

Frenchtown Planning Board
Regular Meeting
April 22, 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.

OATH OF OFFICE – William Sullivan

Chairman Eckel noted that William Sullivan is present this evening and will need to take his Oath of Office. Clerk Shepherd administered the Oath of Office to William Sullivan. William Sullivan accepted his Oath of Office.

ROLL CALL

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

APPROVAL OF MINUTES

Regular Meeting – February 26, 2020

Mayor Myhre moved to accept the minutes of the February 26, 2020 regular meeting, Gordon Dragt seconded the motion. The minutes of the February 26, 2020 regular meeting were approved by favorable roll call vote with Jeanne Herb and William Sullivan abstaining.

PUBLIC COMMENTS

Chairman Eckel opened the floor for public comments. Hearing no comments, she closed the public comment session.

MEMORIALIZING RESOLUTION #2020-12 – 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

On motion by Brad Myhre, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved Memorializing Resolution #2020-12 as follows:

FRENCHTOWN BOROUGH PLANNING BOARD RESOLUTION NO. 2020-12
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 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, the Board held a hearing on February 26, 2020 to review the status of conformance with Resolution conditions and the requested extensions; and

WHEREAS, at the Board’s hearing on February 26, 2020, 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;

NOW, THEREFORE, BE IT RESOLVED BY THE Frenchtown Borough Planning Board, by Motion duly made and seconded on February 26, 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 February 26, 2020, that is, until April 27, 2020, provided that the Applicant conforms with all conditions set forth below.

CONDITIONS

1. 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 April 27, 2020;
2. 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 April 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 April 22, 2020;

3. 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;
4. 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;
5. Condition No. 3 of Board Resolution No. 2019-13 is hereby 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 April 27, 2020;
6. 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.
7. 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.
8. The Applicant shall provide proof that all taxes have been paid up-to-date prior to adoption of this Resolution;
9. 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 February 26, 2020, a Motion to grant a sixty (60) day extension, to April 27, 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, Reino, Cooke
Those opposed:		None
Recused		Tomko

The above memorializing Resolution was adopted on March 25, 2020 by the following Board Members eligible to vote:

MEMBER	YES	NO
Eckel		
DenBlyker		
Dougherty		
Dragt		
Myhre		
Reino		
Cooke		
Tomko		

Attest:
Brenda S. Shepherd, Board Secretary

RIVER MILLS AT FRENCHTOWN – REQUEST FOR ADDITIONAL EXTENSION

Attorney David Shafkowitz, speaking on behalf of his client River Mills at Frenchtown, noted that he is present to request an additional extension of time for compliance with the River Mills resolutions. Attorney Hirsch noted that there are still items open for compliance. There is a difference of opinion on some things.

Attorney Shafkowitz noted that they have made serious progress with their submittals and what is left is items with the Borough Attorney, getting subdivision deeds and the interaction with the 2 lots and ensuring that the affordable housing units get built. What is left is the subdivision deeds, plan and easements. The review letter he received dated 4/20/20 is what he needs to review for remaining compliance items. Installing monuments, etc. are the types of things left and what we are working out with the Borough Attorney.

Attorney Shafkowitz stated that they are asking for an additional 60 day extension to complete minor revisions and present it for the last time prior to recording. There have been some delays with everyone working from home. They have been trying to coordinate. Chairman Eckel noted that an additional time extension is not unreasonable in the current climate. Chairman Eckel asked for comments from the Board. John DenBleyker asked about the number of units they have closed on and the number of units they can close on before any affordable housing units are built. Attorney Shafkowitz responded that 6 units are occupied. They are at capacity unless they can get approval from Fair Share Housing to complete Building G before Building A is built. If that is not approved, Building A will be built. The Third Amendment to the Redeveloper's agreement was never presented to Fair Share Housing Center. Attorney Hirsch noted that they have built the maximum number of market units until there is an amendment to the redevelopers agreement approved by Fair Share Housing Center. The language in the subdivision deed provides that change in phasing of Building G. They will not have to come back to the Planning Board if they can provide approval by the Fair Share Housing Center of the Third Amendment to the Redeveloper's agreement.

Responding to John Dougherty as to Building A, Attorney Shafkowitz stated the they do not know the construction timeline. Unfortunately, market conditions will be hard to predict and what the market will bear. They may start designing Building A and come up with a construction plan. They are hoping that Fair Share Housing Center will at least allow 3 more market rate units to be built.

Having no other comments, Chairman Eckel stated that the applicant is looking for the Board to grant an additional 60 days extension to complete the subdivision of the property. Attorney Hirsch stated that the motion to approve an extension will include conditions such as; 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 60 days. 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 within the 60 days; the subdivision will be allowed to be perfected by way of lot subdivision deeds and subdivision plat, and the deadline for recording the deeds is extended to June 24, 2020; the Applicant is required to comply with the phasing requirements of Borough Ordinance; the Applicant shall provide proof that all taxes have been paid up-to-date prior to adoption of the Memorializing Resolution; and any outstanding escrow fees shall be paid in full and replenished within 30 days of written notice of deficiency.

On motion by John Dougherty, seconded by Mayor Myhre, and carried by unanimous favorable roll call vote, the Planning Board approved a 60 day extension with the deadline of 6/24/20 to comply with the conditions of Resolutions #2019-10, #2019-13 and #2020-12 subject to the conditions as described above.

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. They are addressing certain items, will be revising the plan and will have to re-notice prior to the public hearing continuing.

NEW BUSINESS

Authorize Chairman Eckel to approve to pay Planning Board bills when meetings are cancelled due to lack of business

Attorney Hirsch noted that the Board can delegate authority to a committee or the Chairman to review and authorize payment of bills. The Board can designate a time period such as 90 days or until the end of the current health pandemic, whatever comes first. Mayor Myhre recommended that an approval end when Executive Order #107 ends. William Sullivan requested that those bills list be posted at the next available Planning Board meeting. Chairman Eckel commented that if the only business before the Board is vouchers or if there is a quorum issue, this will allow her to review and approve bills. On motion by John Dougherty, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board granted authorization for the Chairman to review and approve payment of vouchers if a meeting is not held due to lack of business or lack of quorum until executive order 107 ends.

2019 Annual Report

Chairman Eckel noted that the 2019 Annual Report shows the action taken by the Board in 2019 and the variances granted. She did not include the variances for Country Classics because the resolution was approved in 2020. It will be in the 2020 report. The Board will need to approve the 2019 Annual Report and send it to the Borough Council. On motion by Gordon Dragt, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Planning Board approved the 2019 Annual Report and approved to send it to the Borough Council.

APPROVAL OF VOUCHERS

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

VOUCHER LIST 4/22/20

Maser Consulting	Professional Services for General Representation through 2/23/20	\$ 72.50
Archer & Greiner	Professional Services for General Representation through 2/29/20	\$ 800.00
VanCleeef Engineering Assoc.	Professional Services for General Representation through 2/29/20	\$ 360.00
Archer & Greiner	Professional Services for General Representation through 3/5/20	\$ 60.00

Maser Consulting	Professional Services for General Representation through 3/15/20	\$ 172.50
Archer & Greiner	Professional Services for General Representation through 3/31/20	\$ 603.00
NJ Planning Officials	2020 Dues	\$ 370.00

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

Archer & Greiner	Professional Services for Country Classics through 2/29/20	\$ 560.00
Maser Consulting	Professional Services for Country Classics through 2/23/20	\$ 108.75
Maser Consulting	Professional Services for Country Classics through 2/26/20	\$ 1,575.00
Maser Consulting	Professional Services for Country Classics through 3/15/20	\$1,002.50
Maser Consulting	Professional Services for Country Classics through 3/15/20	\$ 225.00

ESCROW ACCOUNT – BLOCK 3 LOT 1 - Country Classics Redevelopment

Albert Cruz	Professional Services for Country Classics Through 3/15/20	\$ 512.00
Phoenix Advisors	Professional Services for Country Classics	\$4,290.00

ESCROW ACCOUNT – BLOCK 55 LOT 14 – ArtYard – Attorney fees

Albert Cruz	Professional Services for ArtYard Through 1/31/20	\$160.00
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ESCROW ACCOUNT – BLOCK 17 Lot 5 & 6 – Oasis Realty – site plan

Maser Consulting	Professional Services for Oasis Realty Through 2/23/20	\$2,338.75
B.W. Bosenberg & Co.	Professional Services for Oasis Realty Through 2/29/20	\$906.25
Pickell Architecture LLC	Professional Services for Oasis Realty Through 2/16/20	\$225.00
Archer & Greiner	Professional Services for Oasis Realty through 2/29/20	\$940.00
Maser Consulting	Professional Services for Oasis Realty Through 3/15/20	\$ 580.00

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

VanCleaf Engineering Assoc.	Professional Services for River Mills Through 2/29/20	\$2,564.00
Maser Consulting	Professional Services for River Mills through 2/23/20	\$ 841.25
Archer & Greiner	Professional Services for River Mills through 2/29/20	\$2,980.00
Maser Consulting	Professional Services for River Mills through 2/23/20	\$ 36.25
Maser Consulting	Professional Services for River Mills through 3/15/20	\$ 217.50
Maser Consulting	Professional Services for River Mills through 3/15/20	\$ 253.75
Archer & Greiner	Professional Services for River Mills through 3/31/20	\$1,140.00

ESCROW ACCOUNT – BLOCK 15 LOT 11 – Darcy Lodge F&A Masonic #37

Archer & Greiner	Professional Services for Darcy Lodge through 1/31/20	\$800.00
Maser Consulting	Professional Services for Darcy Lodge through 2/23/20	\$ 398.75

ESCROW ACCOUNT – BLOCK LOT – Nelson Inspection fees

Maser Consulting	Professional Services for Nelson Through 2/16/20	\$335.00
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On motion by John DenBleyker, to seconded by 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

Mayor Myhre reported that there are currently 4 COVID-19 cases in Frenchtown, 456 confirmed cases in Hunterdon County and 22 deaths. Cases range in age from 2 to 100 and ages of those who passed range from 58 to 100. Statewide, cases are beginning to plateau. Social distancing standards will likely last into the summer. Governor Murphy will evaluate the school closings.

Mayor Myhre also reported that the Borough introduced the 2020 budget on April 15th. The rate is flat and the sewer rate is flat.

Mayor Myhre noted that the Borough has applied for a Library grant to upgrade lighting, electrical and work on the exterior of the building where we have water penetration.

Having no other announcements, Chairman Eckel thanked everyone for attending the teleconferencing meeting.

ADJOURNMENT

Jeanne Herb moved adjournment at 8:33 pm and William Sullivan seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary