

Frenchtown Planning Board
Regular Meeting
May 22, 2019
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.

OATH OF OFFICE – Mike Reino (Class II)

Attorney Hirsch administered the Oaths of Office to Mike Reino (Class II). He accepted his Oath of Office.

ROLL CALL

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

APPROVAL OF MINUTES

Regular Meeting – February 27, 2019

Gordon Dragt moved to accept the minutes of the February 27, 2019 Regular meeting. Jeanne Herb seconded the motion. The minutes of the Regular meeting of February 27, 2019 were approved by favorable roll call vote with John DenBleyker and Mike Reino 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 55 LOT 1, 10 BRIDGE STREET, SUITE 4 –
KATHLEEN INNELLA**

Kathleen Innella of Prints & Whimsy noted that she is requesting permission to install a sign. It is a replacement of a previous projecting sign. The sign will be white with red letters. It is made of vinyl with reinforced canvass. The sign will measure 24.5 inches by 40 inches for a total of 9.8 square feet. Chairman Eckel noted that 25 square feet is allowed and the sign is within the requirement. Responding to Chairman Eckel, Ms. Innella stated that the sign is 46 inches off the ground and is over a garden and not a sidewalk. The sign will not be illuminated. Ms. Innella also noted that the lettering for the “Long Hill House” is under 3 inches. Subsequent to a brief Board discussion on the items of information, the Board determined that the items of information is 5. On motion by Randi Eckel, seconded by Jeanne Herb, and carried by unanimous favorable

roll call vote, the Planning Board approved the sign application for Block 55 Lot 1, 10 Bridge Street, Suite 4 for a projecting sign as discussed and the following resolution:

RESOLUTION #2019-12

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

WHEREAS, Applicant Kathleen Innella of Prints & Whimsy has applied to the Planning Board for permission to install an advertising sign on the premises located at Block 55 Lot 1;

AND WHEREAS, after considering all the evidence presented, the Planning Board has made the following findings of fact at its Regular Meeting on May 22, 2019:

1. The proposed projecting sign will read in accordance with the sketch attached hereto.
2. The projecting sign will measure 24.5 inches by 40 inches for a total of 9.8 square feet which is within the allowable requirements.
3. The sign will be vinyl with reinforced canvass and the color will be white with red letters.
4. The sign contains 5 items of information as defined in the Land Use Ordinance #564.
5. The sign will be not be illuminated
6. The sign will be 46 inches from the ground over a garden and will be affixed securely so it does not swing.

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

I certify that the foregoing resolution was approved on May 22, 2019.

Votes on Adoption of Motion

____9____AYES

____NAYS

____ABSTAIN

Brenda S. Shepherd, Secretary

**SUBDIVISION/VARIANCE APPLICATION – BLOCK 34 LOT 1, BLOCK 35 LOT 1,
BLOCK 36 LOT 1, BLOCK 38 LOT 2 AND BLOCK 52 LOT 14 – RIVER MILLS AT**

FRENCHTOWN (JERSEY BUILDING GROUP) – COMPLETION REVIEW AND POSSIBLE PUBLIC HEARING.

Chairman Eckel noted that the application will be reviewed for completeness. Jeanne Herb stepped down on this application due to proximity. Attorney Hirsch recommended that the Board go through Engineer Clerico’s review letter and decide what waivers, temporary waivers, etc. the Board is willing to grant. Chairman Eckel asked Engineer Clerico to go through his memo.

Engineer Clerico noted that his memo is dated April 20, 2019. He reviewed the submission with the criteria on the checklists for the application and plan. The application is for a minor subdivision, and C & D variances. He listed the administrative items that have been received. The corporate disclosure and tax search have been submitted. He categorized the requested waivers and the recommendations for waivers on page 4 of his memo.

Documents to be provided with the application.

As to Item D, the applicant has submitted a memo requesting a waiver for compliance with the Village Center Plan and sited reasons. He recommended that a waiver be granted.

As to Item F, documents as noted been provided and the checklist does not address sewer fees. The Board can grant a temporary waiver.

As to Items I, J & K, the applicant is requesting a waiver for will serve letters. He recommended that the waivers be granted.

