

Frenchtown Planning Board
Special Meeting
March 9, 2016
7:30 P.M.

Chairman Randi Eckel called the Special 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	Dougherty
Dragt	
Eckel	
Musolino	
Myhre	
Scott	
Sullivan	
Suttle	
Weeks	

Variance and Site Plan Application – Block 59 lot 4, ArtYard, Inc., 62A Trenton Avenue (Public hearing)

Mayor Brad Myhre and Councilman William Sullivan stepped down on this application. Sarah Scott is stepping down on this application due to proximity.

Attorney Mongelli, representing ArtYard, Inc., began by thanking the Board for having a special meeting. He noted that we have provided parking calculations to the Board and will walk the Board through it in great detail. He added that Jill McDonald spoke about the vision for ArtYard, Courtney Haviland discussed the hardscape and the future scape and where we want to go with the project and Architect Michael Burns talked about the redevelopment zone and how this fits and Jill McDonald spoke about the concept of the third place which is a very important concept. Architect Burns will begin the presentation this evening and how this concept fits in Frenchtown’s vision for the community.

Architect Michael Burns noted that the third place concept has a particular meaning and he will go through the history and notion of the third place. He referred to the book titled “The Great Good Place” by Ray Oldenburg who consults regularly with urbanists and noted that the book was further titled Cafes, Coffee shops, bookstores, bars, hair salons and other hangouts. Mr. Oldenburg coined the phrase the third place. The first place is your home, the second place is your work, and the third place is a home away from home. The most iconic third place that everyone knows is the bar Cheers where everyone knows your name. It is a place that is part of the community and becomes the heart of the community where people hang out. In a subsequent book that Ray Oldenburg edited, he documents stories of celebrated third places. In those stories, you will find documentation of a garden shop, a place called the Cross Roads which is a shopping mall that was converted to a public market, Old St. George church was converted to

for cultural festivals, Great Good Gym which was a health club became a third place and Maxwell Street which is an outdoor market became a third place. This one is of particular interest because it is part of Jill McDonald's vision which is to have art and cultural aspects and hopefully, that spills out into the community in various ways. The uses and intention is something that will become where people can go regularly, take a class, visit a studio, see a lecture, and various other things that people can participate in on a regular basis and become a third place. The notion of the third place fits into a lot of the points raised in the Revitalization Plan recommendations and what we are proposing will fit nicely with the vision of Frenchtown.

Architect Burns noted that one of the things that is interesting about the Master Plan and Reexamination Report, shown in purple on the exhibit page, is that it suggested that this property be included in R4A zone. That would put this property currently zoned as light industrial into the mixed use zone. That idea was affirmed by the 2009 Two Button approval. Zoning relief was approved and part of their proof was that it was suggested that this property be part of the R4A zone which is at the southern tip of Village Center Overlay zone. If you extend the uses for R4A, it would be logical to extend Village Center Overlay. The key issue of the Revitalization Committee was to establish an arts and community center although it was on a different site. They suggested that an arts and community center be established particularly with the performing arts capability. It would enhance the town, support restaurants and retail, and encourage growth. The Revitalization Committee voted unanimously to support the arts and community center. The Revitalization Committee identified certain principles for the downtown and one of them was places of diversity. A successful downtown would be welcoming to diversity users and groups of users which will create an environment that is specifically designed to appeal to a full range of the Frenchtown community, young and old, singles and families, etc. This will make the downtown stronger and more relevant as it welcomes a variety of people and provides a diversity of experiences. What we are proposing has a diversity of uses and the third place idea. It suggested a diversity of uses and a balance of activities and we fit into that category because we are proposing a variety of uses and a balance of activities and they also suggest a show case for public art and even though it is proposed for a specific site, as you have seen in Jill McDonald's presentation, they typically go outside the boundaries of the property in particular ways to support events of the community. The idea is to have a close connection to the community. And, finally they encourage public and private efforts. This is a private effort and we have tailored it to support all the things that you are trying to accomplish through the revitalization plan. If you assume it includes the Village Center Plan, some of the goals and objectives in the Village Center Plan are to revitalize the commercial district, provide economic development opportunities, provide a mixture of uses and provide a pedestrian oriented environment. He will talk about the street scape and what is being proposed. We think we are in line with those objectives. In addition, the Village Center Plan refers back to the Master Plan which suggests that a replacement or reuse of obsolete industrial buildings should occur with other uses and that is exactly what we are proposing, taking an property in an industrial zoning and revitalizing it with other uses more in line with your Revitalization Plan and Village Center Plan.

As to the connectivity idea as part of the Downtown Revitalization Plan, Architect Burns noted that the goals and objectives listed that have to do with addressing the street scape, infrastructure, improvement of signage, improvement of street lighting and particularly, it defines the business district to tie together Race Street, Kingwood Avenue, Harrison Street and Trenton Avenue. We are on Trenton Avenue. If this application is approved, we are at the southern tip of Trenton Avenue as indicated on one of the street scape diagrams published on your website. We become the southern gateway into Frenchtown along Trenton Avenue.

Architect Burns noted that we are proposing street scape improvements and street trees and street lighting recommended by the street scape committee by planting trees, upgrading the property and developing and expanding a connecting trail around Frenchtown. One of our proposals would be to put a sidewalk in front of the property along Trenton Avenue and continue the sidewalk if we could get an easement for the property to the north. That would continue that sidewalk to the center of town. It fits within the 1,500 foot radius which is recognized as a five minute walk and the distance that creates a village. Our proposal is in line with that. In addition, we have a direct connection to the walking path along the river to town and to the public parking lot. That is within the 750 foot radius, the distance people are will to walk from when they park their cars. We are tying into the idea of connectivity directly and pedestrian walkways, with a sidewalk on Trenton Avenue to Two Buttons specifically. The report talks about lighting for roadways and pedestrian walkways, and we have taken the examples in the report and found lighting fixtures that are very similar to that. They also talk about downtown principles which is to create a pedestrian friendly environment which we are trying to accomplish, and a unified sense of place which is accomplished by a signature downtown street scape, with sidewalks, street trees and lighting in line with the report. There are a series of pages that talk about various light fixtures and street trees that are appropriate. It also talks about a connective downtown. We are hoping to support that idea by providing a sidewalk in front of the street trees and street lighting and encourage public and private efforts. This is a private effort with the goals and objectives of the Village Center Plan. The report also talks about specific tree types that are appropriate for particular uses and in this case, we are proposing Ginkgos because it is on the State Highway and in the winter time, it will get a lot of salt from the cleaning of the street and the Ginkgo is a hardy tree. Finally, they talk about connection and walkways being provided between all commercial buildings and along all streets as need to connect the site to surround neighborhoods. We are proposing to do that. We are creating a gateway to the center of the Borough as shown in the exhibit.

Attorney Mongelli noted that Architect Burns will provide testimony for the use variance with the negative and positive criteria requirements and also noted that they will not engage in any proofs with respect to the existing non-conformities that were approved in 2009. He asked Architect Burns to describe the required use variances in this application. Architect Burns noted that within the uses that are being proposed which are mixed uses, several of the uses fit into similar categories and several are outside of those categories. The first one is the restaurant, which is a non-conforming presently exiting restaurant which was previously approved by the variance in 2009. We are not suggesting change to that. Other uses which he believes can be groups together are the gallery, museum, classrooms and studio spaces. They are not specifically listed as uses in the R4A zone but they fit into the general category and galleries are a permitted use in the R4A zone. Although it is still zoned as an industrial zone, there was a recommendation to rezone the property to R4A and these would be permitted uses in that zone. The previous variance granted mixed uses in the R4A zone. As to the theatre and the blackbox uses which are not identified anywhere, he believes they fit into the category of mixed uses suggested by the R4A zone. Specifically, the R4A zone says the zone encourages a continued mix of uses which provide services and supplies to the immediate community and standards for the development are specifically designed to promote adaptive reuse of existing buildings. We are adaptively reusing the existing building.

Chairman Eckel asked Architect Burns to explain what a blackbox is? Architect Burns noted that there are a number of types of theatres, the proscenium theatre which is a historical conventional theatre or a thrust theatre which typically has a theatre at one end and the seats are organized toward that stage. A blackbox is a space which is designed to be incredibly flexible

so that the stage could be in the center of the space and people could occupy the area around it. The stage could be organized on the side or there could be no stage at all. It is intended to be a theatrical performance space that is entirely flexible to be redesigned to accommodate the performance that will go inside of it. In this case, the blackbox will also serve as the backstage when the conventional theatre is in operations. The blackbox and theatre would not be in operation together. The blackbox is intended for a smaller audience and it is a smaller space designed for more cutting edge performances.

Responding to Attorney Mongelli, Architect Michael noted that granting of the use variance would advance the purpose of the Municipal Land Use Law, the Frenchtown Land Use Ordinance, the Master Plan, the Revitalization Report and the Village Center Plan because the Master Plan re-evaluation of 2009, recommended that the zoning of this particular property be changed to R4A or R4B zone which permits a broad variety of retail and commercial spaces. The restaurant and gallery are permitted uses in that zone. The remaining uses fit in line with that zoning. The proposal meets all the ordinance standards in Section 308 of the zoning ordinance. With respect to the MLUL, we have hit 6 of the purposes of the MLUL. He will group them together as they are essential the same. Items A, D, E and F encourage municipal action to provide the appropriate uses in a manner that will promote public safety, health and welfare. As to Item D, to ensure that the development of individual municipality does not conflict with the development and welfare of neighboring municipalities and Item E, promote the establishment of appropriate population densities and concentration that will contribute to the well being of persons, neighborhoods, communities and regions and the preservation of the environment. Item F provides for sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, industrial uses and open space for public and private according to their respective environmental requirements in order to meet the needs of New Jersey citizens. Architect Burns noted that with respect to all of these items, the Master Plan adoption of 2009 recommended that the zone be change to R4A and therefore, aligning the proposed use with the zone district and also aligns them with the environmental performance standards in the zoning ordinance, Section 308 and it is also in line with the 2012 Revitalization Plan which specifically recommends the establishment of art and community center and elaborates on the benefits of such use. It does suggest another site but as the Board's Planner notes in her report, the proposed use is uniquely suited for this particular property. All of this promotes the issue in the MLUL. Item B is to secure safety from fire, flood and panic and other natural and manmade disasters and Item C refers to adequate light and open space. In this case, the building meets all the requisites of bulks requirements as it meets all the setbacks with the exception of the side yard and front yard setback. We are not decreasing them in any way and they serve to provide ventilation and light to the building for all these years. The building is located in a flood hazard zone and we have a flood elevation certificate which indicates that the finished floors are above the flood zone not inviting flood hazard.

With regard to the Revitalization Committee report, Architect Burns noted that the committee concluded that an arts and cultural center was an appropriate thing to enhance the town's residents and retail, and would encourage economic growth. We have voted to support that as an idea. In the Frenchtown Village Center Plan, there are a series of issues identified that are in line with what we are suggesting which is to revitalize the commercial district, provide a mixture of land uses, provide a pedestrian environment, undertake infrastructure improvements involving streets, curbs, sidewalks, parking and sewerage and ensure a long term productive reuse of the existing redevelopment parcels, replacement or reuse obsolete industrial buildings which we are suggesting here, and introduction of street trees and street lights. By extension, within your

Village Center Report, they mention that it is in line with the Hunterdon County Master Plan and the State Development and Redevelopment Plan. We fit into all those.

Attorney Hirsch stated that Architect Burns testified that the proposed use is uniquely suited to the property. She asked for a list of the reasons why that is the case. Architect Burns stated that one of the issues attached to these uses will generate parking requirements. This property currently has 75 parking spaces. We can get 120 cars parked on the site. The site provides opportunity to accommodate the parking for a theatre. The other unique aspect is that if the theatre is not in operation, all the other uses could operate with the 75 parking spaces and we have engaged a valet parking company and by their calculation, we can get 120 cars parked on the site. The site accommodates uses that would be otherwise difficult to do in other areas of the Borough of Frenchtown because of the amount of vehicles when the theatre is in operation. The property is uniquely situated where we can make those pedestrian connections allowing pedestrians to move back and forth from the site by the sidewalk or towpath along the river to the downtown without using vehicles. We are also creating an entrance way to the community. It is the southern tip of the revitalization zone and it creates an opportunity to develop a gateway to the town.

Attorney Hirsch commented that she was hoping to here that the building site have already been converted to mixed uses, etc. Architect Burns confirmed that the building site has already been converted to mixed use from industrial which makes it unique. The restaurant is existing and will remain and is a third place for people.

Architect Burns stated that he believes that the variances can be granted without any detriment to the public good because there are no detrimental impacts on the neighbors or neighborhood since we are aligning with the uses in the 2009 Master Plan and it also satisfies 6 of the purposes of the MLUL, it is in line with the goals and objectives of the 2012 Downtown Revitalization Committee's recommendations, and it is in line with the goals of the Village Center Plan and by extension the Hunterdon County Master Plan and the State Development and Redevelopment and section 308 of the zoning ordinance.

Attorney Hirsch noted that she is use to hearing testimony on the first part of the negative criteria dealing with the neighborhood in reference to noise, odor, traffic, light, etc. and do they have impacts on the neighborhood. She added that the testimony that was just given addresses the second part of the negative criteria. Architect Burns noted that he has referenced Section 308 of the zoning ordinance which deals with noise, odor, traffic, light, etc. In this case, there would be no negative impact or no detrimental impact on the neighborhood. As to the parking, we will not negatively impact the neighborhood because we will be parking on site and will defuse parking congestion in the neighborhood. Architect Burns noted that the benefits of granting this variance outweighs any detriment because the benefits were outlined earlier and the proposal is in line with the Revitalization Committee's recommendation of establishing and arts center and it will support the town's retail and would encourage economic growth. The uses are unique to this property. The grant of this variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance based on his entire discussion this evening.

As to the required bulk variances in the application, Architect Burns noted that we are not proposing to modify the building in anyway which we will not address at this time. The maximum impervious coverage requirement is 70% and the existing impervious coverage is at 70.88% and with the proposed sidewalk along Trenton Avenue, the impervious coverage is

increasing to 71.43%. The second variance is the parking variance for valet parking. Under ordinary use circumstances for this site, we can accommodate the demand except for the theatre. There is a parking variance required for the valet parking. We will need a variance since the ordinance does not make provisions for valet parking. We believe we can accommodate that demand. The variances can be granted without substantial detriment to the public good because the impervious coverage represents a .55% increase which is de minimis with respect to any stormwater issues and he thinks that the new sidewalk, street trees and lighting is in line with the recommendations of the Downtown Revitalization recommendations and the Village Center Plan and the 2013-2014 street scape plan. The benefit of having the sidewalk outweighs the .55% impervious coverage increase and it would not impair the zone plan and the zoning ordinance as set forth earlier.

As to parking, Attorney Mongelli noted that Architect Burns provided the Board with a parking calculation for 154 spots and he will explain how it was broken down and what it is based on. Marked as Exhibit A-3 is the parking memo by Mr. Burns dated February 25, 2016.

Architect Michael Burns testified that he added a column on the parking calculations that identified the Section 306B parking requirements. For the restaurant, 1 parking space is required per 50 square feet so that calculates to 38 parking spaces. For the theatre, one parking space is required per three seats at 238 seats which totals 79.3 parking spaces. The Blackbox requires 1 space for every 100 square feet which equates to 9.55 parking spaces, the gallery and museum space requires 1 space for every 250 square feet which equates to 6.4 spaces, the classrooms and studio at 1 space per 250 square feet equates to 21.16 parking spaces for a total demand of 154 spaces. A number of uses are not intended to be operational at the same time. The theatre will generate a large amount of parking and would operate at that level, 4 or 5 times a year. The Blackbox will operate as a backstage for the theatre so when the theatre is in operation, the blackbox will not be in operation. In addition, the other spaces would not be operational when the theatre is in use and the only other use operating would be the restaurant. The demand with the restaurant and theatre in operation together is 117 spaces. We have engaged a valet parking company that looked at the site and the diagram shows that 120 spaces can be accommodated on the site. The valet will park all the vehicles on the site. The idea is to contain a large number of parking in a way that is unique and solves the problem on the immediate site and does not impact or spill out to other sites and by providing pedestrian connectivity, it will encourage people to walk. We can accommodate that total demand on the site. On nights that the theatre is utilized, we would be willing to accept a condition that the other uses will not be operating except for the restaurant. Responding to Attorney Hirsch, Attorney Mongelli noted that the theatre will be in use 5 or 6 times a year. This is original art and not a "Cirque de Soleil" performance so we will know well in advance when these performances will occur. Some will be planned a year in advance and we will know when that will occur. We can give notice and will shut all the other uses down. In the event we fill our capacity we will be able to accommodate that parking. Attorney Hirsch asked if the applicant can provide a schedule to the Borough Police Department, etc. Attorney Mongelli responded that events such as the bi-annual paper art event will be planned two years in advance so we will give notice in advance. We can provide a schedule once a year or more if required. We have agreed to shut down all the other spaces when the theatre is in use. It is not possible to have the theatre filled and all the other spaces in use at the same time.

Architect Burns noted that based on the physical configuration of the space, the theatre will have to rely on the remaining space for the lobby area, intermission space and the building is not large enough to have all the other areas in use. It would be impossible to have the other uses going on

at the same time as the theatre. Chairman Eckel asked if you have art work hanging and patrons from the restaurant are walking pass the gallery, how will that work. You may need to define closing of the gallery. Architect Burns noted referring to the third place idea that people going to the restaurant and to the theatre afterwards will want to see what is in there. It will not generate additional traffic because people are already there. We will have to identify it. Planner McKenzie noted that the classrooms must be closed but she does like the idea that the gallery space be open for people to browse. Chairman Eckel agrees that it would not increase their parking burden if people are coming from the restaurant to the theatre. Responding to Jack Weeks as to the number of employees, Planner McKenzie noted that the parking ordinance anticipates employees in the parking ratio. Engineer Clerico stated that it may be helpful to go through the standards for the parking criteria. Architect Burns noted that for the restaurant, there is a standard for square feet or seats and based on the previous application, the square feet calculation was used which generates more parking at 1 space per 50 square feet. The theatre is 1 parking space for every three seats and there is no particular requirement for the blackbox. It was calculated as 1 space per 100 square feet and the gallery/museum is 1 space per every 250 square feet for a total of 117 parking spaces. With smaller performances in the blackbox, the anticipation is that the gallery and restaurant would also be in uses at the same time and would require 54 spaces. When the classrooms, studio, gallery, museum and blackbox are all in use along with the restaurant, the demand is 75 parking space and that is what is available on site.

Engineer Clerico asked if there is a valet parking plan from the Valet Parking Service? Architect Burns noted that there is an email letter that discusses that the valet company could provide valet parking and the cost per evening. The valet parking company could accommodate 80 parking space for valet and the remaining 36 would be self park so that the restaurant can take advantage of those. This is a group that does the valet parking for NJ State Aquarium, etc. as previously discussed. Based on the discussion with the use of the building, they estimated that they would be able to get everyone off the site in 15 to 20 minutes after the theatre lets out. They will start staging cars in the parking lot before the theatre lets out. Engineer Clerico noted that valet parking is not in the ordinance. You are using 8 by 16 feet parking spaces double or triple stacked. You are only allocating a 15 foot wide aisle which is tight. The Board may want to get some input from the Fire Department to make sure that the emergency service personnel think it is a safe condition. Engineer Clerico also noted that you are dealing with a gravel lot. Is the back parking lot lit? There is not information in the previous application on this. Architect Burns noted that it is lit. All the lighting is building mounted lighting. He tried to identify the light fixtures and generate photometrics but he cannot identify the fixtures. Chairman Eckel asked if those lights predated Two Buttons. Architect Burns responded that some predate Two Button and he believes other were installed by Two Buttons but he cannot identify the fixtures. The lights do light the parking lot to some degrees. He anticipates that if we get a positive recommendation on the application, we will figure out the theatre design which will necessitate modifications such as putting in a window, doors, etc. and we will develop a lighting strategy at that time.

Engineer Clerico stated that there is a number of existing features on the plan such as wood fencing, etc. When you go back to the Two Buttons application, the fencing was not there or it was limited and now it appears to have grown in the back of the property. It also appears that there was landscaping proposed and it was either never put in or it is not there now. At some point in the site plan, the Board will need to reevaluate the buffering. Architect Burns stated that it would be a similar condition like the lighting. Once we work on the interior and figure out the impact to the exterior of the building, we will also develop a landscaping plan. Chairman Eckel

noted that we need to make sure there is not a parking easement for Blue Fish to use that parking lot. Attorney Mongelli responded that the title search does not reflect an easement.

Responding to Planner McKenzie as to whether the valet parking company reviewed the valet parking layout, Architect Burns noted that the Valet Company generated the parking layout. The Valet Company met Courtney Haviland on the site and generated the sketch. Chairman Eckel stated that the Board will run the sketch past the Fire Department. She notes that there would be access along the one side of the parking lot. The Fire Department will want to make sure they have access to the kitchen area. Jack Weeks commented that people do not park like they should in a gravel lot. Can the lot be lined? Gordon Dragt responded that there is a concrete parking bumper in every space. Architect Michael noted that on the Trenton Avenue side of the lot, it will remain self parking and there are well identified and adequate delineation of those spots.

Planner McKenzie noted that in her memo she noted that there were two variances that were assumed in the Two Buttons application but were not called out in that prior site plan approval. She wants to make sure that we call them out this time to tighten up the approval. One was a front yard setback and one was a sideyard setback. It should go into the resolution. They are existing conditions. The other thing is if there is going to be an approval of this application, any and all of the site plan conditions that were previously approved for Two Buttons should be continuing conditions or modified for this approval. Engineer Clerico noted that the applicant intends to come back with the final site plan. There may be modifications to the building.

Engineer Clerico noted that the theatre floor is higher than the rest of the building. How will you access that? Architect Burns noted that access would be from the lower portion. It will probably be redesigned for final site plan. Engineer Clerico noted that the flood certificate indicates that the flood elevation is one foot lower than in the certification for that last applicant. He recommended that the applicant take a look at that.

Having no other comments from the Board or Board professionals, Chairman Eckel opened the floor for the public hearing. The public applauded the application.

Sky VanSaun of Eighth Street noted that she is the director of the Delaware Valley Poetry Festival, etc. and she is so excited with the idea of having this here. The third place is very important. Frenchtown has an amazing number of people that are artists, etc. and it is the perfect climate for this and she is so excited about this prospect.

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

Chairman Eckel noted that moving forward, we would want to have specific testimony on traffic and noise, more information on landscaping and lighting and buffering requirements and in reference to the ginkgos, the Board over the last several years has moved to native species. She recommended that the applicant revisit that and consider Black Gums or Washington Halhorns. Responding to Jack Weeks in reference to a crosswalk, John DenBleyker noted that there is a crosswalk north of the property at the bridge. Chairman Eckel noted that she was on the Downtown Revitalization Committee and the idea was to extend the sidewalks and the lighting to this property. There would be a continuous set of lighting. Cathy Suttle stated that she likes the idea of the gateway. Engineer Clerico noted that the Board will have to assess if they want the sidewalk continued. Their documents show that the sidewalk is outside of the right of way and they would need an easement. The sidewalk that exists north of there is a curb and sidewalk and is within the right of way. You may have another alternative to connect the sidewalks. If

you cannot work something out with the neighbor, you will have to come back with another plan to do it within the right of way. Chairman Eckel noted her sense is the more that we can connect sidewalks, the better. She added that the Revitalization Plan includes sidewalks and walkability of the town. Subsequent to a brief Board discussion, the Board thinks the applicant should do the sidewalk within the right of way if an easement cannot be obtained. It would also serve the neighboring retail property. Responding to John DenBleyker as to a sidewalk easement, Attorney Mongelli noted that they are working on approaching the neighbor. John DenBleyker noted that sidewalk to the north is curb and sidewalk within the right of way. Engineer Clerico noted that if you keep the sidewalk within the right of way, it does not count for impervious coverage.

Chairman Eckel noted that this is an old industrial building with a restaurant in the front of the industrial building and the structure of the inside is a large open space which is well suited for a theatre and blackbox use as well as studio, gallery and class room space. A lot of other uses would not be able to use this building. The proposed use is well suited for the building and she does not see any detriment to this.

Planner McKenzie commented that there are few sites where you have this much parking available and they can do a valet parking program on their own site. This is a wonderful opportunity and it extends the vitality of the downtown. Engineer Clerico noted that they are seeking relief for the valet parking. He recommended that further testimony on the valet parking be a condition of approval as the Board needs some degree of certainty that they can do as much valet parking as they indicated. Observing it, it looks very difficult to maneuver cars around in that space. Planner McKenzie noted from a planning perspective that if they are only using the valet parking occasionally, you do not want to use up a lot of the land on those few occasions. You just want to make sure it is workable. Have the valet expert tell us that this is the design he prefers and why. The valet expert can come back for the final site plan approval because it is a site plan issue. The notion of valet parking appeals to the Board but the concern is will it work the way it is laid out.

Responding to Planner McKenzie as to the prior variances, Attorney Hirsch noted that in her view, the existing conditions do not require a variance. They need to be recognized that they do not conform. Keeping it as is does not require an approval but if they exacerbate the conditions, a variance is required. Planner McKenzie stated that the record has to be clear that what is non-conforming is approved.

Having no other questions or comments, Chairman Eckel recommended that the Board address the Variance approvals first.

On motion by Cathy Suttle, seconded by John DenBleyker and carried by unanimous favorable roll call vote, the Planning Board approved the following variances subject to conditions that might be imposed pursuant to the preliminary site plan review and approval:

1. Use variance (D1) for a restaurant, theater and black box backstage/performance area, gallery/museum and classrooms/studios. Any change from these permitted uses will require site plan approval by this Board.
2. Bulk Variance (C) to allow the existing impervious coverage of 70.88 percent to be increased to 71.43 percent in order to allow the installation of a new concrete sidewalk section along Trenton Avenue.
3. Valet parking variance from the design standards subject to confirmation by a valet expert.

4. Existing non-conforming setbacks do not need a variance.

On motion by Jack Weeks, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved the preliminary site plan with the following conditions:

1. The Applicant shall provide additional details concerning traffic and noise impacts, if any, at the time of submission of final site plan application.
2. The Applicant shall provide at the time of submission of the final site plan application, sufficient details concerning the valet parking operation to allow confirmation by the Board that adequate parking will be provided for all proposed uses and that the parking will allow safe maneuvering within the aisles for the vehicles and emergency vehicles and that emergency vehicles can access the building.
3. The Applicant will show on the final site plans, installation at its own cost of a sidewalk on the adjacent property, known as Block 59, Lot 3, within the road right of way or within a private easement area if an easement can be worked out with this property owner.
4. When the main theater is in full operation for a large scheduled event, ie., an event where all or virtually all theater seats are likely to be occupied, the Applicant shall not conduct activities in the classrooms and studio spaces, except as may be directly related to the theater event. A schedule of such large events shall be provided on a semi-annual basis to the Frenchtown Business and Professional Association, the Frenchtown Fire Department and the Frenchtown Police Department for enforcement purposes.
5. The Applicant may be required, as part of the final site plan approval, to provide any missing fencing or landscaping required pursuant to the Two Buttons approval.
6. The final site plan application shall provide adequate detail for review by the Board of proposed interior and exterior building modifications, including sound attenuation measures, as well as landscaping (including buffering and replacement of gingko trees), lighting, signage and other typical site plan details.
7. In the event that the steel panel finish of the building on the Subject Property is ever replaced, or the building itself is demolished or replaced, then the prohibition of metal panels contained in Ordinance Section 407.E.10 shall be applicable to the exterior of any new building.
8. The Applicant shall provide confirmation of the flood hazard elevation on the Subject Property at the time of submission of final site plan application.
9. The Applicant shall provide a review letter from the Fire Department at the time of submission of the final site plan application.

Mayor Brad Myhre, Councilman William Sullivan and member Sarah Scott returned to the meeting.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

None

ADJOURNMENT

William Sullivan moved adjournment at 9:16 pm, and Brad Myhre seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary