

Frenchtown Planning Board  
Regular Meeting  
June 24, 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 – May 27, 2020**

Jeanne Herb moved to accept the minutes of the May 27, 2020 regular meeting. Gordon Dragt seconded the motion. The minutes of the May 27, 2020 regular meeting were approved by unanimous favorable roll call vote.

**PUBLIC COMMENTS**

Chairman Eckel opened the floor for public comments. Chairman Eckel noted that she turned off the chat function. If you wish to make a comment, raise your hand and she will call on you. Hearing no comments, Chairman Eckel closed the public comment session.

Jeanne Herb and Paul Tomko stepped down on this due to proximity.

Mr. Shafkowitz, Attorney representing River Mills at Frenchtown, noted that Rich Hoff has been working with the Attorney for River Mills and the Borough Attorney. We have been here on more than one occasion for an extension. The Board was kind enough to provide an additional 60 day extension. Our engineer has been working with Attorney Cruz on the subdivision deeds and we did get approval of the subdivision deeds and the affordable housing components. This took some time and Planner Green and Attorney Hirsch were helpful in the approval of the deeds. Attorney Cruz asked to explore the change of the construction phasing with Fair Share Housing Center. We are asking for additional time to include a proper schedule with the inter relationship with the lots. Attorney Hirsch noted that they continue to negotiate with the Fair Share Housing Center. She recommended that Rich Hoff explain to the Board the current situation. Chairman Eckel noted that a letter dated yesterday came to the Board.

Mr. Hoff stated that we had hoped that we would be done with the subdivision deeds by the deadline and lost track of the deadline. We were compiling the copies of the deeds with all attachments for execution but this will take some more time. Board Engineer Clerico signed off on the easements and Board Attorney Hirsch and Board Planner Green will sign off on the language in the Deeds and then the Board officials must sign off. We cannot perfect the subdivision if we exceed the extension. We will need a motion from the floor to finish the process. We are in the last minutes of reviewing the Deeds for minor changes. Attorney Hirsch noted that an extension request does not require public notice. The extension previously approved expires this evening. Mr. Hoff noted that we would have provided a letter explaining the situation. We will be compiling the signatures in the next few days. The COAH phasing schedule that was the issue has been resolved. We are asking for a 30 day extension.

Attorney Hirsch noted that the applicant is 99% there and the Board should give the applicant more time. This extension should be the last extension. The purpose of the extension is to allow the perfection and recording of the minor subdivision and not to get approval of the phasing schedule. All of that will come after the deeds are recorded. The Board was concerned that this property was being marketed before all the restrictions, etc. that goes with the subdivision had not been recorded. The deeds are in a form that those COAH units will be produced regardless who owns the property. Language was included in the Deeds that deal with this. The applicant does not need to come back to the Board if they get approval for the phasing from the Fair Share Housing Center. They just have to go to the construction office and the zoning official when approval is given. Attorney Hirsch stated that the Board professionals will need everything days before the deadline. We do not want it given to us at the last minute. That will be put in the resolution. The request is for a 30 day extension.

Responding to Maggie Cooke as to the affordable housing units, Planner Green noted that Attorney Hirsch and she reviewed all the deeds and they tie the lots together to insure that the new owner of the lot will know what the obligation is. It is clear with the number of units, number of bedrooms and income breakdown with a 30 year deed restrictions on the units. Anyone who does the title search will see all the parameters. It does mention that modified phasing could happen. The deeds are sufficient. When this goes to construction, the building department will understand how vital this is. The properties are titled together from a Certificate of Occupancy perspective.

Responding to Mayor Myhre, Planner Green stated that once the deeds are recorded, she can prepare a memo for the building department. Responding to John DenBleyker as to the market rate units, Mr. Shafkowitz stated that we can only close on 6 units at this time. Nothing further has been approved. There are three more units under construction but we cannot get any Certificate of Occupancies for them unless an adjustment to the phasing schedule is approved by Fair Share Housing Center. Attorney Hirsch stated that the Board cannot do anything about that and it would not be wise to contract those units without approval. Attorney Shafkowitz noted that there is a phasing proposal at a rate other than the COAH schedule. We will be requesting relief to allow additional market rate units on the front end and will accelerate the COAH units on the back end. Currently, 100% of the affordable housing units must have Certificates of Occupancy at 51% market rate.

Having no other remarks, Chairman Eckel noted that River Mills at Frenchtown is requesting an additional 30 day extension from today's date.

On motion by Gordon Dragt, second by John Dougherty, and carried by unanimous favorable

roll call vote, the Planning Board approved an additional 30 day extension for compliance with the terms of the subdivision resolution and amended site plan resolution for Block 34 Lot 1, Block 35 Lot 1, Block 36 Lot 1, Block 38 Lot 2 and Block 14, Lot 52 for River Mills at Frenchtown with conditions as set forth in the previous extension.

Jeanne Herb and Paul Tomko returned to the meeting.

**VARIANCE APPLICATION – BLOCK 59 LOT 6, 66 TRENTON AVENUE – DONALD HANNIS (CONTINUATION OF PUBLIC HEARING)**

Chairman Eckel noted that this is a continuation of the public hearing on the variance application.

Attorney Watts, representing the applicant, stated that there was a question of notice at the last meeting. There was confusion as to the NJDEP notice. NJDEP was to be noticed as well as the NJDOT. It has been determined that both entities were noticed and we have met the notice requirements. Attorney Hirsch concurred.

Attorney Watts noted that Architect Alexander Polaski will provide testimony this evening and asked that Architect Alexander Polaski be sworn in. Attorney Hirsch swore in Architect Polaski.

Attorney Watts asked Mr. Polaski to provide his credentials to the Board.

Architect Polaski noted that he is a licensed architect in NJ and PA and has an office in Clinton, NJ. He has been a registered architect since 1991 in NJ and in 2016 in PA. Over the past 25 years, he has done residential alterations, new construction and small commercial construction and renovations. He has testified before municipal agencies including Reading, Branchburg, etc., Chairman Eckel noted that the Board accepts Mr. Polaski as an expert in architectural matters.

Architect Polaski noted that he has prepared the architectural plans and spoke with Nicolas Hannis at the end of June. He found that when he examined the property, the property was in clean up mode. There was significant age wear. The house is 150 years old. The roof frame was sagging, there was plank flooring where you could see through the board and no subflooring. Every corner and floor joist is solid. There is 7 foot headroom in the basement, 8 foot on the first floor and 8 foot on the second floor and 5 foot on the third floor. To secure the house, ridge gutters were added as well as additional collar ties. The center girders were flush frame so timbers could be reset. The basement floor was the same. As to the exterior, a front porch and rear porch were added over concrete pads. Both to manage water off of the building. The porches helped the water to go to the gutters and around the building. The great room floor is 1.3 foot lower than the main floor and girder had been added.

In the basement, the old stone walls are 18 inches thick. In the rear there is an elevated concrete pad behind the existing 9 foot wall which helps to serve as a buffer for floods. There is a concrete poured bulkhead centered on that wall which serves to buffer the structure. There are 2 oil tanks, a hotwater heater, and plumbing below the floor joist. The plumbing line is tight to the floor joist. This will allow for an air handler heat exchange unit. The electric panel and the hotwater heater are being moved to the first floor which will make it easier to get to and safer in an emergency. The air handler will be suspended from the underside of the floor joist to service only the first floor. There will be a unit in the upper level to supply the second floor. Given the structure of timber frame, it would be hard to get a unit in the first floor. We would need soffits

and the window heights are to the ceiling line. The heat exchange would be 3 feet off of the basement floor.

The photo of the great room shows the first floor opening and the lowest level and the step up to the concrete platform and the timber rim of the old house. The rise is about 15 or 16 inches. There is insulation in the vaulted ceiling. Chairman Eckel showed the photo which was marked as Exhibit A-7 and called standing in the family room.

Mr. Polaski stated that the question is should the basement be filled with gravel. He would not recommend filling the basement with gravel as you will create an area that traps moisture. The first floor does not have a subfloor and there is no place to put a dehumidifier. Overtime, the moisture will impact the timber frame that is resting on the stone foundation. You would not be able to keep track of the framing if the basement was filled with gravel. The moisture could transfer to the first floor and repairs would have to be made from the first floor. How do you properly clean gravel if the basement floods and how do you monitor the structure? Filling the basement will provide more space for mold and similar contaminants to harbor.

Architect Polaski stated that the applicant will move the utilities that can be moved.

Attorney Watts asked Mr. Polaski to discuss the concrete bulkhead and the purpose it serves. Architect Polaski stated that he expected thick stone walls. There is a 4' by 6 ½ or 7 foot wall two feet thick against the foundation wall. He does not know why it is there but it is fairly sizable and supports that end of the wall. It is at the southern wall along the dotted line of the drawing submitted to the town.

Marked as Exhibit A-8 is the drawing of the house showing the flood elevation and marked as Exhibit A-9 is a drawing showing the floor elevations, both prepared by John Hansen. Mr. Hansen noted that the picture with the concrete slab notes in the diagram that the porch line goes down. This serves as a buffer to the basement. The slab abuts the walls on the west side. North is up on the drawing.

Gordon Dragt noted that the applicant is moving the electric panel, and hotwater heater to the first floor and removing the oil tanks and installing an air handler in the basement suspended from the underside of the first floor. He asked about the duct work for the heat exchange. Mr. Polaski stated that the duct work will be attached to the basement ceiling as tight to the ceiling as possible. Jeanne Herb asked why this approach was not proposed originally. Mr. Hansen stated that the hotwater heater was in the basement originally and it was decided that the hotwater heater could be adapted on the first floor. The air exchange is typically on the floor and we are proposing it off the floor. Chairman Eckel stated that previous testimony stated that the oil tanks would be decommissioned in place. She now here that they will be removed. The applicant confirmed that the tanks will be removed. At the time the plans were devised, the issue of the flood plain was not on the radar. Only after the discussion at last meeting, we looked at what can be done to satisfy the requirements. Moving the electric panel and hotwater heater to the first floor was then proposed. Because of the way the building is constructed, we have to use the basement for the duct work to each room on the first floor. The heat exchange will be off the basement floor as tight to the floor joist as possible to put it up as high as possible.

John DenBlyeker asked if leaving the heat exchange in the basement is what the application is about? Attorney Watts responded that part of the flood ordinance deals with utilities requiring that they be placed where possible out of the flood area. This is the one item where a variance

will be required. Chairman Eckel stated that Planner Green will outline the variances that will be needed.

Responding to John Dougherty as to Exhibit 9, Chairman Eckel stated that it is a blow up of the map. Mr. Hansen stated that it is not a boundary survey but a document prepared in response to the Board's request for topographic elevations on the walking path, etc. and it is to scale.

Attorney Watts recalled Mr. Hansen to testify and noted that he has been sworn in. Mr. Hansen stated that as a result of the May 27<sup>th</sup> planning board meeting, he provided certain elevations requested by the board. He had the survey crew take the elevations to demonstrate what the elevations along the southerly wall of the existing structure was and along the side where the gravel path (towpath) is on the west. He will go through the various sections of the ordinance and what is required and what relief is being sought. Attorney Watts stated that Mr. Hansen will go through the Board Planner's memo dated 5/20/20 starting on page 3 listing the variances.

Attorney Hirsch noted that we have duplicate versions of the flood ordinance in the zoning ordinance and in Chapter 23 of the Borough Codes. The requests should be waivers or exceptions to the items set forth in the flood ordinance. It is a variance and the standards for granting variances are expressed in Chapter 23 of the Borough Codes. We found that the items in these documents are almost identical.

Planner Green noted that variances are required for Sections 410B for development in a flood hazard area, Section 410C variance for a development permit and Section 410D, variance for flood elevation. She did identify one pre-existing non-conforming use of Section 203 wherein the ordinance required a lot width of 100 feet in the R2 zone and the existing property is 72 feet in width. This will be added to the resolution.

Engineer/Planner Hansen stated that we do not comply with 2 sections. The second variance for Section 410C requires a development permit prior to construction. The applicant did not obtain that. The development permit work began in 2019. As to Section 410D, 2a., a flood elevation is required. For substantial improvements, it must be 1 foot above base flood elevation. The lowest floor to be elevated to 123.8 feet. The bottom floor is 117 feet, 6 feet below the base flood elevation.

Mr. Hannis noted that permits were not obtained and he covered that in the previous meeting. There was fault on all sides. Work was performed when he received a notice to stop immediately and apply for permits. He is seeking relief from that. Permits will be in place before any more work is involved. The main issue is the location of the building in a flood zone in the base flood elevation. It is a pre-existing condition but because of the substantial improvements, the ordinance comes into play.

Engineer Hansen noted that we went through the items at the last meeting but he will go through them again. They are found in the flood ordinance section 4.4-1 subsection 4. 4. There are 11 items that he will address. Some items do not apply.

(a) the danger that materials may be swept onto other lands to the injury of others; This was minimized by the removal of the additional structures and pool.

(b) the danger to life and property due to flooding or erosion damage; This is a pre-existing elevation and we have worked to make changes that is effective and less dangerous to life.

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; The applicant is removing utilities from the basement and bring them to the first floor with exception of the heat exchange. It is the only element subject to flooding and the applicant is aware of the implementations.

(d) the importance of the services provided by the proposed facility to the community; This is not applicable. It is a single family residents and is not providing services.

(e) the necessity to the facility of a waterfront location, where applicable; This not applicable but does not need to be next to a waterfront.

(f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; This is an existing use and structure and there is not a location available to pick up the building and move it. This has been previously addressed.

(g) the compatibility of the proposed use with existing and anticipated development; It is compatible with the single family properties around this single family home and compatible with the neighborhood over 150 years. It is made as flood proof as possible.

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area; It is an existing use and suited to development in the flood plain. It is compatible with the neighborhood for over 150 years. It will be made as flood proof as possible.

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles; Emergency access was discussed previously. The improvements will not negatively effect access. Access will be the same as it is currently.

(j) 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; According to the base flood elevation, there is a 1% chance of this happening. It does not believe there is a concern as the edge of the flood lane does not see that activity. There is no negative effect.

(k) 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. This item is not applicable.

Attorney Watts asked Mr. Hansen to discuss Item 5 of the flood prevention ordinance #707 in reference to provisions of flood hazard reduction, anchoring, construction materials and methods, utilities, manufactured homes, floodways, etc. .

Mr. Hansen stated that as to 5.1-1, Anchoring, this is not new construction and manufactured homes is not applicable.

As to construction materials and methods, item 5.1-2, there is no new construction.

As to 5.1-3, utilities, under item 4, he is requesting relief for the heat exchange. It is not resistant to flood damage but we are minimizing any flood damage. This is being done by the developer moving the utilities to the first floor with the exception of the heat exchange. The owner will comply with what he can. Items 1 and 2, as to the public utilities, the property is serviced by public water and sewer. The pipes are water tight and not susceptible to infiltration. As to item 3, on site waste disposal systems, this is not applicable.

As to item 5.1-4, subdivisions, this item is not applicable. As to item 5.1-5, enclosure openings, this is not applicable because we are not using the lowest floor to park. Responding to the Planning Board as to any opening below the base flood elevation, Mr. Hansen asked Mr. Hannis to respond. Mr. Hannis noted that there are two basement windows on the southern wall. He cannot say with certainty that the bottom of the windows would not be below the flood base elevation. He offered one concession that the windows are in need of repair and he can replace them with something that assure flood water from getting in or he could remove them and block the wall. John Dougherty noted that if there is a potential to block the windows, there was discussion about ventilation of the basement. How would that effect the structure. Mr. Polaski responded that where you replace it for air flow, etc., there is no significant value either way. What is more important it the volume of humidity and dehumidifying it and monitoring the structure.

Under Section 5.2, Specific standards, Item 5.2-1(a) lowest floor, including basement together with the attendant utilities and sanitary utilities, elevated to or above base flood elevation. We are requiring relief as we cannot raise the floor. We have done everything that we can that is feasible to bring the utilities above the base flood elevation.

Item 5.2a2 refers to having the lowest floor above the highest adjacent grade. This will require relief. There is no change to the grade, building or elevation around the building.

As to Item 5.3, the property is not in a floodway. The floodway ends with the gravel pathway west of the structure. This item is not applicable.

Attorney Watts stated that this is the bases for granting the variances. The variance can be issued without creating an increase of flood levels. Based on previous impervious coverage that was removed from the site, there is a minor reduction and increase in the flood volume. It is the minimum necessary to permit reconstruction. He believes, we have shown good and sufficient cause for granting of the variance. If the variance is not granted, he believes it would create a hardship on the applicant. It is an existing 150 year old structure that stood the test of time.

Attorney Watts asked Mr. Hannis if he wishes to make any statements.

Mr. Hannis made the following statement. From the time he showed the home to his wife, she wanted to make it their home. He has reduced the environmental impact on the property by reducing the impervious coverage to make it a beautiful home as well as removing the oil tanks, moving the other items and being able to inspect the integrity of the home. Building Inspector Ken Roger noted that flood vents could be installed where there are windows which could allow water to enter and then exit without causing structural damage. Mr. Hansen stated that there would be water left in the basement and the material would have to be removed and the residual soils removed.

Chairman Eckel noted that the applicant noted that the windows would have to go on every foundation wall. Mr. Polaski stated that there are windows on the southside and 2 on the north side. There are no windows on the west side due to the bulkheads. And, there are no windows along the front due to the same situation. He does not see where they could be fit in. Will they always be open? Ken Rogers stated that they have engineered flood vents that are insulated and allows air movement and operates without human involvement during a flood event.

Mr. Polaski responded that the availability of walls is not there. Two walls are reinforced. The westerly side is buffered by a concrete slab and the east side is buffered with a bulkhead. The intersecting stone walls provide reinforcement. They have been there for a long time and will last. Mr. Hannis noted that the windows in the basement could be replaced and offered to install well insulated windows.

John Dougherty asked the applicant to go back to the Planner's letter to page 6, item (j)2, rate of rise. He asked if the applicant does not think this is a problem at the property. Engineer Hansen stated that this is descriptive of what happens in the flood way. Where there is higher velocity, there is more waves and sediment transport. The area we are talking about is much lower in velocity and we do not expect wave action, sediment deposit or erosion. We are in the 1% flood hazard area. The towpath or rail trail is where they are referring to. The floodway is west of the Delaware Canal State Park trail. John Dougherty commented that you refer to proposed use versus existing use and noted that items are not applicable. Is that a reasonable way to approach it or does this make it a proposed use? Planner Green commented that we do not know what the intent was. From a planner's perspective, it is existing versus proposed. They are call it an existing use. They have to provide proof of justification of a variance or waivers. Attorney Hirsch noted that as to exceptional hardship, you look at the alternative if it is not already constructed. This is not the case here. The only thing to focus on is does the improvement meet criteria in the ordinance. It is an existing use in that context.

Chairman Eckel stated that there is a memo from Planner Green wherein she noted both the positive and negative criteria. This is not relief from flood prevention. The ordinance outlines the proofs that need to be made. They did that in items a through k. Engineer Clerico commented that we have not heard if the air handler will be hung and if they bottom of the unit will be 3 feet above the basement floor. The basement floor is at 117.75 feet and the base flood elevation is 122.85. Is the unit subject to flooding? Mr. Hansen noted that the air handler is 2 feet below base flood elevation and is subject to 2 feet of flood water. It would have to be elevated and this was talked about as an item of relief. Chairman Eckel noted the relief they are seeking will be outlined as well as any conditions as part of an approval. She asked Attorney Hirsch to provide that information.

Attorney Hirsch noted that we know what the relief is. She will go through the conditions and asked for any other suggestions as she has 10 pages of notes to review. These are the conditions listed:

1. Oil tanks will be pulled out and removed.
2. The hotwater heater and electric panel will be removed from the basement and placed on the first floor and implemented as proposed in Mr. Polaski's letter.
3. The air handler would be elevated and would be a variance along with the associated duct work.
4. As to filling the basement, the applicant's position is that it should not be filled with gravel, compactable or flowable fill. The question is, does the Board want that done. Engineer Clerico stated that it would be filled to the outside grade and if the basement

was filled it would be impossible to access the HVAC unit, plumbing and to inspection structural supports. Mr. Polaski added that there are large timbers that would have to be replaced as you cannot bury wood. The fill level would be close to the bottom of the mechanical equipment. He does not know how they would do that. Attorney Hirsch stated that the basement should not be filled for all the reasons expressed. The Board agreed.

5. The applicant offered to replace the windows with better installation value. Flood vents are not feasible as they could not be put on all flood walls.
6. The other standard conditions will be listed as conditions such as keeping taxes up to date, paying the escrow account, etc.

Chairman Eckel stated that she wanted to summarize the relief being sought and conditions of an approval to help make it clear for the public. She opened the public hearing on the application for public comments and questions.

Kandy Ferree noted that she will be making 2 comments under 3 separate hats, as a Council member and elected official and resident of Fourth Street and rental homeowner and managing director of ArtYard. Ms. Ferree noted as a council member that it is remarkable that it took a third meeting and as a council member having a robust residential and commercial tax base to support infrastructure for Frenchtown and from everything she has heard and read six years prior to this application, the Borough has been hoping to attract folks to rehab and contribute to tax base and sewer. She would approve this and believes it is important to approve this application.

As a resident and taxpayer, Ms. Ferree stated that it is remarkable to watch three meetings asking detailed questions that as a property owner I would be shocked and would never know no matter how much research I did, and that to have had a flood plain administrator, she would expect a flood plain administrator to advise the Board. She is frustrated with that. She hopes to find Mr. Hannis will join my family in supporting Frenchtown. She hopes as a Planning Board with applications such as River Mills and Country Classics that we will have more residents in town.

As managing director of ArtYard and speaking on behalf of Jill McDonnell, who manages as close to a large nonprofit in Frenchtown, the biggest economic boost to town, we had to elevate the building. She pleads to the planning board, the planner, and the board engineer what the difference is of an existing and substantial improvement trigger and the difference to having a family go through the rigger of this application. Folks would not undertake these same questions. There is no change to the existing foot print or impervious coverage. We need qualification. For a residential property owner to spend that much money is an overreach. No one testified to the floodway. Someone asked what the floodway is and no one testified to that. In the ArtYard project, we had to have NJDEP testify to what we needed. The Borough has to take responsibility to understand where the floodway is. As an organization making significant investment in this town and existed to be part of the town and invest in Frenchtown, the Borough will take serious to delineate that so we do not put applicants and professionals go through something that our professionals could testify to. Ms. Ferree thanked the Chairman and the Board and stated that she is excited that Mr. Hannis is choosing to live in Frenchtown. She hopes the next application is more efficient.

Jessica Humphrey, life long resident of Frenchtown, noted that she passes by the rail trail and has watched the property go from dilapidated and falling down to a beauty. Mr. Hannis has shared some of his challenges and still is very positive. She attended the last Planning Board meeting

and from what she has heard from the last time and this time and what the applicant has gone through, he has made every effort once he knew what was required to comply. We want to bring more people to town and she supports everything Kandy Ferree said. The variance as requested should be approved. The Board needs to streamline and there should be better articulation of how an application is conducted.

Lynn Hutchinson, resident of Frenchtown and Jessica's businesses partner, met Mr. Hannis when she was walking down the path. Three years ago, she looked at the house as a fixer upper to acquire. She watched this resurrection to a beautiful home. What Mr. Hannis has done is positive. She is surprised with the difficulty he is having. It is important for people to know what the process is if you buy in the flood plain. There should be guidance for the public. She feels that this opportunity should be put through swiftly during this COVID situation. She loves this town and want residents to know what this town is like. Get this man in his home to enjoy Frenchtown.

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

Chairman Eckel as the Board to make a motion on the application. On motion by Gordon Dragt, seconded by Mike Reino and carried by unanimous favorable roll call vote, the Planning Board approved the Variance Application for Block 59 lot 6, 66 Trenton Avenue, granting the variance discussed in testimony and listed in Planner Darlene Green's memo, dated 5/20/20, and subject to the conditions discussed in the public hearing.

#### **NEW BUSINESS**

##### **Review of Ordinance #852 – determination that ordinance is not inconsistent with the Master Plan**

Mayor Myhre noted that the Council introduced the ordinance. It is a time limited ordinance but will allow outdoor dining and outdoor displays for the downtown businesses. Chairman Eckel stated that the Board must make a determination as to whether the ordinance is not inconsistent with the Master Plan. Economic Development and expansion of business activity especially with COVID is consistent with the Borough's Master Plan.

On motion by Randi Eckel, seconded by Jeanne Herb and carried by unanimous favorable roll call vote, the Planning Board determined that Ordinance #852 was not inconsistent with the Master Plan.

Secretary Shepherd will provide a letter to the Borough Council indicating same.

#### **APPROVAL OF VOUCHERS**

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

##### **VOUCHER LIST 6/24/20**

|                  |  |            |
|------------------|--|------------|
| Maser Consulting | Professional Services for General Representation through 4/12/20 | \$1,083.75 |
| Archer & Greiner | Professional Services for General Representation through 5/31/20 | \$ 260.00  |

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

|                  |   |           |
|------------------|---|-----------|
| Archer & Greiner | Professional Services for Country Classics<br>through 5/31/20 | \$ 220.00 |
| Maser Consulting | Professional Services for Country Classics<br>through 5/17/20 | \$ 847.50 |
| Maser Consulting | Professional Services for Country Classics<br>through 6/14/20 | \$ 72.50  |

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

|                  |  |          |
|------------------|--|----------|
| Archer & Greiner | Professional Services for River Mills<br>through 5/31/20 | \$ 40.00 |
|------------------|--|----------|

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

|             |   |          |
|-------------|---|----------|
| Albert Cruz | Professional Services for ArtYard<br>Through 4/30/20    | \$32.00  |
| Albert Cruz | Professional Services for ArtYard<br>Through 10/30/2019 | \$400.00 |

**ESCROW ACCOUNT – BLOCK 17 Lot 5 & 6 – Oasis Realty – site plan**

|                  |   |         |
|------------------|---|---------|
| Archer & Greiner | Professional Services for Oasis Realty<br>Through 4/30/2020 | \$40,00 |
| Archer & Greiner | Professional Services for Oasis Realty<br>Through 5/31/20   | \$20.00 |

**ESCROW ACCOUNT – BLOCK 59 LOT 6 – Hannis – Variance Application**

|                  |   |            |
|------------------|---|------------|
| Archer & Greiner | Professional Services for Hannis<br>Through 5/31/2020 | \$1,500.00 |
| Maser Consulting | Professional Services for Hannis<br>Through 5/17/2020 | \$672.50   |
| Maser Consulting | Professional Services for Hannis<br>Through 6/14/2020 | \$725.00   |

On motion by Jeanne Herb, 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**

Chairman Eckel reported that there has been fairly disastrous planning board and governing body meetings due to zoom booming. She has disabled the chat for the zoom meetings. She thanked Maggie Cook for assisting in sharing documents for the meeting. She is proposing moving

forward if we to have an application with a large audience to ask someone to volunteer to be a bouncer. It is hard to host a meeting and manage at the same time. She is setting up the meeting so we have a waiting room. NJPO has put out an article on managing meetings.

Mayor Myhre noted that the Milford Road construction project will start on June 29<sup>th</sup>. They will resurface the roadway, install new sidewalks behind the school and install new handicap ramps at the intersections.

Mayor Myhre also reported that on July 2<sup>nd</sup>, in door dining was allowed at 25% capacity.

Mayor Myhre noted that there will be a conference call on June 29<sup>th</sup> on the Harrison Street project. The Borough is working through federal requirements and how to proceed. The Borough may have to bifurcate the paving.

Paul Tomko noted that the Bridge Commission will be shutting down the bridge on July 6<sup>th</sup> to repave in the middle of the night. They also replaced the sidewalks with ADA compliance last week.

Jeanne Herb left the meeting at 10:15 pm.

Chairman Eckel noted that she signed the contract with Planner Green for the reexamination of the Master Plan. Planner Green stated that she kicked that off today. Maggie Cooke offered to be on the committee to assist in putting together background information.

#### **ADJOURNMENT**

Brad Myhre moved adjournment at 10:19 pm and John Dougherty seconded. The motion passed on favorable voice vote.

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Brenda S. Shepherd  
Planning Board Secretary