As to Item L, the applicant is requesting a waiver for submission of the deeds of record along with the restrictions. There are existing restrictions and rights. These will be important to have prior to recording of the map. He recommended granting a temporary waiver conditioned that compliance be required prior to recording of the map.

As to Items M & N, metes and bounds descriptions were not provided. He recommended a temporary waiver but the documentation has to be provided.

As to Item P-1, confirmation of filing with the HCPB is marked as N/A. All subdivision applications must be filed with the HCPB. The Board can grant a temporary waiver and require compliance as a condition of approval.

As to Items R, T, U, V, W & X, items requiring flood plain and DEP regulated features. Given that documentation was provided as part of the approved site plan, he recommended that the requested waiver be granted.

As to Item S, documents has not been provided as to obtaining Block and Lot numbers from the Tax Assessor. He recommended that a temporary waiver be granted and require compliance as a condition of approval.

Documentation to be provided with the Plan.

As to Items 7 & 45, HCPB documentation that may be required but was not provided. He recommended the Board grant a temporary waiver similar to P-1 above.

As to Item 9. Key map drawn to scale. The applicant requested a waiver. He recommended granting a temporary waiver and require compliance as a condition of approval.

As to Items 10a, 11a, b & c, 19, 27a &c, 33 & 38, these items are required. The applicant marked them as not applicable. The items are not essential given that the information is part of the previous site plan approval. He recommended that a waiver be granted for these items.

As to Items 13, 16, 32 & 42, required easement documentation. The easement information has not been provided. He recommended a temporary waiver be granted and require compliance as a condition of approval.

As to Item 18, man made or natural features within 200 feet. Not all the documentation has been provided but what was provided was satisfactory for review. He recommended that the Board grant a partial waiver.

As to Item 44. Existing physical survey was not noted on the plan. He recommended that a temporary waiver be granted and require compliance as a condition of approval.

Engineer Clerico stated that page 4 lists the waivers, temporary waiver, partial waivers and temporary conditional waivers that the Board could grant. The applicant will need to request some as listed. The applicant requested the waivers not previously requested and noted that the documentation will be provided where applicable. Engineer Clerico stated that if the Board grants these waivers, the application can be deemed complete. If the application is deemed complete, the applicant can move forward.

On motion by John DenBleyker, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board deemed the subdivision application for Block 34 lot 1, Block 35 lot 1, Block 36 lot 1, Block 38 lot 2 and Block 52 lot 14 - River Mills at Frenchtown (Jersey Building Group) complete granting waivers as listed on page 4 of Engineer Clerico's memo, dated 4/20/19 subject to compliance as a condition of approval.

Planner and Civil Engineer Michael Galante noted that he has been working with Engineer Clerico and the majority of the items have been addressed on the plat he is presenting this evening. He has reviewed both Engineer Clerico's letter and they will comply with all items in Engineer Clerico's memo, dated April 20, 2019. Attorney Hirsch noted that the Board professionals will need to see the amended plan before recording. Items will show up in the resolution or by reference to Engineer Clerico's memo.

Attorney Hirsch noted that she has reviewed the notice for public hearing and the public notice is in order and the applicant can proceed with the public hearing on the application.

Attorney David Shafkowitz, representing River Mills at Frenchtown LLC., noted that the River Mills project was taken over by River Mills at Frenchtown LLC., and the owner is looking to subdivide Building A, the building with the commercial and apartments, from the rest of the development. An artificial lot line was drawn because the nature of the uses in Building A is so different from the condominiums. It will be taken out of the Condominium Association. The applicant has to do what is necessary to get the building built. The Building A property is under 15,000 square feet with the right of way included. It is over 16,000 square feet without the right of way. The result of the subdivision triggers variances, 3 "C" bulk variances and 1 "D" variance for floor area ratio (FAR). He reiterated that nothing else is changing. The parking

design layout is all the same. The nature of the building is too much of a burden for insurance purposes and subdividing Building A out would alleviate the burden on the condominium owners. Responding to John Dougherty as to whether there will be a condominium association for Building, Attorney Shafkowitz stated that the Borough Council asked that it be a single owner. It is still owned by River Mills at Frenchtown. They cannot sell individual units in Building A. Attorney Hirsch commented that Building A is served by the detention facility which will not be part of the lot. Attorney Shafkowitz stated that there will be a blanket easement granting Building A access. There will be cross access easements, ingress and egress and parking easements. Attorney Hirsch asked how the applicant will force Building A to contribute to the maintenance of the basin. Attorney Shafkowitz noted that there will be a fee accounting to the easement. The Building A lot does not go to the detention basin. There will be a contribution from Building A for the stormwater facility.

Attorney Shafkowitz noted that Planner and Engineer Michael Galante will provide testimony this evening as well as owner, Joe Gardner. He requested that the witnesses be sworn in. Engineer and Planner Michael Galante and owner, Joe Gardner were sworn in by Attorney Hirsch.

Michael Galante provided his qualifications. He is a licensed engineer in the State of New Jersey and PA. He is a graduate of Rutgers and has a Master of Science degree in civil engineering. He has been a civil engineer for 12 years and has worked for private companies and has served as a municipal engineer in PA. He also has a private practice and has worked on various projects throughout NJ and PA. He is also a Certified Planner in the State of New Jersey and has testified in front of numerous boards as an engineer and professional planner. The Board expected Michael Galante as a professional witness.

Entered as Exhibit A-1 is the Minor Subdivision Plan, dated 2/4/19 and revised to 5/10/19. Michael Galante noted that he will provide the status of the project. There are two existing buildings. Building A is a mixed use commercial building that contains the affordable housing units as well as market rate rentals. Buildings D, E, F and G have not been constructed. The plan depicts the design of the buildings. He took the existing site plan and overlaid it on the map showing the road ways, parking, sidewalks and existing buildings. Building A has not been constructed. So, what is changing? We are not proposing any change. There is an artificial subdivision line along the back of the parking curb line. It is a shared parking area to serve Building A and overflow for the residential. There is various parking through the site that is shared. We are not changing anything on the site. As to the stormwater run off, Building A was factored into the stormwater management calculations. Building A does not drain to the detention basin. The impervious surface impacted the size of the basin. The goal of subdividing is to make sure Building A is viable and constructable. The subdivision will advance that goal. Building A will still have to contribute to the stormwater management. There will be calculations between the two lot owners and an agreement. There will be cross easements for access and parking. We are not proposing anything different but a lot line. The lot line will create variances.

Mr. Galante noted that the lot being created is 14,168 square feet, which does not include the right of way. With the right of way included, it is 16,806 square feet. He received confirmation from the Tax Assessor that the small lot will be Block 34 lot 1.01 and the remaining portion will be Block 34 lot 1. As noted on page 3 of Planner Green's memo, dated April 22, 2019, the variances are for minimum lot size of 15,000 square feet and we are looking for an 800 square foot variance. The lot dept requirement is 150 feet and we are at 139.65 feet and with the right

of way included, it would be 165.93 feet. There is a ten foot deviation from the requirement. The rear setback requirement is 20 feet. The variance is created on Lot 1 from the existing building B of 4.07 feet. Responding to Chairman Eckel, Mr. Galante noted that Building A will be in the same location, Building A as well as the parking lot. The actual lot size exceeds the requirements in the zoning ordinance but the ordinance required a net calculation, requiring the right of way to be subtracted. The lot would be consistent with lot depths and lot sizes of other buildings in the area. The conditions existed when the plan was approved. There is no way to move Building A. He explained the necessity for creating a lot for Building A. Building A will be separate from the Homeowners Association and will have its own owner separate from the Association and relieves the burden on the homeowners. It will be a benefit to the homeowners and Building A. This will help expedite construction and make the building viable. There are shared aspects between the lots. Building A and the townhouses will have shared parking, access, sidewalks, etc. Nothing will change except there will be blanket cross access easement. Those easements will be provided prior to recording of the plan. The proposed lot is consistent with the neighborhood and the adjacent lot, Block 40 lot 1, is much smaller. The proposed lot is similar in size and intensity to the surrounding area. The proposed subdivision plan is consistent with the original plan approval.

As to the D4 variance, Mr. Galante stated that there is a change in floor area ratio (FAR). Under the current approval, the applicant used the offsite lot for FAR calculations. Chairman Eckel noted that the lot was dedicated to the Borough. The proposed lot line will create a FAR variance. Mr. Galante stated that on the townhouses lot, alot of the roadways, parking, and stormwater management helped offset the intensity of the FAR. As to Building A, its parking area and access, this building exceeds the FAR. Building A's proposed building area is 16,510 square feet. Building A's maximum allowable would be 16,410 square feet. The building size that is allowed to be constructed is 11,705 square feet. The calculations came from the area of the site of the townhouses lot and a percentage of the lot dedicated to the town, Block 14 lot 52. That net lot area is 28,750 square feet. Mr. Galante noted that Planner Green received revised calculations today. Our FAR number is a 1.006 deviation from the Redevelopment ordinance. On the townhouses lot, the deviation improved. There are more open areas with landscape, the detention basin and the parking area. Planner Green verified all the numbers. An 11,705 square foot building is allowed. Building A building area is 16,510, exceeding the allowable amount. Chairman Eckel noted that the applicant used the dedicated lot in the original approval. They are dividing it proportionately between the two new lots. Attorney Hirsch noted that the D4 variance is only associated with the Building A lot. The FAR of 57,458.5 square feet is allowed for the townhouses lot. The actual FAR for the townhouses lot is 45,414 square feet which is below the FAR requirement for the townhouses lot. Chairman Eckel stated that the Board wants to know the allowed number on the Building A lot in square feet and the difference. Mr. Galante responded that the allowed FAR for Building A is 11,705 square feet and proposed Building A is 16,510 square feet for a difference of 4,805 square feet. There is no change proposed to the building. Chairman Eckel noted that the foot print of Building A remains unchanged. The FAR for the townhouses lot is lower. There is no change in size in foot prints of the building. She asked to see the FAR calculations as presented this evening. Mr. Galante presented the Tract Area Calculations sheet which was marked as Exhibit A-2. John DenBleyker commented that the original approval included the Lenape Park to benefit the FAR. The applicant stills needed to ask for the variance. They still would be entitled to the lot area of the dedicated lot because it was part of the original approval. How much of the dedicated lot goes to the Building A lot and the townhouses lot? Mr. Galante responded that he calculated it proportionately.

Responding to John DenBleyker as to the Building A lot being sold, Planner Green stated that the largest concern is the construction of the affordable housing units. There has to be some marriage of these lots. They cannot wait until the end to construct the affordable housing. Attorney Shafkowitz stated that they are negotiating a redevelopment agreement amendment and we will marry these lots. The redevelopment agreement will be recorded. Attorney Hirsch stated that the Borough Attorney is asking the Board to impose a requirement that the redevelopers agreement be executed within 30 days of the Board's adoption of the memorializing resolution. She will include a condition of the affordable housing subject to overriding until the amended redevelopers agreement is executed. Responding to Gordon Dragt as to the building of the affordable housing units, Planner Green stated that they cannot build all the rest of the buildings and then put in Building A. A certain number of units has to be available at a certain time. The COAH rules were amended to include mandatory phasing. There are various thresholds through the construction that have to be met. So many affordable housing units must be provided after a certain number of units are built. Chairman Eckel commented that several extensions were given to the prior owner. Joe Gardner stated that the third amendment to the redevelopers agreement allowed the construction of Building G with the start of Building A. They could start building A and continue the market units in Building G. The purpose of the subdivision is to meet these requirements. Building A will be separately financed. It will benefit the community at large for Building A to be built. The intention is to build it. Responding to John Dougherty as to how this affects the prior approval, Attorney Shafkowitz stated that it is all the same. The Building A lot can be sold prior to construction and they would still have to comply with the requirements. Mike Reino asked how this would affect the shared parking if the lot is sold. Attorney Shafkowitz stated that all buyers will have to comply with the approval and there will be recorded documents that explain the share parking, etc. The original parking plan included street parking as part of the calculation. The parking plan will stay the same. Gordon Dragt commented that the concern of phasing from the downtown point of view is that the site could end up with just a foundation on the main street. Planner Green stated that it is a certificate of occupancy that is required. The Borough must be extremely careful when amending the redevelopers agreement. In addition, the Borough has settled its affordable housing obligation and the previous agreement may not meet all the new parameters. Attorney Shafkowitz noted that 4 of the 10 units are affordable housing. The COAH obligation went up with the market rate apartments added so a fee will be required. Joe Gardner stated that we talked about building the COAH units and getting the rents to pay for the mortgage for that building. Chairman Eckel commented that the developer talked about offsite COAH units in town and did look at that.

Michael Galante stated that the uses in Building A are permitted in the district. The positive criteria for the use shows that we have a particular criteria to advance the zoning ordinance to permit the intensity of this lot. The FAR D4 variance is increasing the intensity of the uses on the site. An 11,705 square building is allowed and we are proposing a 16,510 square foot building. The increase in intensity would be like going from a three story building to a four story building. Building A was previously approved and the location is not changing. The deviation from the ordinance comes from the proposed lot line. It does not change the aspects of the existing approval and there is no detrimental impact to the uses and surrounding area because of the previous approval. It advances the goal of the redevelopment zone by allowing this use of more marketable units that will allow financing and construction of the building. There is an increase of 4,200 square feet of space which results in going from a three story building to a four story building which is like the surrounding area. We added three more units. There is not a detrimental impact to the surrounding area and it will be a benefit to the surrounding units.

Michael Galante noted that they will make the adjustments on the plan as shown and discussed tonight and they do not have any difficulty complying with the Board Professionals memos.

As to the balance of the Maser letter, Mr. Galante stated that it addresses the parking. Attorney Hirsch noted that she went through the prior resolutions of approval and found the answer as to whether a parking variance is needed. They are not changing anything and the subdivision does not require parking needs. The amended site plan dealt with the parking. She also discovered that originally there were a few more units proposed that were eliminated. Parking spaces were put in place of the two units that were eliminated. The parking analysis under the preliminary approval by Planner McKenzie dealt with shared parking permitted under the RSIS. Applying that shared parking resulted in the project having enough parking through banked parking or non-constructed parking. Additional parking is not required and it was recognized in one of the resolutions and amended redevelopers agreement. We looked at the parking calculations and there is no need for a parking variance for the subdivision.

Michael Galante stated that he has reviewed subsection E, comments, of Planner Green's memo and we can comply.

Responding to Engineer Clerico, Michael Galante stated that the lot line will be behind the curb line and the curb will be on the Building A lot. Chairman Eckel commented that the landscaping will be on the townhouses lot. John Dougherty noted that he is still confused about the stormwater management. The stormwater from Building A does not drain to the detention basin. Michael Galante stated that the stormwater calculation of Building A contributed to the size of the detention basin. Building A will pay for part of that basin. The stormwater from the Building A lot goes into inlets and then to the conveyance system on Bridge Street. The stormwater management design factors in all impervious coverage. The size of the detention basin was for the whole parcel. The impervious surface impacted the basin size. The maintenance obligation is required for all buildings. It would be shared similar to the previous approval. Responding to John Dougherty as to the cross access easements, etc., Attorney Shafkowitz stated that we will record blanket easements that will provide for pedestrian access, access to the streets, parking, etc. It will all be shared and the blanket easements will be recorded with the subdivision plan. The documents will be reviewed prior to recording. John DenBleyker stated that any approval would be conditioned on final approval by the Board Attorney and Board Engineer. There is no limited public access. Anyone can walk through the site. Planner Green noted that it is a unique application. Nothing is physically changing. Variances were created with the new lot line. It is rare that you have these variances. She added that the applicant will comply with the remaining items in the review letter.

Engineer Clericco noted that as to item 5 on page 6 of his report, and as outline in Resolution #2019-10 adopted on February 27, 2019, the applicant was required to submit the revised site plans by May 24th. Joe Gardner noted that the landscape and architectural plans were done and approvals were given from the Board professionals. Attorney Shafkowitz requested an extension of that requirement for an additional 30 days. Attorney Hirsch stated that the applicant will need to submit a letter asking the Board to consider an extension as the applicant will miss the deadline. Chairman Eckel requested that the letter requesting an extension be provided to the Board before Friday. Attorney Hirsch noted that the Board professionals will need enough time to review the revised plans.

Having no other comments or questions from the Board or Board professionals, Chairman Eckel opened the public hearing on the subdivision application. Have no comments or questions from the public, Chairman Eckel closed the public hearing on the subdivision application.

The Board asked Attorney Hirsch to review the conditions for an approval. Attorney Hirsch reviewed the following conditions for an approval of the application:

1. Compliance with all review letters and prior approvals and correcting any discrepancies in the plan to produce a record set of plans and documents.
2. Amended site plan resolution plus the minor subdivision resolution must be recorded in the deed to the new lot and remaining lot.
3. Cross easements and existing or proposed restrictions and maintenance responsibilities determined necessary must be shown on the plans/plat.
4. Affordable housing phasing as required by resolutions and redevelopers agreement will apply to entirety of two lots as if they were a single lot.
5. Execution of an amended Redeveloper's agreement must be completed within 30 days of approval of the memorializing resolution or approval will be null and void.
6. All plan details and documents identified in Engineer Clerico's memo, dated 4/20/19, must be provided and reviewed by Engineer Clerico prior to recording of the plat and in the documents.
7. Lot consolidation deed must be filed using the lot numbers assigned by the Tax Assessor.
8. Recording of the Minor Subdivision plat to create the 2 lots after approval by the Borough Engineer.
9. Compliance with the Amended Preliminary and Final Site Plan set forth in the Memorializing Resolution.
10. Master Deed revisions required by the subdivision to be reviewed along with the approval letters from the DCA.
11. Performance guarantees to be provided.
12. Taxes must be paid to the date of adopt of the memorializing resolution.
13. Escrow fees must be paid in full and replenished after written notice.
14. Extension of time must be requested for the amended site plan revisions which must be done prior to recording of the subdivision plat.

John Dougherty motioned to approve the minor subdivision application/variance application for Block 34, Lot 1, Block 35 lot 1, Block 356 Lot 1, Block 38 lot 2 and Block 52 Lot 12 subject to conditions discussed this evening and as stipulated in the final memorializing resolution. The motion was seconded by John DenBleyker and carried by unanimous favorable roll call vote.

Jeanne Herb returned to the meeting.

NEW BUSINESS

Review of Ordinance #833 – determination that ordinance is substantially consistent with the Master Plan

John DenBleyker stepped down due to proximity.

Planner Green noted that Ordinance #833 is the Redevelopment Ordinance. The ordinance is consistent with the Master Plan and substantially consistent with the Housing Element and Fair Share plan. Chairman Eckel commented that in the second paragraph on the right side of page 2, “containing former Ceramics Plant, etc.” should be removed as the site is now empty. Planner Green noted that certain recommendations were made for the Redevelopment Plan and the Board is reviewing it for consistency with the Master Plan. The Board can make comments. Attorney Hirsch noted that the ordinance was introduced. Council would have to go back to the first step if an amendment is made that is substantial. Chairman Eckel stated that item 4 in the left column on page 17 talks about the removal of the tower and erecting a monopole. Planner Green noted that as we moved through the process, the owners of the property were under the belief that they could get rid of the antennas because there was no power to the tower. The contract was unearthed and the cell companies’ contracts are not expired so the carriers still have the right. The owner may be forced to erect a monopole. The Mayor and Council saw the draft Redevelopment Plan and were okay with the language in the document. The monopole would be this board’s jurisdiction.

Responding to Chairman Eckel as to language about rental portions, Planner Green noted that it is not allowed to be in this document. This document mimics the existing zoning ordinance in place. U uses and bulk standards are consistent. The remediation portion has enhanced requirements. Planner Green added that on page 8, under conclusion, the document states that the Redevelopment Plan is substantially consistent with the master plan reexamination reports and the 2017 Housing Element and Fair Share Plan as well as the zoning ordinance. Responding to the Board as to the stormwater management and the incorporation of water quality measures such as rain gardens, Attorney Hirsch noted that it is the stormwater management plan that the DEP approves. It will be implemented. The Board can review the Borough stormwater management plan. The Board will have to determine if the Ordinance is substantially consistent with the master plan. On motion by Gordon Dragt, seconded by John Dougherty and carried by unanimous favorable roll call vote, the Planning Board determined that Ordinance #833 is substantially consistent with the Master Plan.

John Denbleyker returned to the meeting.

Review of Ordinance #834 – determination that ordinance is not inconsistent with the Master Plan

Chairman Eckel stated that the ordinance amends the zoning to include definitions, new uses, parking, etc. These amendments came out of the Planning Board, Council and residents meeting last year to make downtown more businesses friendly. A committee of planning board members, council members and residents proposed the changes. It also amends the sign application process which is now the zoning officer who will review and enforce the ordinance. Responding to Jeanne Herb as to the indoor entertainment uses, Planner Green stated that this was in response to the community complaining that there is nothing for kids to do in town and as to office space, people work electronically now and need space. Offices are permitted on the second floor today. The office uses were championed by the Mayor for tech space and economic development. The amendments were the result of the community meeting. Attorney Hirsch noted that adding these uses are not inconsistent with the Master Plan. Planner Green added that there were a lot of vacant space in the downtown and this ordinance expands uses to get the spaces filled. We want to create a vibrant village center. Chairman Eckel commented that businesses have come to town to look and made comments that Frenchtown is difficult to work with. Jeanne Herb responded that she is concerned with the indoor entertainment uses such as arcades. She is not sure how that contributes to a vibrant downtown. Chairman Eckel responded

that the theatre use is an indoor entertainment. Gordon Dragt added that when he lived in Doylestown, he started a teen center and it did not destroy the town. Subsequent to a brief Board discussion, Chairman Eckel stated that if in a year from now we find that certain uses are problematic, we can change the ordinances. The Board needs to determine if the ordinance is not inconsistent with the Master Plan. On motion by Gordon Dragt, seconded by Mike Tyksinski and carried by favorable roll call vote with Jeanne Herb voting “no”, the Planning Board determined that the ordinance is not inconsistent with the Master Plan.

Review of Ordinance #835 - determination that ordinance is not inconsistent with the Master Plan

Planner Green noted that this ordinance is the amendment to the Village Center Plan to align the village center plan with the zoning ordinance changes. Chairman Eckel stated that if in a year from now we find that certain uses are problematic, we can change the ordinances. Planner Green also noted that there are a few changes to the setbacks that reflect the actual conditions in town today. This will make it easier to get building permits. John Dougherty noted for point of information that it is not a towpath as referred to in the document. Chairman Eckel stated that it is part of the Delaware Canal State Park. Attorney Hirsch noted that the ordinance is not inconsistent with the Master Plan and the Board needs to make a determination. On motion by Gordon Dragt, seconded by Mike Reino and carried by favorable roll call vote with Jeanne Herb voting “no”, the Planning Board determined that the ordinance is not inconsistent with the Master Plan.

APPROVAL OF VOUCHERS

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

VOUCHER LIST 5/22/19

Archer & Greiner, P.C.	Professional Services for General Representation through 4/30/19	\$1,260.00
Maser Consulting	Professional Services for General Representation through 3/17/19 Zoning Ordinance	\$471.25
Maser Consulting	Professional Services for General Representation through 2/17/19/19 Open Space & Recreation Plan	\$1,259.10
Maser Consulting	Professional Services for General Representation through 4/14/19	\$72.50
Maser Consulting	Professional Services for General Representation through 4/14/19 Zoning Ordinance	\$1,351.25
Archer & Greiner, PC	Professional Services for General Representation through 4/30/19	\$1,260.00
Archer & Greiner, P.C.	Professional Services for General Representation through 3/31/19	\$380.00

Archer & Greiner, P.C.	Professional Services for General Representation through 2/28/19	\$ 1,083.20
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Archer & Greiner, P.C.	Professional Services for General Representation through 11/30/18	\$ 472.00
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ESCROW ACCOUNT – BLOCK 57 Lot 1 and 55 LOT 14 – ArtYard – Attorney Fees

Albert Cruz	Professional Services for Art Yard through 11/30/18	\$ 15.50
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Albert Cruz	Professional Services for Art Yard through 02/28/19	\$384.00
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Albert Cruz	Professional Services for Art Yard through 03/31/19	\$120.00
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ESCROW ACCOUNT – BLOCK 57 Lot 1 and 55 LOT 14 – ArtYard – Inspection Fees

Maser Consulting	Professional Services for Art Yard through 03/17/19	\$1,850.00
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Maser Consulting	Professional Services for Art Yard through 4/21/2019	#2,226.00
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Maser Consulting	Professional Services for Art Yard through 04/21/19	\$333.00
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ESCROW ACCOUNT – BLOCK 57 Lot 1 and 55 LOT 14 – ArtYard – 13 Front Street

Archer & Greiner	Professional Services for Art Yard through 2/28/19	\$ 240.00
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ESCROW ACCOUNT – BLOCK 12 LOT 5 -8th Street Associates

Archer & Greiner	Professional Services for 8 th Street Assoc. through 11/30/18	\$80.00
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ESCROW ACCOUNT – BLOCK 3 LOT 1 - Country Classics Redevelopment

Archer & Greiner, P.C.	Professional Services for Country Classics through 4/30/19	\$340.00
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NJ Advanced Media	Advertising for Redevelopment Plan on 4/25/19	\$88.11
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Maser Consulting	Professional Services for Country Classics through 3/21/19	\$217.50
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Maser Consulting	Professional Services for Country Classics through 4/14/19	\$ 888.75
Albert Cruz	Professional Services for Country Classics through 3/31/19	\$1,760.00
Albert Cruz	Professional Services for Country Classics through 2/28/19	\$608.00
Albert Cruz	Professional Services for Country Classics through 11/30/18	\$1,410.50
Albert Cruz	Professional Services for Country Classics through 11/20/18	\$511.50

ESCROW ACCOUNT – Block 3 Lot 1 – Country Classics TRC

B.W. Bosenberg	Professional Services for Country Classics through 4/15/19	\$725.00
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ESCROW ACCOUNT – BLOCK 34 LOT 1 – River Mills at Frenchtown – Site Plan Amendment

B.W. Bosenberg	Professional Services for River Mills through 4/15/19	\$ 797.50
Van Cleef Engineering	Professional Services for River Mills through 2/28/19	\$111.00
Van Cleef Engineering	Professional Services for River Mills through 1/31/19	\$3,644.00
Archer & Greiner	Professional Services for River Mills through 2/28/19	\$440.00
Maser Consulting	Professional Services for River Mills through 1/28/19	\$ 1,558.75
NJ Advance Media	Advertising for River Mills on 3/14/19	\$19.94

ESCROW ACCOUNT – BLOCK 34 LOT 1 – River Mills at Frenchtown – Subdivision Application

Archer & Greiner	Professional Services for River Mills through 4/30/19	\$140.00
Archer & Greiner	Professional Services for River Mills through 3/31/19	\$140.00

Maser Consulting

Professional Services for River Mills
through 3/17/19

\$145.00

On motion by John Dougherty, 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

Chairman Eckel congratulated Maggie Cook and Mike Tyksinski for successfully completing the Planning Board training course. She provided them with their Certificates.

Chairman Eckel stated that she wanted to reconstitute the sign subcommittee to redo the sign ordinance to simply it. She needs members to come forward to serve on the committee.

Chairman Eckel reported that the Executive Session is moved to the June meeting. Attorney Hirsch will review recent court case. We will do the June regular meeting first and then dismiss the public and go into executive session.

Chairman Eckel noted that she is working on the Planning Board's Annual Report which is now overdue.

Chairman Eckel reported the good news for Frenchtown. Frenchtown received a \$1,000,000.00 grant for the downtown revitalization.

Chairman Eckel asked that Planning Board members who cannot make a Planning Board meeting, let her know in advance of a meeting. We had to cancel last month's meeting at the last minute due to lack of quorum. It was inconsiderate to the Board professionals and the applicant and their professionals to cancel the meeting at the last minute. She understands that things may come up at the last minute but if you know in advance, please let her know.

Chairman Eckel stated that the Board appoints its professionals at the beginning of the year. For the Ceramics Plant property, Engineer Clerico will be recusing himself from the application. He is related to the property owners. The Board will be working with the Borough engineer on this matter.

ADJOURNMENT

Jeanne Herb moved adjournment at 10:16 pm and Maggie Cooke seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary