

Frenchtown Planning Board
Reorganization & Regular Meeting
January 16, 2019
7:30 P.M.

Randi Eckel called the Reorganization and 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.

OATH OF OFFICE

Brenda S. Shepherd administered the Oaths of Office to William Sullivan (Class III), John Dougherty (Class IV), John DenBleyker (Class IV), and Jeanne Herb(Class IV) and Maggie Cooke (Alternate II). They accepted their Oaths of Offices.

ROLL CALL

Present:	Absent:
Cooke	Herb
Dougherty	
DenBleyker	
Dragt	
Eckel	
Musolino	
Myhre	
Sullivan	
Tyksinski	

Randi Eckel turned the gavel over to the Mayor for nomination of Chairman.

NOMINATION OF CHAIRMAN

Mayor Myhre asked for nominations for Chairman of the Board. William Sullivan nominated Randi Eckel for Chairman of the Board. Gordon Dragt seconded the nomination. No other nominations were made. The Planning Board elected Randi Eckel Chairman of the Planning Board by favorable roll call vote with Randi Eckel abstaining.

Mayor Myhre turned the gavel back over to Randi Eckel.

NOMINATION OF VICE-CHAIRMAN

Chairman Eckel asked for nominations for Vice-Chairman of the Board. John Dougherty nominated John DenBleyker for Vice-Chairman of the Board. Mayor Myhre seconded the nomination. No other nominations were made. The Planning Board elected John DenBleyker Vice-Chairman of the Planning Board by favorable roll call vote.

CONSENT AGENDA

All matters listed on the Consent Agenda are considered to be routine by the Planning Board and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Chairman Eckel noted that these resolutions will appoint the same team of professionals for the Board. She has reviewed the contracts and some have increased slightly by \$7.00 per hour or are consistent with last year's fees.

On motion by Gordon Dragt seconded by Mayor Myhre, and carried by unanimous favorable roll call vote, the Planning Board approved the consent agenda approving Resolution #2019-01 - #2019-08 as follows:

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2019-01

Dates, Time and Place for 2019 Regular Meetings and 2020 Reorganization & Regular Meeting

WHEREAS, Section 13 of the "Open Public Meeting Act", Chapter 231, Public Law 1975, requires that at least once a year every Public Body shall post and mail to the newspapers designated by said body, a schedule of the location, date and time of each Regular Meeting of said Body during the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, as follows:

1. The Regular Meetings of the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, shall be held at 7:30 p.m. at the Borough Hall, 29 Second Street, Frenchtown, New Jersey, on the Fourth Wednesday of each month, for the year 2019, with the exception of the month of November and December. The Regular Meeting for the month of November and December shall be the second Wednesday.

The Meeting dates and time of all Regular Meetings for 2019 and the Reorganization and Regular Meeting for 2020 are as follows:

January 23	7:30 p.m.	Regular Meeting
February 27	7:30 p.m.	
March 27	7:30 p.m.	
April 24	7:30 p.m.	
May 22	7:30 p.m.	
June 26	7:30 p.m.	
July 24	7:30 p.m.	
August 28	7:30 p.m.	
September 25	7:30 p.m.	
October 23	7:30 p.m.	
November 13	7:30 p.m.	
December 11	7:30 p.m.	
January 22, 2020	7:30 p.m.	Reorganization & Regular Meeting

2. This Resolution shall take effect immediately.

Dated: January 16, 2019

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2019-02

Designated Newspapers

BE IT RESOLVED that the following newspapers shall be designated for the advertising of Legal and Public Notices for the Borough of Frenchtown:

Hunterdon County Democrat, Flemington, New Jersey
The Express Times, Easton, PA
Courier News, Bridgewater, New Jersey
The Star Ledger, Newark, New Jersey

Dated: January 16, 2019

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

**RESOLUTION #2019-03
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ATTORNEY TO SERVE AS PLANNING BOARD ATTORNEY FOR THE BOROUGH
OF FRENCHTOWN**

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire an Attorney to serve as Planning Board Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Archer & Greiner has submitted a proposal dated December 20, 2018 indicating they will provide that attorney services for the amount of \$200.00 per hour in addition to costs incurred for out of pocket and travel expenses; and

WHEREAS, Guliet Hirsch of Archer and Greiner has completed and submitted a Business Entity Disclosure Certification which certifies that Archer & Greiner has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Archer & Greiner from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown will authorize the Chairman to enter into a contract with Archer & Greiner as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 16, 2019

Brenda S. Shepherd,
Planning Board Secretary

**RESOLUTION #2019-04
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A PLANNER
TO SERVE AS PLANNING BOARD PLANNER FOR THE BOROUGH OF
FRENCHTOWN**

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Planner to serve as Planning Board Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Darlene A. Green of Maser Consulting PA has submitted a proposal dated 12/20/18 indicating she will provide planner services for the amount \$148.00 per hour; and

WHEREAS, Darlene A. Green of Maser Consulting PA has completed and submitted a Business Entity Disclosure Certification which certifies that Darlene A. Green and Maser Consulting PA has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the

previous year, and that the contract will prohibit Darlene A. Green and Maser Consulting PA from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Darlene A. Green of Maser Consulting PA as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 19, 2019

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2019-05
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ENGINEER
TO SERVE AS PLANNING BOARD ENGINEER FOR THE BOROUGH OF
FRENCHTOWN

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire a professional engineer to serve as the Board's Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Robert J. Clerico of Van Cleef Engineering has submitted a proposal dated 12/26/18 indicating they will provide engineering services for the amount of \$148.00 per hour; and

WHEREAS, Robert J. Clerico of VanCleef Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that VanCleef Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit VanCleef Engineering from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Robert J. Clerico of VanCleeef Engineering as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 16, 2019

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2019-06
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ARCHITECT TO SERVE AS PLANNING BOARD ARCHITECT FOR THE BOROUGH
OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire an Architect to serve as the Planning Board Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Christopher Pickell of Pickell Architecture LLC. has submitted a proposal on 1/15/19 indicating they will provide architectural services for the amount \$150.00 per hour; and

WHEREAS, Christopher Pickell has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher Pickell has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Christopher Pickell from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Christopher Pickell as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 16, 2019

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2019-07
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A
LANDSCAPE ARCHITECT TO SERVE AS PLANNING BOARD LANDSCAPE
ARCHITECT FOR THE BOROUGH OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Landscape Architect to serve as the Planning Board Landscape Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Brian Bosenberg has submitted a proposal dated 12/21/18 indicating he will provide Landscape Architect services for the amount \$145.00 per hour; and

WHEREAS, Brian Bosenberg has completed and submitted a Business Entity Disclosure Certification which certifies that Brian Bosenberg has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Brian Bosenberg from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Brian Bosenberg as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 16, 2019

Brenda S. Shepherd,
Planning Board Secretary

**FRENCHTOWN BOROUGH
PLANNING BOARD**

**RESOLUTION #2019-08
PROFESSIONAL APPOINTMENTS**

WHEREAS there exists a need for the Planning Board to hire an Attorney to serve as the Board Attorney, an Engineer to serve as the Board Engineer, a Planner to serve as the Board Planner; a Landscape Architect to serve as the Board Landscape Architect and an Architect to serve as the Board Architect; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS sufficient funds are available in the 2019 Temporary Budget and will be made available in the 2019 Municipal Budget for the Borough of Frenchtown for such services,

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, as follows:

1. The Planning Board Chairman and Board Secretary are hereby authorized and directed to execute an agreement with the following persons and/or firms for the year 2019:
 - a. Guliet Hirsch, Archer & Greiner, Attorney
 - b. Robert Clerico, Van Cleef Engineering, Engineer
 - c. Darlene A. Green, Maser Consulting PA, Planner
 - d. Christopher Pickell, Pickell Architecture, LLC, Architect
 - e. Brian Bosenberg, B.W. Bosenberg & Company, Inc., Landscape Architect
2. These contracts are being awarded as described above without competitive bidding as “Professional Services” as defined under the appropriate section of the Local Public Contracts Law because each of the above mentioned individuals is a member in good standing of his respective profession.
3. Notice of this action shall be printed in the Hunterdon County Democrat.

Dated: January 16, 2019

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

APPROVAL OF MINUTES

Regular Meeting – December 12, 2018

Mayor Myhre moved to accept the minutes of the December 12, 2018 Regular meeting. Gordon Dragt seconded the motion. The minutes of the December 12, 2018 Regular meeting were approved by favorable roll call vote with John DenBleyker, William Sullivan and Mike Tyksinski abstaining.

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.

SIGN APPLICATION – BLOCK 41 LOT 9, 43 BRIDGE STREET – LIBBYBEANS

Gordon Dragt and Mayor Myhre stepped down on this application due to conflict of interest.

Libby Valentine stated that she is the new owner of Minette's Candy. Dorsey Reading helped her complete the sign application. Dorsey Reading stated that the sign is 44 inches in diameter and will be on the right hand window of the four windows across the front of the building. The sign reads LibbyBeans with a chocolate bean hanging below it and a gold foiled band around it. The letters are white and will be affixed to the window. Dorsey Reading noted that the 4 windows measure 74 ½ square feet and the sign is 10.55 square feet being 14% of the window area. There is nothing above fifty percent per the ordinance. He interpreted that all the windows were counted as signable area. Chairman Eckel noted that the sign will be affixed to the window and there will be no separate illumination on the sign. She spoke with Dorsey Reading about the sign ordinance which needs to be cleaned up. If we go to the window ordinance, all window signs shall not exceed 50% of the total window area. Chairman Eckel stated that she believes the original intent was not to have all windows obscured with signs. She pulled the Spinnery Sign application and there is a sign in each window at 15% of the total signable area. The sign cannot be larger than 50% of an individual window which is the total window area. In place of a wall sign, an applicant can elect to place a permanent business identification sign limited to 20% of the window area. She asked Attorney Hirsch for guidance. Attorney Hirsch responded that the Board should strive for consistency for all sign applications. Chairman Eckel stated that most businesses do not have a lot of windows. To keep us consistent in the way we interpreted the sign. Dorsey Reading commented that there is a second window proposal. The sign would be 41 inches at 9.2 square feet of the 18.54 square feet window area, being 49% of the signable area. Chairman Eckel stated that to be consistent with the way the Board has approved sign applications, the 41 inch sign would comply. The applicant agreed. On motion by William Sullivan, seconded by Rocco Musolino and carried by unanimous favorable roll call vote, the Planning Board approved the sign application for Block 41 Lot 9 for the sign measuring 41 inches as described above with white vinyl lettering affixed to the window with a gold band

around it, containing 4 items of information, no illumination and the following resolution was approved:

RESOLUTION #2019-09

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

WHEREAS, Applicant Libby Valentine of LibbyBeans has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 41 Lot 9;

AND WHEREAS, after considering all the evidence presented, the Planning Board has made the following findings of fact at its Regular Meeting on January 16, 2019:

1. The signs will read in accordance with the sketch attached hereto.
2. The window sign will measure 41 inches for a total of 9.2 square feet of the 18.54 square feet of signable area being 49% which is less than the 50% signable area requirements and in compliance with the ordinance.
3. The window sign is white vinyl lettering affixed to the window with gold reflective material around it.
4. The window sign contains 4 items of information as defined in the Land Use Ordinance #564.
5. The window sign will be 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 January 16, 2019.

Votes on Adoption of Motion

____ 7 ____ AYES
____ 0 ____ NAYS
____ 0 ____ ABSTAIN
____ 0 ____ RECUSED

Brenda S. Shepherd, Secretary

Mayor Myhre and Gordon Dragt returned to the meeting.

**APPLICATION FOR AMENDMENT TO SITE PLAN APPROVAL FOR
FRENCHTOWN BRIDGE STREET LLC. – BLOCK 34 LOT 1, BLOCK 35 LOT 1,
BLOCK 36 LOT 1 AND BLOCK 38 LOT 2 - JERSEY BUILDING GROUP, LLC.
(RIVER MILLS AT FRENCHTOWN)**

David Shafkowitz noted that he is the attorney for the applicant. His client, Jersey Building Group, LLC., recently acquired the property. The entity is River Mills at Frenchtown LLC with the same owner and one single member. The Board is familiar with the project and the applicant is asking for a few changes with the goal of completing the project. The site plan was approved in 2010 or 2011 and a redeveloper's agreement was entered into with the Borough. The area was designated as an area in need of redevelopment. The development was approved as 20 town homes and Building A is a mixed use building with the first floor being commercial, the second floor office space and the third and fourth floors as rental units. There are 4 affordable housing units proposed in this building.

Attorney Shafkowitz stated that in order to assist the facilitation of the project, we are seeking a modification in the landscaping plan. Our registered Landscape Architect is here this evening. We are also seeking modifications in the architecture of the townhouse units and Building A. Our architect, Ralph Fey is here this evening to talk about that and the last thing is the subdivision of Building A off of the development. A formal subdivision application should be filed. We will explain what we are proposing. More details will be provided when the subdivision application is submitted along with any variances that are required. Attorney Hirsch noted that the Board can consider the subdivision as a concept plan. You can give the applicant input and guidance and it would not be binding on the Board. The applicant would have to come back with a minor subdivision application and all the variances associated with that. The subdivision will not be considered tonight. Attorney Shafkowitz stated that we will explain why we are asking for that. As part of the other consideration this evening, we will ask the Board to allow the office space to become residential market units. This will assist in allowing marketing and financial flexibility. The Resolution of approval did allow the applicant to come back to the Board if there was not a market for office space. This will help us to maintain the requirements in the resolution to help finish the project.

Attorney Shafkowitz noted that George Kiriakidi, owner of the project; Michael Galante, PE, site design engineer; Ralph Fey, Architect for the project; and Tom Stearns, Landscape Architect, will all testify for the hearing. Attorney Hirsch swore everyone in and asked them to give their name and addresses for the record.

George Kiriakidi, 350 South Main Street, Suite 307, Doylestown, PA18901
Ralph Fey, Ralph Fey Architects PC, 300 North Broad Street, Doylestown, PA 18901
Tom Stearns, Sterns Associates, 12 Seabrook Road, Stockton, NJ 08559
Michael Galante, MG Engineering Associates, LLC., 76 Argile Avenue, Blackwood, NJ 08012

George Kiriakidi, Builder in Pennsylvania, noted that they have built 400 single family homes. It is our first launch across the river. We are here this evening to ask for flexibility to make the River Mills project economically feasible. We have gone to the residents and spoken with them about what they want. All those residents are on board with what we will present. All that information was provided to the Board. We met with the Technical Review Committee and we were all in agreement in principle. We must get Board approval. As to when construction might start, we want to commence construction as soon as possible although we will need help with

permits. We would like to be done in 18 months from the start of the construction. As to the status of the buildings, Building A is not built, only one unit is sold in Building B, all units are sold in Building C, the foundations are in on Building G and some work was done on the foundation of Building F. We are proposing to subdivide off Building A from the project. Many of the concerns with the project were Building A because it is too expensive and the office space component of 4,300 square feet is difficult to rent. One other concern with selling the residential units was that the cost of Building A is more than the other buildings which raises the monthly fees. We want to separate the building in order to get the sales for the other units which would help the existing owners and ourselves. We also want to modify the exterior of several buildings including Building A, change the office space to residential, and consider putting in a basement in Building A as it is easier to fit out the first floor and would make it financeable. Our lender is not keen on lending money without tenants as it would not pay for the building. We would quickly provide the COAH units. Responding to Attorney Hirsch, Attorney Shafkowitz noted that the floor plans were not included with the application. George Kiriakidi stated that the addition of the basement will be part of this application or can be something proposed in the future. We looked at the flood hazard area and must meet the criteria for flooding. We would limit the ceiling height of the basement and it would not be used as living area. Attorney Hirsch asked about a DEP application. She added that the applicant will need to tell the Board what outside agency approvals are required. If the basement is not part of the application, when you formally request it, the engineer will have to provide engineering testimony as to what the issues are and what permits are required. George Kiriakidi stated that it is understood and at this point we are looking at it.

Attorney Hirsch asked if the applicant submitted the proof of publication and notice. She needs to review that to make sure that the Board has jurisdiction. She can review it as the meeting continues. Attorney Shafkowitz submitted the documentation to Attorney Hirsch.

George Kiriakidi noted that as to Building A, the area to convert to residential will mimic the residential floors. There will be three residential units on 2 of the floors and one floor has 4 units. We are proposing 3 residential rental units in lieu of the office space. It would mimic the floor plan on the 4th floor. The office component required 4 parking spaces per 100 square feet, requiring 16 parking spaces; and under the residential, it would require only 6 parking spaces. 16 parking spaces to 6 nets a decrease of 10 cars. There would be less demand for parking. It makes sense to share parking for commercial which would just be for the first floor commercial use. Landscape Architect Bosenberg asked if the space would be green space. Mr. Kiriakidi stated that we are alleviating the parking so there would be less demand on the parking. It was a shared parking plan. Attorney Shafkowitz stated that we will have more testimony from the engineer on that.

Attorney Shafkowitz asked Mr. Kiriakidi to review the marketing efforts for the office use. Mr. Kiriakidi noted that there was a provision in the approval or redevelopment agreement that the office space had to be marketed and if the developer was unable to obtain tenants after marketing efforts, it could be changed to residential units. The developer did market the office space without any success. Attorney Hirsch asked for additional detail on that. Attorney Shafkowitz stated that it was advertised and broker signs were posted. The legitimate effort to rent the office space was more than a few months. It is less expensive to build office space.

Attorney Shafkowitz noted that the next witness is Landscape Architect, Tom Stearns. Tom Stearns noted that he is a licensed landscape architect and planner in the State of New Jersey. He

has testified before many Boards and has testified before this Board three times. The Board recognized Tom Stearns as an expert witness.

Attorney Shafkowitz asked Landscape Architect Stearns to explain to the Board how the revised plans were developed. Mr. Stearns noted that he worked with George Michael as the Landscape Architect and is familiar with the site. He visited the site three times. The last revised drawings were done in December of 2011. He has not done anything on that project since December of 2011. Attorney Hirsch recommended that each exhibit be marked as presented and described. She also asked that he indicate whether the plan is in the new submitted set of plans. Landscape Architect Stearns noted that that L3.0 is the original 2011 plan on the right and L3.0 on the left is the colorized version of the revised plan. L3.0 of the original 2011 plan was marked as Exhibit A-1 and the colorized version, L3.0, was marked as Exhibit A-2. Attorney Hirsch asked for the title of the plans and the date. Tom Stearns stated that Exhibit A-1 is titled "Overall Landscape Plan", dated 12/23/11 and Exhibit A-2 is titled "Overall Landscape Plan", dated 1/4/19. He noted that all the site work and roads have been constructed. Building A has not been built, Buildings B and C and the surrounding landscape and walkways have been built, all utilities have been put in, Building D & E have not been built, there are some foundations for Buildings F and G and the basin in the corner has been constructed. There were minor footprint tweaks to the buildings that were finally built. The big changes were the decks. On Buildings B, C, D, and E, there were exterior stairways that went from ground level up to the decks. On F & G, there were elevated walkways over the low area along the towpath. These decks on B & C are still there but there are no stairways. There is no access from the ground level and they are only accessible from the second floor. This was done for security. The elevated walkway has been removed. The decks are suspended over this area and are accessible from the second level. Those are the big changes. There is one other change. In an earlier plan, there is a sidewalk on the southside of Third Street. That was not constructed. There is a walkway that showed up on the survey on Third Street. Chairman Eckel noted that it was part of the Third Street reconstruction. Landscape Architect Bosenberg noted that there was also a bridge type structure to go to the towpath and we did not want that. Tom Stearns stated that there were no footprint changes to his knowledge on Building A.

As to lighting, Tom Stearns stated that there were some minor changes to the lighting. These changes do not affect the site lighting. There are lights on the decks and lights on the walkways. There was no lighting removed from the elevated walkway. The light levels have not changed much. Responding to Brian Bosenberg, Tom Stearns stated that these minor modifications have not impacted the site. It is less illumination. Responding to John Dougherty, Attorney Hirsch stated that if it is part of the application, it is part of the record.

As to the hardscape plan, Tom Stearns stated that he would like to talk about the fence. We did not have a fence along the parking area to screen the parking. Plan L4.1 was marked as Exhibit A-3 entitled "Hardscape Details:", dated 1/4/19. It is part of the plan set. In the old plan, we did have a fence along the parking but we added a fence along Second Street between the Frenchtown Inn and the parking area south of Building F. We added a 4 foot high vinyl fence with lattice top on top of the wall behind the Frenchtown Inn. The wall is approximately 5 feet. Responding to Chairman Eckel, Tom Stearns stated that it would be a total of 11 feet. Attorney Hirsch asked if there is a height limitation for this structure. Landscape Architect Brian Bosenberg stated that we had also discussed an alternative, substituting the vinyl fence along the southside and using the same style fencing so everything is consistent. The proposed height is excessive. The originally approved fence was 4 feet high and it recommended using that throughout the site. Tom Stearns stated that they will do whatever the Board would like.

Chairman Eckel asked them to describe the originally approved fence. There was a fence around the basin as well. Tom Stearns noted that it was a simple 4 rail board fence with a black vinyl coated wire mesh. Brian Bosenberg noted that it did not have a fence along the south side of that lot. Originally there was a planting strip but the existing site conditions will not allow any planting there. Tom Stearns noted that there were hedges proposed in front of the fence so that people would not fall into the basin. Architect Pickell recommended a 4 foot fence on top of the walls. Tom Stearns noted that they are amenable to what the Board wants. Brian Bosenberg recommended a 6 foot fence throughout the property for consistency. Responding to Tom Stearns, the Board agreed that they prefer wood fencing.

As to the Landscaping Plan, Tom Stearns noted that Brian Bosenberg has reviewed the plan and he agrees with Brian Bosenberg's comments. We tried to simplify the landscape plan. For the foundation planting around the buildings, we made species changes with more natives and less susceptible to deer and more tolerant to salt. As to Buildings B and C, the landscape has already been installed. There are no changes proposed for Building A. One of Brian Bosenberg's comments was a low native hedge foundation planting along the west wall. We will do that and submit a revised plan. As to Buildings D and E, the foundation plantings stayed the same and we simplified the planting at the end of the buildings and middle. What we did was duplicated the panels on the ground floor of Buildings B & C, open panels with mesh, to Buildings D and E. It is pretty much the same for F & G. We simplified the foundation planting. we simplified the foundation planting along the decks, middle of the building and ends of the buildings. The east buffer to Buildings D & E we kept the same. After talking with Brian Bosenberg, we will go back and put in more grasses and fill in the area to the sidewalk. The big change is that we put a screen hedge along the first two lots at Third and Harrison Streets. He talked to Brian Bosenberg about green arborvitae at 6 foot high to start with. There is an existing 6 foot high concrete block wall and it will provide a nice full hedge over time. There are similar arborvitae by Buildings B & C. We will removed the shrubs by the towpath and leave the trees but we are changing them to native species. We simplified the basin area. We have extended the forsythia and will provide native hedge along a portion of the basin. That is the landscape changes that are proposed.

Responding to Brian Bosenberg as to the maintenance of the basin, Tom Stearns stated that he had an extensive discussion with Brian Bosenberg and we will let the grass grow and will mow it with a push mower every 2 or 3 weeks. Brian Bosenberg noted that he would rather have it more natural. He did not want it to be forgotten and in a few years, trees would be growing. We want to know what it will be in perpetuity. There are water quality implications there. Attorney Shafkowitz stated that they will add a note to the plan on the maintenance that it will be mowed at a minimum of every 3 weeks. Board Engineer Ian Hill noted that typically, a stormwater management design would have to be maintained in accordance with the manual. Attorney Shafkowitz noted that a manual was created prior by Hatch McDonald. Brian Bosenberg believes that there is a previously approved maintenance manual.

Tom Stearns noted that the wall we were previously talking about is on drawing L 4.3. He has reviewed the Board professional review letters and we can comply with the other items in the memo from Landscape Architect Brian Bosenberg. Brian Bosenberg stated that they have had conversations and the applicant has agreed to the items.

Attorney Shafkowitz asked Architect Ralph Fey to testify next and provide his credentials.

Ralph Fey of Ralph Fey Architect stated that he is a licensed Architect in the States of Pennsylvania, New York and New Jersey. His primary work is historical preservation, restorations and renovations of residential and commercial properties. His firm is 20 years old and he has 14 designers who are architects and has been in front of Boards and has been in front of this Board 5 times giving testimony. The Board accepted Ralph Fey as a professional witness.

Ralph Fey stated that he has done work for George Michael and has been driving by the site a long time. He was thrilled when George Kiriakidi and Joe Gardner called him. He has spent the last two months on every drawing to make these buildings buildable, affordable and feasible. We had to adjust the materials and make minor adjustments to the way they are constructed. He has samples of the materials. He believes in natural materials that appear naturally aged and that have a graceful appearance in a historical community. He added that the architectural drawings are the 12 inch by 18 inch pages in the packet. He has one additional page. It is a 3D site drawing of the site from an aerial view. All buildings are shown on the site. This 3D aerial page was marked as Exhibit A-4.

When we looked at the project, from a materials standpoint, Ralph Fey commented that it was an endless amount of brick. In order to give the buildings identity, other materials, texture and color would be appropriate. Building A's beautiful brick façade will be built with thin brick. The stucco will be changed to hardie plank. Stucco can be easily damaged. It is not really used a lot anymore. We will use hardie plank on the sides and rear of Building A on floors 2, 3 and 4. Buildings B and C have been constructed. Buildings D and E are reminiscent of the scale and nature of Buildings B & C but they are one bay longer. The base of the buildings are masonry because they are about 5 ½ feet in the flood plain. The upper floors will be hardie plank. The industrial building will remain brick. Marked as Exhibit A-5 is a colored elevation of Building D, labeled 01. Building D will have more of a bluish color. The side facing town has a continuous balcony but they are broken up so you cannot walk side to side. The stairs have been removed for the purpose of privacy and security. There are metal infills between the stone and they are filled in with Azek panels. Marked as Exhibit A-6 is the evening blue colored hardie plank smooth 6 inch clap board siding. We have proposed to change out the metal with an evening blue hardie plank. It will be smooth not textured. The Azek composite material was marked as Exhibit A-7 which will be used as the surrounding trim of the window. The Azek will be painted on the fascia board, columns and trim of the windows which will be whites. Responding to Chairman Eckel as to the open area on the bottom, Ralph Fey noted the gap at the bottom will be calculated to be sufficient. There are two flood vents required, 8 by 18 inch on each side. It will be completely open. Board Architect Chris Pickell recommended a rodent screen on that. Ralph Fey added that another material that will be used is Boral. It is a heavier denser inner material which does not move or bend and is an alternative for the larger panels made out of 70% fly ash and it is paintable. Architect Pickell commented that it is used extensively. Ralph Fey noted that bugs do not like it, it does not respond to the sun and does not need special paint. It is a stable product. Responding to Maggie Cooke, Ralph Fey stated that both the Azek and Boral are products that have been developed to replace wood. The downside to wood is that wood absorbs a lot of moisture. The paint is likely to stay on longer as the products we are using do not absorb moisture. We do not have projects yet that we use this on. It is significantly better than wood. His experience tells him it will last two to three times longer than wood. When paint does come off, it will not look like stressed out vinyl siding. We are retaining the shutters and dormers on the upper roof scapes with windows to the side. The garage doors will be carriage style doors. The windows are double hung windows with Pella vinyl divided light windows. They will be white and Buildings G & F will be black. They are similar to the windows that are there now but will be vinyl construction. Ralph Fey provided a

cut sheet of the Pella window. The cut sheet was marked as Exhibit A-8. It is a Pella 350 series window cut sheet. This will be all the windows in Buildings D, E, F & G. The windows in Buildings D and E will be white and black in Buildings F and G as well as Building A. These windows are more economical.

Ralph Fey added that Building E will be similar to Building D except for the color. It will be gray in color. Marked as Exhibit A-9 is a colored elevation of Building E labeled 02. This is the same drawing as in the packet. Marked as Exhibit A-10 is the hardie plank clap siding in “aged pewter” color sample. Responding to Gordon Dragt as to the elevators, Ralph Fey noted that the proposal is that the current plans have a shaftway for the elevators and our plan is to allow individuals to choose to have an elevator or not. The shaftway would be there and there will be an opening in the floor to accept elevators. Marked as Exhibit A-11 is Drawing 03, which are the elevations for Buildings F and G. The fourth floor was stepped back with a terrace around it. We would like the option to build a 3 story version or 4 floors as previously approved. Chairman Eckel noted that both Buildings F and G have been approved for a height variance for the stepped back 4th floor. Ralph Fey responded that we would like to retain that option and suggested that the fourth floor may not be built. If we would do it, we would do it on the whole building. These industrial buildings have large windows which are slightly taller in the previous approval. Joe Gardner stated that if we are going to do a fourth floor on a building, we would do it on the whole building. Joe Gardner, George Kiriakidi’s partner, was sworn in and stated that what he just said was true. The industrial buildings have large industrial windows. The previous submission had large oversize windows double hung and broken up into 6 by 6 panels. It is consistent all the way through. The brick is Church brick, Church Wellington Signature authentic kiln fired clay brick. It is a thin brick, real brick fired in a kiln. Joe Gardner has provided a mock up of the brick. The brick sample, Wellington Signature, was marked as Exhibit A-12. Joe Gardner noted that the brick is shown turning the corner. This brick has the corner pieces as well. It is similar in color. Architect Chris Pickell asked how the thin brick compares? Joe Gardner noted that the brick is similar in color and the mortar will match what is there now. Responding to John Dougherty, Joe Gardner noted that the brick will have a similar look but construction is less expensive and more can be done in one day. William Sullivan asked how long it will take to repoint? Joe Gardner responded that it will be the same as regular brick and it will not sag. There will still be control joints every 30 feet or at every unit. Joe Gardner noted that he provided the sample for the windows as Pella series 250, but there is not much change to the series 350. There are 9 more encapsulated air pockets. Visually, they are the same. It was marked as Exhibit A-13. Responding to Maggie Cook as to some units that may be 4 floors and some that may be 3 floors, Architect Pickell noted that he is in favor of different colors and different looks, so it looks like it is evolving and changing through time. Responding to John Dougherty as to the flow through of water, Ralph Fey stated that the water storage is in the bottom and there is no change to the DEP approval. The first floor is above grade. It is a 9 foot space from the ground to the first floor. The volume overflow from the basin to the secondary basin and then flows out. Chairman Eckel noted that it is a basement designed to get wet.

As to Building A, Ralph Fey noted that the buildings along the main street were the inspiration for building A. He submitted a number of sheets for view. Marked as Exhibit A-14 is sheet 04 showing photos of the surrounding buildings which shows the scale along the street scape. Marked as Exhibit A-15 is sheet 05 showing Bridge Street front elevation of Building A. We have infill and articulation around the windows. The updated elevation is meant to look like 2 buildings side by side with wider piers of brick which creates narrower panels. There is a

secondary soldier course which runs underneath the windows. There is a pair of brackets of Azek at the top and there is Azek at the top as well as a pronounced trim. The building on the left side has narrower columns. The middle bay projects a little higher. We have maintained the corbel aesthetics. There is a rhythm of paired windows, two over two. The ground floor is meant to have the feeling of separate store fronts. There are windows for the center entrance and on each side. There are places designated for signs above each window. These will be filled with Azek and painted with two neutral paint colors. When we are at the signage phase, we will bring you the paint chip colors. Architect Pickell asked for more details on this. They will have to come back with the colors and details. Also, the doors that are shown are two inch aluminum. That is not consistent with the character of town. He recommended a wood door with old style rails. Look at the other store fronts. Joe Gardner noted that the architectural plans that were approved for this building did call out aluminum doors. Architect Pickell stated that the Board would like to have a wood door. George Kiriakidi commented that wood doors would not be an option as we are in the flood plain. We can use fatter fiberglass. Responding to Gordon Dragt as to the details of the windows and arches, Joe Gardner stated that when you have a soldier course above, it does come out. Architect Pickell stated that if you look at the Odd Fellows building, you can simplify it with vertical pilasters which has depth and as much detail as possible. Joe Gardner noted that the jack arches will show over the windows and the soldier courses will be in a different color, a different hue. We can work together on this. Chairman Eckel noted that the prior approval was conditioned on the applicant and Board Architect working out the details. The Architect will report back to the Board.

Architect Fey noted that one possible aspect is the inclusion of a basement in Building A. We would bring it back to the Board. If it is acceptable to the Board, it would require flood gates. It would be aluminum gates. You would not see the track. If a flood event is anticipated, we would slide in the gates. Responding to John Dougherty, Ralph Fey testified that it would be a block structure all the way around and the gates would be slide in. The gates are in the approved plan already. It did not consider a basement. Joe Gardner responded that a basement would be easier to in constructing and maintaining the building. We would stay at a height of 7 feet. We are not asking for relief. It would not count as a floor and would not upset the approval. We would have to amend the architectural drawings. We do not want to jackhammer concrete floors if there is a problem or if someone wanted to add a sink. It would also be storage space for tenants if needed. William Sullivan stated that he thinks it is a good idea. It would be space to put bikes, etc. Chairman Eckel stated that if the applicant can get it to work and it does not trigger FAR issues, you can bring it back to the Board. John Dougherty asked if the other buildings on the street have basements? Ralph Fey responded that the other buildings do have basements.

Continuing the testimony on Building A, Ralph Fey stated that the sides are similar. Marked as Exhibit A-16 is Sheet 06 showing the side elevation of Building A. Ralph Fey stated that there is a brick pier that turns the corner with brick on the first floor and an Azek rim at the top of the third floor and up the building. The sides and rear will have hardie plank in color of aged Pewter. There are fewer windows on the side. This building is about 20 feet from the other building. Marked as Exhibit A-17 is Sheet 08 showing the rear elevation of Building A. There is a rear entrance from the parking lot site. The building has an elevator. There is a wall behind the thin brick which will be a block wall for the first floor height. The masonry will be covered with thin brick. Ralph Fey submitted additional sheets. Drawing 09 was marked as Exhibit A- 18 showing the building materials proposed and Drawing 10 was marked as Exhibit A-19 showing photographs as existing Buildings B & C. Attorney Hirsch stated that it is her job to keep adequate records. The packet submitted does not have the same numbering. Ralph Fey stated

that a letter has been added next to the number indicating the building, the word masonry was added and the first page is 00.

Chairman Eckel stated that according to our by-laws the Board stops taking testimony at 10:30 pm. She noted that it is now 9:30 pm. Chairman Eckel asked that as each document is provided for testimony that it be marked at that point so that we can keep the records accurate. The Board took a 5 minute break.

Ralph Fey stated that in summary, he has reviewed the letters from the Board professionals and we are in agreement and will comply. We will make the doors on Building A heavier with a wood like appearance. Rocco Musolino asked if building D and E were always oriented the way your elevations show. Ralph Fey noted that there were many versions. There were always balconies on both sides. The construction drawings show balconies on the inside. The latest set currently has balconies toward the east. Rocco Musolino expressed concerns for the residents who live there and their backyard being right there. Architect Pickell stated that on Buildings F and G, you have trellises or sun shades over the second floor windows. Ralph Fey stated that the sun shades are not part of the project. There will be no sun shades on Buildings F and G. A newly submitted site plan will not show sun shades.

Chairman Eckel noted that we do not have to go through Architect Pickell's memo as they have agreed to comply with the recommendations.

Attorney Shafkowitz asked Engineer Michael Galenti to testify next and provide his credentials.

Engineer Michael Galenti noted that he is a licensed engineer and planner in NJ, PA and Maryland. He received his bachelors from Rutgers University. He is also a licensed Planner in the State of New Jersey. He has been before Boards in the State of New Jersey and is the engineer for this project and the planner for the project. The Board excepted Engineer Galenti as a professional witness. Mr. Galenti stated that we have submitted a conceptual plan for a subdivision. He understands that what the Board provides this evening is not binding. We will prepare a land survey from a licensed land surveyor. He has reviewed the plan and looked at the existing site. Marked as A-20 is the Preliminary and final site plan for River Mills at Frenchtown. It is the plan that Hatch McDonald prepared dated 8/20/11 with a revision date of 12/13/2011. To his knowledge that is the last version. Variances would be generated from the artificial lot line. Under the existing approval, when we convert the 4,596 square feet of office space to market residential rental units, 17.6 parking spaces would be reduced to 2.1 parking spaces so no variances would be required. Under the existing approvals, one of the major comments that came up in the planning letter was the FAR. He discussed the FAR with Planner Green. When you read the table, Block 14 Lot 52 was utilized to offset the FAR. Would it be a variance or would it not? We understand that we would have to provide the calculations but there is really no change to the plan although we would have to provide this percentage from that lot. Chairman Eckel stated that we will have to look into that because that lot was owned by the previous developer when they used that lot in the calculations. We will look into any agreement that was made as it is now a public park. Attorney Hirsch stated that the applicant would have to do the research and provide the historical documents. Engineer Galenti stated that he would consult with the Planner on that.

Marked as Exhibit A-21 is the conceptual site plan with the proposed new lot line showing future subdivision. Engineer Galenti stated that the goal was to separate Building A from the rest of the residential development from a marketability standpoint and viability of the site. It creates a separate lot and would create variances not otherwise with the original development. The

variances would be rear setback, front setback, FAR and lot depth that would be created. Responding to Rocco Musolino, Engineer Galenti stated that the main reason was to separate the buildings. Attorney Shafkowitz noted that they want to separate it from the condo association. Building A will be rentals and all other buildings units would be owned fee simple. Engineer Galenti added that there would be cross access easements. We tried to create the maximum area for Building A and include the parking area with it. This would allow commercial tenants to use it. We are providing the most conforming area we could in the zone in terms of lot area and lot depth which in turn creates the rear yard setback of 5.46 feet. In nature, it is a diminimus variance. The minimum lot size is 15,000 square feet required and we are proposing 14,141 square feet which requires a C2 variance. This is in the Village Center Plan zone and we can provide testimony that we are conforming with the surround area and it would not impact the neighborhood or zone plan. As to lot depth, it is a similar variance. The requirement is 150 feet and we are proposing 139.03 feet. Regarding the maximum front yard setback changes, these changes are proposed because we want the building to be closer to the roadway. We would have 94.4 feet which is within the requirement which is further away from the street. The rear yard setback requirement is 20 feet and we would be at 5.5 feet which would not negatively impact the neighborhood or the zone plan. It is already an existing situation. The subdivision would make the development more viable. It is an artificial lot line. George Kiriakidi stated that it is an ownership issue. Responding to Rocco Musolino as to the estimated condo association fees, Engineer Galenti stated that we are working on that.

Chairman Eckel stated that the Planner outlined what the applicant will need to provide. They are not changing the footprint or layout. Planner Green stated that this is not uncommon when you have different tenants and rental and for sale units. The concern is to assure that the requirements for affordable housing do not get divorced from the project. That is the red flag. Based on the subdivision proposal, you will have a Floor Area Ratio (FAR) variance. They will have to be creative with the FAR. The applicant will have to notice and provide proof of notice. Attorney Hirsch noted that the housing for Building A will be handled in the Redeveloper's Agreement and all other things in the prior approval still apply. They will be making changes for the way the FAR is approved. They should be entitled to include the park that was part of the project. How will you allocate that acreage.? A variance does not change anything in the layout. Attorney Shafkowitz noted that we are putting this proposal forward to get the project built. We want to make sure the project happens. It is important for the homeowner's association.

Planner Green stated that on page 5 of her January 9, 2019 memo, allowing the change from office to market rate residential units will change the affordable housing numbers. A payment in lieu will have to be made as it increases the number of affordable housing units. It will be a slightly larger payment which will be included in the resolution of approval. The applicant agreed. Attorney Shafkowitz noted that the calculation is 4.5 units after removing the two houses. Responding to John Dougherty, Attorney Hirsch stated that they pay a fee for the additional half unit which is deposited into the Affordable Housing Trust Fund.

Attorney Hirsch noted that there will be a public comment session for questions and answers.

Having no other questions or comments from the Board, Chairman Eckel opened the floor for public comments on the public hearing.

Joe Montemano of 2 River Mills Drive was sworn in. Mr. Montemano expressed his appreciation and support for the new builder and his efforts. He is in agreement with everything

discussed. He never liked that Building A was part of the condo association. Whatever is done should not increase our association fees. We pay \$4,000.00 per year in condo fees. There is money in our fees for landscaping. Keep in mind that it is close to unaffordable. Units were not maintained when he bought. He wants to see how things are organized so that the owners do not pay more. How will it be organized so that the flood insurance, etc. is not put into our fees. The project failed because the taxes were too high then. Not a single unit sold after the taxes became public. He wants to make sure the association fees are not driven up. He understands why the applicant wants to reduce the cost of the buildings.

Barbara Bristow of 6 River Mills Drive was sworn in. Ms. Bristow stated that she reviewed the plans and has comments. She is not opposed to Building A being split off. She would like to know the budget for the HOA fees and how those fees will be split up. The fees far exceed what the budget is. As to Buildings D & E, she has comments as to the architecture, lighting, etc. She lives in Building C. Building D was solid brick. She does not understand why the thinner brick cannot be used on these buildings to make it a consistent look instead of using the hardie plank. Architect Fey responded that the thin brick is still significantly more expensive. Ms. Bristow stated that hardie plank is not as nice a look. The applicant stated that the comment is subjective because they build 2 million dollar houses all the time with hardie plank. The hardie plank provides differentiation in style. Ms. Bristow asked if the thin brick could be used on the end units of the buildings so we have a consistent look. The applicant responded that it would not look better. Joe Gardner stated that the side walls do not have a lot of windows and there is a lot of area. The horizon line of the hardie plank will fill in that area. Buildings F & G, are different styles. Buildings C and D with the hardie plank and the different colors will give differentiation. Architect Pickell stated that if you just do the ends in brick, it will look like wallpaper. It would look cheap. There is no tradition for long rows. He is in favor of color to break it up. Barbara Bristow stated that she objects to the blue color. She does not have a problem with the pewter. She will be looking right at it. She would argue for more of a natural look. George Kiriakidi stated that he is open minded to color. Ms. Bristow commented that there are no shutters on the buildings but you have shutters on Building A & B. She recommended removing the vinyl shutters and putting a header on it. Architect Fey responded that in looking for differentiation between the lower floor, middle floor and upper floor, it is done with hiding the doors, windows and large headers and it is done with tone on the first floor. There are shorter smaller windows in the bedrooms. You would have had shutters to close off from the outside world. Architect Pickell noted that once you change from brick to other materials, you want to make other changes as well. Ms. Bristow stated that in the existing building, we have 6 panels above and 6 below the grill and she wonders why it does not look the same. Architect Fey noted that when you take a brick building and change the materials, you need to change windows, etc. or it will look like you just stripped the brick. Brick has large headers to hold the weight of the brick. We are using the traditional historic nature of buildings of wood. It is intentional to move from a 6 over 6 window to 2 over 2. Barbara Bristow stated that it looks a lot less expensive. How many compromises do we make? Responding to Barbara Bristow as to the lighting, Mayor Myhre stated that he did do a walk through and the lighting is bright. He recommended putting a light at the end of the parking area. Brian Bosenberg recommended reducing the light to the absolute minimum. Outside shields should have been installed. He recommended doing a night lighting test. Barbara Bristow asked that the restoration bond not be extended much further. The site needs to be returned to natural if the project fails.

Robert Haver of 215 Harrison Street was sworn in. Mr. Haver stated that he is eager to have to site built. As to the decks, sound carries far in that area. He can hear people coming out of the Frenchtown Inn. Trees were taken down. He can hear from downtown. Is it possible to switch

the decks to the other side? Also, the light post casts out a lot of light. On the corner of Third Street, there is a downfacing light. A downfacing light would be ideal as the light pole lights up our yard.

Henry Patterson of 9 Second Street was sworn in. Mr. Patterson stated that he agrees with Barbara Bristow about the balconies. He would not want someone on the balcony looking into his windows. Shutters give privacy but he does not want someone looking into his window. He wants privacy. The buildings are close. He also agrees with Barbara Bristow on the lighting. He looked at the plan and it is difficult to figure out the changes. The changes are not the approved plan. The plantings do not line up. He is concerned with the balconies. It is not a minor amendment.

Dorsey Reading, Frenchtown building owner, was sworn in. Mr. Reading stated that his main concern is the façade on the front. He mirrors what Chris Pickell said. Bridge Street is the most important. He did 4 buildings in town and spent a lot of time on details. He welcomes this development. Wood and woodlike materials on the first floor are important. It has definition on the façade.

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

Attorney Hirsch recommended that the Board deal with what is left for determination by Architect Chris Pickell. Address the few comments that the Board does not agree with. John DenBleyker noted that he agrees with the balcony switch. The current plan negatively affects the neighbors. Mike Tyksinski stated that the development is called River Mills. The balconies should be on the river. Responding to Chairman Eckel, Architect Chris Pickell noted that the 2nd and 3rd floor balconies should be switched to the other side and walkway should be removed. The walkway design allowed you to walk through the development. It is close to the building. John DenBleyker noted that he would not walk alongside the buildings. They are too close. Joe Gardner noted that you might see the river from the top of the units. He would prefer to leave the balconies as is due to the nature of the rooms. Some have kitchens and some have living rooms. George Kiriakidi asked to make a green wall of 18 to 20 foot bosque of trees. It will help deaden light and sound. There is enough space to pull it off. Joe Gardner added that we do not want to segregate it from the community and want to allow circulation from Second Street. Landscape Architect Brian Bosenberg commented that we can make a mix work with arborvitae to satisfy the residents. Tom Stearns stated that he will work with Brian Bosenberg. William Sullivan commented that it will block noise but it will take years to block the noise. Tom Stearns responded that we could eliminate landscape shrubs and do columnar trees. The neighbors have fences. Brian Bosenberg responded that columnar trees will do the same. We can work it out. Leave the balconies facing east and add a mix of plantings that would look less artificial. It will look like some of the other streets. He recommended to the Board that they leave it to his discretion and if they cannot agree, the applicant will come back to the Board.

Gordon Dragt stated that he likes the color combination. Joe Montemano wanted to make another comment.

Chairman Eckel stated that she will reopen the public comments and limit it to 2 minutes per person.

Joe Montemano asked the Board to reflect on the separation of Building A. Chairman Eckel stated that the applicant will come back for that.

Stephanie Haver of 215 Harrison Street noted that she has friends on Fourth Street with a deck that overlooks the neighbors and it is awkward to see into the window of the next property. The purchaser may not want the deck. George Kiriakidi stated that he would consider changing it. We have flexibility and could find a medium. Landscape Architect Brian Bosenberg commented that the screen should be consistent. A decision should be made about the balconies before the landscape plan is determined. Architect Pickell stated that it could result in inconsistencies. John DenBelyker recommended getting rid of the balconies and putting in patios. Chairman Eckel noted that it could change the impervious surface area unless you get rid of the walkway and put in a patio. Landscape Architect Bosenberg commented that he worries it will segregate it. Chairman Eckel noted that if the applicant and Board professionals cannot come to an agreement, the applicant will have to come back before the Board. The applicant agreed.

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

Attorney Hirsch stated that the Board should deliberate and determine if it wants to take an action vote to approve the amendment to the site plan subject to terms and conditions. She asked if the Board will be meeting next week or in February. Chairman Eckel responded that there is no business for a meeting next week so the meeting is canceled and the next meeting will be February 27th.

Chairman Eckel asked the Board what it would like to do. Mayor Myhre stated that he is okay with moving approve the application taking into consideration the color, the balcony issue, etc. Certain changes have to be made to make the project viable. The builder is committed and the residents look forward to the finished project. John Dougherty stated that he agrees with the Mayor's comments. He would like to hear the conditions of approval. Mike Tyksinski stated that he is prepared for an approval and encouraged their willingness to work together to get it figured out. Maggie Cooke stated that she is comfortable to move to an approval. Rocco Musolino stated that he is comfortable proceedings and getting the balcony issue resolved. Gordon Dragt agreed to move to approve the application with conditions particularly with the balcony and landscaping as a result of the comments. He likes the colors. William Sullivan stated that Frenchtown is fortunate to be in this position. The builder is ready to work with us which is a refreshing change from years ago. Maybe the colors can be swapped. He is ready to move forward. John DenBleyker is in favor of the application and echos the comments about the builder. We are fortunate. He hopes that Brian Bosenberg and Chris Pickell can keep the impact of the balconies. The lighting has to be fixed. Chairman Eckel stated that she echos the comments and is glad to have a builder interested in working with us. A resolution will capture that we are only approving specific changes discussed tonight. There is some concern about the balconies. She likes the plants and will leave to remaining issues to the professionals.

Attorney Hirsch noted that these are some of the conditions the application will be subject to along with the standard conditions of approval:

1. Allowing the change of the condition to permit the second floor of Building A, office space, to 3 residential units mimicking the fourth floor plan.
2. A basement in Building A is not approved and may be considered on a future application.

3. The 4 foot fence proposed to be located on the 5 foot wall will be made of same materials as the rest of the property, wood with mesh stained an appropriate color.
4. Basin maintenance, if not already provided for, will be mowed no more than 3 times per year.
5. Notice on the application is in order. Newspaper affidavit of publication and proof of notice was provided.
6. Size of flood opening on town side as shown on Exhibit A-5 will be based upon flood zone requirements.
7. Prior approval of Building F and G approved a four floor building. Applicant is given the option to construct the fourth floor depending on the interest of the purchasers.
8. Construction of buildings will conform with materials and colors as shown on the samples and exhibits and as modified during testimony tonight.
9. Paint colors for first floor retail façade of building A will be reviewed and approved by Board Architect Pickell.
10. Door frame material on building A is subject to approval by Board Architect Pickell.
11. Brick color combinations of building facade of building A.
12. Comply with the revised plans containing revisions except where changes were made as a result of testimony or require review.
13. Sun shades as shown on Exhibit A-4 on Buildings F and G to be removed.
14. Samples of shutters to be review and approved by Architect Pikell.
15. Lighting installed to be checked to review approval and to review night lighting and shields.
16. Switching of balconies and possible removal of walkway will be reviewed in conjunction with Landscape Architect Bosenberg and Architect Pickell and the applicant to work out a resolution.
17. Applicant has the right to come back to the Board.
18. Siding color to be reviewed by Architect Pickell.
19. Board is approving the project based on plans and testimony and the applicant may return to the Board.
20. Affordable housing is 4 units and payment in lieu of is .5.
21. The amended redevelopment space will be the standard development fee for commercial.
22. A time frame for submission of revised plan will be set.

On motion by William Sullivan , second by Mike Tyksinski, and carried by unanimous favorable roll call vote, the Planning Board approved the amendment to the site plan application for Block 34 lot 1, Block 35 lot 1, Block 36 lot 1 and Block 38 Lot 2 subject to the terms and conditions set forth as previously discussed or approved by the Board Landscape Architect and Board Architect.

APPROVAL OF VOUCHERS

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

VOUCHER LIST 1/16/19

Maser Consulting	Professional Services for General Representation through 11/27/18	\$ 367.50
Maser Consulting	Professional Services for General Representation through 12/19/18	\$ 175.00
Archer & Greiner, P.C.	Professional Services for General Representation through 12/31/18	\$100.00
NJ Planning Officials	2019 Membership Dues	\$ 370.00

ESCROW ACCOUNT – BLOCK 55 LOT 14 – ArtYard – 13 Front Street

NJ Advanced Media	Publication of Notice of Decision	\$ 19.01
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ESCROW ACCOUNT – BLOCK 12 LOT 5 -8th Street Associates

NJ Advanced Media	Publication of Notice of Decision	\$ 19.01
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Van Cleef Engineering	Professional Services for 8 th Street Assoc. through 11/26/18	\$ 732.50
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ESCROW ACCOUNT – BLOCK 3 LOT 1 - Country Classics Redevelopment

Maser Consulting	Professional Services for Country Classics through 12/19/18	\$ 105.00
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Maser Consulting	Professional Services for Country Classics through 11/27/18	\$4,713.75
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – River Mills at Frenchtown

B.W. Bosenberg	Professional Services for River Mills through 12/15/18	\$ 652.50
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Pickell Architecture	Professional Services for River Mills through 11/30/18	\$ 300.00
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Pickell Architecture	Professional Services for River Mills through 12/15/18	\$ 225.00
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Van Cleef Engineering	Professional Services for River Mills through 11/30/18	\$ 303.75
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On motion by William Sullivan, seconded by Rocco Musolino, and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

Chairman Eckel noted that she will be getting a sign committee together to redo the sign ordinance.

Chairman Eckel reported that the Planning Board is down one member, a Borough employee.

Chairman Eckel also reported that we are moving forward with an Open Space Plan. Mayor Myhre noted that Planner Green is finishing it.

Mayor Myhre noted that we have submitted a Street Scape Grant for the downtown and are expecting to hear something in the first half of 2019.

Mayor Myhre noted that he is holding a Sewer Grant meeting on Saturday at Noon at town hall about the possibility of sewer services to the hilltop streets area. No action will be taken. There has been a resolution to the ownership of the streets and it will not require quitclaim deeds. The Borough never accepted the streets by formal ordinance but because we plow, maintain, etc. there is ownership. We will do a formal ordinance to accept those streets.

Mayor Myhre reported that the Borough received an Economic Development Grant from the County that will pay 90% of the zoning amendment costs.

Chairman Eckel stated that she is working to get the Land Use Ordinance posted to the website.

ADJOURNMENT

Maggie Cooke moved adjournment at 11:25 PM, and William Sullivan seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary