

Frenchtown Planning Board  
Regular Meeting  
May 25, 2016  
7:30 P.M.

Chairman Randi 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	Dougherty
DenBleyker	Scott
Dragt	
Eckel	
Musolino	
Myhre	
Sullivan	
Suttle	
Weeks	

**APPROVAL OF MINUTES**

**Regular Meeting – April 27, 2016**

Gerry Case moved to accept the minutes of the April 27, 2016 Regular meeting Jack Weeks seconded the motion. The minutes of the April 27, 2016 Regular meeting were approved by favorable roll call vote with Brad Myhre and William Sullivan abstaining.

**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.

Jonathon Nelson, owner of 29 Race Street, noted that he has owned the property for 12 years. He wants to talk about the courtyard space along his building at the corner of Route 12 and Race Street. He is trying to put something nice there. He wanted to discuss his plan to buy some sculptures and put them in that courtyard. The sculptures will not be for sale and hopefully, it will add to the community. If you look around, you will see a lot of art in the downtown and it seemed to have reach a certain creative pitch. It is a visible spot and it would be nice to bring that into a more creative looking space for town. That is where he is heading and wanted to know what the Planning Board is thinking and if there are any questions or issues. Chairman Eckel stated that she had a discussion with the Planning Board Attorney trying to determine where it will fall into the ordinance. If the items are for sale, it would be something that we would consider under the outdoor display ordinance. If they were public art installations and are not for sale, it would fall under the definition of street furniture. Jonathon Nelson noted that he

will curate some of the work and choose what he likes and may change it now and then. He would like to also put a pergola in the front at some point but the sculptures are the beginning for that. Chairman Eckel stated that it sounds like an excellent plan for that spot. She asked that he email her so that she can sight the portion of the ordinance to him for his plan.

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

**SIGN APPLICATION - BLOCK 41 LOT 5.01, 29 RACE STREET – ARTFUL COLLECTOR & STUDIO**

Rita Gekht stated that she is the founder of Artful Collector & Studio and is requesting permission to install an advertising sign. Her sign template is 6 feet by 2 feet. She is hoping it could be 2 feet by 8 feet which is about the same footprint as the previous sign which measured 9 feet by 22 inches. Cathy Suttle noted that the footprint is smaller than what was there. That should be fine in terms of the signable area. Rita Gekht noted that there are 3 existing lights above the sign. Cathy Suttle noted that the lights cannot exceed 25 watt bulbs per light or equivalent incandescent. Ms. Gekht added that the sign will be made of wood with colors of green and yellow. It will be secured with 4 inch metal lag bolts. Cathy Suttle noted that the sign will be 8 feet by 2 feet for a total of 16 square feet. The signable area is 40 feet wide unobstructed and 15 feet high. There are no windows on the second floor. The sign is well below the 40% requirement. The sign is smaller than the one previously approved for Upcyle. The 3 existing lights above the sign will not exceed 25 watts per light or its equivalent incandescent. The sign contains 9 items of information with “living the dream” being less than 3 inches. The sign will be made of wood and the colors will be yellow and green. On motion by Rocco Musolino, seconded by Cathy Suttle and carried by unanimous favorable roll call vote, the Planning Board approved the sign application for Block 41 Lot 5.01 and the following resolution:

**RESOLUTION #2016-11**

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
GRANTING APPROVAL FOR INSTALLATION OF A SIGN**

WHEREAS, Applicant Rita Gekht representing Artful Collector & Studio has applied to the Planning Board for permission to approved an advertising sign on the premises located at Block 41 Lot 5.01;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on May 25, 2016:

1. The signs will read in accordance with the sketch attached hereto.
2. The wall sign will measure 2 foot high by 8 foot wide for a total of 16 square feet and meets the 40% signable area requirement.
3. The wall sign will be made of wood with colors of green and yellow and the lettering for “living the dream” will be less than 3 inches.
4. The wall sign will be illuminated with 3 existing lights and will not exceed 25 watts per light or its equal incandescent.

5. The wall sign contain a total of 9 items of information as defined in the Land Use Ordinance #564.
6. The wall sign will be secured to the building with 4 inch metal lag bolts.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 25, 2016.

Votes on Adoption of Motion	
_____ 9 _____	AYES
_____ 0 _____	NAYS
_____ 0 _____	ABSTAIN
_____ 0 _____	RECUSED

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Brenda S. Shepherd, Secretary

**OUTDOOR DISPLAY – BLOCK 41 LOT 5.01, 29 RACE STREET – ARTFUL COLLECTOR & STUDIO**

Rita Gekht noted that there will be a collection of items in the studio. She weaves tapestry and has furniture, vintage clothing, glass and fine arts. She will not abuse the privilege of the outdoor display. Some things will go outside and it will not be a large amount. These items will be brought in every day. Rita Gekht asked about music. She would like to have music outdoors once in a while. Chairman Eckel noted that Rita Gekht will have to go to Council for permission for music. The ordinance says that you need a special permit from Council to have music outdoors. You can have music inside the space. Chairman Eckel added that she reviewed the requirements of the outdoor display with the applicant and noted the neighbors were properly noticed.

Chairman Eckel opened the floor for public comments on this outdoor display application. Having no comments from the public, Chairman Eckel closed the public session on this application. Chairman Eckel called for a motion on the application.

On motion by Brad Myhre, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved the outdoor display for Block 41 Lot 5.01 and the following resolution:

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
GRANTING CONDITIONAL USE APPROVAL FOR  
OUTDOOR DISPLAY IN THE R-4 ZONE**

**RESOLUTION #2016-11**

WHEREAS Rita Gekht of Artful Collector & Studio has applied to the Frenchtown Planning Board for a conditional use permit to allow an outdoor display at property owned by Nelson Bridge and located at Block 41 Lot 5.01 in Frenchtown; and

WHEREAS, this Board considered the application and testimony of the applicants at its regular meeting of May 25, 2016; and

NOW THEREFORE, the Board makes the following finds of fact:

1. The subject property is located where outdoor displays of merchandise and decorations are permitted as a conditional use, subject to specific standards.
2. The conditional use requirements that the outdoor display be limited to merchandise of the same type and character sold inside the store will be met.
3. The conditional use standard that at least 4.5 feet of sidewalk width, as measured from the curb, will be left unobstructed will be met in all cases when the outdoor display is present.
4. The conditional use standard that outdoor display material be brought inside at the close of each business day will be met.
5. The conditional use standard that outdoor display material shall not exceed six (6) feet in height nor obstruct sight lines in any intersection, will be met.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions regarding compliance with conditional use standards, the Planning Board of the Borough of Frenchtown does hereby grant conditional use approval to the applicant for an outdoor display.

I certify that a vote on this application was taken on May 25, 2016 and the foregoing resolution was approved on May 25, 2016.

ATTESTED: VOTES ON ADOPTION OF MOTION  
TO APPROVE APPLICATION

AYES - 9  
NAYES - 0  
ABSTAIN - 0

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Brenda S. Shepherd, Secretary

**SIGN APPLICATION – BLOCK 52 LOT 3, 16 RACE STREET – OLIVE WITH A TWIST**

Gordon Dragt stepped down on this application due to proximity. Brian Terry from Olive with a Twist noted that they are expanding the shop. They are doing well enough to take over the shop next door. They will be going through the wall where Netherfield was. They are looking to put a window decal on that side of the shop. They have a shop in Easton, PA and that shop has glass panels and the submission is of those logos. They would like to do something slightly

larger, 2 feet by 2 feet square to put in the center of the window. They will not use the door and will have a sign to please use 12 Race Street entrance. Chairman Eckel asked if Olive with a Twist can have a wall sign and a window sign for the same business? Like the Hardware Store also moving into the next door unit to expand his business, he could only have one sign as a single activity. Mayor Myhre noted that the Pharmacy had a wall sign and a window sign as well as the Pizzarias and the Frenchtown Café. Chairman Eckel reviewed the sign ordinance which states under permitted type signs, Item 3, section E. “in place of a permitted wall sign, each business may elect to erect a permanent window business name identification sign limited to 20 percent of the window area. Other permanent window signs must be accessory to the business conducted on the premises and may not exceed a total of 25 percent of the window area exclusive of the business name identification.” John DenBleyker noted that they can have a window sign but it just cannot state the business name. You can put the tree logo on the window and you can list what you are selling. Chairman Eckel added that you can have the tree logo and it can say Gourmet Pantry. Mr. Terry stated that they will put what they are selling on the window down below in two inch letters as well. Chairman Eckel commented that the sign must be less than 25% of the window. Cathy Suttle noted that there is one item of information and the colors of the sign will be gold and white or cream. Any lettering will be less than 3 inches. Chairman Eckel stated that the applicant could run the final design past a sign subcommittee member so you do not have to come back to the Planning Board. On motion by John DenBleyker, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board approved the sign application for Block 52 Lot 3 and the following resolution:

#### **RESOLUTION #2016-12**

#### **FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION GRANTING APPROVAL FOR INSTALLATION OF A SIGN**

WHEREAS, Applicant Brian Terry representing Olive with a Twist has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 52 Lot 3;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on May 25, 2016:

1. The signs will read in accordance with the sketch attached hereto.
2. The window sign will measure 24 inches high by 24 inches wide and is an accessory sign to the main sign.
3. The window sign will be a graphic window transfer in colors of gold, and cream or white and the lettering on the sign will be less than 3 inches.
4. The window sign will be less than 25% of the window.
5. The window sign will not be illuminated.
6. The window sign contain a total of 1 item of information as defined in the Land Use Ordinance #564.

7. The final design of the window sign will be approved by a member of the sign subcommittee so that the applicant does not have to reappear before the Planning Board.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 25, 2016.

Votes on Adoption of Motion

_____ 8 _____	AYES
_____ 0 _____	NAYS
_____ 0 _____	ABSTAIN
_____ 0 _____	RECUSED

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Brenda S. Shepherd, Secretary

Gordon Dragt returned to the meeting.

**SIGN APPLICATION – BLOCK 55 LOT 5, 24 BRIDGE STREET – TWO FISH BYOB**

Jack Weeks stepped down on this application due to proximity. Mike Stallmark and Felice Steewood noted that they are requesting permission to install a projecting sign. The sign will be perpendicular to the building. It will be made of reclaimed wood finished. The letters will be white with a background in a stained oak color. There are two exterior lights. Chairman Eckel noted that lighting must be less than 75 watts. Mike Stallmark stated that it will be 2 25 watt bulbs. Responding to Chairman Eckel, Felice Steewood stated that the letters for BYOB and the phone number will all be under 3 inches. Cathy Suttle stated that there are 3 items of information because of the logo. The projecting sign can be 25 square feet and the projecting sign can be a two sided sign. The sign must be 8 feet above the sidewalk. On motion by Randi Eckel, seconded by Cathy Suttle and carried by unanimous favorable roll call vote, the Planning Board approved the sign for Block 55 lot 5 and the following resolution:

**RESOLUTION #2016-13**

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
GRANTING APPROVAL FOR INSTALLATION OF A SIGN**

WHEREAS, Applicant Mike Stallmark and Felice Steewood of Two Fish BYOB has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 55 Lot 5;

AND WHEREAS, after considering all the evidence presented, the Planning Board has made the following findings of fact at its Regular Meeting on May 25, 2016:

1. The projecting sign will read in accordance with the sketch attached hereto.

2. The projecting sign will measures 6 square feet which is within the 25 square feet allowed and will be two sided as allowed by the ordinance.
3. The projecting sign will be made of wood and the letters will be white with a background in a stained oak color.
4. The projecting sign will be illuminated with an indirect exterior low watt light no greater than 75 watts.
5. The projecting sign is more than 8 feet from the sidewalk and will be secured to the wall so it will not swing.
6. The signs contain a total of 3 items of information as defined in the Land Use Ordinance #564.

NOW THEREFORE, BE IT RESOLVED, that based upon the foregoing findings of fact and conclusions, the Planning Board of the Borough of Frenchtown does hereby grant to the above named applicant, permission to install an advertising sign on the above referenced premises.

I certify that the foregoing resolution was approved on May 25, 2016.

Votes on Adoption of Motion

8	AYES
0	NAYS
0	ABSTAIN
0	RECUSED

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Brenda S. Shepherd, Secretary

Chairman Eckel advised the applicant that this is a change of use which means it is a change of parking requirements for this space since it is going from retail use to restaurant use. You have a greater parking need than the prior use. You would have to come before us for site plan approval. Mike Stallmark and Felice Steewood noted that the zoning officer gave them zoning approval and they have a zoning permit for the use. Chairman Eckel stated that we will need to address the change of use going forward.

Jack Weeks returned to the meeting.

**SIGN APPLICATION – BLOCK 55 LOT 1, 10 BRIDGE STREET – RICH CAHILL**

Leah Cahill stated that she is here for Rich Cahill this evening. Chairman Eckel stated that before we go into the sign application, in the variance that the Board granted for the business, there is a condition that there would be no more signage. It is not a simple sign application. You will have to come back to the Board for an amendment to the variance. Leah Cahill noted that people cannot see the 3 inch letters on the door. Chairman Eckel noted that it was the Board's understanding that you were not trying to drawn in walk-in business. Leah Cahill responded that

people with appointments cannot find us. They are coming from all different areas. She added that we are established here and have worked so hard. We want to put up a sign. The Bicycle Shop can put out bicycles. Chairman Eckel stated that you had to have a variance for an unapproved use and because no additional signage was captured as part of the variance, it was a condition of the variance approval. You will need to apply for an amendment to the variance. William Sullivan stated that you do not need a permit to put the address on the building. Chairman Eckel stated that if the lettering is below three inches it is not considered a sign but the variance approval states that no additional changes to the outside of the building is allowed. If you choose to come back before the Board to amend the variance, we will try to make it as efficient as possible. It will be quicker than the original application because the original application required a lot of testimony.

## **NEW BUSINESS:**

### **a) ENVIRONMENTAL COMMISSION MEMORANDUM**

Chairman Eckel noted that we have received a memorandum, dated May 11, 2016, from the Environmental Commission. She would like to propose that every time the Board gets an application in for development, we forward a copy to the Environmental Commission at the same time that we send them to our professionals including use and site plan applications requesting feedback. Secretary Shepherd recommended that it be required by ordinance similar to the ordinance that was done for the fire department review. It put the onus on the applicant. Mayor Myhre expressed concern for a homeowner that is looking to do something small on their property. William Sullivan and he will get the angry emails. Chairman Eckel noted that it will put the burden on the Fire Department and Environmental Commission to respond. She added that there was an application wherein we received a memo from the Fire Department after several hearings and the approval of an application. William Sullivan commented that it is a good idea and that the Board should determine exactly which categories of applications will go to the Environmental Commission. Cathy Suttle recommended it be the applications that involve the Borough Engineer. Mayor Myhre stated that he will talk to the Borough Attorney to see what they do in Hillsborough. We used their draft ordinance to create the Environmental Commission. Chairman Eckel recommended that the Board discuss this at the next meeting once we receive feedback from the Borough Attorney and the Board Attorney. William Sullivan also recommended that the zoning officer be included. John DenBleyker noted that adding it as an ordinance makes it a requirement.

Responding to Gordon Dragt, Mayor Myhre noted that the Environmental Commission wants to do an Environmental Resource Inventory, ERI, which the Borough agreed to pay for half that expense this year and once the ERI is drafted, it will be used as a guide for a lot of things in the town. Chairman Eckel added that the engineer will not address open space issues and how any proposed development might impact that. It is good to have an independent group to advise us on those issues. Rocco Musolino commented that there are aspects that are not being covered and it is an opportunity to bring other things to light. John DenBleyker recommended that a “no comment” letter be issued if there are no comments on a proposed development so that the Planning Board is not wondering what the Commission determines. We should also be getting a “no comment” letter as well. Chairman Eckel noted that we have been forced to proceed on applications because we did not get a response letter from the Fire Department. Chairman Eckel recommended that the Board continue this discussion at the next meeting.

## **VOUCHERS**

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



**VOUCHER LIST 5/25/16**

Archer & Greiner	Professional Services for General Representation through 4/30/16	\$ 67.00
Elizabeth McKenzie	Professional Services for General Representation through 4/30/16	\$131.25

**ESCROW ACCOUNT – BLOCK 59 LOT 4 – ArtYard, Inc.**

Archer & Greiner	Professional Services for Sprocket Arts through 5/25/16	\$ 20.00
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**ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael**

Maser Consulting	Professional Services for Michael through 4/17/16	\$ 680.00
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On motion by Gerry Case, seconded by Brad Myhre, 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**

William Sullivan reported that the Borough Council approved an amendment to the Redeveloper’s agreement with Frenchtown Bridge Street, LLC. at a special Council meeting Monday. Mayor Myhre noted that he had a meeting with Paul and George Michael because their agreement expires in July. We reached an agreement to extend it two years in return for some concessions from them. It is a good deal for the Borough. They have pending sales in a building they could not build. What we have agreed to is that they have a two year extension and will build Building G at the same time as Building A. Building A on Bridge Street has the affordable housing units. That building will be built by a subcontractor. The Borough will receive \$125,000.00 toward the sewer contribution within fifty days of the agreement being approved and upon a temporary or permanent CO issues for any of the other buildings, the other \$125,000.00 sewer contribution will be paid. In the original agreement there was not a great mechanism to capture the required payment of the \$250,000.00. We also dealt with lower Third Street which William Sullivan will discuss. William Sullivan noted that Third Street will be completely reconstructed from Railroad Avenue to Harrison Street improving existing drainage, curbing and sidewalks on the north side of Third Street. We traded the two pedestrian bridges from the complex to the towpath for the improvements on Third Street. Third Street is the worst street in town. We would have been responsible for getting the DEP permits for the pedestrian bridges which could have been costly and the DEP could have said “no”. We do not see a need for it since there is already access from either side. The Third Street improvements will be completed by October 31, 2016. Mayor Myhre gave Paul and George Michael credit for coming up with something that worked for everyone. William Sullivan noted that the Mayor and the Borough Attorney did a lot of work on the amendments. Mayor Myhre added that we wanted to make sure the buildings would be constructed. We were concerned that they would not build Building A to meet our COAH obligations. William Sullivan commented that if a subcontractor builds Building A, he will want to complete it for payment. Mayor Myhre noted that Paul and

George Michael wants to see the project work and they had different projections prior to the recession which delayed everything and the value is not there now. It is good for the Borough to get the sewer money since we built a plant based on the additional capacity for that project but we had no money coming in for it and the rate payers are subsidizing that at this point.

Mayor Myhre noted that the budget will be adopted at the next meeting. He added that tree work commenced at the park yesterday and today. The Shade Tree Commission did a great job.

Mayor Myhre noted that the Eighth Street proposed project is about to come back. He received an email from Mr. Meiskin that he was preparing something and expected to be coming back before the Planning Board in the near future. Chairman Eckel noted that none of the Board professionals can review anything as the escrow is still in the arrears and has been for several months. She added that Council may want to look at it and the possibility of charging interest. Mayor Myhre noted that Mr. Meiskin is pushing for a pilot program as part of his redevelopment and the Borough should have its own review of any type of pilot program and he would like to go into a contract with a financial firm that deals with pilot programs so someone is reviewing it to make sure that the Borough is protected. The program is a payment in lieu of taxes which is generally for 10 years or 20 years and they do not pay County taxes. You control the multiplier in a pilot program as to how much money comes to the Borough and what goes to the school. The municipality gets the higher multiplier which provides a tax break or a lower tax rate for someone buying a unit. Chairman Eckel expressed concern that when you look at your tax bill, the largest amount is school taxes. If we have a large development coming in that will bring a fair amount of children to the school system and we are setting up a pilot program where a smaller percentage is going to the school, the remaining residents will pay the additional costs for those students. She thinks it is a brilliant idea to hire someone to review the pilot program.

Responding to Jack Weeks as to the nursing home being closed, Mayor Myhre noted that the nursing home is closed and the property has been sold. He is not sure if it was sold to another nursing care facility or if a developer is looking at it. Alexandria Township has an interest in it because nursing home beds count for your COAH numbers. William Sullivan stated that the Borough has given approval to include the nursing home in the sewer service area because their septic was failing. Mayor Myhre stated that the County approved the Council's request to include the nursing home in the sewer service area because of the septic issue. There was a narrow scope of the approval. There was a nursing home facility looking at it to redevelop and expand the nursing home complex. Chairman Eckel noted that the pipeline will be coming through near that property.

Gordon Dragt asked if ArtYard is still active? Chairman Eckel stated that they are moving forward with it and they have their approvals. Mayor Myhre stated that they are filing for their permits and they have offered to complete the sidewalk at their cost if we have a right of way there.

## **ADJOURNMENT**

Gerry Case moved adjournment at 9:00 pm, and William Sullivan seconded. The motion passed on favorable voice vote.

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Brenda S. Shepherd  
Planning Board Secretary