

Frenchtown Planning Board
Regular Meeting
June 28, 2017
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	
DenBleyker	
Dougherty	
Dragt	
Eckel	
Herb	
Myhre	
Musolino	
Sullivan	
Suttle	

APPROVAL OF MINUTES

Regular Meeting – April 26, 2017

Mayor Myhre moved to accept the minutes of the April 26, 2017 Regular meeting as amended. Gordon Dragt seconded the motion. The minutes of the April 26, 2017 Regular meeting were approved as amended (page 6, paragraph 3, sentence 1 should read: ceramics plant not plan) by favorable roll call vote with Gerry Case, Rocco Musolino, William Sullivan and Randi Eckel abstaining.

ANNOUNCEMENT

Chairman Eckel announced that the public hearing advertised for this evening will not be going forward. This public hearing will be advertised for a future meeting.

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.

Gary Bechtel noted that he is doing research to see if we would be interested in purchasing a building and if our intended uses are acceptable. He knows he would still have to appear before the Planning Board. The building he is interested in has the Pulp restaurant. Attorney Hirsch noted that this is an unusual request. The Board would have to look at the nature of the concept plan. In an informal discussion, you can say what you want and the Board will give you input but the Board is not giving you a green light or a red light. The Board would need an actual

application. Gary Bechtel noted that the other side of the building was the pet supply store. There is a kitchen in the back and an apartment upstairs which he would plan to maintain. He has a certified organic farm in Holland Township and does farm markets. He would like to put in a small certified commercial kitchen, do the prep work and have a vending area in the front to sell some of our products Attorney Hirsch confirmed that he would keep the existing apartment, he would have retail and a restaurant. Gary Bechtel noted that the commercial kitchen would be for the wheat grass, micro greens and washing. The County Board of Health would inspect. Chairman Eckel asked if there is an increase in sewer need for this use? Gary Bechtel responded "No". Attorney Hirsch commented that it would be switching one retail for another retail use. It would not be increasing the intensity. Gary Bechtel noted that he may rework the interior staircase and will put in a small commercial kitchen but would be maintaining the footprint. Attorney Hirsch recommended that Mr. Bechtel apply for a site plan waiver. The Board would vote and a resolution would be provided.

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

ZONING INTERPRETATION – BLOCK 41 LOT 8, 51 BRIDGE STREET – FRENCHTOWN'S HOMETOWN MARKET PLACE, ANTHONY GRECCO

Applicant Anthony Greco noted that his business plan was just handed out. Attorney Hirsch stated that this is a request for the Board to interpret a zoning issues. There is a \$250.00 application fee required plus a \$500.00 escrow deposit required for zoning interpretations. She asked if it is a commercial use? Applicant Grecco stated that it is the same business as he had there before. Attorney Hirsch responded that it should come to the Board through a letter from the zoning officer. Applicant Grecco stated that he needs the Board to interpret it.

Laura Grecco noted that the space was a market and restaurant. We wanted to create the same thing with vendors. We have gone to the Board of Health but when we went to the zoning officer, he did not want to speak to it and told us to go to the Planning Board. We want to give local crafters and vendors a space to do business. It will be like the Stockton Market but on a smaller scale. It will be like a food court and all vendors will have their certificates. People can buy food and take it home and there will be provisions for chairs. Planner McKenzie stated that it is retailing and does not depart dramatically from a retail store. There is no requirement that there be one vendor in a store space. Anthony Grecco noted that he would be responsible and there will be only one manager. We have all their paperwork and there will be 24 seats. Attorney Hirsch stated that she does not see a legal issue. They are changing nothing on the exterior or interior. They do not have onsite parking. Planner McKenzie added that it is all retail and restaurant like what they had before. Referring to parking requirements, Chairman Eckel noted there is a parking requirement of 1 parking space per 200 square feet for restaurant. Restaurant to retail has less of a parking requirement so this will not increase the parking requirements. There is no parking on Bridge Street. Responding to Planner McKenzie as to the tables and seating, Anthony Grecco noted that there are tables on the porch and seating inside. We had 46 seats before and there are fewer than that now. We are not making any changes to the building. Attorney Hirsch stated that the Board will need to define what it is approving. On motion by Brad Myhre, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board determined that the prior use of the space at Block 41 Lot 8, 51 Bridge Street was a combination of a market retail and restaurant space with 46 seats and the new use of retail vendors with crafts, jewelry and restaurant vendors with cooking on the premises is a permitted use in the R4A zone and is not a change in use from the previous use and there is nothing that precludes multiple vendors. No change is being made to the interior or exterior of the building and no new parking is required.

Attorney Hirsch stated that we need to discourage the zoning officer from sending these types of issues to the Board. Chairman Eckel added that we will need to have something in writing from the zoning officer when he refers an applicant to the Board. Attorney Hirsch recommended that a letter go to the zoning officer asking him to provide specifics on zoning denials.

SIGN APPLICATION - BLOCK 41 LOT 8, 51 BRIDGE STREET – FRENCHTOWN’S HOMETOWN MARKET PLACE, ANTHONY GRECCO

Laura Grecco, representing the applicant, stated that they are requesting permission to install an advertising sign. She put the measurements on the drawing and noted that the sign will hang above the railing and will not be in the walkway, similar to River Blue sign. There are flower pots below and people do not walk there. It will be affixed to the fascia. The words “by you and for you” will be less than three inches. Responding to Cathy Suttle, Laura Grecco noted that the sign will be made out of wood and painted. The colors are orange, blue, black and gold. The sign clears the floor of the porch by 83 inches. Chairman Eckel noted that the sign measures 18 inches high by 48 inches long. It is a flat projecting sign that will be affixed to the building. The sign does not exceed 25 square feet as it is 6 square feet. The sign is made of wood and will be painted in colors of orange, blue, black and gold. The sign clearance is 83” off the floor of the porch. There are 5 items of information. The sign will not be illuminated.

On motion by Cathy Suttle and seconded by John DenBleyker, the Planning Board approved the sign application for Block 41 Lot 8, 51 Bridge Street, and following resolution:

RESOLUTION #2017-14

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

WHEREAS, Applicant Anthony Grecco has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 41 Lot 8;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on June 28, 2017:

1. The proposed projecting sign will read in accordance with the sketch attached hereto.
2. The sign will measure 18” high by 48” long for a total of 6 square feet and will be affixed to the building.
3. The sign will be made of wood and will be in colors of orange, blue, black and gold.
4. The sign will be mounted on the roof line of the porch to the building with the bottom of the sign being 83” from the ground.
5. The wall signs contain a total of 5 items of information as defined in the Land Use

Ordinance #564.

- 6. The advertising sign will not be illuminated.

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 June 28, 2017.

Votes on Adoption of Motion

_____9_____AYES

_____NAYS

_____ABSTAIN

Brenda S. Shepherd, Secretary

SIGN APPLICATION – BLOCK 52 LOT 1, 26 RACE STREET – MERGE GALLERY, CHRISTOPHER HILTEY

Applicant Christopher Tiltey, owner of Merge Gallery, stated that he is requesting permission to install an advertising sign. He originally wanted to paint the sign to the façade but the cost was higher. He added that it is a metal sign that will be painted and fastened to the building. He put a lot of thought into the design. The blue area and pin strip will be hand painted. The circular area will be mounted onto the hand painted metal background and will be 3 inches off of the building. He was looking to make the sign look like an old “Texaco” sign. The colors will be fire engine red and white with navy blue accent and the rectangular area will be royal blue with red pin stripping. William Sullivan noted that if the lettering size of the word Gallery is less than three inches, all other lettering can be more than 3 inches and will comply with the not more than 10 items of information. It will be 9 items of information. Mr. Hiltey stated that he will make the letters in the word Gallery will be less than 3 inches. Responding to Planner McKenzie, Mr. Hiltey asked if the approval could be for either a projecting sign or a wall sign. The sign will give you depth and dimension. Chairman Eckel noted that the signable area is 226.5 feet by 79 inches. The sign measures 132” long by 55” high which is 29% of the signable area and complies with the ordinance. She asked Mr. Hiltey if the sign will be illuminated. Mr. Hiltey responded that there are two existing lights. Chairman Eckel noted that the motion will include lighting not to exceed 75 watts and must be shielded.

On motion by William Sullivan, seconded by John DenBleyker and carried by unanimous favorable roll call vote, the Planning Board approved the sign application for Block 52 Lot 1 and the following resolution:

RESOLUTION #2017-15

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

WHEREAS, Applicant Christopher Hiltey has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 52 Lot 1;

AND WHEREAS, after considering all the evidence presented, the Planning/Zoning Board has made the following findings of fact at its Regular Meeting on June 28, 2017:

1. The proposed projecting and/or wall sign will read in accordance with the sketch attached hereto.
2. The sign will measure 132” long by 34” with the 55” circle centered on the background and mounted to the building. The sign covers 29% of the signable area and complies with the ordinance.
3. The sign will be wood like and will be in colors of red, white and blue.
4. The sign contain a total of 9 items of information as defined in the Land Use Ordinance #564.
5. The advertising sign will be illuminated with no more than 75 watts and the lights will be shielded.

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 June 28, 2017.

Votes on Adoption of Motion

_____9_____AYES

_____NAYS

_____ABSTAIN

Brenda S. Shepherd, Secretary

NEW BUSINESS:

Review of Ordinance #792 for consistency with the Master Plan

Planner McKenzie noted that the ordinance was introduced by the Governing Body. She made some small tweaks to the introduced version as she looked at the context with other towns. These are minor changes. You already have a Development Fee Ordinance and an Affordable Housing Ordinance adopted. These new ordinances are modified to reflect the court’s jurisdiction and consistency with the settlement agreement with The Fair Share Housing Center. She changed the definition of development fees referring to the case law that authorized it. She does not believe that it changes the context of the ordinance. The Board will need to determine if the ordinance is consistent with the Master Plan or that it is not inconsistent with the Master Plan. The ordinance is not inconsistent with the Master Plan. Attorney Hirsch noted that she will generate a report to let the Council know whether this ordinance is in anyway inconsistent with the Master Plan. If you see inconsistencies you must report them and make any other comments and recommendations. She will do a letter to summarize it.

Responding to Cathy Suttle as to development fees, Planner McKenzie noted that there is an exemption if the developer is providing affordable housing units. If you are creating an apartment, you are increasing the value and the difference in value will require a development fee. The tax assessor determines the difference in value. The fees are required by State law. Most of the Borough's fees are from increase in value. The Borough has been collecting development fees but the Borough does not have many opportunities.

On motion by Jeanne Herb, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board determined that Ordinance #792 is not inconsistent with the Master Plan.

Attorney Hirsch noted that she will draft a letter to the Council of the Planning Board determination.

Chairman Eckel noted that once the Board sends the ordinance back to Council and Council adopts it, Council makes sure that the ordinance goes to the building code official who makes sure the development fees are paid when applicable.

Review of Ordinance #793 for consistency with the Master Plan

Planner McKenzie noted that she changed a few items in this ordinance since the Governing Body introduced the ordinance such as the reference to the zoning ordinance and not Land Use ordinance. Under the affirmative marketing plan, she changed it to refer to the Fair Share Housing Agreement. The changes do not change the substance of the ordinance. Attorney Hirsch noted that what the Board needs to do is act under the referral of the ordinance introduced by Council. She will generate a report to let the Council know whether this ordinance is in anyway inconsistent with the Master Plan. If you see inconsistencies you must report them and make any other comments and recommendations. She will do a letter to summarize it. Planner McKenzie added that the Board has not gotten to the substantive zoning ordinances. These are administrative ordinances. These are not changes of policy other than changes referring to the Settlement Agreement. This ordinance shows how you would manage affordable housing. It is not contrary to the Master Plan and there are no inconsistencies.

Responding to the Board as to the Municipal Housing Liason and the Administrative Agent, Planner McKenzie noted that Brenda Shepherd is the Borough's Municipal Housing Liason. The Borough hires an Administrative Agent and the fees of the Affordable Housing Administrative Agent are paid by the owner of the affordable housing unit. Under the Affordable Housing controls, units are restricted for at least 30 years unless the municipality removes the restriction. Responding to John Dougherty as to the definition of dwelling unit, Planner McKenzie noted that it is defined in the zoning ordinance.

Having no other questions or comments on the ordinance, Attorney Hirsch stated that the Board will need to determine if the ordinance contains any inconsistencies with the Master Plan. On motion by Brad Myhre, seconded by Jeanne Herb and carried by unanimous favorable roll call vote, the Planning Board determined that Ordinance #793 is not inconsistent with the Master Plan.

Attorney Hirsch noted that she will draft a letter to the Council of the Planning Board determination.

PLANNER ELIZABETH MCKENZIE

Planner McKenzie noted that her intention was to have a draft Housing Element tonight but she will be working on it this weekend. She wants to set up the subcommittee meetings and the subcommittees will have a proposal for each zone. All the zones will be inclusionary residential. The formats will be the same. We will add more design standards similar to the proposed redevelopment plan. Responding to Mayor Myhre, Planner McKenzie commented that in speaking to the proposed developer about the R8 zone, Ceramics Plant, the plan would be similar to the Fieldstone proposal. Some of the numbers are in the Affordable Housing Plan. We will stick to what the Council approved for the overlay zone at 111 units. Planner McKenzie added that she will provide proposals as the permitted uses, conditional uses and prohibited uses and design standards, density and yard requirements and the subcommittees can react to the proposals. Attorney Hirsch stated that the Board will consider an amendment to the Reexamination Plan and Land Use Element so that there is no issue of notice or a requirement for super-notification.

Responding to Jeanne Herb as to increases in stormwater recharge and green building strategies, Planner McKenzie noted that recharge close to the river would be hard but you could put in some green building strategies. It could be optional with incentives. Mayor Myhre stated that as long as the incentives does not give additional density.

Planner McKenzie noted that input is welcomed from the subcommittees. She will need to schedule a meeting with the subcommittees and would like to set those meeting this evening. There are two members on the Board that have conflicts on both sides of town and will not participate on the subcommittees and they are Mayor Myhre and Gordon Dragt. The north subcommittee consists of Cathy Suttle, John Dougherty, Jeanne Herb and Randi Eckel who will be reviewing the southern parcels #3, 4, 5 & 7. A tentative meeting for the north subcommittee was scheduled for July 11th at 7:00 pm at Borough Hall. The south subcommittee consists of John DenBleyker, Rocco Musolino and William Sullivan who will be reviewing the northern parcels #1, 2, 6, 8 & 9. A tentative meeting for the south subcommittee was scheduled for July 13th at 7:00 pm at Borough Hall.

Planner McKenzie reported that she will have draft ordinances to the subcommittees to review and tweak. Nothing happens until it comes back to the Board. The entire Planning Board will review the drafts.

Planner McKenzie also reported that the Board will also be scheduling the public hearing on the Housing Element Element and Fair Share Plan for the August 23rd meeting. The Borough has a deadline to meet. The zoning ordinance amendments will be introduced at the August Council meeting then sent to the Board for review of consistency. The Council will adopt these ordinance at its September meeting.

VOUCHERS

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

VOUCHER LIST 6/28/17

Albert Cruz	Professional Services for Declaratory Judgement through 4/30/17	\$ 465.88
Elizabeth McKenzie	Professional Services for General Representation through 5/31/17	\$ 200.00
Elizabeth McKenzie	Professional Services for Affordable Housing through 5/31/17	\$1,181.25
Banish Associates	Professional Services for Affordable Housing through 5/2/17	\$ 125.00

ESCROW ACCOUNT – BLOCK 46 LOT 5 – John & Nancy West

Archer & Greiner	Professional Services for West through 4/30/17	\$ 480.00
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael’s Escrow

Albert Cruz	Professional Services for Michael through 3/31/17	\$ 360.22
Albert Cruz	Professional Services for Michael through 4/30/17	\$ 75.70

ESCROW ACCOUNT – BLOCK 34 LOT 1 – Michael Inspection Escrow

Van Cleef Engineering	Professional Services for Michael through 4/30/17	\$ 202.50
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ESCROW ACCOUNT – BLOCK 59 LOT 7 -Hanley/Cipoletti

Archer & Greiner	Professional Services for Hanley/Cipoletti through 4/30/17	\$ 180.00
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ESCROW ACCOUNT – BLOCK 3 LOT 1 – Country Classics

Elizabeth McKenzie	Professional Services for County Classics through 4/30/17	\$ 481.25
Pickell Architecture	Professional Services for County Classics through 5/15/17	\$ 150.00

ESCROW ACCOUNT – BLOCK 15 LOT 1 – Brendan Stokes

Van Cleef Engineering	Professional Services for Brendan Stokes through 9/30/16	\$ 405.00
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ESCROW ACCOUNT – BLOCK LOT – OMNI POINT

Omni Point	Return of Escrow for Omni Point	\$ 1681.00
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ESCROW ACCOUNT – BLOCK 59 LOT 4 – Artyard

Elizabeth McKenzie	Professional Services for Artyard through 5/31/17	\$ 87.50
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On motion by William Sullivan, seconded by Jeanne Herb, 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

A) Technical Review Committee report

Chairman Eckel reported that there have been no Technical Review Committee meetings in the last two months.

Chairman Eckel also reported that Jack Weeks has resigned from the Planning Board. If anyone has names of people interest in serving on the Planning Board to please let her know. Jeanne Herb will move into the Alternate I position. Cathy Suttle noted that Jack Weeks was a business owner in town. Chairman Eckel responded that she tries to make the Board members as diverse as possible.

Chairman Eckel noted that she will not be at the July Planning Board meeting.

William Sullivan reported that Ridge Road is done. There are a few minor repairs that need to be done. It was paved on a nice warm day. It was good that it was paved on a warm day especially on a hill. The road looks good. Mayor Myhre added that the Borough is getting an award from HART for that street.

Mayor Myhre reported that the blue trash cans will be leaving the downtown. The Borough placed an order for trash and recycling containers made out of recycled milk cartons. The containers will accommodate pizza boxes. These containers will be paid by the Clean Communities grant.

Mayor Myhre thanked Dorsey Reading, Jack Opdyke, and Gene Hale for the work that was done at Sunbeam Park and the other business owners who contributed toward the costs.

Mayor Myhre noted that the Borough will be going out to bid for the Park Improvement Project. The walking path will get underway after Labor Day. The last time the Borough spent money on the park was in 1997.

Mayor Myhre also noted that the award for the Downtown Grants will be announced in mid July.

Mayor Myhre stated that the County has not had an electronics clean up day. We may do our own in Frenchtown as people are putting out electronics on trash day.

Gordon Dragt noted that he has had four decades of Senior Administrative leadership and he does not appreciate that he is being reprimanded by the Board in public. It is difficult in the heat of a discussion to find a way to get comments in. The method is to speak up. He does not want to be treated like a 5 year old. This is a reoccurring situation that has been done 3 times. As a Board member, he does not deserve to be reprimanded in front of everyone. Chairman Eckel responded that it was not her intent. She was feeling frustrated as there were several conversations going on at once. She was starting to loss control of the meeting and had to bring it back to a single discussion. She is very sorry if he felt that she has done that and apologized to Gordon Dragt, if she offended him. That was not her intent. At that point in the meeting, we we were trying to figure out the motion that the Board needed to make. Her intent was not to treat anyone with disrespect. She values Gordon Dragt's position on the Board and was going to apologize to him and other members after the meeting. Chairman Eckel added that she would be happy to discuss any Board member's concerns. Gordon Dragt thanked Chairman Eckel.

ADJOURNMENT

Gerry Case moved adjournment at 9:36 PM, and seconded by Jeanne Herb. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary