Hotel;

WHEREAS, on February 10, 2014, the Borough adopted Resolution No. 2014-44, designating an area in the downtown south of the Union Hotel as an area in need of redevelopment under the Redevelopment Law (the "Expanded Redevelopment Area");

WHEREAS, on April 16, 2014 via Ordinance 2014-2 the Borough adopted a redevelopment plan for the Expanded Redevelopment Area (the "Expanded Redevelopment Area");

WHEREAS, the Borough believes that it is appropriate as a first step following the adoption of the redevelopment plan for the Expanded Redevelopment Area, to engage in discussions with the Designated Redeveloper for the Union Hotel about the redevelopment of the Expanded Redevelopment Area, prior to considering or discussing potential redevelopment with any other parties, which potential redevelopment may conflict with or be inconsistent with redevelopment plans for the Union Hotel which remains of critical importance to the overall goals and objectives of the redevelopment efforts in the original and Expanded Redevelopment Area.

WHEREAS, the period for exclusive discussions and negotiations with the Designated Redeveloper for the Union Hotel shall extend until June 30, 2014, which time period may be extended by the governing body in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the governing body's Redevelopment Committee for the Union Hotel Redevelopment Area is hereby authorized to engage in exclusive discussions and negotiations with Flemington Union Hotel, LLC concerning the redevelopment of the Expanded Union Hotel Redevelopment Area, including but not limited to negotiations concerning the use and/or sale of public property therein.

BE IT FURTHER RESOLVED that the Redevelopment Committee shall report the results and progress of its discussions and/or negotiations to the governing body prior to engaging in discussions with prospective redevelopers other than Flemington Union Hotel, LLC.

BE IT FURTHER RESOLVED, that the Redevelopment Committee shall not engage in discussions and negotiations with anyone other than Flemington Union Hotel, LLC concerning the redevelopment of the Expanded Redevelopment Area, including but not limited to negotiations concerning the use and/or sale of public property therein, unless and until it is so directed by the Borough Council.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on April 16, 2014.

Rebecca P. Newman, RMC

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1533

SCHEDULED

RESOLUTION 2014-73

Designating an Area of the Borough Inclusive of the Global Agway Site and Certain Adjacent and Proximate Properties, as More Particularly Described Herein, as an Area in Need of Redevelopment, Pursuant to the Local Redevelopment and Housing Law

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, on December 9, 2013, the Borough Council adopted a resolution directing the Planning Board to undertake a preliminary investigation to determine whether a portion of what is commonly known as the Global Agway property, located at on Walter Foran Boulevard/Main Street/ Hopewell Avenue, Flemington, as well as certain other properties in that vicinity located at 40-42 North Main Street and 39 North Main Street, as further identified by Lot and Block number below, qualify as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, et seq. (the "Redevelopment Law"):

Address	Block	Lot(s)
Walter Foran Boulevard/ Main Street/ Hopewell Avenue	5	1 & 2
40-42 North Main Street	14	1
39 North Main Street	1	13

(the above properties collectively referred to as the "Study Area"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigations and prepared a report of its investigations entitled "*Global Agway: Preliminary Investigation For An Area In Need of Redevelopment,*" dated March 20, 2014 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that Block 5, Lots 1 and 2 and Block 14, Lot 1 of the Study Area exhibit conditions which conform with criterion "b" and "h" under Section 5 of the Redevelopment Law, *N.J.S.A.* 40A:12A-5, by demonstrating "the discontinuance of use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a

state of disrepair as to be untenantable" (criteria b), and that a redevelopment designation would be consistent with smart growth planning principles (criteria h); and

WHEREAS, the Redevelopment Investigation Report concluded that the property identified as Block 1, Lot 13, located at 39 North Main Street, did not demonstrate sufficient conditions under any of the redevelopment criteria to support a redevelopment designation for that property and recommended that such property not be included in the area designated for redevelopment; and

WHEREAS, on April 7, 2014, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Carl E. Hintz, ASLA, CLA, PP, AICP, and Elizabeth K. McManus, LEED AP, PP, AICP, of CCH, as well as comments from members of the public in attendance; and

WHEREAS, the planners were questioned by an attorney for Nilkanth LLC, the owner of one of the parcels in the Study Area, and an engineer offered testimony on behalf of Nlkanth, LLC, concerning the structures on that property and the redevelopment criterion; and

WHEREAS, based upon the Redevelopment Investigation Report, the testimony of the planners concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area, with the exception of Block 1, Lot 13, meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Borough Council designate the Study Area, with the exception of Block 1, Lot 13, as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Council accepts the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wishes to designate the Study Area, with the exception of Block 1, Lot 13, as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein, inclusive of Block 5, Lots 1 and 2 and Block 14, Lot 1 and excluding Block 1, Lot 13, be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to *N.J.S.A.* 40A:12A-5 and *N.J.S.A.* 40A:12A-6.

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on April 16, 2014.

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

AGENDA ITEM 2014-10

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1511

Proclaiming June 13-14, 2014 as Relay for Life Days in Flemington Borough

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Relay for Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay for Life of Hunterdon County supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays - by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay for Life helped fund more than $150 million in cancer research last year.

NOW THEREFORE BE IT PROCLAIMED that June 13 and 14 of 2014 are "Relay for Life Days" in Flemington Borough on which citizens are encouraged to participate in the Relay for Life event at Hunterdon Central High School.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1532

SCHEDULED

RESOLUTION 2014-74

Authorizing the Filing of a Grant Application for Funding Under the 2014 Transportation Alternatives Program for Sidewalk and Streetscape Improvements to Main Street Between Bloomfield Avenue and Mine Street

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the New Jersey Department of Transportation (NJDOT) is accepting applications through May 15, 2014 for the 2014 Transportation Alternatives Program, which is being funded with federal funds;

WHEREAS, funds under the Transportation Alternatives Program are to be used for "non traditional" projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation's intermodal system;

WHEREAS, projects must fall into one or more of the seven (7) eligible Transportation Alternatives Program categories that are described in a brochure developed by the NJDOT on the program;

WHEREAS one of the project categories eligible for funding under the Transportation Alternatives Program is entitled "Landscaping and Other Scenic Beautification";

WHEREAS, Main Street in the Borough of Flemington between the railroad right-of-way and the monument at the East Main Street intersection is the core business district in the municipality;

WHEREAS, sidewalks and a streetscape exists within the Borough's core business district;

WHEREAS, the streetscape does not have a uniform look, is inconsistent with respect to sidewalk materials, lighting, fencing, and street furniture, and does not compliment the beautiful architecture of the buildings on Main Street according to a study commissioned in 2013 by the Flemington Business Improvement District ("FBID");

WHEREAS, the FBID 2013 Streetscape Improvement Evaluation contained recommendations on improvements to the sidewalks and streetscape in the core business area on Main Street to:

1. Provide a safe, pedestrian friendly environment in the core business area on Main Street.

2. Provide a consistent, uniform streetscape to enhance the beauty and aesthetics including sidewalks, fencing, lighting, benches, and other street furniture.

3. Reflect the Borough's history in the design of the streetscape improvements.

4. Incorporate design features in the streetscape improvement project to emphasize that the core business area on Main Street is the heart of the community including but not limited to a pedestrian plaza for community events.

5. Provide opportunities to showcase the arts along and within the streetscape.

6. Incorporate measures to calm traffic travelling through the core business area including but not limited to modifications of curb lines at intersections to narrow travel lane widths.

WHEREAS, the FBID 2013 Streetscape Improvement Evaluation contained a concept plan for the improvement of the Main Street streetscape;

WHEREAS, the Borough of Flemington is interested in filing an application with the NJDOT under the 2014 Transportation Alternatives Program to obtain monies to implement some or all of the recommendations contained in the FBID Streetscape Improvement Evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council hereby authorize the filing of an application with the NJDOT for 2014 Transportation Alternatives Program monies to improve the streetscape/sidewalk area within the Main Street right-of-way between Bloomfield Avenue and Mine Street.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to submit a certified copy of the resolution to the NJDOT's Local Aid office in Trenton.

Certified as a true copy of a resolution adopted by the Borough Council on April 16, 2014.

Rebecca Newman, RMC, Borough Clerk

Mayor Erica Edwards

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Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1503

SCHEDULED

RESOLUTION 2014-75

Authorizing a Counterclaim to be Filed on Tax Appeals Filed by Advantage Bank, Block 47 Lot 8, Hess Realty Corporation, Block 44 Lot 3 and 70 Church Spice Factory LLC, Block 39 Lot 3

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the owners of certain real property located in the Borough of Flemington have filed complaints with the Tax Court of New Jersey challenging the assessments established by the Borough Tax Assessor for purposes of local taxation for tax year 2014, as follows:

OWNER	STREET ADDRESS	BLOCK/LOT
Advantage Bank	224 S. Main Street	Block 47, Lot 8
Hess Realty Corporation	10 Highway 31	Block 44, Lot 3
70 Church Spice Factory LLC	70 Church Street	Block 39, Lot 3

WHEREAS, the Mayor and Common Council of the Borough, on the advice of the tax assessor for the Borough, have determined that it is in the best interest of the Borough to defend each of the above appeals and to file counterclaims with the Tax Court of New Jersey claiming, *inter alia*, that the 2014 assessment for each property should be increased to the fair assessable value thereof;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington as follows:

1) The Borough shall defend each of the above appeals; and

2) The execution and filing, on behalf of the Borough, of a counterclaim in each of the above appeals with the Tax Court of New Jersey by the Borough Attorney be and is hereby authorized, ratified and confirmed; and

3) The Borough Attorney be and he is hereby authorized to prosecute the defense of the appeals and counterclaims to conclusion; and

4) Certified copies of this Resolution shall be forwarded to appropriate persons by the Borough Clerk.

Adopted: April 16, 2014

Erica Edwards, Mayor

Attest:

Rebecca Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-76

DOC ID: 1504

Authorizing a Town Wide Yard Sale to be Held on May 3 Rd and 4 Th 2014

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough holds an annual town wide yard sale in the spring; and

WHEREAS, the date that is preferable to hold this sale is May 3rd and 4th, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the annual town wide yard sale be held on May 3rd and 4th of 2014

BE IT FURTHER RESOLVED, that the Clerk be authorized to place an ad in the local newspaper to advertise this event.

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1509

SCHEDULED

RESOLUTION 2014-77

Authorizing the Charges for Maintenance of 82 Broad Street to be Collected by the Tax Collector

Borough of Flemington
County of Hunterdon

WHEREAS, the property owners of 82 Broad Street vacated their property; and

WHEREAS, the bank has taken title to the property; and

WHEREAS, the property was not being maintained and became overgrown and hazardous to the surrounding community; and

WHEREAS, after several attempts to rectify the hazards with the bank holding the title were unsuccessful, Flemington Borough's Department of Public Works were instructed to correct these hazards; and

WHEREAS, the cost to correct these hazards are as follows:

June 11th, 2012 - Initial clean up $750.00

June 18 & 25, July 2, 9, 16, 24 & 31, August 6, 15,22 & 29, September 4, 11, 17 & 25, October 3, 8 & 16, November 14 of 2012 - Mowing, string trimming and clearing at $85.00 per visit

19 cuts @ $85.00 = $1,615.00

WHEREAS, the tax collector is authorized to collect unpaid municipal charges pursuant to State statute.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, County of Hunterdon, State of New Jersey, that the amount of $2,365.00 be added as an unpaid municipal charge to Block 27 Lot 5 known as 82 Broad Street to be collected by the tax collector.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1522

RESOLUTION 2014-78

Appointing Tom Cladek to the Flemington-Raritan Parks and Recreation Committee

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, a vacancy exists on the Flemington-Raritan Parks and Recreation Committee; and

WHEREAS, Tom Cladek has expressed a desire to serve on the Flemington-Raritan Parks and Recreation Committee.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Tom Cladek be appointed to the Flemington-Raritan Parks and Recreation Committee.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1521

SCHEDULED

RESOLUTION 2014-79

Authorizing a Counter Petition to be Filed for the Tax Appeal Filed on Block 39 Lot 9, Located at 10 Highway 31 by Flemington FC, LLC

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the owner of certain real property located in the Borough of Flemington has filed a Petition of Appeal with the Hunterdon County Board of Taxation challenging the assessment established by the Borough Tax Assessor for purposes of local taxation for tax year 2014, as follows:

OWNER	STREET ADDRESS	BLOCK/LOT
Flemington FC LLC	10 Highway 31	Block 39, Lot 9

WHEREAS, the Mayor and Common Council of the Borough, on the advice of the tax assessor for the Borough, have determined that it is in the best interest of the Borough to defend the above appeal and to file a counter petition with the Hunterdon County Board of Taxation claiming, *inter alia*, that the 2014 assessment for the property should be increased to the fair assessable value thereof;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington as follows:

1) The Borough shall defend the above appeal; and

2) The execution and filing, on behalf of the Borough, of a counter petition of appeal in the above appeal with the Hunterdon County Board of Taxation by the Borough Attorney be and is hereby authorized, ratified and confirmed; and

3) The Borough Attorney be and he is hereby authorized to prosecute the defense of the appeal and counter petition to conclusion; and

4) Certified copies of this Resolution shall be forwarded to appropriate persons by the Borough Clerk.

Adopted: April 16, 2014

Erica Edwards, Mayor

Attest:

Rebecca Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1507

SCHEDULED

RESOLUTION 2014-80

Authorizing the Mayor and Clerk to Sign an Agreement with Martin Allen, Esq of the Firm DiFranceso, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum P.C. to Represent the Borough in a Tax Appeal Filed by Liberty Village

Borough of Flemington
County of Hunterdon

WHEREAS, Liberty Village has filed a tax appeal; and

WHEREAS, Thomas Denitzio, of Greenbaum, Rowe, Smith and Davis, LLP, was appointed as Legal Counsel to represent the Borough of Flemington on tax appeals; and

WHEREAS, the firm of Greenbaum, Rowe, Smith and Davis, LLP has a pre-existing business relationship with Liberty Village; and

WHEREAS, Martin Allen, Esq of the Firm DiFranceso, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum P.C. has submitted a proposal to represent the Borough for a fee of $160.00 per hour.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Martin Allen, Esq is appointed to represent the Borough in the tax appeal for Liberty Village at a rate of $160.00 per hour.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1518

RESOLUTION 2014-81

Authorizing the Hiring of Stephen Cottone as a DPW Laborer at a Rate of $17.57 Per Hour Effective 5/1/14

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Robert Godown, public works laborer, is retiring effective April 30, 2014; and

WHEREAS, the position of DPW laborer needs to be filled; and

WHEREAS, the Borough accepted applications and interviewed several candidates; and

WHEREAS, Stephen Cottone is the strongest candidate for the position.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Stephen Cottone be hired as a DPW Laborer effective May 1, 2014 at a rate of $17.57 per hour.

Adopted: 4/16/14

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1530

SCHEDULED

RESOLUTION 2014-82

Authorizing the Mayor and Clerk to Sign a Lease Renewal with Raritan Township for the Use of the Municipal Court and Office Space

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough is in need of appropriately configured space for its municipal court; and

WHEREAS, the Township of Raritan has provided such space in the recent past and is willing to continue to do so for a $300.00 increase in rent over last year; and

WHEREAS, the term of this lease will be from March 1, 2014 through February 28, 2015.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Mayor and Clerk are authorized to sign a lease with Raritan Township for Municipal Court Space for the 2014-2015 period.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1506

SCHEDULED

RESOLUTION 2014-83

Authorizing the Redemption of Tax Sale Certificate # 2013-0183 Held on Block 27 Lot 5 and Instructing the CFO to Issue a Check in the Amount of $1,136.41 Plus a Premium in the Amount of $1,300.00 to Chrysalis Investors, LLC

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, fund were received in the amount of $1,136.41 for the redemption of tax sale certificate # 2013-013; held on Block 27 Lot 5 known as 82 Broad Street, property owner Christopher and Stephanie Barth, certificate owner, Chrysalis Investors, LLC.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of $1,136.41 for the redemption of tax sale certificate #2032-013, held on Block 27 Lot 5, plus a premium in the amount of $1,300.00 made payable to Chrysalis Investors, LLC.

Attach a copy of this resolution and mail to:

Chrysalis Investors, LLC
76 Miry Brook Road
Trenton, NJ 08690

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: April 16, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1505

SCHEDULED

RESOLUTION 2014-84

Authorizing the Redemption of Tax Sale Certificate # 2013-015 Held on Block 35 Lot 55 and Instructing the CFO to Issue a Check in the Amount of $2,156.84 Plus a Premium in the Amount of $1,200.00 to US Bank Cust for BV001 Trust

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, fund were received in the amount of $2,156.84 for the redemption of tax sale certificate # 2013-015; held on Block 35 Lot 55 known as 82 Broad Street owner Joseph Ashforth, certificate owner, US Bank Custody for BV001 Trust

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey to instruct the Treasurer to issue a check in the amount of $2,156.84 plus a premium in the amount of $1,200.00 for the redemption of tax sale certificate #2013-015, held on Block 35 Lot 55, made payable to US Bank Cust for BV001 Trust.

Attach a copy of this resolution and mail to:

US Bank Cust for BV001
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: April 16, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1517

SCHEDULED

RESOLUTION 2014-85

Supporting a No Passing Zone on Route 31

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 31 in the Borough of Flemington; and

WHEREAS, NJDOT revealed the current centerline pavement markings on Route 31 meet and conform to current design standards, and

WHEREAS, NJDOT will update existing records to reflect current NO PASSING ZONE conditions along (US) (NJ) Route 31.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that it supports the use of a NO PASSING ZONE on Route 31 in the Borough of Flemington.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the NJDOT as requested.

Adopted: April 16, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

I, Rebecca Newman, do hereby certify that the foregoing is a true copy of a resolution adopted by the Flemington Borough Mayor and Council at a meeting held on the 16th day of April, 2014.

Rebecca P. Newman, RMC
Borougb Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1524

SCHEDULED

ORDINANCE 2014-4

First Reading: an Ordinance to Remove a Restriction on the Location of Outdoor Dining Areas in the Downtown Business District (Section 2620.F.2.E)

2620 DOWNTOWN BUSINESS (DB) DISTRICT

A. Purpose. The purpose of the Downtown Business (DB) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) Zone and the Village Artisan Shopping (VAS) Zone. (Ord. No. 2012-15)

B. Permitted Principal Uses. In the Downtown Business II Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.

2. Paint, glass and wallpaper sales and service (523).

3. Hardware store (525).

4. Lawn and garden center (5261).

5. Variety store (533).

6. General merchandise store (539).

7. Grocery store (541).

8. Meat and fish markets, including frozen food purveyors (542).

9. Fruit and vegetable market (543).

10. Candy, nut and confectionery store (544).

11. Dairy products sales (545).

12. Retail bakery (546).

13. Other food stores (549).

14. Apparel and accessories store (56).

15. Furniture and accessories store (57).

16. Restaurants, excluding fast food restaurants (581).

17. Drug and proprietary stores (591).

Attachment: 2620-041420141115041 (2014-4 : Outdoor Dining - Section 2620)

18. Second hand shops (593).

19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).

20. Opticians and optical goods (5995).

21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).

22. Offices for finance, insurance, and real estate services (60-65, 67).

23. Photographic and portrait studio (7221).

24. Beauty (7231) and barber (7241) shops.

25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).

26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).

27. Legal services (8111).

28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).

29. Medical and dental offices (801, 802, 803, 804).

30. Municipal use.

31. Coin operated laundries, etc. (7215).

32. Miscellaneous repair (762-764).

33. Dance studios (791).

34. Travel agencies (4724).

35. Florists (5992).

36. Optical goods stores (5995).

Attachment: 2620-0414201411 5041 (2014-4 : Outdoor Dining - Section 2620)

37. Individual and family services (8322).

38. Farmer's market. (Ord. No. 2012-01)

39. Commercial agriculture. (Ord. No. 2012-01)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.

2. Outdoor display.

3. Off-street parking.

4. Private garages used in conjunction with the principal use(s).

5. Fences and walls.

6. Signs, § 2631.

7. Storage and maintenance buildings.

8. Solar facilities. (Ord. No. 2012-01)

9. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Bed and breakfast accommodation conforming to the following criteria:

a. No more than 6 guest rooms or suites shall be permitted.

b. No expansion of the existing dwelling shall be permitted.

c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.

d. No parking shall be permitted in the front yard.

e. Only guests of the facility and their invitees shall be served food and drink on the premises.

Attachment: 2620-0414201411 5041 (2014-4 : Outdoor Dining - Section 2620)

f. No cooking facilities shall be permitted in guest rooms or suites.

g. There shall be a maximum residency limitation on all guests of 30 days.

2. Public and private non-profit day school meeting the following criteria:

a. The minimum lot size shall be 3 acres.

b. The minimum lot frontage shall be 150 feet.

c. No building shall be located within 50 feet of a lot line.

d. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.

e. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.

3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Non-Municipal Use	7,000 sf	45'	100'	25'(1)	0'	50'	40'(2)	.75
Accessory Buildings(3)				NP	15'	30'	18'	
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.
(1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
(2) - Or 3 stories, whichever is less.
(3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2012-01)

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.

2. Outdoor Dining. Outdoor dining shall conform to the following requirements:

Attachment: 2620-0414201411 5041 (2014-4 : Outdoor Dining - Section 2620)

a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.

b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.

c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Outdoor dining areas may only be located ~~in front of~~adjacent to the building in which the restaurant operates.

f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

g. No food or drink shall be prepared in the outdoor dining area.

h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.

i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.

j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.

3. Outdoor Display. Outdoor displays shall conform to the following requirements:

a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.

b. All displays shall allow at least 5 feet of passage between the display and the curb.

c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

Attachment: 2620-04142014115041 (2014-4 : Outdoor Dining - Section 2620)

e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.

f. Displays shall not extend more than 4 feet from the facade of the building.

g. The only merchandise which may be displayed is the merchandise sold by the business.

h. No display may exceed 6 feet in height.

i. Displays shall be maintained in an orderly fashion and shall not create a hazard.

j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.

k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this Ordinance or other rule or regulation.

4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

Attachment: 2620-04142014115041 (2014-4 : Outdoor Dining - Section 2620)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

ORDINANCE 2014-5

DOC ID: 1527

First Reading: an Ordinance Removing a Restriction on the Location of Outdoor Dining Areas in the Village and Artisan Shopping District (Section 2623.F.2.E)

2623 VILLAGE ARTISAN SHOPPING (VAS) DISTRICT

A. Purpose. The purpose of the Village Artisan Shopping (VAS) District is to include the majority of the destination oriented retail outlet shopping in Flemington. This district is highway oriented but is designed to encourage walking from store to store once the destination has been reached. It contrasts with the more pedestrian oriented outlet shopping in the Downtown Business district and the more highway oriented shopping in the Highway Retail zone. The district is also intended for artisans who sell or produce arts and crafts and offer instruction (subject to terms of conditional use for manufacturing). An overall site plan may be submitted for a village shopping center, indicating buildings, driveways, loading and parking areas, lighting, landscape, provisions for storm drainage and signs. Once approved, modification may be made to the plan as a minor site plan to the Planning Board, if there is no effect on external circulation, lighting, drainage, landscaping or signs.

B. Permitted Principal Uses. In the Village Artisan Shopping Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their National American Industry Classification System (NAICS) number. (Ord. No. 2012-15)

The following establishments or uses shall be permitted:

***Editor's Note:** SIC Codes provided.

1. Paint, glass and wallpaper sales and service (SIC 523).
2. Hardware store (SIC 525).
3. Lawn and garden center (SIC 5261).
4. Variety store (SIC 533).
5. General merchandise store (SIC 539).
6. Grocery store (SIC 541).
7. Meat and fish markets, including frozen food purveyors (SIC 542).
8. Fruit and vegetable market (SIC 543).
9. Candy, nut and confectionery store (SIC 544).
10. Dairy products sales (SIC 545).
11. Retail bakery (SIC 546).
12. Other food stores (SIC 549).

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

13. Department stores (SIC 531).

14. Apparel and accessories store (SIC 56).

15. Furniture and accessories store (SIC 57).

16. Restaurants (SIC 581).

17. Drug and proprietary stores (SIC 591).

18 Second hand shops (SIC 593).

19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (SIC 594).

20. Opticians and optical goods (SIC 5995).

21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (SIC 5999).

22. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (SIC 7699).

23. Physical fitness centers (SIC 7991).

24. Municipal use.

25. Places of worship.

26. Child day care services (SIC 8351).

27. Miscellaneous repair (SIC 762-764).

28. Dance studios (SIC 791).

29. Wood kitchen cabinets (SIC 2434).

30. Jewelry manufacturing (SIC 3911).

31. Optical goods stores (SIC 5995).

32. Plumbing, heating and air-conditioning contracting (SIC 1711), however, no outside storage is permitted.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

33. Finance, insurance, etc. (SIC 60-65, 67)

34. Photographic studios, beauty and barber shops (SIC 7221, 7231, 7241, 7251).

35. Farmer's market. (Ord. No. 2012-01)

36. Commercial agriculture. (Ord. No. 2012-01)

37. Artisan studios. (Ord. No. 2012-15)

38. Learning center. (Ord. No. 2012-15)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.

2. Outdoor display.

3. Off-street parking.

4. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.

5. Fences and walls.

6. Signs, § 2631.

7. Storage and maintenance buildings.

8. Kiosks, if located surrounded by building of the village stores and not visible to any residential stores.

9. Solar facilities. (Ord. No. 2012-01)

10. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. Subject to the following conditions:

1. Bed and breakfast. (Ord. No. 2011-10; Ord. No. 2012-15)

a. No more than 6 guest rooms or suites shall be permitted.

b. No expansion of the existing dwelling shall be permitted.

Attachment: 2623-041420141115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.

d. No parking shall be permitted in the front yard.

e. Only guests of the facility and their invitees shall be served food and drink on the premises.

f. No cooking facilities shall be permitted in guest rooms or suites.

g. There shall be a maximum residency limitation on all guests of 30 days.

2. Corporate offices conforming to the following criteria. (Ord. No. 2011-10; Ord. No. 2012-15)

a. Properties shall front on Route 12 with direct access to the State highway.

b. Corporate offices may be permitted only if they constitute at least 7,500 square feet of an existing building.

c. Corporate offices include companies who are engaged in business, service, education, industry or finance, including professions such as accounting, law or medicine or related fields. Such offices may include ancillary services for office workers such as a restaurant, coffee shop or newspaper stand.

d. Floor area ratio shall not exceed 0.25.

e. Minimum lot area shall be 40,000 square feet.

f. Parking shall comply with § 2629 Parking.

g. Signs shall comply with § 2631 Signs.

3. Artisan manufacturing. (Ord. No. 2012-15)

a. Minimum setback from any residential use or residential zone shall be 30 feet.

b. Such uses may only be located on Fulper Street, Central Avenue and Stangle Road.

c. Any noxious odors or fumes, or hazardous chemical substances shall be properly vented or contained as warranted.

d. Parking shall comply with § 2629 Parking.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

e. Signs shall comply with § 2631 Signs.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to the VAS District.

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Retail, Service and Office Uses	65,000 sf	150'	200'	35'	15'	50'	35'(1)	.80(2)
Accessory Building(3)				NP	15'	30'	18'	
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80

NP = Not Permitted.
(1) - Or 2 1/2 stories, whichever is less. The height may be increased to 50 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.
(2) - Maximum lot coverage may be increased to .82 if additional landscaped areas are provided with trees, shrubs and proper ground cover treatment.
(3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2011-17; Ord. No. 2012-01)

F. Additional Regulations for Office Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.

2. Outdoor Dining. Outdoor dining shall conform to the following requirements:

a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.

b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.

c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Outdoor dining areas may only be located ~~in front of~~adjacent to the building in which the restaurant operates.

f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

g. No food or drink shall be prepared in the outdoor dining area.

h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.

i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.

j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.

3. Outdoor Display. Outdoor displays shall conform to the following requirements:

a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.

b. All displays shall allow at least 5 feet of passage between the display and the curb.

c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.

f. Displays shall not extend more than 4 feet from the facade of the building.

g. The only merchandise which may be displayed is the merchandise sold by the business.

h. No display may exceed 6 feet in height.

i. Displays shall be maintained in an orderly fashion and shall not create a hazard.

j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.

k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this Ordinance or other rule or regulation.

4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be

Attachment: 2623-041420141115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1526

SCHEDULED

ORDINANCE 2014-6

First Reading: an Ordinance to Remove a Restriction on the Location of Outdoor Dining Areas in Transition Commercial District (Section 2618.E.3.E)

2618 TRANSITION COMMERCIAL (TC) DISTRICT

A. Purpose. The purpose of the Transition Commercial (TC) District is to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor storage which were developed in proximity to rail lines or highways.

B. Permitted Principal Uses. In the Transition Commercial Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Plumbing, heating and air-conditioning contracting (1711), however, no outside storage is permitted.

2. Painting and paperhanging contracting (172).

3. Electrical contracting (173).

4. Paint, glass and wallpaper sales and service (523).

5. Hardware store (525).

6. Lawn and garden center (5261).

7. Variety store (533).

8. General merchandise store (539).

9. Grocery store (541).

10. Meat and fish markets, including frozen food purveyors (542).

11. Fruit and vegetable market (543).

12. Candy, nut and confectionery store (544).

13. Dairy products sales (545).

14. Retail bakery (546).

15. Other food stores (549).

16. Apparel and accessories store (56).

17. Furniture and accessories store (57).

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commerical District)

18. Restaurants, excluding fast food restaurants (581).

19. Drug and proprietary stores (591).

20. Second hand shops (593).

21. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).

22. Opticians and optical goods (5995).

23. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).

24. Offices for finance, insurance, and real estate services (60-65, 67).

25. Dry cleaners (7212), dry cleaning plant excepting rug cleaning (7216), laundry services excluding coin-operated services (7219).

26. Photographic and portrait studio (7221).

27. Beauty (7231) and barber (7241) shops.

28. Shoe repair and shoeshine services (7251).

29. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).

30. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).

31. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile (motor vehicle) repair (7699).

32. Physical fitness facility (7991).

33. Legal services (8111).

34. Child day care services (8351)

Attachment: 2618-041420141115129 (2014-6 : Outdoor Dining Transitional Commerical District)

35. Medical and dental offices (801, 802, 803, 804).

36. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).

37. Municipal use.

38. Paperbound containers and boxes (265).

39. Miscellaneous Repair (762-764).

40. Dance studios (791).

41. Metalworking machinery (354).

42. Electrical apparatus and equipment (5063).

43. Florists (5992).

44. Optical goods stores (5995).

45. Individual and family services (8322).

46. Labor organizations (8631).

47. Sales offices only for wholesale machinery.

48. Community gardening. (Ord. No. 2012-10)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.

2. Outdoor display.

3. Off-street parking.

4. Private garages for commercial vehicles used in conjunction with the principal use.

5. Fences and walls.

6. Signs, § 2631.

7. Storage and maintenance buildings.

Attachment: 2618-041420141115129 (2014-6 : Outdoor Dining Transitional Commerical District)

8. Solar facilities. (Ord. No. 2012-01)

9. Community gardening. (Ord. No. 2012-01)

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TC Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Use	20,000 sf	100'	175'	25'	15'(1)	50'	35'(2)	.70	.22
Accessory Building(3)				NP	15'	30'	18'	inclusive	
Municipal	2,000 sf	20'	50'	5'	5'	5'		35'	.25

NP = Not Permitted.
(1) - Minimum side yard shall increase to 35 feet where adjacent to a residential use.
(2) - Or 2 stories, whichever is less.
(3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. 2012-01)

E. Additional Regulations for Retail and Service Uses.

(1) Outdoor storage of materials shall be permitted in side or rear yards only. Such storage shall be screened from the view of adjacent uses and any public street by a combination of fencing, walls and landscaping in accordance with the standards of §1632.

(2) All equipment stored on the site shall be placed within an enclosed building.

(3) Outdoor Dining. Outdoor dining shall conform to the following requirements:

a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.

b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.

c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commerical District)

e. Outdoor dining areas may only be located ~~in front of~~adjacent to the building in which the restaurant operates.

f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

g. No food or drink shall be prepared in the outdoor dining area.

h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.

i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.

j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.

4. Outdoor Display. Outdoor displays shall conform to the following requirements:

a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.

b. All displays shall allow at least 5 feet of passage between the display and the curb.

c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.

f. Displays shall not extend more than 4 feet from the facade of the building.

g. The only merchandise which may be displayed is the merchandise sold by the business.

h. No display may exceed 6 feet in height.

i. Displays shall be maintained in an orderly fashion and shall not create a hazard.

j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commerical District)

k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commerical District)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

ORDINANCE 2014-7

DOC ID: 1525

First Reading: an Ordinance to Remove a Restriction on the Location of Outdoor Dining Areas in the Downtown Business II District (Section 2621.F.2.E)

2621 DOWNTOWN II BUSINESS (DBII) DISTRICT

A. Purpose. The purpose of the Downtown Business II (DBII) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) zone and the Village Artisan Shopping (VAS) Zone. (Ord. No. 2012-15)

B. Permitted Principal Uses. In the Downtown Business II Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.

2. Paint, glass and wallpaper sales and service (523).

3. Hardware store (525).

4. Lawn and garden center (5261).

5. Variety store (533).

6. General merchandise store (539).

7. Grocery store (541).

8. Meat and fish markets, including frozen food purveyors (542).

9. Fruit and vegetable market (543).

10. Candy, nut and confectionery store (544).

11. Dairy products sales (545).

12. Retail bakery (546).

13. Other food stores (549).

14. Apparel and accessories store (56).

15. Furniture and accessories store (57).

16. Restaurants, excluding fast food restaurants (581).

17. Drug and proprietary stores (591).

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

18. Second hand shops (593).

19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).

20. Opticians and optical goods (5995).

21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).

22. Offices for finance, insurance, and real estate services (60-65, 67).

23. Photographic and portrait studio (7221).

24. Beauty (7231) and barber (7241) shops.

25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).

26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).

27. Legal services (8111).

28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).

29. Medical and dental offices (801, 802, 803, 804).

30. Municipal use.

31. Coin operated laundries, etc. (7215).

32. Miscellaneous repair (762-764).

33. Dance studios (791).

34. Travel agencies (4724).

35. Florists (5992).

36. Optical goods stores (5995).

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

37. Individual and family services (8322).

38. Funeral home and crematorium (7261) with a minimum lot area of 1 acre.

39. Farmer's market. (Ord. No. 2012-01)

40. Commercial agriculture. (Ord. No. 2012-01)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.

2. Outdoor display.

3. Off-street parking.

4. Private garages used in conjunction with the principal use(s).

5. Fences and walls.

6. Signs, § 2631.

7. Storage and maintenance buildings.

8. Solar facilities. (Ord. No. 2012-01)

9. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Bed and breakfast accommodation conforming to the following criteria:

a. No more than 6 guest rooms or suites shall be permitted.

b. No expansion of the existing dwelling shall be permitted.

c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.

d. No parking shall be permitted in the front yard.

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

e. Only guests of the facility and their invitees shall be served food and drink on the premises.

f. No cooking facilities shall be permitted in guest rooms or suites.

g. There shall be a maximum residency limitation on all guests of 30 days.

2. Public and private nonprofit day school meeting the following criteria:

a. The minimum lot size shall be 3 acres.

b. The minimum lot frontage shall be 150 feet.

c. No building shall be located within 50 feet of a lot line.

d. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.

e. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.

3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB II Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Non-Municipal Use	7,000 sf	45'	100'	25'(1)	0'	50'	40'(2)	.75
Accessory Buildings(3)				NP	15'	30'	18'	
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.
(1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
(2) - Or 3 stories, whichever is less.
(3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2012-01)

F. Additional Regulations for Retail and Service Uses.

1. All equipment stored on the site shall be placed within an enclosed building.

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

2. Outdoor Dining. Outdoor dining shall conform to the following requirements:

a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.

b. All outdoor dining areas shall allow at least 4 feet of passage between tables and chairs and the curb.

c. All outdoor areas shall allow at least 4 feet of unobstructed access to building entrances and exits.

d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Outdoor dining areas may only be located ~~in front of~~adjacent to the building in which the restaurant operates.

f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

g. No food or drink shall be prepared in the outdoor dining area.

h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.

i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.

j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.

3. Outdoor Display. Outdoor displays shall conform to the following requirements:

a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.

b. All displays shall allow at least 5 feet of passage between the display and the curb.

c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.

f. Displays shall not extend more than 4 feet from the facade of the building.

g. The only merchandise which may be displayed is the merchandise sold by the business.

h. No display may exceed 6 feet in height.

i. Displays shall be maintained in an orderly fashion and shall not create a hazard.

j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.

k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.

4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

Attachment: 2621-041520140938 48 (2014-7 : Outdoor Dining- Section 2621)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1523

SCHEDULED

ORDINANCE 2014-8

First Reading: an Ordinance Adding a Condition for the Placement of Banners Across Main Street (Section 2361.A.1.C.4)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

ORDINANCE 2014-9

DOC ID: 1520

FIRST READING: REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (I) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (Ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFORE

BOROUGH OF FLEMINGTON
BOND ORDINANCE NUMBER _____

REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"), had previously issued (i) $2,870,000 aggregate principal amount of General Obligation Bonds, Series 2002 (the "2002 Bonds") on May 24, 2002 and (ii) $2,500,000 aggregate principal amount of General Obligation Bonds, consisting of $1,750,000 General Improvement Bonds, Series 2004 (the "2004 General Improvement Bonds") and $750,000 aggregate principal amount of Water Utility Bonds, Series 2004 (the "2004 Water Utility Bonds", and together with the 2002 Bonds and the 2004 General Improvement Bonds, the "Original Bonds") on July 14, 2004; and

WHEREAS, a (i) $605,000 outstanding principal portion of the 2002 Bonds maturing in the years 2015 through 2017 (the "2002 Refunded Bonds"), (ii) $990,000 principal portion of the outstanding 2004 General Improvement Bonds maturing in the years 2015 through 2024 (the "2004 Refunded General Improvement Bonds") and (iii) $440,000 outstanding principal portion of the 2004 Water Utility Bonds maturing in the years 2015 through 2023 (the "2004 Refunded Water Utility Bonds" and together with the 2002 Refunded Bonds and the 2004 Refunded General Improvement Bonds, the "Refunded Bonds") are all currently subject to redemption, either in whole or in part, prior to their respective stated maturity dates; and

WHEREAS, the Borough Common Council desires to refund all or a portion of the aforesaid Refunded Bonds through the issuance of its General Obligation Refunding Bonds, consisting of General Improvement Refunding Bonds in an aggregate principal amount not to exceed $1,760,000 (the "General Improvement Refunding Bonds") and Water Utility Bonds in an aggregate principal amount not to exceed $490,000 (the "Water Utility Refunding Bonds", and together with the General Improvement Refunding Bonds, the "Refunding Bonds"); and

WHEREAS, the Borough Common Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding $2,250,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the Borough is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed $2,250,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such

Attachment: DOC041414-04142014121451 (2014-9 : Bond Ord)

Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Improvement Refunding Bonds" and "Water Utility Refunding Bonds" with such series designations as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings and restructuring by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding $65,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith, it being understood that any net savings analysis supporting the economic viability of issuing the Refunding Bonds must show the net refinancing savings as net of such expenses.

SECTION 5. A certified copy of this Refunding Bond Ordinance, has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. This bond ordinance shall take effect and twenty (20) days after the first publication thereof after final adoption, approval by the Mayor and the consent of the Local Finance Board being endorsed upon said ordinance, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: _____ __, 2014

_____
REBECCA NEWMAN,
Clerk of the Borough of Flemington

ADOPTED ON SECOND READING
DATED: _____ __, 2014

_____
REBECCA NEWMAN,
Clerk of the Borough of Flemington

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2014

_____
ERICA EDWARDS,
Mayor

#7349747.1(124078.001)

Attachment: DOC041414-04142014121451 (2014-9 : Bond Ord)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Robin Hughes
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1492

TABLED

ORDINANCE 2014-3

Second Reading: an Ordinance Amending Chapter VII Traffic, Schedule XII Parking Restricted Use for Handicapped Persons, by Adding a Spot at 25 Spring Street

County of Hunterdon
Borough of Flemington

Parking Space Added:

Name of Street: 25 Spring Street
Sides: West
Location: From the West Southerly curb of Spring St and Maple Avenue heading North on Spring Street to a point of 108 feet

ATTEST:

Rebecca Newman, RMC

Erica Edwards, Mayor

HISTORY:

03/24/14	**Governing Body**	**INTRODUCED**	**Next: 04/16/14**