

Frenchtown Planning Board
Regular Meeting
December 14, 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 |
| Dragt | DenBleyke |
| Eckel | Scott |
| Myhre | Suttle |
| Musolino | |
| Sullivan | |
| Weeks | |

APPROVAL OF MINUTES

Regular Meeting – November 9, 2016

Gerry Case moved to accept the minutes of the November 9, 2016 Regular meeting as amended (Page 2, Line 8 should read parking details and on Page 8, line 13, last word of sentence should read it not in). Brad Myhre seconded the motion. The minutes of the November 9, 2016 Regular meeting as amended were approved by favorable roll call.

PUBLIC COMMENTS

Chairman Randi 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. Having no comments, Chairman Eckel closed the public comment session.

MEMORIALIZING RESOLUTION # 2016-16 - AMENDED PRELIMINARY SITE PLAN APPLICATION AND FINAL SITE PLAN APPLICATION, STAGE I - BLOCK 59 LOT 4, 62A TRENTON AVENUE – ART YARD, INC.

On motion by Brad Myhre, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved Memorializing Resolution #2016-16 as follows:

FRENCHTOWN BOROUGH PLANNING BOARD

RESOLUTION NO. 2016-16

ART YARD, INC.

BLOCK 59, LOT 4, 62A TRENTON AVENUE

**RESOLUTION OF INTERPRETATION, AMENDED PRELIMINARY SITE PLAN
APPROVAL AND PHASE I FINAL SITE PLAN APPROVAL**

WHEREAS, Art Yard, Inc. is the applicant (the “Applicant”) and the owner of a certain property located in the Borough of Frenchtown and designated on the Borough Tax Maps as Block 59, Lot 4 (the “Subject Property”); and

WHEREAS, on September 23, 2009, the Frenchtown Planning Board (the “Board”), adopted Resolution No. 2009-25 memorializing approval of a use variance and site plan approval for certain proposed development described in said Resolution with respect to the Subject Property (the “Two Buttons Approval”); and

WHEREAS, the development approved pursuant to Resolution No. 2009-25 was constructed and the property occupied and utilized in substantial conformance with said approval; and

WHEREAS, Frenchtown Endeavor, LLC, the prior owner, had contracted to sell the property to the Applicant; and

WHEREAS, on March 9, 2016, the Board adopted Resolution No. 2016-09 memorializing approval for a use variance, bulk variances and preliminary major site plan approval for the Art Yard use, consisting of a theater, black box back stage/performance area, gallery/museum, classrooms/studios and continuation of the restaurant use approved as part of the Two Buttons approval; and

WHEREAS, the Applicant purchased the Subject Property on May 23, 2016; and

WHEREAS, on October 5, 2016, the Applicant submitted an application for amended preliminary site plan and Phase I final site plan approval; and

WHEREAS, the documentation that was submitted by the Applicant in support of its application is on file with the Board, is part of the record in this matter and was supplemented by revised plans submitted on October 31, 2016, said plans consisting of eleven plan sheets prepared by Michael Burns, A.I.A. with a project title “Art Yard Amended Preliminary Site Plan”, revised October 28, 2016 as well as an October 20, 2016 letter from David M. Newton, P.L.S. re elevation datum clarification; and

WHEREAS, the application was deemed complete on November 9, 2016 subject to waivers noted in the November 5, 2016 review letter of Board Engineer Robert J. Clerico; and

WHEREAS, a public hearing was commenced and completed on November 9, 2016, at which time the Board voted on the application; and

WHEREAS, Board members Brad Myhre, a Class I member of the Planning Board and William Sullivan, a Class III member of the Planning Board, recused themselves as required pursuant to the Municipal Land Use Law on initial review of the application, until such time as the Board voted on the resolution interpretation that the proposed film viewing use was essentially the same as the black box/backstage use granted a use variance pursuant to Resolution 2016-09, with Mr. Myhre and Mr. Sullivan joining the Board after said interpretation vote; and

WHEREAS, Board member Sarah Scott recused herself for a conflict due to proximity; and

WHEREAS, the Planning Board received and reviewed a November 5, 2016 review letter from Board Engineer Robert J. Clerico, P.E. and a November 7, 2016 Memorandum from Board Planner Elizabeth C. McKenzie, AICP, P.P., which reports are part of the record in this matter and are attached hereto respectively as Exhibit A and Exhibit B; and

WHEREAS, the Applicant was represented during the public hearings by Richard Mongelli, Esquire of the Mongelli Law Group and testimony was offered during the hearings by the Applicant's Architect and Professional Planner, Michael Burns, R.A. and P.P., which testimony is part of the record in this matter; and

WHEREAS, Board Engineering Consultant Robert J. Clerico and Board Planner Elizabeth C. McKenzie testified under oath during the hearings and said testimony is considered part of the record in this matter; and

WHEREAS, the exhibits received into evidence by the Board during the hearing which are part of the record in this matter include:

- A. The Affidavit of Service and proof of publication provided by Richard Mongelli of the Mongelli Law Group dated October 18, 2016;
- B. A seven (7) page undated handout showing existing conditions, amended preliminary site plan and other details, which handout reproduced power points shown to the Board during the hearings;
- C. Memorandum from Captain Michael Atheras, Frenchtown Fire Department to the Frenchtown Planning Board and dated November 8, 2016

WHEREAS, an opportunity was provided for public comments and public questioning of the Applicant's witnesses during the public portion of the hearing, and no comments were offered by the public; and

WHEREAS, THE BOARD AFTER GIVING CONSIDERATION TO THE APPLICATION, DOCUMENTS, TESTIMONY AND EXHIBITS REFERENCED ABOVE AND GIVING APPROPRIATE WEIGHT TO SAME, MAKES THE FOLLOWING FACTUAL FINDINGS AND CONCLUSIONS OF LAW:

1. **Zoning, Prior Development Approvals and Proposed Development**

a. **Zoning.** The Subject Property is located in the R-5 Low Impact Industrial Zone, where a variety of low impact industrial uses such as machine or woodworking shops and electronic or mechanical assembly are permitted uses. As previously noted by Board Planner McKenzie, as well as Board Resolution No. 2009-25, the Subject Property is one of two remaining properties in the R-5 zone and in accordance with the 2009 Master Plan Re-Examination Report, has been recommended for rezoning to R-4A or R-4B. Both the R-4A and R-4B zones permit a broad variety of retail and commercial uses.

b. **Prior Development/Approvals.**

(1) **Two Buttons Approval.** As noted in Resolution 2009-25, the Subject Property was originally developed as the Aries Manufacturing Plant which manufactured electronic components and had an accessory retail space measuring approximately 2,500 square feet. The Board previously approved via Resolution No. 2009-25, the redevelopment and the reuse of the subject property for 11,500 square feet of warehouse building and associated retail sales in connection with the Two Buttons import business, along with the use of the remaining 4,500 square feet for various retail/commercial uses including additionally, a 1,900 square foot space utilized by the Lovin' Oven Restaurant.

(2) **Prior Art Yard Approval.** The portion of the existing building previously utilized by the Two Buttons import business was approved to be used as a theater, black box backstage/performance area, gallery/museum and classrooms/studios pursuant to the approval memorialized in Resolution No. 2016-09. The restaurant use was also approved to continue in its prior location in the existing building.

Resolution No. 2016-09 approved a change in the parking arrangement from the previously approved Two Buttons use. The site plan for the Two Buttons use showed the total of

77 parking spaces, deemed sufficient by the Board for that use including the restaurant use. The approved change involved a total of 36 “self-park” spaces in the location shown on the plans along with 84 valet parking spaces, for a total of 120 parking spaces.

The floor plan on Sheet 6 of the revised site plans approved pursuant to Resolution No. 2016-09 showed the division of the building between the existing approximately 2,000 square foot restaurant, the proposed theater area of about 4,000 square feet, proposed backstage/black box area of about 935 square feet, a 910 sq. foot lobby, 450 sq. foot office/mezzanine, six classroom/studio/work/drawing areas comprising about 5,290 sq. feet, a proposed 700 square foot museum and proposed 900 square foot gallery along with a lobby, office and mezzanine area.

The Applicant agreed to revise and supplement lighting and landscaping, specifically to include all landscaping required by the Two Buttons approval but missing from the site, street trees as identified by the Board, various lighting details, a signage plan and any other site improvement details deemed necessary by the Board in its review of the final site plan application.

That use variance and preliminary site plan approval was granted subject to compliance with thirteen conditions stated in the Resolution, and assumed that no use of the property would occur until such time as all conditions were complied with as part of a final site plan approval.

c. **Interpretation of Resolution 2016-09**

The Board determined to first address a threshold issue: whether the proposed film viewing room, proposed as part of the amended preliminary site plan application to replace the backstage/black box area and studio, is substantially similar to the backstage/black box use approved via use variance under Resolution 2016-09. This question is within the Board’s jurisdiction pursuant to N.J.S.A. 40:55D-70b, which authorizes zoning boards to decide requests for interpretation. Michael Burns, the Applicant’s architect and professional planner, described the previously approved backstage/black box use as involving a flexible space, with no identifiable stage and with seating which was not fixed and could be moved around. Mr. Burns described the proposed film viewing area, as occupying the same area planned for future backstage/black box use, but intended for film viewing and poetry reading. Based upon Mr. Burn’s testimony, the Board determined that the proposed film viewing use was substantially similar, or in the same category of use, as the backstage/black box use approved via use variance

in Resolution 2016-09. As a result, a use variance was not required for the proposed film viewing use.

d. **Proposed Amended Preliminary and Phase I Final.**

The Applicant has now proposed that the development be broken into two phases, and during Phase I, the 4,000 square foot area previously proposed for the theater space will remain unoccupied until Phase II. Meanwhile, a film viewing room has been added to the inventory of spaces proposed within the rest of the building, occupying a 1,548 sq. ft. area that had been shown originally as the “backstage/black box” area and a studio. The studio, museum and classrooms have all been deleted from the Phase I plan and replaced with gallery spaces, a workshop/storage area, and a small office. In Phase II, the Applicant proposes to restore all of the uses approved in the original preliminary approval and described in Resolution 2016-09.

The Applicant described in testimony and on p.1 of A-2, four Phase I use and occupancy alternatives. Option 1 involves Phase I uses except the restaurant and film viewing room and requires 25 parking spaces; option 2, involves full occupancy (220 persons) of the film viewing use only and requires 73 parking spaces; option 3, involves all Phase I uses except film viewing and requires 63 parking spaces; and option 4, involves film viewing with occupancy limited to 111 persons and the restaurant, and requires 75 parking spaces. The Board finds that since full use (220 persons) of the film viewing area requires 73 of the available 75 parking spaces, the restaurant requires 38 parking spaces, and the other Phase I uses (gallery, office, workshop/storage) require about 25 parking spaces, not all Phase I uses can be open and used simultaneously. Thus, full use of the film viewing area (220 person occupancy) can be permitted only when all other Phase I uses, including the restaurant, are closed. When the restaurant is open, either the use of the other Phase I uses (gallery, office, workshop/storage, but not the film viewing space) can be permitted or the use of the film viewing space can be permitted but limited to occupancy by no more than 111 persons. These limitations are dictated by the availability of 75 parking spaces on site.

e. **Variations For Signage.**

Signage was also proposed as shown on page 7/7 of A-2. The proposed street signage would consist of two signs hung from a 6” by 6” painted wood post, with the top of the upper-most sign being 6’ above grade. Each sign would be white, painted with black letters and logo, 3’ in width, 2’ in length. Two wall mounted banners, to be hung from a bracket mounted on the roof, were also proposed. Each banner is to be 8’ long, 2’6” wide, hung at a height so that

the bottom of the banner is about 7' from the ground. Variances were required for the banners, including: variances from the requirements for minimum clearance above the sidewalk (8 feet required; 7 feet proposed); the maximum height (no higher than the sills of second floor windows or, where no second floor, no higher than the eaves of the roof, required; with a height extending above the eaves proposed); and the angle of the staff (required to be 90 – 60 degrees of vertical, and 45 degrees is proposed).

The Board finds, based upon the advice of Board Planner Elizabeth C. McKenzie and the testimony of the applicant's Architect, Michael Burns, that the variances requested for street signage and wall mounted banners may be granted. These variances are partially due to existing conditions, since the building height does not allow for the minimum clearance above the sidewalk nor allow the signs to be installed at or below the eaves. The Board finds that the proposed signage variances would advance the purposes of the Municipal Land Use Law specifically purpose (i), to promote a desirable visual environment through creative development techniques and good civic design and arrangement, and that the benefits of the proposed variances would substantially outweigh any detriment, and that no detriment would result from the proposed relief. Further, the Board finds that no substantial detriment to the public good and no substantial impairment of the intent and purpose of the zone plan and zoning ordinance would result from the grant of the requested variances.

NOW, THEREFORE, be it resolved by the Frenchtown Borough Planning Board, by motion duly made and seconded on November 9, 2016, that the amended preliminary site plan application and Phase I final site plan is hereby approved, and all of the requested signage variances identified herein are granted, subject to compliance with the following conditions:

a. The use variance granted via Resolution No. 2-16-09 terminates the prior use variance granted by Resolution No. 2009-25, except with respect to the restaurant use in the area shown on the site plan and all conditions of site plan approval. The following uses on the Subject Property are approved for Phase I: a restaurant, film viewing/poetry reading area, gallery, workshop storage and small office. Phase II uses shall be as approved in Resolution 2016-09. Any change from these permitted uses shall require amended preliminary site plan approval by this Board.

b. The within approval and use of the property is conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of any and all municipal, county, state and/or federal governments and their agencies or department which may have jurisdiction

over any aspect of the use of the property. To the extent that any other governmental agency requires a change in this plan granted amended preliminary site plan or final site plan approval pursuant to this Resolution, the Applicant shall identify such changes on each affected plan sheet, provide a narrative description of the change along with the governmental permit and, if required, request amended preliminary site plan approval or reflect the changes on the future final site plan application.

c. 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.

d. Prior to the start of any site or building modifications on the Subject Property, the Applicant shall obtain final site plan approval for Phase II from the Board, and in conjunction with the final site plan application, provide proof to the Board of water and sewer service/connection permits or approvals which may be required.

e. The Phase II 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 ginkgo trees), lighting, signage and other typical site plan details. Additionally, with respect to Phase I, if the zoning officer determines in response to a complaint or his/her own investigation, that regulatory noise limits are being exceeded, the Applicant shall provide adequate noise attenuation to eliminate the violation, such as curtains or wall/roof insulation.

f. a. Phase I: Full use of the film viewing area (220 person occupancy) is permitted only when all other Phase I uses are closed. When the restaurant is open, either the other Phase I uses (gallery, office, workshop/storage) or film viewing limited to 111 person occupancy is permitted.

b. Phase II: 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.

c. Both Phases: Building occupancy limits shall be posted at all times.

g. The Applicant shall provide at the time of submission of the Phase II 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, subject to the conditions imposed herein. Additionally, the Applicant shall provide sufficient detail to assure the Board Engineer that the parking arrangement on site will allow safe maneuvering within aisles on the site and that emergency vehicles can access the building and maneuver within the site.

h. The Applicant may be required, as part of the Phase II final site plan approval, to provide any missing landscaping required pursuant to the Two Buttons approval.

i. The Applicant will show on the Phase II 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.

j. The Applicant shall provide additional details concerning traffic and noise impacts, if any, at the time of submission of Phase II final site plan application.

k. Lighting of the street signage approval as part of this amended preliminary site plan, shall be limited to 75 watt incandescent or equivalent lighting.

l. Within 30 days of adoption of this Resolution, the sight easements required adjacent to the site driveway shall either be dedicated and recorded or proof provided that recording was previously completed.

m. The applicant shall comply with the November 8, 2016 letter from Captain Michael Atheras of the Frenchtown Fire Department, said letter marked as A-3 in evidence. This letter requires the Applicant to install a fire hydrant on side two in the parking area along the existing curb line, said fire hydrant to be installed in conjunction with Phase II development of the property. Additionally, as noted in a prior undated letter from Captain Atheras, a minimum 20' fire lane must be maintained at all times on side two (west side) and side three (south side) of the building, as shown on p.2 of A-2 in evidence.

n. The Applicant shall replenish the Planning Board escrow account upon request as required by the executed escrow agreement.

2. **Voting Record.**

On November 9, 2016, a motion to grant the amended preliminary site plan and Phase I final site plan approval with signage variances received the following votes:

Those in favor: Weeks, Eckel, Musolino, Denbleyker, Dragt, Dougherty, Suttle, Case, Myhre, Sullivan

Those opposed: None

Recused: Scott

The above memorializing resolution was adopted on December 14, 2016, by the following Board members eligible to vote:

| MEMBER | YES | NO |
|----------|-----|----|
| Eckel | X | |
| Weeks | X | |
| Musolino | X | |
| Dragt | X | |
| Myhre | X | |
| Sullivan | X | |
| Case | X | |

Attest:

Brenda S. Shepherd, Board Secretary

SITE PLAN WAIVER – BLOCK 55 LOT 1, 10 BRIDGE STREET, SUITE 3 – SUNBEAM GENERAL STORE

Applicants Ben Densing and Hannah Opdyke stated that their plan is to do a river shop/old time general store focusing on local goods, crafts and river necessities from cell phone protectors, water shoes for the tubers and beverages and food, packaged foods. Lovin’ Oven will provide us with pastries. We will sell candy and trail mix, etc. , all prepackaged. Nothing will be prepared on site. We want to focus on the river community so we want to do guided river walks, local eatable walks, etc. bringing the community back to the river. We will do local clean up days and be very environmentally focused. We want to keep it local and as sustainable as possible. We will have local bird guides, wildlife books, local crafts, Frenchtown T-shirts, etc. The building was the home of a general store since the beginning of the town. It has the old milled wood shelving and is perfect for what we want to do. It is where Rich Cahill was. We do

not plan to change the footprint of anything. It was built for a salon at one time. Chairman Eckel supplied the floor plan of the location.

Chairman Eckel stated that this application became complicated mainly because the last occupant of the space was there on a use variance. She had several conversations with Attorney Hirsch and Planner McKenzie on this. We cannot look at the immediate previous use because it was a variance use. It was retail and a service use. The previous salon was a service use. In the ordinance for parking at Section 306B29(p), it has the same parking requirements for service use and retail use. There is no parking associated with this space and it never had parking associated with this space. We have an existing non-conformity for parking so we can roll that into this application because it was retail and a salon before and it will be retail. The reason it became complicated was the change in use. The only thing we will need to talk about and hear testimony on is that the general store would not generate more parking needs than the average retail space. We will need on file a layout of the floor plan. The applicant confirmed that the floor plan layout submitted was accurate and noted that there would be no additional parking need generated from the retail use and added that they do not anticipate any further traffic and do not believe any other people will come just for them. It will be the same as other retail uses. Chairman Eckel noted that the retail space is an allowed use. The Board determined that it is a first floor retail. The building in the back has two first floors and we previously determined that the salon and tattoo shop was on the first floor. The applicant has filed a letter asking for a site plan waiver/zoning interpretation. No site plan application is needed.

On motion by William Sullivan, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Planning Board approved to grant the site plan waiver for Block 55 lot 1 for a retail use which fits the original uses of a retail use and service use and waived any other site plan requirements.

The applicant will need to come back with a sign application and an outdoor display application if you will be selling items outside.

VOUCHERS

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

VOUCHER LIST 12/14/16

| | | |
|--------------------|--|-----------|
| Archer & Greiner | Professional Services for General Representation through 11/30/16 | \$ 200.00 |
| Albert Cruz | Professional Services for Declaratory Judgement through 10/31/16 | \$ 390.66 |
| Elizabeth McKenzie | Professional Services for Affordable Housing Representation through 10/31/16 | \$ 43.75 |
| Elizabeth McKenzie | Professional Services for Affordable Housing through 11/30/16 | \$ 787.50 |

ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael Inspection Escrow

| | | |
|-----------------------|--|-----------|
| Van Cleef Engineering | Professional Services for Michael through 10/31/16 | \$ 628.75 |
|-----------------------|--|-----------|

ESCROW ACCOUNT – BLOCK 59 LOT 4 – ArtYard

| | | |
|------------------|---|-----------|
| Archer & Greiner | Professional Services for Art Yard through 10/31/16 | \$ 500.00 |
|------------------|---|-----------|

| | | |
|-----------------------|---|-------------|
| Van Cleef Engineering | Professional Services for Art Yard through 10/31/16 | \$ 1,620.00 |
|-----------------------|---|-------------|

| | | |
|--------------------|---|-------------|
| Elizabeth McKenzie | Professional Services for Art Yard through 10/31/16 | \$ 1,093.75 |
|--------------------|---|-------------|

| | | |
|---------------------|---|-----------|
| Elizabeth Mc Kenzie | Professional Services for Art Yard through 11/30/16 | \$ 962.50 |
|---------------------|---|-----------|

ESCROW ACCOUNT – BLOCK 59 LOT 7 – Hanley/Cipoletti

| | | |
|------------------|---|-----------|
| Archer & Greiner | Professional Services for Hanley/Cipoletti through 10/31/16 | \$ 200.00 |
|------------------|---|-----------|

| | | |
|-------------------|--|----------|
| NJ Advanced Media | Advertising for Hanley/Cipoletti on 11/17/16 | \$ 17.74 |
|-------------------|--|----------|

On motion by Jack Weeks, seconded by Gerry Case, 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

Councilman William Sullivan reported that the Third Street improvements are done. Ridge Road is on hold due to the weather. Mayor Myhre added that all the drainage work on Ridge Road will be done. The paving and sidewalks will be done in the spring. William Sullivan noted that when you pave this late in the year, it does not bond. He added that the Borough did get a change order approved by NJDOT to allow us to expand the drainage to Hilltop Avenue and the cost will be covered by the grant.

Mayor Myhre reported that the Council approved the unpaid bills for the planning board professionals on the Cretella matter. Attorney Albert Cruz is pursuing the issue.

As to the Sign Subcommittee, Mayor Myhre noted that Christina Ferrari from DellaTerra has agreed to be on the committee as a member of the Business Association. He would like the committee to meet the second week of January. He will send out the meeting notice. The Borough has its reorganization meeting the first Wednesday in January. All the new members will be sworn in.

Mayor Myhre also reported that the Borough received a grant award from FEMA for back up generators. FEMA is allowing us to also include the fire company in the grant. The generator is

on state contract for \$34,000.00 and the Borough will hire a contractor to install it. The total grant amount is \$50,000.00.

Chairman Eckel noted that Sarah Scott indicated that she will be stepping down from the Board and John Dougherty will be back on December 19th.

Responding to Jack Weeks as to an update on the Affordable Housing law suit, Mayor Myhre noted that at some point in the near future, there will be a settlement discussion. The hope is that everyone will come up with a number. There are conflicting opinions. Chairman Eckel added that if you go to settlement now, you can get a 30% discount from the anticipated number. If you accept the settlement number and the final number is lower, you can challenge the settlement number. Mayor Myhre reported that the Thompson tract is counted although it has steep slopes and no sewer service. The Ceramics plant is also counted. To preserve a tract of land would take 3 to 6 years. Unless it is under contract, you have to count it. Chairman Eckel added that the Borough has done a great job of getting certified for the third round. It is difficult to plan without knowing the numbers. Mayor Myhre noted that the redevelopment of the Ceramics plan is a major plan in that. Chairman Eckel stated that if the Ceramics Plan does not move forward, there is other developers interest in putting in a residential development with affordable housing.

Responding to Gordon Dragt as to the River Mills development, Mayor Myhre noted that George Michael has pulled all the permits for the buildings along the towpath and Building A. Building A will be built in house. Two units have been sold and there are a few under contract. William Sullivan noted that the foundations for Buildings F and G are in. Chairman Eckel noted that the COAH units are located in Building A. Mayor Myhre noted that he is meeting with one of the new residents. The new resident is being assessed a large fee for the sprinkler system and fire suppression at \$50.00 per month.

Chairman Eckel report that the Mayor and she are meeting with ArtYard and they will bring us up to speed on the latest.

Gerry Case informed the Board that there is a neon sign that says Tattoo on Race Street. Chairman Eckel noted that there was a change of use for that location but they will need a sign application as well for any signage.

Chairman Eckel stated that all signs must go off at the close of business. Citgo came to us when they went to LED lights. All the lights go out except for the prices. The prices should not stay lit all night. We have an ordinance on the books that we need to enforce. The sign committee will address these items. The one thing will be that all restaurant can have a menu box. Responding to Jack Weeks in reference to pop up businesses, Chairman Eckel noted that you can have a sign for 30 days. She will ask Planner McKenzie if there is an ordinance that would address pop up businesses.

ADJOURNMENT

Gerry Case moved adjournment at 8:20 pm, and William Sullivan seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary