

**Frenchtown Planning Board
Regular Meeting
December 16, 2015**

Chairman Eckel called the Regular Meeting to Order at 7:30 P.M. and stated that all the requirements of the “Open Public Meeting Law” have been met. The meeting has been advertised, the Agenda has been posted in the Borough Hall and copies distributed to the designated newspapers.

ROLL CALL

Present:	Absent:
Case	
Cooper	
Eckel	
DenBleyker	
Dougherty (arrived at 7:45 pm)	
Dragt	
Musolino	
Scott	
Sullivan	
Suttle	
Weeks	

APPROVAL OF MINUTES

Regular Meeting – November 11, 2015

Jack Weeks moved to accept the minutes of the November 11, 2015 Regular meeting. Gerry Case seconded the motion. The minutes of the November 11, 2015 Regular meeting were approved by unanimous favorable roll call vote.

PUBLIC COMMENTS

Chairman Eckel announced that before we start the public comment section, comments are welcomed on matters not listed on the agenda. Comments related to agenda items should be held until that specific item comes up on the agenda. Chairman Eckel opened the public comment session.

Gerry Becker of 27 Front Street, spoke to this group a few months ago about the lack of an agenda on the internet. If this was on the computer in template form, you would just have to change the date and items 5 and 6, basically 3 or 4 items. Everything else stays the same. It should be there so that people are aware that this meeting was going to address the application that is on this evenings agenda. The lawyer sent letters about the brewery as a matter of law. After that, he does not know when the applicant will be back. Chairman Eckel noted that the agenda is always at Borough Hall. She thought the volunteer who is posting to the website was also putting the agendas on the website. She apologized that the agenda was not on the website yet. She will see what she can do about that. Chairman Eckel added that meetings are publically scheduled. We set the schedule of the meetings at the Reorganization meeting in January. Minutes will be posted as well. Gerry Becker noted that if you look at the internet, the meeting is slated for December 23rd. He should be able to look at the internet to see if what he wants to hear is on the agenda. Chairman Eckel stated that we will try to do that.

Having no other public comments, Chairman Eckel closed the public comments session.

Site Plan and Variance Application – Block 57 Lot 1, Kerr & Lott Street – Madeline Cretella (Completion Review)

Chairman Eckel noted that Attorney Steve Goodell is here this evening representing the Board as the conflict Attorney as the Board Attorney has a conflict on this application. Attorney Goodell noted that the Class I and Class 3 members will not participate on this application because it involves a “D” variance. Mayor Cooper and Councilman Sullivan stepped down.

Attorney Anthony Danzo representing Applicant Madeline Cretella noted that the Board Engineer raised some issues about completeness. Some of the Administrative items were provided. He provided proof that the taxes were paid, presenting tax bills and receipts. He also provided proof that the owner consented from the signature on the Escrow Agreement. He has the letter of denial from the zoning officer as well. Secretary Shepherd confirmed receipt of the proof of payment of taxes but does not have the zoning officer’s denial letter. Attorney Danzo noted that he will provide another copy. He added that they have Engineer Clerico’s engineering report and would like to introduce the applicant’s engineer to address this engineering report and to answer any questions so that we can get a completion approval and hold a public hearing at the next meeting. He asked that the engineer be sworn in.

Attorney Goodell swore in all the applicant’s professionals and witnesses that will be testifying which includes Robert Streker of Bohler Engineering, Gabriel Bailer, Professional Planner, and Jonas Koep, Independent Beverage Consultant.

Engineer Robert Streker noted that he is a 1997 graduate of Stevens Institute of Technology in Hoboken, NJ where he received his Bachelor’s degree in engineering and since that time has worked in civil engineering on site development projects. He is a licensed professional engineer in New York and New Jersey and has been a qualified witness in over 70 municipalities in New Jersey. These plans have been prepared under his supervision. He is ready to answer any questions the Board may have on these applications.

Chairman Eckel noted that the Board’s engineer will go through his report to determine completeness on this application. Engineer Clerico noted that his report of 12/11/15 references the new documentation that was submitted. Applications for preliminary site plan, use variance and final site plan have been filed. He has the 3 checklists and new plans, new survey, environmental impact statement and architectural plans that were updated. There are letters from various utility companies. Referring to page 3 of his report, Engineer Clerico stated that he will refer to Secretary Shepherd for the documentation they noted has been provided. Clerk Shepherd noted that the tax certification has been provided. Attorney Danzo noted that the owner’s certification has been provided in the Escrow Agreement. Engineer Clerico noted that the owner’s certification has to be on the plan. The Board could give a temporary waiver for the signed consents. As to the letter from the zoning officer, Attorney Danzo noted that he will provide the letter from the zoning officer to Secretary Shepherd.

As to Item B of his report, Engineer Clerico noted that a new survey was submitted but it indicates that it was not based on a title search. He did not get the title documents until this afternoon which was provided to him electronically.

As to Page 4, paragraph C, Checklist Items B-23, B-36 and B-44, Engineer Clerico noted that at the prior meeting, the Board took action on checklist waivers. He is reviewing the waivers the Board took action on and the waivers the applicant is requesting on the new documentation that was submitted. They are asking for waivers on three items. They previously asked for a waiver on providing all structures and natural features extending 200 foot beyond the property. The Board granted a partial waiver on the condition that they provide some documentation especially the structures and historical features. It was suggested that they use an aerial map as opposed to a ground survey. They did not address it so these items, B-23 & B-36, remains incomplete. As to Item B-44 relating to showing the utilities. They did show the sewer on Kerr Street and Lott Street. There is limited documentation related to the water line on Lott Street. Perhaps the applicant's engineer can address this. There is an omission in the plan of the sanitary sewer line crossing the property. He has provided additional information to their engineer. Engineer Streker noted that he has provided that information to the surveyor. The applicant has engaged the surveyor to go out there and shoot everything. In reference to the center lines down Front and Lott Streets, there is an "As built" map from 1965 that shows the sanitary line crossing the northwest corner of the property which slightly impacts what we are proposing to do with the patio. The surveyor did not find the pipe and that is why it is not shown on the document. He will provide us with an updated survey to show the sewer line and provide a larger scale aerial map. Engineer Clerico noted that these items are incomplete.

As to paragraph D, Engineer Clerico noted that the applicant is requesting waivers for Items B-25 & B-26. The Board granted temporary waivers on the condition that the applicant apply for a letter of interpretation (LOI) as a condition of any action taken on the application. The Board does not need to act again on these items.

As to paragraph E, Flood Hazard Area & NJDEP approval, checklist Items B-27, B-28, B-29 & B-30, the applicant provided the FEMA mapping and the property is in the flood zone, the entire property, and is subject to the flood hazard regulations. They need to confirm the base flood elevation and provide floor elevations for existing and future proposed structures. They also need to amend the plan to document the type of FHA permits that would be required from the NJDEP if this project were approved. The Board could grant partial waivers on some of the requirements on the condition that the plan be amended to provide the items in the 3 bullet points.

As to Paragraph F, Item B-31, Engineer Clerico noted that the applicant is asking for a waiver from showing the elevations of lakes or ponds within 200 feet. As he stated in his previous report, there are no lakes or ponds within 200 feet and this item should be listed as not applicable.

As to Paragraph G, Item B-32, B-33 & B-34, Engineer Clerico noted that the applicant provided a new site plan and new survey providing the documents required. Therefore, these items are complete.

As to Paragraph H, items B-39 & B-40, Engineer Clerico noted that the applicant has providing lighting and landscaping plans. These items are complete.

As to Paragraph I, items B-41 and B-42, Engineer Clerico noted that the applicant provided loading and parking information but has not provided the type, frequency, and turning paths for the vehicles utilizing the loading space or access into the structure. Therefore, Item B-42 remains incomplete.

As to Paragraph J, item B-43, Engineer Clerico stated that the applicant needs to quantify the additional impervious coverage and to quantify the extent of the site disturbance and if they exceed the limit, the applicant will need to submit the stormwater controls. If you add more than 1,000 feet of impervious coverage or disturb ¼ acre of the site, the ordinance applies. If the applicant can provide documentation that they are under the limits, the ordinance will not apply. Engineer Clerico noted that he had recommended changes to the Borough's Stormwater Ordinance but the ordinance was not amended. Engineer Streker noted that the applicant is reducing the overall footprint on the property but we are over the disturbance limitation. We do need to show how we will address the recharge quality and quantity reduction. We have the computation for the stormwater on the plans. We are reducing impervious coverage and maintaining the current drainage patterns that exist on the property. All those items will go away. There is not going to be a need to provide additional stormwater control, because we are reducing the impervious coverage and will not affect recharge because we are allowing more ground space to accept water. We will not have to provide additional water quality. Engineer Clerico noted that the applicant will need to respond in some fashion on how they are dealing with stormwater controls. We need that information for completeness. This item remains incomplete.

As to paragraph K, Item B-45 relating to the water line, Engineer Clerico noted that the applicant has a letter from the water company indicating that there is a 4 inch water service line on Lott Street. They are not showing if there are existing hydrants. The water company is indicating that that water line may need to be upgraded. There project calls for sprinkling of the building with a 4 inch sprinkler line. In all likelihood, there will have to be some improvements to the water system. They also need to address the location and size of the line. Their engineer is indicating that the water line is on the plan. They will need to show where there are adjacent fire hydrants. We will need input from the fire company if there is a need for an upgrade to the water system.

As to paragraph L, Item B-46, Engineer Clerico noted that the applicant has not shown the cross sections on the existing streets. We previously indicated that a partial waiver could be granted if the applicant provides spot elevations at the intersections at 25 foot intervals at both the curb and centerline. Additional information has been provided but that condition has not been met. Engineer Streker noted that there is no change to the street system or curbing and they do have some spot elevations. They can provide the additional information.

As to paragraph M, Item B-52, Engineer Clerico noted that the applicant has provided the Environmental Impact Statement so this item is complete.

As to paragraph N, Item B-53, Engineer Clerico noted that this item is not applicable as confirmation at the last meeting that this is an individual applying and not a corporation.

Responding to Gordon Dragt as to providing buffering, Engineer Clerico noted that the applicant was required to provide a lighting and landscaping plan for completeness which they did. The Board will evaluate the merits of that plan as part of the review of the application. If the documents indicate that they are not in compliance with the provisions of the ordinance, it will be a comment in the merits of the application when it is reviewed. Engineer Clerico also noted that they are also applying for a final site plan, and asking for waivers because they cannot provide this level of documentation at this time. They are talking about detailed architectural plans and we have not even reviewed the preliminary plans nor heard from Architect Pickell yet. We are looking for a detailed letter from the utility companies relating to improvements and

looking for a certification that the improvements have been installed and performance guarantees have been provided. This is all premature information. He suggested that the applicant withdraw the application for final site plan at this point because they cannot provide many of the items at this time. The applicant indicated that they will hold off on the final site plan at this time.

In conclusion, Engineer Clerico noted that the applicant has provided the title search information this evening and therefore, items B-4, B-47, B-48 and B-49 were taken care of. All the other items listed on page 7 and 8 of his report would apply.

Attorney Danzo stated that the applicant is hoping to go forward at the next meeting. Engineer Streker stated that the applicant could respond to the completeness items at the next meeting and if we schedule a public hearing, the Board could evaluate completeness and we have the burden of providing those items. They would like to be on the agenda for a public hearing at the next meeting on January 27, 2016.

Engineer Clerico responded that the applicant must provide the missing documentation in advance of that meeting. As long as it comes in on time, the application will be reviewed and completeness will be determined at that meeting. John DenBleyker asked that the requested information be provided 3 weeks in advance so that the professionals can review the documents and provide the Board a report prior to the night of the meeting. Chairman Eckel noted that the deadline for submission of the additional information is January 6, 2016.

On motion by John DenBleyker, seconded by Cathy Suttle, and carried by unanimous favorable roll call vote, the Board deemed the applications incomplete pursuant to his report dated December 11, 2015 and if the additional items are provided by January 6, 2016, the Engineer will confirm if that the additional information provided meets the completion determination and if so, the applicant can move forward with the public hearing at the January 27, 2016 meeting.

Mayor Cooper and Councilman Sullivan returned to the meeting.

Informal Discussion – Block 59 Lot 4 – 62A Trenton Avenue – Jill McDonnell

Attorney Hirsch noted that this is an informal discussion of what would become a use variance and site plan application before the Board if it goes forward. The Class I or III members of the Board should step down. Mayor Cooper and William Sullivan stepped down on this agenda item. Sarah Scott also stepped down due to proximity.

Richard Mongelli, Attorney in Lambertville, noted that this is an informal discussion. He introduced the team as Michael Burns, Architect and Planner, of Lambertville, NJ., Jill McDonald, Principal of Sprocket Arts and Geraldine Dougherty is the Executive Director. Jill McDonald will share her vision with the Board.

Attorney Hirsch informed that Board that when you are doing an informal review of a concept plan, no decisions are made and you do not vote. The Board will listen to what the applicant has to say and give feedback. Nothing is binding on the Board or the applicant. It is not like a variance or site plan application. The purpose is feedback in both directions. Chairman Eckel stated that the Board should feel free to speak freely.

Applicant Jill McDonald stated that she has provided a concept summary of her vision. She added that she has had a life long dream of creating a community art center modeled on the art

center where she grew up in Chicago that her parents ran for 60 years. Her father was a sculptor. It was a converted dairy processing plant that had 25 studios, 2 galleries, a bronze foundry and her dad's studio right in the center of Chicago. In the summers, she spent her time in Providence, Mass. In the Fine Arts Work Center which was an important cultural underpinning of the town. It was a place that brought together writers and artists. It was open to the public and it was free. It had wonderful winter and summer programs. It created a vibrancy and connection between neighbors. It also brought interesting writers and artists to town. All her life, every time she passed an abandon building, she thought she could do that. She finds herself in a position in life where she can make this happen. Her husband founded an organic and natural deli meats farm called Applegate Farms. He suffered a stroke two years ago and sold the business. We are now both looking for the next chapter. We have a family foundation which is called Sprocket Foundation and have been doing interesting things with that over the last couple of years. She wanted to create something that has meaning in a community. She started looking in Lambertville. etc. and liked Frenchtown and came to think Frenchtown is the place if Frenchtown will have them. The central element is a performance space. At the Fine Arts Work Center they had program where writers and artists were there from 9 to Noon and then in the evening, they paired one writer and one artist for a free public talk. Everyone wanders in. It is free but people can donate. She would like to see a space where poets could read, musicians could perform, dancers could dance, etc. The Two Buttons building is the starting place. She has a friend who is a former lighting and stage designer who looked at the warehouse space in the back of Two Buttons and said it could be done. He did a calculation and it could hold 238 seats. We can afford to bring writers and artists to town with that space. It has plenty of parking and there is more parking nearby.

Jill McDonald noted that she learned that Frenchtown lost two theaters in the last several years. She would love to repair that. There is also space for sculpturing, pottery work space, etc. Over the last fifteen years, she has been doing it in her barn. No one has complained. She has made huge sculptures of puppets. She would like to have something like that where more people can partake. One of the central elements is connecting the community. Her group ranges from 20 to 94 years of age. Her hope is to create a vibrant place that people who live here will enjoy and use as a resource and access their creativity and which will bring other writers and artist and people to Frenchtown. Elsas Mora, famous paper artists and painter, said her boys always wanted to create a paper biennial in the United States so let's do it here. It would bring people from all over the world. The main objective is to make it fun and exciting with some kind of meaning.

Jill McDonald noted that they did an event for "Plenty" for an organization called Rolling Harvest Food Rescue which gets and delivers surplus farm produce to 25 food banks and shelters. She did 6 giant 15 foot vegetable puppets and we brought in dance performers and Melissa Hamilton provided food and raised awareness for food rescue in our own backyards. A lot of people after coming volunteered on the farm. It will be interactive and will engage people in more than one way. Chairman Eckel commented that it sounds brilliant. Planner McKenzie commented that it would be something attractive and will attract other businesses in town. John DenBlyeker asked if they could get enough parking? Attorney Mongelli responded that they are working on that. There is a good range as it exists now. We have not put together the survey yet. John Dougherty ask referring to education if they had any local or high schools involved in her programs or do you envision that as part of what you will do in this space? Jill McDonald responded that she thinks it is terrible that art has been eliminated from schools and she would love to provide a resource for the schools. They will have to figure out what it will cost and how to support it. It is not the first thing we will do. Jack Weeks asked if the artists will live in the

building? Jill McDonald responded that it is part of her vision to obtain space to provide housing in the future. There is no space on this site. Gordon Dragt noted that the town has new residents who have opened up galleries and this would contribute to the art thing that is growing in Frenchtown. Jill McDonald commented that it is the things people do on a Friday night and it would connect a circle in the town. It can bring people out and create conversation. She added that Lovin' Oven is still part of the plan. She hopes they stay. Architect Pickell stated that it is a wonderful idea. Planner McKenzie noted that the next steps in what you need to do is the question. She noted that the Master Plan reexamination recommended that this property be rezoned to R4A or R4B. That has not been done yet. That was used as the basis for justifying the use variance for Two Buttons and Lovin' Oven. This type of space is a hybrid and is special and unique and appropriate for this site. A use variance is a way to go. We also could do a quick ordinance to include this and amend the zoning map. She does not know if the uses in the R4A & R4B would have to be expanded. Amending it could be cumbersome. The Master Plan is the basis for justifying this use. At the time that the resolution for Two Buttons and Lovin' Oven was approved, there were 77 parking space. That might be close to what you would be required to provide. Jill McDonald noted that the real estate office said there were 90 spaces. Attorney Mongelli noted that for a particular performance, valet parking might be arranged. Planner McKenzie stated that the standard for theaters is 1 parking space per three seats. And, in town, you could get people to walk. You will not have a heavy life on the use variance because it is such a unique use. It is not something you normally put in and ordinance because it is unique. We will need to know what the parking variance is and what you might do to compensate for it. Chairman Eckel noted that the applicant wants to move forward quickly. They could bifurcate the site plan and get the use variance. Planner McKenzie noted that the completeness standards are far less for a use variance. She added that they will need to have parking covered in the variance application. She does not know what kind of architectural changes are being proposed but Architect Pickell will want to look at those changes. Attorney Hirsch noted that this is a fully developed site, so a site plan application would not be a big haul. You do not need an environmental impact, you do not have to deal with wetlands, etc. If you do it all at the same time, she does not think it will be much more of an expense. It is worth doing that extra work because at the end of the process, you have an approval that you can do something with. There is not a right or wrong answer. It depends on your business goals. Planner McKenzie noted that it also depends on your contractual relationship with the seller and what your timing is. Attorney Hirsch stated that she does not think it will take any longer to do the site plan and variance together. It may be one or two meetings.

Engineer Clerico recommended that if there was a formal site plan application for the existing building, to look at that prior file. Attorney Mongelli noted that they have a meeting with the gentleman who did the original site plan application.

Chairman Eckel stated that there will be questions on the traffic issues and parking space. Planner McKenzie noted that these items may be similar during the day to what is there now. We will need information on the events, etc. This will be good for the town.

Chairman Eckel recommended that noise be addressed as part of the application as well. She added that a community art center is a lovely idea.

Mayor Cooper and Sarah Scott returned to the meeting. William Sullivan remained stepped down for the Redevelopment Concept portion of the agenda.

NEW BUSINESS

Redevelopment concept for Ceramics Plant property

John DenBleyker, and Rocco Musolino recused themselves from this item of the meeting and William Sullivan remained recused all due to proximity.

Attorney Michael DeSapio noted that he is here on behalf of the developer for the conceptual plan for the redevelopment of the Ceramics Plant. One area of concern was a traffic study and Mr. Meiskin and his architect are here this evening.

Chairman Eckel noted that the Planning Board has a list of items that were outstanding that we asked for after the November meeting. We have not seen anything. Board Architect Chris Pickell had not seen anything. We asked for the items to be submitted prior to the meeting so the Board would have time to consider them. The Board requested more building variation design, more window designs, height perspective from the top floor of the school, crosswalk design, and line of site drawings starting at the school and working toward the towpath. We have not received any of those documents. Mr. Meiskin stated that he has those items here tonight. He added that the traffic engineer was unable to be here tonight but he has possible way of slowing down traffic, etc. Chairman Eckel responded that the Board's concern is that we were hoping to have all these items before tonight so the Board and the Board professionals had time to review them and consider them before tonight.

Architect Wayne Lucas presented some perspectives and areal views. The view from the river is similar to the view sketch that was done before for the previous proposal. There is also an aerial from the school side on Harrison Street. There is not a lot of difference between the lower 38 foot buildings along the front and the slightly higher 45 foot buildings in the back. We have two of the four views the Board asked for. Planner McKenzie commented that the one view is the line of site that the Board wanted. Architect Lucas responded that one of things interesting about the line of site, is how the buildings along Harrison Street have been sited so they sit in front of the rows of buildings behind. Looking at these buildings standing on Harrison Street, you will not see the buildings behind. The open spaces are looking down alleyways and streets. He presented a cross section view from pedestrians using Ninth Street. You have the four unit building that has a two foot break and then two smaller buildings, so the break occurs from building to building. Architect Lucas added that they have to fill the site by the river and only have 5 or 6 feet to play with. They eliminated a lot of topography that is out there now. A person standing on Harrison Street will not see the buildings behind.

Chairman Eckel asked if you do that much fill, will there be a slope by the parking lot by the ballfield? Architect Lucas responded that there may be a slope and there may be wall. We have not graded the site yet. We may find that those buildings step more as we get to that area. There is a 4 to 5 foot wall that occurs along the river side of the site to raise the elevation. It is probable that we will be filling higher than the towpath. Architect Lucas presented a side view on Ninth Street looking south. Chairman Eckel commented that the west side will have a wall that will be higher than the towpath. Architect Lucas responded that we have to get the edge of the site out of the flood plain. There is only a certain amount of fill allowed on the site. David Meiskin noted that there will be a series of basins along the towpath. And the side that is against the development will have some form of a wall. Chairman Eckel stated that the rendering is misleading. The subject property does not go to the edge of the current walking path. You will not remove all the trees and shrubs. David Meiskin confirmed that. Architect Lucas stated that there is probably more room from the townhouses to the actual river and there is a little more

slope from the towpath to the river. Planner McKenzie commented that there is also probably a slope from the towpath into the site. Architect Lucas responded in the affirmative. Catherine Suttle asked if the developer is certain that he can fit these building in there? Architect Lucas responded “yes” and that they have a base map with all the information they need. Mr. Meiskin noted that the engineering site layout has not gone into full production. He needs to know what he is working with bulk standards and constraints. He did the design basis for impervious coverage and it does fit with the extra room. Chairman Eckel noted that the rendering with the vegetation up to the towpath is not correct. Architect Lucas commented that the most important aspect of the illustrations is the general overall massing and the general overall idea of the height. You never get a rendering perfect with all the details being requested. Chairman Eckel responded that it helps for renderings to be correct if we want to get an idea of what it is going to look like. We want to know how it will look and how it will impact the town. The more accurate it is, the easier it is to interpret. She understands that you are working with someone 100 miles away but the details of the shadow in the backyards when the sun is not in that direction or the vegetation going up to the towpath are distracting. David Meiskin responded that it will be detailed in the site plan. This will be revised as we get more information. From the ordinance point of view, he is not sure there was much more in there that we had to address without the specifics. He needs to be able to do hard engineering.

Chairman Eckel noted that some folks in the audience were concerned about the lack of variation of building designs. One of the specific recommendations was that you have a discussion with Architect Chris Pickell prior to this meeting to address this concern. Architect Lucas stated that they are committed to working with Architect Pickell throughout the whole process to get through the redevelopment plan and to continuing to work with him through the site plan process to get things so everyone is happy. He did a first rendering to demonstrate possible variation with brick. They will includes creating variety not only with design and materials but also looking to do buildings with bricks, siding and different designs. We do not want to give up the space in the third floor so we may have to have the roof a little higher for variation along Harrison Street. That is one of the alternatives. Another alternative would be changing the window patterns. We can work to figure out how to modify the buildings. It would give us another element along Harrison Street and we can do that with the three story buildings as well. He has side and rear elevations. There are two elevations from Harrison Street, one from Eighth to Ninth Street and one from Ninth Street to the park area. There are building height differences and differences in materials. We can vary from building to building with style, material, etc. We can argue about the detail of design as we move along. Sarah Scott commented that she appreciates what the applicant did with alternative design, materials and heights. Chairman Eckel noted that this will be going from 38 feet to a higher elevation. Architect Lucas stated that it would be going from 38 feet to 41 feet. The height change will be insignificant when you are walking on Harrison Street. Chairman Eckel expressed concerned that you have 45 feet heights and the Planner was very clear about height. Architect Lucas stated that we cannot go down in height because we do not want to lose the third level access. Planner McKenzie recommended that the applicant go to Lambertville to see the row houses and look at the designs. You will see that some of buildings have lower ceilings and are designed differently. Maybe you would not have higher ceilings in the second floor. Architect Lucas noted that the problem is that everyone in the market place wants 9 foot ceilings. We can only go so far to make it look like old construction. Mayor Cooper asked that if these options does not meet the expectation of the Board’s request for diversity, let us move on. Planning McKenzie responded that it is not an invaluable discussion because the issue of how the buildings are being configured to create space does go to the questions of whether it should be 130 units or what is the right number of units. There is nothing magic about density. Can the project look right and fit into Frenchtown,

developed so it looks evolutionary. If the only way to accomplish this is 5 fewer units for example, maybe that is a reason that 130 units is too much. This discussion will lead to that determination. Chairman Eckel stated that she appreciates the fact that they tried to put variation in the appearance of the external buildings from concerns of the public and the Board. She added that Frenchtown was built in sections, and some may have looked the same but they have evolved over time so they look different once people changed them over time so the outsides started to look different. If it was identical, it would not be much different than Frenchtown was but we want it to look like it was always there and the development had evolved over time. This would address that. Her concern is that the Board and Planner felt that the 38 feet along Harrison Street was not negotiable and it now exceeds that height. In answering our question on diversity, they have exceeded that height. We are talking about living space on the third floor and Planner McKenzie was talking about how to have variation and still have living space on the third floor. Planner McKenzie commented that she does not know if the Board is happy with what they have seen. Ultimately, some of these exhibits will go into the redevelopment plan so if there are other expectations, we need to know. Architect Pickell noted that this is the first time he has seen these variations.

Planner McKenzie noted that the windows on the sides of the buildings are regular patterns although she can see the odd window in the stair case which she likes. Architect Lucas also noted they did the rear and side elevations. We also did the rendering of the rear of the 2 ½ story buildings on Harrison Street and all units have decks at the second level on the back over the parking. We also did a translation of that elevation to the rear of the three story units. We did not do the side elevation to the three story building which will be similar to 2 ½ story with another odd window for the stairwells. The buildings will have stairwells on both sides because of the way they will be accessed.

Planner McKenzie commented that the Board is not happy with the context of the bird's eye view. It does not show the site the way it is. Sarah Scott added that it makes it look like a mega dense subdivision in the middle of a farmland. There is a more regular patterns of residential development outside of your rectangle which is not accurately rendered. It should be true to reality. Chairman Eckel noted that it would be easy to put more context on the edge of this site. Planner McKenzie noted that you can use google maps to get the information. Attorney DeSapio noted that they will reassess the base map. John Dougherty requested that they show existing structure that are there on the base map. Architect Pickell noted that you are asking for too much. Planner McKenzie stated that the purpose of why the Board asked for it is to get a sense of building massing and to compare it to the neighborhood. Architect Chris Pickell advised the Board that we are going too far. It is not something that will go into the redevelopment plan. It was for comparison.

Planner McKenzie noted that the next item is the crosswalk design. Mr. Meiskin noted that they met with the Board of Education and the principal. Proposed W11-2A is a sign that flashes that has a solar panel on it so when the school is letting out or going in, it will slow down traffic. There are 11 signs that flash. There are 10 of them between Eighth and Tenth Streets. On the next sheet, crosswalks were added at Eighth and Harrison and Tenth and Harrison and crosswalks were added at Ninth Street as well as the signage. The Board of Education thought it would work. This is from the traffic engineer responding to comments from the Board. There are 10 flashing lights proposed to go in on both sides of the street at each crosswalk. Architect Pickell commented that when you come from Seventh to Eighth Street, you will only see two of them and they are not double sided. Planner McKenzie commented that she is imaging that kids are going to cross where they are dropped off. We want to make sure it is safe. It does not cure

the drop off situation. This would be subject to the Borough Council approval. The Planning Board will provide input to the Council but it is ultimately, the Council decision where signage goes. Mr. Meiskin stated that he is willing to put in what the Board wants within reason. Chairman Eckel asked about traffic calming bumps. Mr. Meiskin responded that he spoke to the three entities and they did not want bumps. Mayor Cooper stated that bumps are difficult for snow removal, etc. Chairman Eckel commented that the name of the school is Frenchtown Elementary School or Edith Ort Thomas Elementary School. Architect Pickell noted that if you bring the sidewalks out, it visually makes people slow down. Mr. Meiskin stated that on their side of the road, they proposed that. On the other side of the road, there is a shoulder parking lane with no bump outs. Certain times of day between drop off and pick up, you cannot park on the development side of the road. Responding to comments that it will promote crossing where the kids are dropped off or picked up, Planner McKenzie noted that there will be a crosswalk. Attorney DeSapio noted that it is a detail that can be addressed during the site plan.

Planner McKenzie noted that the final issue is the line of site from the street level. We would like to see the perspective from an angle if you were walking up Harrison Street to see what the horizon would look like and the other buildings behind there. Architect Lucas responded that you will not see much. The current perspective is not at eye level. Planner McKenzie noted that the perspective will have windows added to the side which it does not have now. It will be important for the public hearing.

Planner McKenzie stated that she would like to go back to the variations in design. Where you are using siding instead of brick, she requested that you vary the building but do not use two different sidings on the same building. She personally prefers the brick but it is up to the Board. It will have to look like clap board.

Planner McKenzie noted that there were changes that needed to be put into the redevelopment plan. She was going to work on this but because of the escrow account not being updated, she did not. She will also need the citation on the energy stuff. She will then put it in a formal format and the Board will need to pick exhibits that will go into the plan.

Chairman Eckel stated that she thinks she needs to open it up to the public. Attorney Hirsch noted that this is not an official public hearing process, but it is a good idea. Chairman Eckel noted that the Board needs to have time to deliberate on this. We have heard testimony and seen new exhibits this evening. The exhibits were not provided ahead of time so the Board still needs to deliberate on this. We have not had the time to do discuss this. There may be parts of the draft Redevelopment Plan that the Board is not comfortable with. The Board has not had time to do that and with all the new documents before us this evening, we need to have that discussion. It would be a disservice to the Board, the Council and Town to not do our due diligence.

Chairman Eckel opened the floor to the public for comments and questions.

Ed Jozowski of Cedar Street asked if there is an impact studies on taxes and law enforcement since this is going to increase the town? Planner McKenzie noted that the applicant has indicated that they have a fiscal impact analysis but has not provided their expert yet. Chairman Eckel asked the proposed developer if the Board could have that study in advance of the January 27th meeting, perhaps by January 13th, two weeks before the meeting. Planner McKenzie noted that it looks at municipal costs and benefits. It would inpute law enforcement. It provides the average costs. Sometime they look at average cost such as cost per unit of the services the municipality provides. Mayor Cooper noted that this will be discussed when the redevelopment

plan comes to Council. Mr. Jozowski asked if this would increase crime. Attorney Hirsch noted that people who move into the community are no different than you and your neighbor. There is no greater likelihood of crime, any type violent crime, non-violent crime or robbery. This is not appropriate avenue for discussion. Chairman Eckel noted that we are looking at it from a cost perspective. Mr. Jozowski stated that when the Commons went in years ago, 75% of all police calls were at the Commons. Mayor Cooper noted that the Commons is a rental property. This is not a rental property. Mr. Jozowski stated that not all the units will be owner occupied. Mayor Cooper stated that if you want to make a comparison, the owner occupied housing stock of which there are some rented. The kind of people who will be living in that development are your neighbors. David Meiskin noted that 15% of the units will be rentals. Mayor Cooper noted that there are probably about 15% of the units in town that are rented. It is not going to change the complexion of town. Mr. Jozowski stated that it is more population in a small town and is overwhelming for that many people in that area.

Don Seigle of Everittstown Road asked if the number of units is set in stone? Looking at the picture, this does not fit any part of the town. Chairman Eckel responded that this number is not set in stone. Mayor Cooper added that the previous planning board and Council agreed that this property could have 111 units. That is the starting point for discussion. Don Seigle asked if it could be changed back? Mayor Cooper stated that it has been on the books for six years. Planner McKenzie stated that the developer has the right to do 111 units. As part of the redevelopment, they are asking for 130 units. The Board has not come to the conclusion that 130 units is the right number of units. Don Seigle commented that he is not against development but it has to make sense for everyone. He comes from a town that was over development and it can ruin the town. He would hate to see this town changed in that way.

Laura Einhorn of Third Street stated that in her opinion, maybe the starting point could be what we have now, 10 units per acre. Why wouldn't that be the starting point? 130 units within two block is overwhelming. This looks like a city within our town. She hopes the Planning Board considers what Frenchtown is and what it should stay like. Maybe we can look at it in a different way. Planner McKenzie noted that one of the issues with this site is that from the time it was rezoned in 2009 and through this proposal, it was a site to require the developer to set aside a certain percentage of low and moderate income affordable housing units, 15%. Municipalities have an obligation to provide so many affordable housing units. We are not sure what the extent of that obligation is yet. When you are looking at zoning to provide incentive for the developer to provide affordable housing, you have to look at density that is higher than developments that do not provide affordable housing. Affordable housing is a requirement of the municipality. She thinks there will be a higher density on this site than what is around it. The question is whether what was previously approved is what the Board wants or what the developer is proposing now works on the site. From a planning perspective, that is the issue. If you do not like it, you need to give us a specific reason for dropping the density. John Dougherty added that the reason for the density is the nature and extent of the site preparation. Planner McKenzie noted that this is a site that requires demolition and clean up. John Dougherty asked the developer if he has investigated the nature of the asbestos and what you have to do in terms of demolition and removal of the materials? David Meiskin responded that there is asbestos and part of the property will have to be remediated. He spent over \$100,000.00 boring, etc. He put in wells for ground water sampling and the ground water is okay. It is not cheap to do the clean up.

Terry Pearson of Harrison Street noted that she is on the Board of Education and the developer met with the representatives but the Board has not reviewed that discussion and when it was articulated that this is what the Board of Education wants, that has not yet been reviewed by the

Board. Terry Pearson stated that it would be helpful when you continue forward in the process especially in the public hearings to be better understand the town's intent of the redevelopment so we can articulate our thoughts and comments in context of that. She heard earlier that it is a result of what the town wants. What are we trying to achieve? Chairman Eckel asked the Board to let us know what the Board feels about the crosswalks, etc. Terry Pearson asked the Board to articulate what you are trying to achieve because it is not clear to us. It will help us understand and perhaps support it if we agree with what the town is trying to achieve. Chairman Eckel noted that the goals will be in the redevelopment plan. This site is dilapidated and is a dangerous building situation. It is what the Police Chief calls an attractive nuisance. It is going to begin to draw people to the site to hang out, etc. Terry Pearson stated that if it is the only reason, the town has an obligation to force the owner to clean up the site. Planner McKenzie stated that she will have that for the January meeting and will pull out some of the reasons that the town declared that an area in need of Redevelopment. Sarah Scott noted that maybe we can put in what the other options for this site are. What are the goals and how does this attain those goals and what are other ways to attain the goals? Planner McKenzie noted that she does not think that the redevelopment plan will have all the different options that can be done with this. It will have the goals and the reasons. It should be part of the discussion that takes place.

Chairman Eckel stated that one of the goals of the Redevelopment plan will help the Borough achieve its affordable housing obligation? Planner McKenzie stated that Frenchtown has been good about complying with affordable housing obligation which is state mandated. In 1985, the legislature adopted the fair housing act and recreated an agency of the State called the Council on Affordable Housing also known as COAH. That functioned well and Frenchtown submitted plans and got the blessing on their affordable housing. There is affordable housing going in as part of River Mills and Shale Cliff. There is still more needed. That need keeps growing and towns need to provide more affordable housing. For the last 15 years, COAH has failed to adopted rules that have been upheld by the court. They did adopt rules in 2008 and Frenchtown did a Housing Element in 2008 and got a certification on that Housing Element from COAH but then the court threw out those rules that was the basis for our plan and our plan was thrown out. We now have to come up with another one. Towns that complied with the rules at that time were told by the superior court that they could file for a Declaratory Judgment Act and get their plans declared compliant. We are in that process. We have to come up with a plan that will meet a number which we do not know what that number is. That number has to be declared by the court. We are not sure if we can meet that number. We are trying to find a way to accomplish this. Back in 2009, when this site was proposed for development, it was felt if it was going to be developed with housing, it would be developed with the town's affordable housing obligation so the town was not scrambling to find sites to rezone, or find ways to meet the obligation by paying for it so this site was going to have affordable housing. That is why this site is important particularly now because we are in the process before the court. We do not want to remove so much from this site so we do not remove the incentive for affordable housing or we would not get affordable housing. And, we do not want to live with something long term that we do not want to look at. It has to be a balance of meeting constitutional obligations and making sure it is a development that will work with the Frenchtown we have. It is an important goal but it is also the desirability of getting the site cleaned up. You could clean it up and make it a park but someone would have to pay for that and if you do not put affordable housing there, where do you put a decent number of affordable housing unit. That is where we are now.

Ralph Della Badia of Ridge Road asked is the town prepared to provide adequate fire protection for a development of this size and its current residents? Planner McKenzie responded that the town was prepared to provide firefighting services to the 111 unit for that site. What is proposed

by the developer is 130 units which has not been accepted yet. She believes that the Fire Department will consider it a marginal difference but she does not think that the Fire Department weighed in on it yet. Chairman Eckel stated that with the previous plan, the Fire Department was concerned with the heights of those buildings. The very fact that these buildings are lower will help. Before there is an approval for a site plan, the Fire Department will review the plan to make sure there are appropriate turn radiuses, etc., Planner McKenzie added that one of the benefits of putting in Ninth Street is better access within the block. The Fire Company will look at it.

Margaret Waldo of Second Street stated that she truly appreciates the tricky balance that you have. She understands that it is not realistic given all the goals and desires to clean up the site and meet all the affordable housing obligations and that there is a lot a stake with this property. For her, she sees when she looks at this, this development looks like a development off an exit of Route 78. It does not fit with the character of this community. She understands there needs to be a higher density on this property but there is no look to her like a neighborhood. This looks like a parking lot with townhouses put down on it. There are no yards and no green space. If this is a place where families will live, where are the places for kids to play. It does not seem like it is in keeping with the character of the community. She knows it is hard to image who will live there. She was a renter in town for 6 years before she was able to buy a house. She did not commit any crimes. Rental units are needed in this community and she appreciates that there is a mix but there is too much on this site. The Board needs to consider other density on this site.

Dave Pearson of Harrison Street stated that he agrees with Margaret Waldo. If you look around town, almost all the houses around town have grass in their yard. There is no grass in these yards. It looks like houses built on a parking lot. As bad as the site looks, there is grass on the site. The second point is a complaint. Currently, when he looks out his back window, he can see mountains in Pennsylvania in the fall and the river in the winter. You are going to put a water tower in my backyard. It has been a couple of year there has been graffiti on the property and the school has asked to have it removed. The current owners have refused to maintain or secure the property. He does not believe that moving the water tower will change anything. Before you move the water tower, ask the people that will have a water tower in their back yard what they think of it. Chairman Eckel stated that the water tower is our cell tower. There is a contract. Dave Pearson stated that you are moving the cell tower.

Don Seigle stated that it is time to come down on the owner to keep the property clean and safe. Chairman Eckel responded that it is a matter for the Council. The next Council meeting is December 30th at 7:30 pm.

Ed Jozowski stated that we are not against development. We are concerned with high density. We are afraid of changing the dynamics of the town particularly with affordable housing. Chairman Eckel noted that affordable housing is not subsidize housing. It is based on the average income in our County which is really high. So, we are talking about affordable housing for college students, new families, etc. Mr. Jozowski responded that he understands that it could be firefighters, police, etc. He is not against letting people in but this is here forever.

Don Seigle asked if the town can wait to see what the affordable housing number is from the court. Planner McKenzie responded that we may have a number by spring. The problem is what the court is expecting is when they decide a number, we will turn a plan around very quickly. We are looking at opportunities that come along. We will have a compressed time frame set up by the supreme court in which to comply. We are hoping the numbers will not be very high. It

will be more than we had in the 2009 plan. We know we will need the units this site will generate. We have been exploring an analysis of vacant developable land. This is more vacant developable land in Frenchtown than everyone thinks.

Rocco Musolino of Seventh and Harrison Street stated that the plans shown on that picture does not fit with town. The density is very high and he would like to see it at 111. As a resident, he does not want to look at it every day. He realizes we need development but this is too big and the design is not very good. You can do better than that.

Having no other public comments, Chairman Eckel closed the public comment session and thanked everyone for their input.

Chairman Eckel noted that according to our Board bylaws, the meeting ended 22 minutes ago. Planner McKenzie stated that the Board needs to go through redevelopment plan but it will not happen at this meeting. You need to go through the Redevelopment Plan as a Board and she will make the changes and provide it to the Board in a final format. The only thing missing will be exhibits. We need Chris Pickell and the developer to work together. She will leave the density as shown and that will be part of the Board's discussion. That is a Board's matter. The directive she had from the Council when she was first asked to do this was to work with the developer and a subcommittee and come up with it. Now it is before the full Board and the Board has to decide what direction you want to give the Council. Attorney Hirsch has gone through this and rather than go through it line by line, the Board can identify what each section covers and if you are comfortable with it and do it by topic such as permitted uses, accessory uses, the issue of the water tower, density, width of buildings, setbacks, building separations, building heights and impervious coverage and she what you are happy with and what you are unhappy with. Define the issues that are contentious and then discuss them. Chairman Eckel stated that we will do this at the January meeting.

Attorney DeSapio asked if the Board would consider holding a special meeting given the amount of business you will have at the next meeting. Perhaps in early January. His client said he could get the additional material out to the Board prior to that special meeting. His client has a deadline that is creeping up so close. Chairman Eckel stated that the Board will need to notice the public of a special meeting 10 days prior. We would have to move the reorganization meeting or we could not operate. Planner McKenzie recommended the second Wednesday of January. Cathy Suttle commented that she does not want a repeat of what we had tonight of getting everything that night. Chairman Eckel stated that we must get all the additional items ahead of time. Cathy Suttle added that the developer should have to meet with Chris Pickell for the variations so we have something to look at and so that we can possibly go forward. Hearing more about design is important. Sarah Scott commented that it sounds like design and density is important. Architect Lucas noted that the architecture will continue past what we do for the next meeting but it will continue to be a work in progress. Planner McKenzie stated that you need to understand that this is a public process and it is important to work to make it look good. Attorney DeSapio informed the Board that the line of site can be provided before the end of the year. Planner McKenzie noted that it will involve talking with Chris Pickell. David Meiskin noted that we have been working with the committee and thought we had it narrowed down. Now, we are working with the full board and his experience has been if we try to get the architecture down, it will be six months from now. It will not be perfect. That is what the ordinance is for. Planner McKenzie noted that the Ordinance does not preclude what you showed us. You need to hear what Chris Pickell has to say. David Meiskin noted that he will provide something from Chris Pickell and the Board will have a difference of opinion. Planner

McKenzie noted that you worked with Chris Pickell and the Board did not like the uniformity. She understands that. David Meiksin noted that if you have an ordinance in place, he can address it and will know what the bulk standards will be. He is trying to utilize the time efficiently but we have time constraints. Planner McKenzie noted that the alternative is to include sketches in the redevelopment plan to save time. There are nice sketches of buildings that fit in a historic street scape and those would be examples of what we are looking for. We tried to listen to what everyone had to say and half the group likes the plan, the other half does not. She commented that you put rod iron porch railing on and we want balusters. Architect Pickell recommended that the Board put standards in the ordinance with illustrations as samples. The effort of variations is disproportionate to what they want to do which takes a lot of time. Planner McKenzie responded that the Board wants variation that is not just an increase in height two feet over the 38 feet. They are looking for buildings that are different. That has to be part of the discussion. Architect Lucas suggested that he, his partner and Architect Pickell put something together and bring it in the form of a photograph. Planner McKenzie believes it will be sketches of buildings. Chairman Eckel asked if he could meet with Architect Pickell and have something substantially different by January 3rd for a special meeting on January 13th. Responding to Architect Lucas, Chairman Eckel recommended that they provide a concept drawing with some level of detail. It will be critical that you have something to us by January 4th otherwise we will not have a special meeting.

Chairman Eckel stated that it will be critical that you also provide the Board with height perspectives, site line drawings, and a fiscal impact statement. You submitted the traffic study. You will need to deal with the crosswalk issue. We will also need to make sure that the escrow is sufficiently funded or nothing will happen on this end. Chairman Eckel noted that the special meeting will be schedule for January 13th which will also be our reorganization meeting.

Attorney Hirsch commented that signage, cross walk plans, etc. can be reviewed by the Borough Engineer. That engineering firm has a traffic engineer. You will not need to hire a traffic engineer as they are consultants of the Borough. Planner McKenzie stated that they know Frenchtown already. Chairman Eckel noted that we will also need to talk about pedestrian circulation. Responding to Chairman Eckel, Mayor Cooper noted that Maser's fee is \$135.00 per hour.

On motion by Cathy Suttle, seconded by Jack Weeks and carried by unanimous favorable roll call vote, the Planning Board approved to defer the traffic study and crosswalk and signage plan and pedestrian circulation to the Borough engineer for review and comments.

Responding to Cathy Suttle as to the site clean up, Planner McKenzie noted that it will be required by the NJDEP.

John DenBleyker, Rocco Musolino and William Sullivan returned to the meeting.

VOUCHERS

Brenda Shepherd, Board Secretary, presented the following vouchers for approval:

VOUCHER LIST 12/16/15

Elizabeth McKenzie	Professional Services for Affordable Housing through 11/30/15	\$ 831.25
Albert Cruz	Professional Services for Affordable Housing through 11/30/15	\$ 769.18
Archer & Greiner	Professional Services for General Representation through 11/30/15	\$ 587.80
Archer & Greiner	Professional Services for Affordable Housing through 11/5/15	\$ 898.00

ESCROW ACCOUNT – BLOCK 3 LOT 1 – Frenchtown 7

Van Cleef Engineering	Professional Services for Frenchtown 7 through 10/31/15	\$ 1,290.75
Albert Cruz	Professional Services for Frenchtown 7 through 10/31/15	\$ 450.00
Archer & Greiner	Professional Services for Frenchtown 7 through 10/31/15	\$ 40.00
Archer & Greiner	Professional Services for Frenchtown 7 through 11/30/15	\$ 1612.40
Pickell Architecture	Professional Services for Frenchtown7 through 11/30/15	\$ 580.00

ESCROW ACCOUNT – BLOCK 57 LOT 1 – Cretella

Elizabeth McKenzie	Professional Services for Cretella through 11/30/15	\$ 43.75
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael

Archer & Greiner	Professional Services for Michael through 11/30/15	\$ 179.20
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael’s Inspection

Van Cleef Engineering	Professional Services for Michael through 9/30/15	\$ 5,874.95
Van Cleef Engineering	Professional Services for Michael through 10/31/15	\$ 1,389.00

On motion by Gerry Case, seconded by Warren Cooper, and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

Chairman Eckel stated that it has been a pleasure serving with Mayor Cooper.

Mayor Cooper commented that a lot of decisions we are urging the developer to change were decision that came out of working group including the school board. One of the comments tonight was that there was not any green. We traded that when we agreed to have porches. There is still some green. He does not want to make him the bad guy. Chairman Eckel stated that the same thing happened with River Mills because the Technical Review Committee said we want industrial buildings and then, they came to the Board and the Board said no. Chairman Eckel stated that this looked fine with two units next to each other but then you put it all together. Mayor Cooper noted that we originally wanted it arrange in a jig saw puzzle and we said we wanted a line of site to the river. Chairman Eckel noted that we went from crazy quilt to gingham squares but they did maintain the line of site to the river. The developer has been working hard. The only thing she may need to keep after him about is that we keep having to tell hi over and over again. Chairman Eckel added that he did not pay the escrow up and we had to give him a deadline of Noon of last Friday or we would not hear them. The Borough Attorney also recommended that no professionals review anything until that escrow was paid. They paid it at the last minute. She was not going to have Architect Pickell comment on anything that was put in front of him this evening.

Chairman Eckel stated that next year we will have a bowl in middle of table and if you do not bring your book, you will have to put a dollar in the bowl.

ADJOURNMENT

Gerry Case moved adjournment at 11:00 PM, and John DenBleyker seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary