

Frenchtown Planning Board
Regular Meeting
May 27, 2020
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 on the website and copies distributed to the designated newspapers with the teleconferencing information to join the meeting.

ROLL CALL

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

APPROVAL OF MINUTES

Regular Meeting – April 22, 2020

Gordon Dragt moved to accept the minutes of the April 22, 2020 regular meeting. John Dougherty seconded the motion. The minutes of the April 22, 2020 regular meeting were approved by favorable roll call vote with Mike Reino abstaining.

PUBLIC COMMENTS

Chairman Eckel opened the floor for public comments and noted that the chat can be used to ask questions or to make comments. The chat can also be used during the public hearing. Chairman asked if there was any questions or comments at this time. Hearing no comments, she closed the public comment session.

MEMORIALIZING RESOLUTION #2020-13 – RIVER MILLS AT FRENCHTOWN, LOT 1, BLOCK 34, LOT 1, BLOCK 35, LOT 1, BLOCK 36, LOT 2, BLOCK 38 AND LOT 52 BLOCK 14, CONDITIONAL EXTENSION TO APRIL 27, 2020 OF DEADLINES FOR COMPLIANCE WITH CONDITIONS OF AMENDED PRELIMINARY AND FINAL SITE PLAN RESOLUTION #2019-10 AND MINOR SUBDIVISION RESOLUTION NO. 2019-13

Responding to John Dougherty as to page 6 of the resolution referring to [a February date](#), Chairman Eckel noted that this is a further extension.

On motion by John Dougherty, seconded by Grodon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved Memorializing Resolution #2020-13 as follows:

FRENCHTOWN BOROUGH PLANNING BOARD RESOLUTION NO. 2020-13
RIVER MILLS AT FRENCHTOWN
LOT 1, BLOCK 34, LOT 1, BLOCK 35, LOT 1, BLOCK 36, LOT 2, BLOCK 38
AND LOT 52, BLOCK 14
CONDITIONAL EXTENSION TO JUNE 24, 2020 OF DEADLINES FOR
COMPLIANCE WITH CONDITIONS OF AMENDED PRELIMINARY AND FINAL
SITE PLAN RESOLUTION No. 2019-10 AND
MINOR SUBDIVISION RESOLUTION No. 2019-13

WHEREAS, the Jersey Building Group, LLC, now known as River Mills at Frenchtown, LLC (the “Applicant”) received amended preliminary and final site plan approval by virtue of Resolution No. 2019-10 adopted by the Board on February 27, 2019, for property then known as Block 34, Lot 1, Block 35, Lot 1, Block 36, Lot 1, Block 38, Lot 2 and Block 14, Lot 52 (the “Subject Property”); and

WHEREAS, the Applicant received minor subdivision approval for the Subject Property by virtue of an approval which was memorialized by Board Resolution No. 2019-13, adopted by the Board on August 6, 2019; and

WHEREAS, the Board was recently advised that the Applicant was marketing one of the lots under the minor subdivision approval without full compliance with conditions required by the amended preliminary and final site plan and the minor subdivision approval, and the Board therefore requested by letter dated January 22, 2020, that the Applicant provide proof of compliance with all conditions of the two referenced resolutions; and

WHEREAS, the Applicant submitted a letter dated January 31, 2020 requesting extensions of deadlines for compliance with the two referenced Resolutions and enclosing various documents intended to show compliance with conditions of the two referenced Resolutions, which documents were supplemented after the January 31, 2020 letter; and

WHEREAS, at the Board’s hearing on February 26, 2020, after recusal of Board Members Herb and Tomko, the Applicant requested an additional sixty (60) days from the date of the hearing to conform with all requirements of Board Resolutions 2019-10 and 2019-13, and at that meeting, the Board voted to grant the 60 day extension, which decision was memorialized by Resolution adopted on April 22, 2020; and

WHEREAS, the Applicant submitted a letter dated April 14, 2020, requesting a further 60 day extension, which extension was granted by the Board at its April 22, 2020 meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE Frenchtown Borough Planning Board, by Motion duly made and seconded on April 22, 2020, that the Applicant is granted an extension of time for compliance with all conditions set forth in Resolutions No. 2019-10 and 2019-13, said extension to be sixty (60) days from April 27, 2020, that is, until June 24, 2020, provided that the Applicant conforms with all conditions set forth below.

CONDITIONS

The Applicant shall provide proof of compliance with all conditions set forth in Board Resolution No. 2019-10, and the Board Resolution No. 2019-13, no later than June 15, 2020; In the event that the Applicant determines that it will not be able to conform with any condition set forth in either of the referenced Resolutions, it shall provide proof of conformance with

conditions which it has complied with, and identify conditions which have not been complied with, no later than June 15, 2020, so that the Board may consider the status of compliance and the need for any additional extensions at the Board meeting scheduled for June 24, 2020; The Board emphasizes that it is the Applicant’s responsibility to provide proof of compliance with each and every condition in the two referenced Resolutions, in an organized and comprehensive manner, so that Board consultants may review compliance and report to the Board on a timely basis;

Until such time as the Applicant has proven compliance with all conditions of the two referenced Resolutions to the satisfaction of the Board and the Board’s consultants, the Board representatives shall not provide signatures on either the subdivision plat or the subdivision deed needed to create building A, Lot 1.01 or the deed for the remainder of the property;

Pursuant to the Resolution adopted April 22, 2020, Condition No. 3 of Board Resolution No. 2019-13 has been modified and revised to allow the subdivision to be perfected by way of lot subdivision deeds and subdivision plat, and the deadline for recording the deeds pursuant to the Map Filing Law is extended to June 24, 2020;

The Applicant shall obtain written approval from the Board Attorney and Board Planner of the form of the subdivision deeds. These deeds are expressly required to contain all necessary provisions dealing with affordable housing to be provided in building A, as well as the phasing of the four affordable housing units in building A with the market units in building A and within the remainder lot. The provisions of the two subdivision deeds are expressly required to conform with all requirements of Frenchtown Borough Affordable Housing Ordinance No. 793, specifically including but not limited to, the phasing requirements contained in said Ordinance. The Applicant continues to be bound by the phasing requirements of Ordinance No. 793. Thus, for example, since the development includes 30 dwellings, of which 26 are market units and four are affordable housing units, it may be issued a maximum of six CO’s for market units before it obtains the CO for the first affordable housing unit in Building A. Once the Applicant obtains relief from such phasing requirements pursuant to approvals of Borough Council via Redevelopment Agreement Amendment, the Fair Share Housing Center via written agreement and the Law Division of Superior Court via modification to the Borough’s Final Judgment of Compliance, it may proceed in accordance with the revised phasing requirements after providing written notice, including proof of the referenced approvals to the Board.

The Applicant shall provide proof that all taxes have been paid up-to-date prior to adoption of this Resolution;

Any and all outstanding escrow fees shall be paid in full and the escrow account replenished within thirty (30) days of the adoption of the within Resolution, within thirty (30) days of any written notice of deficiency as to the escrow account, prior to the signing of the final plat and deeds, prior to issuance of any zoning permit, prior to the issuance of any construction permit, and prior to the issuance of any temporary and/or permanent Certificate of Occupancy. Failure to abide by this condition shall result in all applicable approvals automatically terminating and becoming null and void.

VOTING RECORD

On April 22, 2020, a Motion to grant a sixty (60) day extension, to June 24, 2020, of the requirements for conformance with all conditions of amended preliminary and final site plan and minor subdivision received the following vote:

Vote:		
Those in favor:		Eckel, DenBlyker, Dougherty, Dragt, Myhre,

		Cooke, Sullivan
Those opposed:		None
Recused		Herb, Tomko

The above memorializing Resolution was adopted on May 27, 2020 by the following Board Members eligible to vote:

MEMBER	YES	NO
Eckel	<u>X</u>	
DenBlyker	<u>X</u>	
Dougherty	<u>X</u>	
Dragt	<u>X</u>	
Myhre	<u>X</u>	
Cooke	<u>X</u>	
Sullivan		

Attest:
Brenda S. Shepherd, Board Secretary

SITE PLAN APPLICATION – BLOCK 17 LOT 5 AND 6, OASIS REALTY, LLC. – EXTENSION OF TIME GRANTED

Chairman Eckel noted that the applicant has granted an extension of time to the Board and will have to renote for the public hearing when they come back. Attorney Hirsch noted that the applicant was not sure if new revised plans were needed. The applicant agreed to an extension of 45 days from the submission of the revised plans. It has been a few months. It is always a danger to let an application sit too long. Chairman Eckel responded that the Board will give it until July. The applicant had site line problems with the County approval.

VARIANCE APPLICATION – BLOCK 59 LOT 6, 66 TRENTON AVENUE – DONALD HANNIS (Completeness review and possible public hearing)

Chairman Eckel noted that this variance application will be reviewed for ~~completeness~~completeness. Attorney Greg Watts, representing the applicant, noted that Attorney Hirsch notes that there may be an issue with the notice for public hearing. There is no receipt for the certified mail for the letter to the NJDEP. Attorney Hirsch recommended that the Board go through the completeness review. If the Board is not satisfied that the NJDEP was served and the Board does not complete a hearing this this evening, the applicant can notice NJDEP for the next meeting. Attorney Watts responded that he did send a letter to NJDEP but he cannot provide it. He is concerned with moving ahead without jurisdiction.

Attorney Hirsch stated that the MLUL requires that the applicant provide notice to every entity listed and the certified mail notice. This is jurisdictional. The Board does not have the right to proceed. The applicant's attorney did provide an affidavit of certified mail, proof of publication, Ms. Hirsch~~She~~ did not find the notice to NJDEP. It is up to the applicant if they wish to move forward. If the applicant is not sure the notice was sent, the Bboard can start the hearing and continue it to the next meeting and the applicant can notice for the next meeting. Gulie—under mlul applicant required to provide public notice every entity is listed does receive certified mail notice. This is jurisdictional. Board does not have right to proceed. Did provide affidavit of certified. Property owner. Did not find njdep. Feeling it is up to applicant. Applicant can go forward. If he is not sure, we can cover us if board starts hearing but not conclude it. Can notify for next meeting.

Chairman Eckel asked that the Board go through the application for completeness. She will defer to Attorney~~h~~ Hirsch to advise~~d~~ the Board of the concerns to proceed with a public hearing this evening if the application is deemed complete. The issue of concern is the flood zone and if the NJDEP was notified. Attorney Hirsch noted that the NJDEP gets noticed because it has land adjoining. Eckel—get through completion. Defer to gulie's advice, am concerned to proceed with public hearing, issue has to do with a flood zone, issue dep is concerned with. Gulie—njdep gets notice have land adjoining.

Applicant Donald~~d~~ Hannis requested that the Board review the application for completeness and if a second meeting is required, he does not want to be delayed for another issue. He asked if a meeting could be se~~cheduled~~ scheduled before one month as his project has been on hold for 7 months. Chairman Eckel stated that the Board could not move forward until the Planning Board had a full application. The Board will review the application for completeness.

Mayor Myhre asked if he will be required to stepped down on any part of the variance application. Attorney Hirsch stated that the Mayor does not have to stepped down for the C variance. There is no D variance. Donald hannis—in favor get through completion, if we meet a second time don't want to be delayed with another aspects. Meeting with zoom. Have meeting sooner than one month. On hold 7 months. Eckel go through completeness first that pb had full application. Could not move forward without an application—hannis understood.

~~Brad—may be variance. may have to stepped down. Gulie—do not have to sep down e variance and not d variance.~~

Chairman Eckel asked Board Engineer Clerico to proceed with the completeness review.

Engineer Clerico, referring to his 5/22/20 report identifying the checklist items submitted, items marked not applicable and the incomplete items. The applicant has not made any request for waivers. The first part of the checklist is the documents required to be submitted on the application and the second part is the items required to be put on the plans.

As to Items F and Q, the Administrative Items, these items have been provided. Secretary Brenda Shepherd confirmed receipt of these items. Items f and q have been received.

Item LD – title documentation – was received today in part. Item X, letter of interpretation was not submitted and no waivers were requested. The Board could waive the requirement temporarily if the applicant requests the waiver. Attorney Hirsch noted that if the Board grants a temporary waiver and determines it needs to have the items during the public hearing, the Board has the right to ask for that item. If the Board does not, it can be a condition of approval. The applicant acknowledges that the item is not here and requested a waiver.

~~Rob – 5/22/ report – darlene identified items, checklist submitted marked as not application – no request for waivers. Incomplete items. First part on applicant and second is plan. Administration. That was provided. Item f and q – received.~~

~~D title documentation did submit today. Part of board record. Item x letter of interpretation. Not request for waiver. Can waive temporarily. Could consider temporary waiver. Gulie – if the board determine it needs it have right to consent request. If do not suring, may be a condition of approval. do not need to proceed. Acknowledge it is not here.~~

Item Y – Written statement identifying requested checklist waivers. †There are no requests for a waivers.

As to number 6 of his report, checklist item 8, there is no survey map; Item 9, there is no key map; item 10a, there is no topo map; item 13, there is no survey map; Item 15, there is no area of the property; Item 17, adjoining wells and septic has not been provided; item 32, there is no plan depicting easements and restrictions & Item 34, no boundary survey has been provided. : The determination of the area. There are no adjoining wells and septic. There is no key map or plot plan which would probably show that information. A plot plan may show some of this information. The applicant did submit a flood plain submission showing the boundary and buildings. †The Board does not have these items. -does not have the items-. He defers to the Board. A temporary waiver could be granted. Item y – no request for waivers. Item 6 – do not have survey, determination of area of , no adjoining wells or septic, no key map. Plot plan would probably show that inf. Did submit a flood plain submission shows boundary and building. Part of package. Does not have those items. – Defer to the board, temporary waiver. If the Board needs the elevations, etc., it can ask for them. Board Planner Darlene Green stated that the Board may need that information at some point. She raised other questions on zoning matters and items

that would be needed for any other variance application. Donald Hannis noted that he discussed this with his attorney, and noted that we are not changing the footprint, not expanding or encroaching on any boundaries. The map was discussed and the information being requested may not be needed. Attorney Watts added that the applicant is taking an existing structure and has made the footprint smaller and removed out buildings. Items 4, 5 & 7 could be waived. Engineer Clerico responded that he spend time looking at other resources and he put the items in the temporary waiver category in his report. The applicant does not have a survey. There is a survey certification and the elevation of the structure.

Responding to Chairman Eckel as to the need for a plot plan, Planner Green stated that when she does the review, she looks at all the pre-existing non-conforming conditions as well as all setbacks, etc. This will help the Board Attorney include the information in the resolution. She was not able to review for conformance for bulk setbacks. Attorney Hirsch noted that the application is not a typical C variance application. Since this is a single family lot, we would not be looking at a plot plan. The question is, does the Board have enough information. The Board should be satisfied that it has enough information or could ask for the information. Chairman Eckel stated that a temporary waiver would be appropriate under the circumstances. She asked for Board thoughts. Mayor Myhre agrees that a temporary waiver should be granted to keep the process moving. you need elevation. Darlene raised other questions on zoning matters. Would need for anyother variance. might need info at some point. Donald hannis—discussed with attorney—see that we are not changing the footprint, not expanding or encroaching on any boundaries. Discussed maps. Information being requested may not be needed. Watts—taking existing structure, made footprint smaller and removed out buildingm item 4, 5 and 6 items could be waived. Bob—spent time look at other resources. Put in temporary waiver category. Applicant does not have a survey. Bbob—elevations of structure survey certification and elevation of the structure.

Eckel—

Gordon Dragt noted that we do not have proper information about the lowest floor and elevations. The mechanical equipment is in the basement. Attorney Hirsch stated that this discussion would be property during the public hearing and not for completeness. Engineer Clerico noted that this may be provided in the course of the public hearing onmertis of the case. If the applicant does not have it, the applicant will provide it. John DenBleyker noted that temporary waivers can be granted for 4 (x), 5 (y), 6, 8,9, 10a, etc., 12, 15, 17, 32 & 34. John Dougherty asked what the risk is for proceeding without these items. Engineer Clerico stated that he does not see a risk as the documents can be requested. Chairman Eckel added that the applicant is requesting the temporary waivers. Engineer Clerico statede that there is enough information to proceed and during the course of the applicationnt, if the Board needs the information, the Board can sk for it or condition the approval. Jeanne Herb asked if a time frame could be put on it. Attorney Hirsch responded in the affirmative. Darlene—do you need plot plan, building setbacks. Darlene—when we do review look at all even preexisting non conforming conditions so when attorbye wriedt resolution, we were not able to review for comforance for bulk standards. Gulie—not a typical e variance, since single family lot would not be looking at a plot plan. Advice board if they haeve enough information—board should be

satisfied. Board could ask Eckel appropriate for temporary waivers under circumstance. Brad—concurr to keep process moving.

Thoughts from board, Gordon—report general comments, do not have proper information about the lowest floor and elevations, mechanical equip in basement. Gulie—proper to do in public hearing. Bob—in course of the merits of case, and you do not have it will have to provided. Denbleyker Y. f, l, q, complete x temporary waiver, and all of 89 10a 13 15 17 32 34 temporary waivers. Dougherty—council complete with temporary waivers. What is the risk proceeding without item. Gulie—there is no risk. Clerico revie is listed items no provided, do not see risk. Eckel—had applicants have asked for waivers. Maggie—footprint, acreage and elevation, agree to move on with what we have. Eckel with temporary waivers. Bob—enough tonight to proceed during course if you need inform you can askm at end could condition it. Herb—can put a time frame on it. gulie yes.

Gordon Dragt noted that there ~~se~~ is an item in Planner Green's report that is not complete. Attorney Hirsch stated that Planner Green's report is on the substance of the application. Engineer Clerico stated that the Board can hold off on Planner Green's review until a completeness determination is made. Dragt—dragt—items in darlens report not complete—gulie—darlene report is on substance assuming it is complete. Bob does both—we can hold off on darlens review depends on ~~completeness~~. He has nothing further to report. The Board will make a determination on the completeness.

On motion by John Dougherty, seconded by Mayor Myhre, and carried by unanimous favorable roll call vote, the Planning Board deemed the variance application for 66 Trenton Avenue, Block 59 klot 6 ~~complete~~ granting temporary waivers for 4 (x), 5 (y), 6, 8,9, 10a, ~~13 etc., 12~~, 15, 17, 32 & 34.

See motion—

As to the pPublic hearing, :

Attorney Watts noted that the applicant would like to move forward with the public hearing but it is not clear if the notice to the NJDEP was done. The public hearing will continue to the next meeting. If the NJDEP was not notices, we will notice them and come back next month.

Chairman Eckel noted that ~~the Board will hear from Planner Green. T~~ the applicant will present its testimony after being sworn in and the Board can ask questions along the way. The Board will also hear from Planner Green. Move forward to get public hearing started, will continue not clear if correctly notices and will carry to next meeting. watts—will come back to see if njdep has comments. Eckel—will hear from darlene—and can ask questions.

Attorney ~~Watts~~ ~~notedask~~ that John Hanseon, Planner and Engineer for ~~m~~ the applicant and Donald Hannis, applicant, will provide testimony this evening. Attorney Hirsch noted that she

will also swear in the Board professionals. Donald Hannis, John Hanson, Construction official Ken Rogers, Engineer Robert Clerico and Planner Darlene Green were sworn in by Attorney Hirsch. watts. John hanson, sworn in hannis, darlene, bob, john, consider applicant to put case in. hear our consultants app consultant after testimony.

~~Attorney sworn in bob, darlen, hannis, john hanson, ken rogers. Everyone sworn in.~~

Attorney Watts called applicant and owner Donald Hannis to testify first. He asked applicant Donald Hannis to tell the Board what relief he seeks.

Donald Hannis noted that the property in question is 66 Trenton Avenue, known as Block 59 lot 6. Based on the requirements of Ordinance 707, it would require that the basement be filled with stone as a flood hazard safety measure. He will provide a history of the permitting process and work that has been done. Watts call applicant and owner

~~Donald Hannis, owner of 66 Trenton Avenue, provided the following testimony:-~~

~~He asked Chairman Eckel to show the photo of the structure as purchased. This photo was Marked as #1 in the packet submitted. Planning board meeting—my notes for discussion~~

~~Exhibit photo showing the structure as purchased—#1~~

~~He~~ purchased this house in May of 2019. It was a foreclosure that had been vacant for several years.

Later that same month, my son Nicholas , who is the builder, approached Frenchtown Borough hall to understand what needed to be done to obtain approval to renovate the home. It was during this conversation that he learned of the shared services agreement the borough has with the Lambertville Building Department. He was instructed to speak with them for guidance. Based on Nicholas' conversations with the Lambertville building department, we understood that a set of sealed Architects drawings was needed but that we could obtain individual permits to proceed with certain activities while the plans were under development. As a result, we submitted and received approval of several permits starting on May 24th which allowed us to perform all of the demolition at the home. All utilities were removed with the exception of some of the plumbing. All interior walls were brought back to the original framing, bathrooms and kitchen were gutted, and several layers of exterior sheathing was removed. In terms of the building exterior a good bit of impervious was removed as well as two structures that lessen the footprint overall. ~~He~~ recently forwarded a two page document prepared by our architect that provides a brief explanation of the scope of work along with a diagram of the home showing what was removed. As this diagram illustrates, we removed an estimated 1,100 sq ft of impervious as well as two structures encompassing more than 200 sq. ft. All aspects of the new construction are confined to this reduced footprint.

On September 5th we submitted a full set of architectural plans to the Lambertville building department and received their approval on September 9th. On the 10th of September we submitted a framing permit which was approved as well.

With approved architectural plans and framing permits in place, we started framing out the interior. Due to the age and condition of the existing structure, this aspect of the project involved the installation of a network of steel beams between the first and second and second and third floors. This network of steel beams ultimately rests on several new footings that have been poured in the basement. ~~He would~~ also like to note that in terms of the use of the basement, what we are doing is much more environmentally sound than what is currently there. We are replacing the old oil fired furnace with a new heat exchange system that will operate several feet off the floor, being hung by the rafters. Additionally, the two existing large oil tanks in the basement will be removed making for a much better situation environmentally. # 4 One important point about the interior elevations in the home. You will note that flood elevation survey refers to what they call the elevation of the next highest floor. In this home, the next highest floor is the floor of the great room, a pre-existing addition to the original home which is elevated with no basement underneath. When inside the building you step down into this room as it is the lowest point of the first floor. According to the professional flood plain survey, the great room's elevation of 124.17 is 1.37 feet or 16 inches +/- above established flood plain of 122.8 feet. The rest of the first floor is nearly a foot higher than the 124.17, more than two feet above the flood plain of 122.8 ft.

~~(explain the photo) Thank you Chairwoman~~

~~So~~ structural work and closing in the house continued until December 11th when we received an email from the building department in Lambertville instructing us to cease all work until our need for the submission of a development permit could be reviewed by the Frenchtown Zoning officer and the Flood Plain administrator. As this was the first time we learned of this requirement after six months of approved construction, several conversations ensued. It was during one of these conversations that we learned that another applicant, looking to develop in the middle of the Flood Hazard area called to question our approval. It was also during these conversations that we obtained permission to "weather-in" the home and nothing more while this matter was sorted out.

Exhibit #2 ~~Shows~~ the house as it is now. # 2

It should be noted that very early on ~~he~~ showed the home to ~~his~~ wife. We have always loved Frenchtown and our current home has far too much property for us to maintain at this stage in our lives. So the project shifted from an initial plan to flip the home to one of building our forever home.

So with construction having been halted, on January 30th we submitted a development permit accompanied by a Flood Plain elevation survey prepared by the firm of Bohren and Bohren. On February 21st the Frenchtown Flood Plain administrator denied the permit. Mr. Hansen will address the board regarding the points in Mr. D'Ambrosio's letter related to the Flood Plain elevation. ~~He~~ would like to speak briefly about the issue of the "substantial improvement" ~~and~~ determination as well as other criteria which ~~he~~ believes supports the granting of a variance. As you know, the FEMA Flood Plain management requirements as well as the Frenchtown ordinance requires compliance with the ordinance when the costs of construction exceeds 50 % of the market value of the structure prior to the start of the construction. In other words, if I were to keep my costs to a minimum, I would not be subject to the Flood Plain requirements. Not having been made aware of this requirement as part of our regular interactions with Township building officials, until we were more than six months into construction, I was not afforded the opportunity other applicants would have to consider the option of keeping the costs below the 50% threshold. I could have fixed and flipped this home as was our initial thinking.

Frenchtown ordinance # 707, Flood Damage prevention, has as one of its criteria that a variance shall be issued upon "a determination that failure to grant the variance would result in exceptional hardship to the applicant".

Not having been made aware of the requirements of this ordinance until six months post approved construction, compliance at this late stage would require that several aspects of the project will need to be modified or rebuilt at significant expense.

- To start, new architect's plans would need to be drawn up that eliminate the use of the basement.
 - The exterior room that was removed would have been the logical place to relocate the utilities to. The cost to rebuild this room is exorbitant.
 - The network of steel beams was installed at great expense with the understanding that the basement would remain as is. Filling in the basement would likely require that this system be modified in some way.
 - Re-routing of utilities from the basement to some other location would result in changes to the completed interior framing as modifications were made in the framing to accommodate the utilities emanating from the basement.
-
- In summary, compliance with Ordinance # 707 at this late stage would result in significant expense, lost time, and the adding back of structure that is costly and less desirable, even from the Borough perspective. Incurring this added cost would be particularly difficult for us right now. Like many people, we have been hit particularly hard financially by the current global crisis. My wife and I love Frenchtown and plan to make this our forever home. We have taken a building that was a vacant eyesore, tastefully restored it in an environmentally conscious way and are turning it into a home that produces tax revenue for the Borough and one that we will be proud to call home. As my son Nicholas puts it, he is building us the nicest home on the Towpath. Does anyone have any questions? If there are no further questions, I will turn it back to Mr. Watts.

Engineer Clerico noted that the Board does not have a survey document and the title company lists easement and restrictions of record. Are any of these deeds related to the flood plain? Attorney Watts will get the copies. Attorney Hirsch noted that a title policy was submitted but the title report was not submitted. Did the title report show the property was in a flood zone? Mr. Hannis noted that it was not pointed out to him.

~~Hannis of 66 Trenton Avenue, block 59 lot 6, tell board what relief is you seek. Hannis requirement of ordinance 707 based on data would require basement be filled in with stone as flood hazard safety measure. Purchase may of 2019, foreclosed purchase for HUD. Property was vacated since for several years. Initial purpose for purchase. Hannis — son and typically purchase homes on lower end of scale and use a rental homes. Decided good opportunity to fix and flip. Plan changed showed it to my wife, live in home after reconstructed. Currently live in home with a lot of maintenance. Love Frenchtown, ideal location to occupy as home.~~

~~History of permitting process and work. Done.~~

~~Hannis—exhibit 1—picture of original home later after closing, nicolas approach borough hall to understand. Learned shared service agreement with Lambertville, base on Lambertville could obtain plans. Received approval of several permit allow demolition all interior walls brought by original frame, exterior sheath, impervious was removed. Bathrooms renovated. 2 page document of scope of work. Address comment ms. Gereen made. Removed 1100 sq ft of impervious and 2 structure encompassing 200. all aspects of new construction are confined to reduced foot print, on sept 9 got approval from Lambertville, started framing, installation of steel beams needed. Rest on several new footings. Use of basement. Replacing oil fired heat exchange hung by rafters. 1880s 2 story colonial. In disrepair, broken windows, animals inside. Don't want in neighborhood. Saw a great opportunity. Gulie—drawing prepared by architect—sheet by pliki archite 5/25/2020 existing first floor plans, cross hatching, above ground pool noted as removed. Sent by 5/25/ memorial day before 1 pm. short letter from polaski referring to this drawing. Hannis, may 25 scope letter. Page 2 page 2 gulie—when we do virtual meeting rules are being set by dea as to procedure requires introduced in board file 2 full business days before meeting. definitive record of exhibit.~~

~~Hannis gray shaded areas are structures and impervious removed. In front huge concrete pad had a shed a car port that was falling down on pad. Pulled that out. on side of building, 112 sq feet bathroom add on did not make sense. That was removed. Important to remember that structure. Also falling down above ground pool that was removed. No new additions. Project involved removing that and significant work inside the building.~~

~~Sept 5 submitted full set of architect plan approved on 9 on 10th submitted framing permit which was approved. Removing two large oil tanks. Heating with heat exchanger more environmentally friendly, exhibit 4, photo of back of home—electricity for heat exchanger asked about electricity propane ground surface tank. Herb—property n sewer system, yes. Hannis—important point about interior elevation—flood elevation survey refers to elevation of next highest flood, next highest is the great room in the back. Precisely condition step down into that room. Next highest flood refers to floor in that great room. Mr. hanson will speak to flood elevation. That floor is 16 inches above established flood plain that our flood plain surveyor determine. Next floor is 11 inches high. Is first floor is more than 2 feet above established flood plan. Call it elevated. No standard floor stilts. That is part of denial and bohren and boehren and exhibit of way ingram. Flood plane cuts across back of this addition, it is the corner in the special flood hazard above ground and above flood plane elevation. Applicants exhibit 3, hannis structure work continued until 12/11 to cease work until need for flood permit was. First time we had conversation. Another applicant called to question our approval. obtained permission to weather the home while this was worked out. marked as exhibit 4—picture of home with a facelift. New roof, new windows new siding, secure. No additional work since stop work order was received on 12/11~~

~~Construction halted on january 30. eckel great room faces river. We submitted a development submitted bohren and bohern on 2/21 denied permit.~~

~~Substantial~~

~~Federal and ordinance, cost of construction exceeds 50% of market value. If I keep my until we were into 6 month. Not afforded to keep below 50% threshold. Could have flipped home. Ordinance 707 has as one criteria, would result in exceptional hardship, not made aware compliance would several aspects would need to be, new architect to eliminate basement, exterior relocate to outbuilding. Cost to rebuild is exorbitant, exorbitant, filling in basement, tall order~~

rerouting utilities would result in changes to — provide on email. Eleimae bse new architecture plans, looked to room to house utilities, interior for 1880 does not have spare space, rather than tear it down. Have issue if I need to relocate utilities from basement, steel beams installed and rest on new footings in the basement. Unable to see what is happening if sitting on stone. Rerouting of utilities would result in changes to framing . to make a determination. Threshold exceptional hardship to redo these things,. In summary, compliance 707 would be expensive, costly and less desirable, hit hard by current local crisis. Plan to make forever home, restored in environmentally conscientious way. Building us nicest home on township as son puts it.

Bob — exhibit — do not have survey documents list easements, restrictions and conditions. Hannis — items 10, 11 and 12, title companies referring to deeds of records for easement restriction are they related to the flood plane. Hannis — not sure, watts will get copies. Gulie — title policy was submitted. It is not the title report. Did that title report show property was in a flood zone. Hannis — was not pointed out to me with my attorney — will consult attorney He will consult with his Attorney. — Attorney Hirsch stated that these documents must be submitted to the Board.

John Dougherty asked if the air to air exchange, plumbing and electrical panel be 4 foot off the cellar floor and what about the hot water heater. Mr. Hannis responded yes and noted that he may elevate the hot water heater. Gulie — submit to the board. Dougherty — air to air exchange plumbing and will be electrical panel hot water heater. Fastened to the rafter. Would be 4 foot off cellar floor. May elevate water heater. John Dougherty asked who's responsibility is it to have knowledge of what permits are required. Attorney Hirsch noted that both the applicant and the building/zoning officials. When an applicant comes in for a demolition permit, the building official or zoning officer would not identify the flood plain. Every applicant has the responsibility to look at the environmental state of the property and municipal requirements. Jeanne Herb asked if a State Flood Hazard permit was needed? Dougherty — responsibility of knowledge of permits. Gulie — both — when an applicant comes in for demolition, building official or zoning would not identify flood plains. Would you ordinarily look at it. Every applicant has responsibility to look at environmental state and municipal requirements. Hear. Attorney Watts stated that it will be addressed in the testimony. Jeanne Herb also asked if under the hardship variance, is it the same as considering efforts the owner put into it. Attorney Hirsch noted that the improvements are different from hardship. Not addressing all criteria to consider to grant variance. herb — did not need state flood hazard permit? Will address in testimony. Herb — protocol. Undue burden and hardship is it the same as considering effort owner put into. improvement is different from hardship Chairman Eckel also responded that Planner Green will address the requirements for a hardship variance. — Eel — darlene will address requirements for hardship variance.

Attorney Watts introduced Engineer John Hansen and asked him to provide his credentials. Engineer Hansen stated that he is the Vice-President of Engineering, Land Planning and Association in High Bridge, NJ and is a civil engineer. He has worked on both sides of the table for the last 27 years. He has a Bachelor of Science in civil engineering from Virginia Tech in 1992. He has been a licensed professional engineer and planner in New Jersey for 20 years and both licenses are in good standings. He has been previously accepted as a professional witness 80 to 100 times. He has also work for boards as well — vice pres engineering land planning and association in highbridge civil engineering, worked on both sides of table for last 27 years. Bs in civil engineer from virginia tech in 1992m license professional engineer and planner for 20 years

~~both in good standing. Previousl accepted as professional witness. 80 to 100 , worked for boards as well.~~

. Chairman Eckel stated that the Board accepts Engineer Hansen as an expert.

Engineer Hansen noted that he prepared a flood exhibit. It starts with 0012. The Exhibit was marked as Exhibit A4, existing conditions. The property is Block 59 Lot 6, 66 Trenton Avenue and is located in the R2 Medium density zone. On the right in the exhibit is Trenton Avenue which is the access to the property, at the top, north, is the existing residential structure, to the south or bottom of the exhibit, is another residential structure and to the left is the Delaware River. Along the property line is the D&R path. You can see the limits of the special flood hazard area along the great room in the western side of the home with no basement which is what triggered the application in a special flood hazard area. The pool was in the flood plain. The substantial part of the improvements are not in the flood plain. It provides a good staging area for emergency vehicles. Board accepted as expert. Accepted.

~~Describe technical proposal. John exhibit we prepared flood exhibit starts with 0012, exhibit 5 existing conditons block 59 lot 6, 66 tnon in r2 medium ensity. Exhibiti on right trenton access to property top north, existing residential structure same distance bottom residents struete left is delaware river. Along property lin eis d&r path. See limits of special flood hazard area great room in western side of home with no basement is what trigger applicatn in special flood haard. Pool is in flood plain, substantial part of imprvements are not in flood plane. Provides good staging area for emergency vehicles. It is a long and narrow lot, 1/2 acre lot.~~

Engineer Hansen will speak to the hardship issues. He noted that the house was built in 1880 and is serviced by public utilities. The base flood elevation is 122.8 feet (1988). The base elevation in the next highest level which is the great room is 117.475 feet and does not have 124.17 feet above flood base elevation. The next highest level is the main floor at 11.5 inches higher which is 125.2 feet higher than base flood elevation. Will speak to hardship issues. House build 1880 service by public utilities. Base flood elevation 122.8 1988 vertical data. Base 117.175 feetm next highest great rom does nt have 124.17 feet above base flood elevation. Next highest is main floor 11.5 inches higher 125.2. 2.2 feet hgih than base flood elevation The existing utilities are expected to be in the basement. The oil heat is being changed and the oil tanks decommissioned. That is a real benefit. He does not think that the water would get into the basement. If water did, and the oil tanks were not removed, there could be an oil spill. existing utility expected to be in the base, oil heat is being change er oil tanekd decomommissioned, real benefit. Do not think water flood water would get in base if there were, oil spill if tanks were not removed. John Dougherty asked if the tanks were removed or decommissioned in place. Mr. Hannis responded that the tanks will be decommissioned in place. Dougherty removed ro decomissioned in place. Hannis in place to be removed. Responding to John Dougherty, Mr. Hansen noted that there is an emergency access area that can be used during an emergency, it is upland. If you get through the flooded area , you could get to the staging area. We compromised the staging area otherwise the extreme option is elevate the home or move the home. emergency access area. Durinf flood this would be area upland. If you could get through flooded area could get to staging area. Exteme option elevate or move house compromise staging area.

Mr. Hansen noted that there were substantial improvements to the project. A portion of the building and improvement ~~was~~ removed that ~~were~~ in the flood plain. By removing these improvements, it will allow additional flood storage and results in less run off reducing flooding. Jeanne Herb asked for quantification of the flood storage. Mr. Hansen responded that there would be 2,400 cubic feet of additional storage. Responding to Engineer Clerico as to things that were removed, Mr. Hansen noted that the rectangle area on the north side of the home, the bathroom was pulled off the house, which was not in the flood plain, the car port was removed and up against the house was a carriage house or old shed. He corrected the testimony and stated that the impervious coverage removal is a benefit. ~~By removing the pool, the buildings and car port, there is an increase in flood volume. He does not have the exact number. There is additional flood storage.~~

~~Substantial improvement project — portions of the buildings removed, they were in the flood plain, by removing will allow additional flood storage removal of improvements results in less run off reduces less flooding. Herb — quantification of the flood storage — hanson 1200 with 2 feet 2400 cubic feet of additional storage — bob — review, only thin removed that was in the flood plane. hannis — rectangle on north side of home, bathroom pulled off home. Not in flood plane., adjacent to white carport removed, up against the home, was a carriage house or old shed. john — correct testimony, impervious coverage removal is a benefit by removing pool and cover of building an car port increase in flood volume. do not have exact number. There is additional flood storage. Bob — base flood elevation 122.8 basement 117.75 next highest floor great 124.17 john lowest grad adjacent 199.2 below flood elevation. on south side. Area under the great room with no basement elevation if greater than 122.8.~~ Engineer Clerico noted that the map is incorrect. Mr. Hannis noted that if you walk the property, you pass by the original structure and then there is a significant drop off. It slopes to the back where the pool was. The lowest adjacent grade is at the rear of the great room, the area along the back of the building. The basement is not in the flood plain. Engineer Clerico stated that he will need the elevation on the southside. ~~bob — map is incorrectly. Hannis if you walk property pass by original structure significant drop off. Slopes to the back where pool is. Lowest adjacent grade is at rear of great room. Area along the back of that building. basement not in flood plan. Need elevation on the southside.~~ The base flood from what he sees comes up to the building. The basement will flood. It is a couple of feet below grade. ~~Base flood from what he see comes up to the building. Southside of exposed basement flood couple feet below grade.~~ Mr. Hansen stated that reviewing the large scale exhibit, and comparing the flood certificate, even if the basement get flooded, it would be a rare ~~occurrence.~~ occurrence. Chairman Eckel commented that it would make it easier to agree with that assessment if we had the base elevation of the southside of the building. The flood line closely parallels the building. It is problematic to think that water would not end up in the basement if the base flood elevation is flood is at 122.8 feet. John — large scale exhibit. Compare flood certificate. Even if flood basement getting flood would be a rare occurrence. Eckel — make it easier to agree with assessment if we had base elevation of the southside of the building. Flood line closely parallels the building. Problematic that water would not end up in base if flood is at 122. ~~bob~~ Engineer Clerico stated that the criteria is specific for what relief is being asked and is need to evaluate. He eluded to this in his report. He cannot reach a conclusion that the basement would not flood. He needs the ground elevations. relief is specific on what criteria needs to be evaluated. Eluded to it in my report. Cannot reach conclusion that basement would not flood. Need ground elevations. Jeanne Herb asked if the property owner was advised that the property was in a flood plain. It would be disclosed in the sale in a mortgage disclosure whether there was previous flooding. Engineer Clerico noted that there is no obligation to buy flood insurance if there is no mortgage on the property. A lender would insist on flood insurance. John Dougherty agrees that

a flood elevation is needed. Gordon Dragt also agreed and noted that he sees a flood line up against the foundation. With his own experience, water will go through the wall when it gets close like that. The elevation that Engineer Clerico talks about is important to note. Jeanne Herb asked if NJDEP permits are required. Mr. Hanson responded No. Improvements were removed and no new installations have been made. We meet the permit by rule. Mike Reino commented that you talk about a basement that has been in existence since 1880 and the great room elevation is the concern. That addition was there. He did not alter the footprint but made it smaller. What portion of the building is in the flood hazard area?; Chairman Eckel stated that Planner Darlene Green will address the issue. It has to do with the flood zone ordinance and substantial improvements in the flood zone. The flood zone has changed. Mr. Hansen noted that he is hearing the phrase substantial improvement. There has been no change to the grading and elevations to the building. There has been a positive reduction in impervious coverage and improvements. Some changes to the utilities were made and a lot of money has been spent. It is an improvement to the property.

~~—Great room has nothing to do with what their application is. Compliant component of existing insurance. Herb is property owners advised about being in flood plane. Mortgage disclosure. Whether there was previous flooding. Bob no obligation to buy flood insurance. Lender would insist on in. Dougherty agree with elevation need. Sean line 122.8 yes. Gordon see flood line up against foundation water will not go in. his own experience, water will go through the wall when it get close like that. some of the 707 is hardship and also common sense. He learned hardway. Elevation that bob talks about is important to note.~~

John to go though 11 items.

~~Herb are dep permits required. No only things removed and no new installations. Meet permit by rule. Reino talk about basement that been in existence since 1880, new construction great room and elevation of greatroom. Of the floor of the new structure. Why worry eckel darlene will address has to do with current flood zone ordinance and substantial improvement. Flood zones have changed shape.~~

~~Darlene will go through variances and what is trigger. Way ordinance is written. herb changes in development patterns and precipitation pattern in Delaware river region. Hannis reino noted elevated great room as new addition. That addition was there. Did not alter footprint but to make it smaller. What portion of building that is in flood hazard area. Read his letter a portion of the building in flood hazard area. Did not say portions., discussions. Were relative to corner, half the rear addition, flood hazard area passes through, probably splitting hairs. John here substantial improvement. No change to grading and elevation to building, positive reduction and improvement and some changes to utilities because he spent a lot of money.~~

Responding to John Dougherty, Attorney Hirsch stated that the Board has an opportunity to hear from the Construction Official, Ken Rogers, who can address the requirements and address the issue of portions of the structure. Dougherty gullie applicant mention application, part of their application. We have opportunity to hear from mr. rogers address requirements. Part of construction not portions.

*&&&&

(Who)Planner Green stated that Ssubsequent to a rReview of Ordinance #707, -if the Bboard determines a “C” e-variance is requiremed, there are -11 items the bBoard needs to consider when deciding to granting a variance. -Attorney Hirsch agreed that the criteria are contained in Ordinance #707. Planner Green added that this is not a standard “C€” variance. Section 4.4-1 subsection 4 lists these items.

i-/Engineer John Hansen stated that he will address the 11 items.

(i)the danger that materials may be swept onto other lands to the injury of others;

Mr. Hansen stated that this is not a concern and was minimized by removal of the addition, structures and pool.

(ii) the danger to life and property due to flooding or erosion damage;

Mr. Hansen stated that this is not an issue as it is the outer most limit of the floodway being far away from the floodway where you would expect large volumes.

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

Mr. Hansen noted that it is an existing condition. Susceptibility has been lessened now that the oil tanks will be removed making the exiting condition better. Engineer Clerico asked if the new utilities in the basement are subject to damage if the basement floods. Mr. Hansen stated that it is a substantial upgrade and has practical difficulty installing above the flood elevation, with reconstruction in the flood elevation. Ken Roger, Borough Construction Official, in Lambertville, denied the building permit. Infrastructure of utilities has to be above the flood elevation. Mr. Hanson stated that we are not suggesting it is no suspectable. It is a preexisting condition since the utilities were constructed. Damage is less likely by the proposed changes to the utilities in the basement. Chairman Eckel asked for what other utilities were in the basement. Mr. Hannis responded that there is an old hot water heater, remains of an old oil fired furnace, some electrical in the basement and some upstairs. The entire electrical system was removed.

Chairman Eckel noted that the flood ordinances are based on the Borough’s FEMA ratings. Engineer Cleric added that the Flood Prevention ordinance, Chapter 23, is a standard ordinance that the Borough gets from FEMA. If you want a flood insurance program and want residents to have flood insurance, you need this ordinance so there is control over development. If the facts are that there is a base flood elevation and part of the building is in it, this is considered substantial. All components of construction have to comply with the ordinance. It will boil down to the utilities in the basement. It is in the Land Use section of the ordinance. He will defer to Ken Rogers. It is a federal regulation what the borough has to do to maintain flood insurance for the resident. Variances have to be kept and the Borough could be audited on how may variances were granted. This is why we are here.

Responding to Mayor Myhre in reference to replacing certain electrical equipment, Ken Rogers, Borough Construction Official and Flood Plain Administrator in Lambertville, stated that the cost of replacement and if the ordinance required elevation would be considered. The floodway was not identified in the exhibit. Volume and speed would not be determined without knowing where the floodway is. He knows that the sewer plant is in the floodway. The floodway is in that area. It would apply to all residential and commercial. The entire building is considered in the ordinance even if only a portion of the building is in the flood plain.

(iv) the importance of the services provided by the proposed facility to the community;

Mr. Hansen noted that this is a single family and services are not applicable.

(v) the necessity to the facility of a waterfront location, where applicable;

Mr. Hansen noted that this not applicable but does not need to be next to a waterfront.

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

Mr. Hansen noted that this is an extreme option and moving the building and demolishing and rebuilt the structure has hardship. Trying to move an old structure could cause a lot of damage to the structure and you would lose the charm of the structure. You could rebuild it with a basement and still have the building a few feet out of the flood area. There is limited area in front that could be used by emergency services if the building was moved. Engineer Clerico stated that when you talk about the use, the utilities are in the basement. The house does not have to be moved. The use of the basement is not in compliance because it is below the elevation. The owner would have had an opportunity to put the utilities in the portion of the house he removed. Responding to Attorney Watts, Engineer Clerico stated that it is normal to try to build improvements in the location that does not need a NJDEP permit. The home does not have to be elevated.

(vii) the compatibility of the proposed use with existing and anticipated development;

Mr. Hansen stated that it is compatible with the single family properties around this single family home. He is not aware of any anticipated development.

(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

Mr. Hansen noted that the comprehensive plan is flood plain ordinance. A single family use is more suited to develop in a flood plain. Attorney Hirsch noted that the flood plain management plan is part of the master plan. That is what is being referred to.

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

Mr. Hansen stated that we talked about emergency access earlier and the property is most suited to stage emergency vehicles and personnel.

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

Mr. Hansen noted it is far from the banks of river where you typically see high velocity with wave action. The edge of the flood lane does not see that activity.

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Mr. Hanson stated that this item is not applicable. It is a private home and damage would be subject to repair by homeowner.

Having no other testimony from Engineer Hansen, Chairman Eckel asked Construction Official Ken Rogers to respond to the testimony given this evening.

~~i. gullie—agree that the criteria are contained in ordinance 707, darlene and her did not discuss. Criteria is in the ordinance. Not standard e variance. section 4.4-1 subs 4 list items~~

~~i—danger maerial may be swept onto land. Not a concern minimize by removal of additions structure and pools.~~

~~ii—Danger of life—not issue outter most limit of flood far way from floodway where you would expect large volumer.~~

~~iii—Suseptability—existing condition—suseptability has been lessend now that oil tanks will be removed. Making exisstin geondition and making better. Lessend. Bob—utilities in basement, new are they subject to damage if bsemetn floods. This is a substantial upgrade. Had practical difficulty installing above flood elevation, reconstruction in flood elevation. C—suspetability and its contenets. Would compnents be suseptable. Building denied permit. Infrastructure of utility have to be above. Hanson—not suggesting not susceptible. Preexisting conditon since utilities constructed. Damage is les slikey by prposed change to utilities. Eckel—what othe rutilities were in the basement. Hannis—old hotwater heater remnans of oil fire furnancem some lectrical in basement and some upstairs. All removed. Entire electrical system. Question on 3 how it is relevant in term of private home with utilities I paid for. If I suffer consequences to heat exchanger. Eckel—flood ordinance are based on the borough fema rating. These ordinance have to fema raing for town does not look on that. bob—this ordinance flod damage prevention ordinance. Chapter 23 standard ordinance that gets from fema. If you want a flood insurance program and want reisdents to have insurance. So~~

~~there is some control over development. If fact are that there is base flood elevation part of building this is consider substantial . all components with construction have to coply with ordinance. Will boil down to uutilites in the basement. Will defer to ken. It is in land use section of order. It is a federal regulation what borough has to do to maintain floodinsurance for the resident, varianees have to be kept. Borough could be audited. How mnay permism what variance. that is why we aer here. Brad—if purchase d as is. Replace hotwater m fix electrical, would they be required to move. Ken roger, construction offical for borough. Certified flood plain mangerm replace ment of equipment. A couple things would be considere cost of replacementm, number looked if ordinance required elevation then yes they would not flood plain. Ordinance does require in lambertville, flood comments. Floodway not identified on exhibit. Volume and speed would not be determine without knowing where floodway is. Know sewer plant is in the floodway in that area. Residential in commercial area. Would apply to all resiential and commecial , entire building must bee ordinance even if ony portin is in the buiding.~~

~~#4—important of services to community—single family home—service is to ownermnot applicable.~~

~~5 necessity to waterront—not applicable does not need to be next to waterfront~~

~~6 altertive location—extreme option—mvng it or demolition and rebuilt has hardship. Try to move with old construction a lot of damage to the structure —would lose charm of struture—could build with a basement still have building a few feet out of the flood area. Limited area in front that could be used b yemergency srvicees if moved.~~

~~Engineer Clerico stated that when you talk about the use, the utilities are in the basement. The house does not have to be moved. The use of the basement is not in compliance because if it is below the elevation. The owner would have had an opportunity to put the utilities in the portion of the house he removed. Responding to Attorney Watts, Engineer Clerico stated that its is normal to try to build improvement in the location that does not need a NJDEP permit. The home does not have to be elevated. Bob—talks about the use—utilies in basement. House does not have to be moved. Use of basement is not in c ompliance because it is below the elevation. Would have oportunity if he did not remove portion of house. Watts—use of house. Bob—house could not be built elevated. Normal to try to build in location with aout need for dep permit.~~

~~7 compatability with—single family properties around are single family.~~

~~Not aware of an antiepatad development~~

~~8 use relation to flood—comprehensvie plan is flood plane ordinance. Single family use if more suited to develop in flood plane. Gulie—flood plane managemetn plan as part of the master plan. If so, that is what is is referring too. Herb—~~

~~9 safety access—talke d about emergency access mos suited to stage emergency vehieles and personnle.~~

~~10 hieght—far from banks of river typically see high volocety with wave action, eduge s of flood lane do not see that activity.~~

~~11 cost of providing government of—no applicable private home—damage would be subject to repair by hoemowner.~~

Construction Official Ken Rogers stated that we are here because the zoning officer denied the flood development permit. This would likely be a permit by rule with the NJDEP. It would fall under the 14 day notice to the NJDEP prior to construction. There is no need to move the building to comply with the ordinance and lowest adjacent grade. Mr. Roger stated that a permit was issued in Mmay for interior demolition at a value of \$2,000.00, update with new sheathing at a cost of \$1,000.00, 100 amp electric service at a cost of \$500.00, and —a partial permit was released for frame of former bathroom. Many other items were not listed. Ent back to zonin gofficer. Why we are here. This would likely be a permit by rule with dep it would fall under 14 day notice to dep prior to constrution. Still permit by rule. No need to move vailing to copliy with ordinance. Lowest adjacetrn grade—permit issuedin may for ineterior demoliton value 2000.00 update foe new sheathing—not documented, cost of work 1000.00 100 amp electric 500. partial permit release for frame former bathrom,man y other items were not listed. Under state regulation if they continue work, they are under risk. They did not ask for a full permit. Nothing has been issued for issued for electric, plumbing, and HVACChvas. There Mr. Hannis notes that there is \$-42,000 of construction amounts Fso far in permits. They nNeed to comply with letter and flood plainne issues. Mr. Hannis also noted that there is fine printg on the permit jacket that says applicant is aware of any prior approvals needed. He is aware that the flood plain administrator is reasonasible to insurance compliance with the Borough Ordinance. The flood plain administrator did not know he was the flood plain administrator. Attorney Hirsch asked the applicant to address the issues and not make comments -on what the zoning officer said or did not say. Mr. Hannis noted that it is not his intention to debate the issues. He is relying on the town officials to place mehim in the right direction. —fine print on the permit jacket—applicant is aware of any prior approvals needed. Have some responsibility. Aware of ordinance that flood plane administrator resonsible to insure compliance in frenchtown. Was not my intention to debat this issue. Hannis—flood plane administrator did not know he was the adminstator. Place relyianceon town official to place me in right direction. LHe lost the opportunity to avoid a significant improvement. Attorney Hirsch commented that the testimony is not going well

because Mr. Hannis keeps interrupting. Mr. Hannis should provide us with the things we should hear about. Mr. Rogers can provide the Board with details and the Board can ask questions.

~~See to applicants are given right direction. Gulie— testimony is not following well because you interrupt. Make comments on what Mr. Damore what he said or didn't say. Did not know he was flood plane administrator. Thing we should hear from Mr. Rogers. Let board ask questions. Mr. Rogers stated that they do not approve plans, only the architect does. The building department reviews the plans for compliance with the construction codes. Flood plain issues in the State of New Jersey are to be disclosed when the property is sold. It is hard to believe that the property owner did not know there was a flood plain issue. Follow regular. Rogers— we do not approve plans, only person approves plan is architect— review for code compliance, flood plane issues in state of new jersey are to be disclosed when property was sold. Hard to believe he did not know there was a flood plane. Issue Whether he pursues penalties will be determined down the road. — penalties. Whether we pursue will be down the road. DenB! John DenBleyker asked if the owner has done hundreds of thousands of dollars of work without permits. Mr. Rogers responded that it was information provided to him in a phone conversation. The son told him they bought the property for a small amount and have done a lot more work than what was reported. eyker— they have done couple hundred thousand dollars worth of work without permits. That is information provided to me in a phone conversation. Son said bought property for small number. Done a lot more work than what they reported. Whether they reasonable penalty would not happen.~~

~~Dougherty— engineer testimony— section e planner letter item 2 a-k— j on edge of flood plane not an issue— similar response danger to life and property— do you concur with that. do not know where the floodway is to know if . it appears that 5 foot of water could go by south part of house.~~

~~Responding to John Dougherty as to the edge of the flood plain not being an issue, Mr. Hansen stated that it is the amount of water at the fringe. John Dougherty asked for an explanation of the flood way and if there is concurrence with the damage to life and property testimony. Ken Roger stated that it can be in for an extended distance of it could drop off in rapid places and it does happen on this property. The floodway section of the river is primarily the flow of water that goes with the most force. We do not have the contours of the property so it is unknown if this property is in the floodway. The floodway is part of the flood plain. The Borough's sewer plant is in the floodway and it is in the area that does come to the banks and above the bank of the river. He does not know where it is in relationship to this property. Responding to Mike Reino, Mr. Rogers noted that there may be back flooding which rises and drops and does not travel. Mike Reino stated that this is his experience in this area. 122.8 explain flood way. Amount of water at fringe— ken can be in for extended distance or could drop off in rapid place does happen on this property. floodway section of river primary flow of water goes with the most force. Less dynamics of water— unknown do not have contours. Is the floodway along center. It is part of flood plain. Dep sewer plant floodway in the area does come to bank or above bank of river. Do not know where in relation to this property. Reino— not visible from area a bike path. Rear most terminus of property at 126 forms barrier east of bike path. Roger may be back flooding, rises and drops and does not travel. Reino— his experience in that area.~~

Chairman Eckel stated that the Board stops taking testimony at 10:30 pm. The applicant is asked to supply the following information for the next meeting. ~~Eckel—10:30 stop taking testimony— eckel—applicant to supply to use. Try to request next meeting earlier—~~

~~1.any easement restriction in title as part of title report—~~

1. 2. any easement /restriction in title as part of title report

~~1.2.~~ _____ title report itself.

~~2.3.~~ _____ any disclosure of flood plain.

~~4.bob asked~~ spot elevation on southside of building – The surveyor could do that. confirming the different floors of the building. Elevations could be provided by putting the flood plain/floodway line on that map. ~~ne lway line~~

~~5.hanson—will talk to surveyor—~~

4. 5. The applicant should research the flood plain management element and provide that. 4It is reasonable to produce. .

Chairman Eckel noted that the applicant has requested an earlier meeting to continue the public hearing. The Board would need to notice and make sure the board professionals are available as well as the member. Attorney Hirsch stated that the applicant would need to notice if the meeting is prior to June 24th. In addition, the applicant has to provide the requested material 10 days before the meeting. There are substantial additional documents that need to be submitted.

Kandy Ferree, Borough resident, ask to speak. She asked about the process and whether the professionals that testify have the same standards and expectations providing the materials. Attorney Hirsch stated that it is in the Municipal Land Use Law that the applicant is obligated to provide the materials no later than 10 days. There is a similar requirement for Board consultants to get their reports out by the Friday before the meeting so that everyone has an opportunity to review the materials.

Chairman Eckel asked Construction Official, Ken Rogers, to weight in based on the information provided by other professionals. Applicant should research that. resonsible to produce that. ~~-criteria that was refered to flood plan management element.~~

~~7.eckel—send an email to this to see if ther eis an existing Wednesday. Need to make sure professionals could make. Would need to notice if before next meeting—june 24th public hearing —10 days before must submitt additional documents.~~

~~9.kandy ferree resident—about process. Whether professionals testify have same standard expetation n providing their materials. Gulie—municipal land use law. Edeals with applicantsobligation to provide not later than 10 days. Ther eis no similar requirement for board consultnts. Suppose to get rporet Friday before meeting so everyone. Asked ken rogers to weight in base on information from other professionals.A copy of his report will be provided to everyone.~~

Chairman Eckel announced that the public hearing is carried to the next Planning Board meeting on June 24, 2020 at 7:30 pm.

~~9.continued to next meeting on june 24th.~~

OLD BUSINESS

Review of Compliance for River Mills at Frenchtown

Attorney Hirsch noted that the applicant has made a lot of progress. She is not sure that the subdivision deeds are worked out. They know what the deadlines are. fShe is trying to get a letter providing the proofs for all 10 requirements and then the Board representatives will be able to sign off. The new deadline is June 24, 2020.

~~Review compliance of river mills at frenchtown — gulie — made a lot of progress — not sure subdivision deeds aer worked out — back an d forth. They know what the dealines are. Mving along — willhave to do same thing — give us a letter — 10 require, here is proof for all items then board representatives will be able to sign. — new deadline is june 24th.~~

NEW BUSINESS

.Master Plan Review Proposal

Chairman Eckel asked Planner Green to provide a brief explanation of the danger if we do not perform a master plan review in a timely manner. Planner Green noted that under the Municipal Land Use Law the Borough is up for its ten year review. If you do not complete this 10 year review, a developer could challenge your ordianance. The proposal was provided with the knowledge that the Borough has a tight budget. Mayor Myhre noted that the cost can be born in this year's budget or the auditor advised that we can do an emergency appropriate over five years. We will see what the budget looks like in November. We did not budget this expense in this year's budget.

Mayor Myhre also stated that it is important to have public engagement. There is a subcommmittee t. That can do some of the outreach. Planner Green stated that she can just work with the hearing and if we need to expand on that, it will cost more. Master plan review proposal — brief explain danger if we do not perform master plan review in timely — darlene under mlul up for 10 year review if you do not complete developer could challenge your ordinance — hear tape — brad — cost can be born in this years budget. Auditor advised we can do emergency appropriation over five yers. See what budget looks like in november. Did not budget will expense in next year.

~~Brad— important for public engagement— there is a subcommittee— darlene— will work with just hering if we expand will cost more— if board wants to do outreach— eckel could committee do that. we wil figure that out. brad— a lot of value. Responding to Maggie Cooke, Planner Green noted that the review looks at what did we do ten years ago, what were we going to do and did we do it. What do we want to do in the next 10 years. The MLUL defines what needs to be covered. John Dougherty noted that the public engagement is not in the scope of work. It is valuable to participate in publœic outreach. Planner Green noted that she can amend this proposal to add additional hours. Mayor Myhre noted that the we will have an idea of what we need after the subcommittee meets. Planner Green stated that a one page fact sheet can be produced. The last Master Plan was done in 1994 and amendments have been done since then. Demographics, changes and projects of the regional planning area and state changes that have impacted the master plan and development regulations will be reviewed and implemented. Electric vehicle charging stations is one such consideration. If it is done properly, it gives the governing body an outline of what to budget for. Jeanne Herb noted that the NRI and ERI have been done and should be incorporated. Mayor Myhre added that he would like input that promotes good health as well. Chairman Eckel noted that the hourly rate is in the schedule of the professional contract already if additional public outreach hours are needed. Maggie— attend public hearing hourly is— attending under hourly— what kind of publi what did we do 10 years ago what were we goin hto do and did we do it. What do we want to do. Mlul defines what needs to be covered.— Brad— important to have public important. Value in engagin gthem.— Dougherty— not in scope public participation.— Valuable to particpate in public outreach~~

~~Chairman Eckel noted that we will need a motion to approve the Master Plan review proposal.~~

~~On motion by Mayor Myhre, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved the Master Plan review proposal with Planner Darlene Green of Maser Consulting in the amount not to exceed \$8,000.00.~~

~~Frnblrkrt— darlene list number of meetings she has. And meeting cost. Did not do traditional meting cost— 900.00 will not spend 950.00 highly effienet. Has 2 meeting with subcommitee and 1 meeting in task 2 with planning board darlene— public outreach— can amend this proopsal or agree 8 hours under additional services. Single public meeting on weekend. Travel time is 15 minutes. Hesitate to do public outreach virtually.— Include with for x number of hours. Brad— willhave idea after subcommitee— about 3 hour meeting. maggie— did you do survey so subcommittee could— bradhad subcommittee for downtown. do know know best way forward— hear tape— subcommitee puts out what a master plan is what is a master plan review and help ful to discuss in a . planner— one page fact sheet. Last master plan 1994— with a lot of amendments. Extend to consider demographics, changes and do projections from reginal planning area , cover all the state changes that impact master plan and development regulatons. Electric vehicle charging stations. Full master plan 1994. a lot of town have looked at update land use element. Sectons of master plan that need major rehauling. Need to review. May be a recommendation. If done property give gb outline on what to budget~~

~~for. Herb—maximum—indicate major master plan change nri, eri would be in the list. If you want changes half look forward and backward. Then take action on that. eckel approve extra hours. Includes hourly raet for extra hours. Expetring public outreach. Hourly rate is in schudule with professional contract already. Herb—what is what about other commission or board partiepate. Eckel—subcommitee could reach out to other groups for input. Brad—do not have an active—county board of health—tremendous activity havign input in masterplaning. That promotes good health. Would like that input. Reino—appoint council as board of health. Green team point of oentact.~~

Economic Development Grant for the Borough to codify the Land Use Ordinances

Chairman Eckel noted that the Borough has received an economic development grant to codify the Land Use Ordinance. Mayor Myhre noted that the County Economic Department will provide 80 cents on the dollar to codify the zoning ordinance and to put it on the website. This will make it easier for residents and business owners. The grant is in the amount of \$9,800.00. The Borough will do a Chapter 159 to take the money into its budget this year.

~~Economeci development departmen cover 90 cens on dollar to codift zoning record and put on website. Make it easier for resident s and business owner. 9800.00~~

~~Do a chapter 139 to take money intothe budget.~~

APPROVAL OF VOUCHERS

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

VOUCHER LIST 5/27/20

Maser Consulting	Professional Services for General Representation through 4/12/20	\$ 145.00
Archer & Greiner	Professional Services for General Representation through 4/30/20	\$ 840.00

ESCROW ACCOUNT – BLOCK 3 LOT 1 & 2 AND BLOCK 10 LOT 1 – Country Classics - Site plan

Archer & Greiner	Professional Services for Country Classics through 4/30/20	\$ 140.00
Maser Consulting	Professional Services for Country Classics through 4/12/20	\$ 428.75

Maser Consulting Professional Services for Country Classics \$ 750.00
through 4/12/20

B.W. Bosenberg Professional Services for Country Classics \$543.75
Through 5/15/20

ESCROW ACCOUNT – BLOCK 3 LOT 1 - Country Classics Redevelopment

Albert Cruz Professional Services for Country Classics \$ 704.00
Through 3/31/20

Albert Cruz Professional Services for Country Classics \$1,359.47
Through 4/30/20

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

VanCleaf Engineering Assoc. Professional Services for River Mills \$1,526.00
Through 4/30/20

Maser Consulting Professional Services for River Mills \$ 518.75
through 4/12/20

Archer & Greiner Professional Services for River Mills \$ 800.00
through 4/30/20

On motion by [Brad Myhre](#)~~John DenBleyker~~, to seconded by [Gordon Dragt](#)~~Mayor Myhre~~ and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

Chairman Eckel reported that the Mayor and she had a conversation about temporary changes to the ordinance to help businesses in town to expand outdoor dining and seating to streamline outdoor merchandise displays for businesses. We have small shops and this will help set ups on the sidewalk.~~Eckel brad and her had conversation temporary changes to ordinance to help business in town to expand outdoor seating or streamline outdoor merchandise display for businesses. Have small shop and need to have 6 fet away helpful to seel on sidewalk Mayor Myhre noted that Raritan just adopted something for the specific purpose of restaaurants and outdoor dining in some fashion. The Borough could mimick that. The Borough has logistical issues. Take that bull by horn brad raritan just adopted for specific purpose restaurent come back o nline in some fashion with outside dining. Could mimick. Have logistical issues with sie. Anything we can do to help our. We want to do everything we can to help our restaurant and businesses. The Cares Act contained 8 weeks of support and now we have to find new way for businesses to make it. s. Cares act contained 8 weeks . have to find new ways to make it..~~
Chairman Eckel stated that we would like to do this quickly. Planner Green stated that she has

~~googled this and came up with an ordinance from Cranford, NJ. eckel—take a lot at ordinances and do quickly. Need solution sooner than later. Darlene—started googling—this came up in Cranford. She will see if that planner found anything, Chairman Eckel noted that the biggest concern is holding a Council meeting to get the ordinance adopted. We can make it time limited but must do it quickly.~~

~~Responding to Jeanne Herb, Chairman Eckel noted that most people will be supportive of small businesses and support them during the COVID crisis.~~

~~biggest concern, hold council meeting to get adopt it. Brad—will talk to administrator in raritan. Herb—caution—a lot of people with a lot of opinion. Reino—comment on holiday weekend 3 garbage can other 27 not full. Eckel—most people will be supportive of small businesses. And support them during covid crisis. Make it time limited and do it quickly. May have to renew 3 months at a time. process will be important.~~

~~Mayor Myhre reported that the Milford Road resurfacing will be in the next two weeks. Correspondence. Milford road resurfacing in next two weeks with~~

~~Mayor Myhre reported that there will be a public hearing on the PILOT ordinance and redevelopment plan for Country Classics at Frenchtown on June 3, 2020 at 7:30 pm by teleconference meeting. June 3rd public hearing on pilot ordinance and redevelopment plan. At 7:30 pm.~~

~~Planner Green reported that the Borough is under an obligation to submit a mid--point review of its settlement agreement. She is coordinating with the Administrative Agent. The report is due by July 1st. We will have to relook at the mechanism that involves Oasis. We will deal with that after the review. Chairman Eckel noted that the development at the Napoli's property will be considered.~~

~~Darlene—borough is under an obligation to submit mid point review. Coordinating with administrative agent. Due July 1st. will have to relook at mechanism. Involve oasis. Deal with after review. Eckel—development of napoli's. Jeanne Herb commented that the community rating for flood insurance should be considered. This is something that the Environmental Commission would bring to the board. something ee would bring to board for community rating.~~

ADJOURNMENT

Jeanne Herb moved adjournment at ~~11:15-8:33~~ pm and ~~John Dougherty William Sullivan~~ seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary