

*** 12/30/13 ***

FLEMINGTON BOROUGH
PLANNING/ZONING BOARD MEETING
MONDAY, DECEMBER 16, 2013 – 7:00 PM

MINUTES

The meeting was called to order at 7:03 PM by Board Chairman Todd Cook.

Roll Call:

Present: Ms. Kenoyer, Mr. Greiner, Ms Melfi, Mayor Edwards, , Mr. Wachter, Mr. Budney, Mr. Hain, Attorney Gianos, Planner Hintz, Engineer Clerico

Absent: Mrs. Engelhardt, Mrs. Pedrick, Traffic Engineer Rocciola

1. **Public comments** (7:00 – 7:15 PM) Elaine Gorman, 34 New York Avenue, stated that she thought that the Borough Council was doing a wonderful job and supported the studies that were on tonight's agenda.
2. **Approval of minutes from the December 2, 2013**, regular meeting

Motion to approve: Melfi; second: Hain

Mayor Edwards noted revisions to the minutes, Ms. Melfi discussed amendments that she thought should be included in the minutes, Ms. Parks stated that she would amend the minutes to include those revisions, Mr. Gianos asked if the Board wanted to defer the approval of the amended minutes until the January 6, 2014 meeting. Mr. Greiner stated he thought there were enough revisions to defer the minutes.

Motion to defer the minutes to January 6, 2014: Edwards; second; Greiner

Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain

Nays: (None)

Abstain: (None)

Motion passed 8-0-0

3. **Approval of minutes from the December 2, 2013**, executive session minutes

Motion to approve: Greiner; second: Hain

Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain

Nays: (None)

Abstain: (None)

Motion passed 8-0-0

4. **Public Hearing: Redevelopment Study of South of the Union Hotel**

'Properties located at 78 Main Street, 80 Main Street, 82 Main Street, 90-100 Main Street, 104 Main Street, 110 Main Street, 7 Spring Street, 19 Spring Street, 3 Chorister Place and 6 Chorister Place, identified on the Borough of Flemington Tax Map, as Block 22, Lots 5, 6, 7, 8, 9, 10 and 12, Block 23, Lots 1 and 7 (the "Study Area").'

Planner Carl Hintz discussed the study prepared by Clarke Caton Hintz dated November 26, 2013. Mr. Hintz delineated the properties in the new 'Study Area' using an aerial photograph display.

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Mr. Hintz explained the specific statutory criteria required to be met to declare the 'study area' as an area in need of redevelopment and which of those criteria applied to the 'study area'. Mr. Hintz discussed that he made many site visits noting that he had been in all of the buildings in the study area with the exception of the Hays-Cortes and Choir buildings which were on Chorister Place. Mr. Hintz stated that the redevelopment plans for the Union Hotel included the adjoining potting shed/antique store property.

Mr. Hintz stated that the Borough building at 90 Main Street was mostly vacant and in a dilapidated condition with no utility service, no plumbing and was in a bad state of decline noting that with the exception of the police portion of the building (which was functioning well with no code violations), it would be best to raze the building and start from scratch including the bank building. Mr. Hintz stated that the Cortes & Hay and Choir building were in good condition with no vacancies, but there was insufficient parking noting that currently tenants were parking at the Borough property. Mr. Hintz stated that if the other lots in the 'study area' were fully developed with a retail use there would be a parking deficit. Mr. Hintz stated that the increase in vacancies of these buildings over time has had a negative effect on the core downtown and surrounding areas.

Mr. Greiner asked if the south side of Chorister Place including the Cortes & Hay and Choir building met the criteria for just a lack of parking, Mr. Hintz explained that poor land use (i.e. lack of parking) met the criteria and discussed how creating a general redevelopment plan would help the overall parking situation in a comprehensive plan.

Ms. Melfi stated that when the PNC bank came in they had an agreement with the Borough for parking and added that redevelopment of the study area was long overdue and that the Board had wanted to increase the parking area for many years. Mr. Hintz discussed a study he did years ago which included a parking deck and stated that it would need more properties to be involved to work properly, noting that even a surface parking lot would need to cross over property lines.

Mr. Greiner asked how many parking spaces would be required and if the Borough could acquire the County parking lot. Mr. Hintz stated the deficiencies in parking were listed in his study which were based only on the existing square footage of the buildings. Mr. Hintz stated that with the redevelopment of the Union Hotel the parking issue will only get worse and would affect all buildings in the core downtown area. Mr. Greiner stated that he needed a separate discussion for the Cortes & Hay & Choir buildings as they are different from any other property in the study as the buildings were in good condition, Mr. Greiner stated his concerns with adding these building in the redevelopment study area. Mr. Hintz stated that with no room to add any parking on those lots all of the properties in the study need each other to work properly.

Mr. Cook asked if the study should include the Doric building on the north side of hotel which was also landlocked and lacked parking and added that the area was originally recommended to Council by the Board to include lots north of the Union Hotel. Mr. Hintz stated that the north side toward Bloomfield Avenue had little parking on properties but with the availability of the municipal lot there was not as much of a parking problem.

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Chairman Cook opened the hearing up to the public.

Mr. Jay Makuch, 58 Broad Street, Mr. Makuch stated that from the pictures in the study that the building at 90 Main Street needed only minor improvements, Mr. Hintz stated that not all of the pictures he had taken were in his study and discussed the code violations that he found throughout the building. Mr. Makuch stated that there was not a vacancy sign posted on the building and asked if such a sign was allowed, Mr. Hintz explained.

Mr. Makuch asked if there would be a list of permitted uses if the study area was given the designation as an area in need of redevelopment and if the developer was restricted to the list of uses, Mr. Hintz stated that the Borough Council would take action on the permitted uses. Mr. Makuch asked if there was a change in use would the Planning Board have a public hearing and noted his concerns that the Planning Board and public would be cut out of the decision. Mayor Edwards stated that a redevelopment committee would be created which would provide flexibility in the redevelopment plan. Mr. Greiner stated that a public hearing would be conducted by the Council to hear comments from the public. Mr. Gianos stated that once completed the public would have a chance to review the redevelopment plan and a public hearing would be conducted by the Council prior to the approval of any plan.

Mr. Makuch asked about the joint meeting with the FBID and the BID's study to develop properties in the Borough which would involve changes in use and densities, the Board discussed.

Mr. Hintz explained the legal steps for designating an area in need of redevelopment, Mr. Greiner stated that the Council and Planning Board had laws to follow which were in full view of the public.

Mr. Cook stated that there was always a learning curve as any process unfolds noting that was what caused delays with the redevelopment for the Union Hotel. Mr. Cook stated that instead of waiting for developers to come to the Planning Board with a site plan, these redevelopment areas would help to market Flemington to attract development.

Mr. Makuch asked if the Borough send out a public bid for the Union Hotel redevelopment proposal and stated his concerns that as Council passed another two studies for areas in need of redevelopment that the Borough was getting into the real estate business to control areas. Mayor Edwards stated that the intent was to direct development with good planning practices and that Council was mindful of the Master Plan. Mr. Cook stated that there were many routes to take including a re-examination of the Master Plan which was a town wide document including every property. Ms. Melfi stated that the Master Plan was a living document which was always being adjusted to meet the changing needs of the town and asked Mr. Makuch what his concerns were.

Mr. Makuch stated that he thought the road that they were heading down would toss out the Master Plan and give the message to developers that the Borough was for sale which would change the town in a radical way, mentioning the Global Agway, Main Street and Hunter Hills

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redevelopment studies and stated his concerns about what areas would be next. Mr. Makuch stated that there was too much change and was concerned about the extended tax abatements which he felt was absorbed by the tax payers. Mayor Edwards stated that his concerns could be brought to Council.

Mr. Makuch stated that the study did not show negative impacts on the surrounding area and thought that the evidence did not support the designation of the area in need of redevelopment. Mr. Hintz addressed his comments. Mr. Makuch left the meeting and did not return.

Mr. Hain asked if the study looked at other areas north of the hotel, Mr. Hintz discussed that there was parking behind the lots on Bloomfield Avenue, the Board discussed the parking north of the hotel.

Elaine Gorman, asked if the size of the Hays Cortez & Choir buildings prevented providing additional parking on those lots, Mr. Hintz confirmed that a parking area could not be added to those lots.

Mr. Cook stated that thought the time was right for change for the proposed redevelopment areas and that areas could always be added. Mayor Edwards stated that the time and place were right for change and added that the public always has the opportunity for participation in any area of study where for any or a combination of reasons the area is inhibiting positive development.

Ms. Gorman stated that she used to shop along Main Street and missed the vibrancy that it once had and saw this redevelopment as a positive way to gain it back and stated that the town needed to be able to accept change.

Motion to close public comments: Melfi; second: Edwards
Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain
Nays: (None)
Abstain: (None)
Motion passed 8-0-0

Mr. Budney stated that the study involved numerous property owners and asked if the redevelopment would be as one cohesive unit or individual owners, Mr. Hintz explained.

Mr. Wachter stated that the study relied predominately on the lack of parking to designate the area noting that Lambertville has little or no parking noting that the parking was far away and expensive and had successfully attracted development. Mr. Greiner noted that the study indicated the building vacancies in the study area as well as parking.

Mr. Cook stated that there are many variables to making a town viable and that providing parking could be the spark that could attract developers to Flemington.

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Ms. Kenoyer stated that she was in favor of the idea and noted that the core area of Main Street is smaller than some other towns in the County.

Mr. Greiner stated that he was in favor of the study but had reservations regarding the lots south of Chorister Place and stated that he was against government stepping in when not necessary, but stated that he supported the general plan.

Mr. Cook stated that the businesses south of Chorister will have to rely on others for parking.

Ms. Melfi stated that after the Tercentennial committee vacated the Choir building that the County Freeholders would most likely want to sell the building and noted that it did not hurt to have the buildings in the study.

Motion to approve: Melfi; second: Edwards

Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain

Nays: (None)

Abstain: (None)

Motion passed 8-0-0

5. Discussion: Council Resolution 2013-191:

"Resolution authorizing and directing the Planning Board to undertake a preliminary investigation to determine whether an area of the Borough inclusive of the Global Agway Site and certain adjacent and proximate properties meets the statutory criteria for "An area in need of Redevelopment", pursuant to the Local Redevelopment and Housing Law"

Mr. Hintz discussed the properties that would be included in the study including the original study area of Global Agway Block 5, Lot 1 & 2, and two lots that were added to the study Block 1, Lot 1 located at 39 North Main Street and Block 14, Lot 1 located at 40 North Main Street (Flemington Nilkanth, LLC, exclusive of Steve's Convenience Store)

Ms. Melfi stated that the study should include the lot with Steve's store on it. Mayor Edwards stated that the study did not include Steve's because it would not meet the criteria for the designation. Ms. Melfi stated that Steve's had common ownership with the Nilkanth property so that if they wanted to improve or enhance the store it would give them the opportunity without coming to the Planning Board. Ms. Melfi noted that the store fronted on Walter Foran Boulevard and since the study was not going to include eminent domain that being apart of the study would not hurt them.

Mr. Wachter asked if the owner wanted Steve's store to be in the study, Ms. Melfi stated that the owner may not want the Nilkanth site to be in the study either but there was no soliciting of property owners to be in the study. Ms. Melfi stated that a redevelopment plan including Steve's store would make the property more valuable.

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Mayor Edwards stated that the property could be included at a later date and noted that Council had made a conscious decision to not include Steve's store. Mayor Edwards noted that previously Nilkanth was concerned of the designation affecting their approvals and were afraid of the condemnation of the property, Mayor Edwards stated that the study would not include any condemnation of the property. Mayor Edwards stated that it did not appear that anything was moving forward for that site.

Mr. Hintz stated that where Steve's store was busy and the area needed a convenience store the Nilkanth property was vacant and needed something to be done on the property,. Mayor Edwards stated that Steve's store may be looking to make improvements.

Mr. Budney asked if Council should be asked to include Steve's. Mr. Greiner stated that Council had discussed the Steve's store specifically and decided not to include that property.

Ms. Melfi asked why the residential property at 39 North Main Street was included stating that the property was well maintained and may not meet the criteria. Mr. Hintz stated that site was a key location and relevant to any redevelopment plan.

After much discussion, Mr. Gianos asked if the Board wanted to entertain a motion on the study or send back to Council with the recommendation to add Steve's.

Motion to send back to Council to add Steve's: Ms. Melfi; there was no second.

Ms. Melfi stated that the area was the gateway to Flemington and that Steve's should be added to the study for good planning practices. The Board discussed.

Motion to not approve: Ms. Melfi; there was no second.

Motion to approve: Greiner; second: Wachter

Ayes: Kenoyer, Greiner, Cook, Edwards, Wachter, Budney, Hain

Nays: Melfi

Abstain: (None)

Motion passed 7-1-0

6. Discussion: Council Resolution 2013-192:

"Resolution authorizing and directing the Planning Board to undertake a preliminary investigation to determine whether an area of the Borough designated on the Borough Tax Map as Block 1, Lot 3 with a street address of 15 Garden Lane, meets the statutory criteria for "An area in need of Redevelopment", pursuant to the Local Redevelopment and Housing Law"

Mr. Cook stated he was in favor of the study.

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Mr. Budney asked if there were different criteria for residential vs commercial, Mr. Hintz stated the criteria was the same noting that residential did provide different challenges.

Motion to approve: Greiner; second: Wachter

Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain

Nays: (None)

Abstain: (None)

Motion passed 8-0-0

7. **Council Items:** Mr. Greiner stated that he hoped that everyone would be attending the reorganization dinner on January 2, 2014
8. **Chair items:** Chairman Cook stated that the redevelopment studies were three important pieces for the Borough and was looking forward to the new year.
9. **Bills:**

Motion to approve: Hain; second: Kenoyer

Ayes: Kenoyer, Greiner, Melfi, Cook, Edwards, Wachter, Budney, Hain

Nays: (None)

Motion passed 8-0-0

10. **Adjourn**

Motion to adjourn at 9:10 p.m.: Melfi; second: Greiner

Ayes: All were in favor

Nays: (None)

Motion passed 8-0-0

Respectfully submitted

Eileen Parks
Planning Board Secretary

These minutes were approved January 6, 2014

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