

Frenchtown Planning Board
Regular Meeting
November 10, 2021
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:
Dougherty	Cooke
Dragt	Herb
DenBleyker	
Eckel	
Ferree	
Myhre	
Reino	
Tomko	

APPROVAL OF MINUTES

Regular Meeting – October 27, 2021

Gordon Dragt moved to accept the minutes of the October 27, 2021 Regular meeting and Kandy Ferree seconded the motion. The minutes of the October 27, 2021 Regular meeting were approved by favorable roll call vote with Gordon Dragt and Mike Reino abstaining.

PUBLIC COMMENTS

Chairman Randi Eckel announced that before we start the public comment section, comments are welcomed on matters not listed on the agenda. Comments related to agenda items should be held until that specific item comes up on the agenda. Chairman Eckel opened the floor for public comments. Chairman Eckel stated that if you wish to make a comment, raise your hand and she will call on you. Having no comments, Chairman Eckel closed the public comment session.

MEMORIALIZING RESOLUTION #2021-14 – Site Plan Application – Block 56 Lot 3, 48 Bridge Street - 48 Bridge Street, LLC

Chairman Eckel asked for comments on the Resolution. Hearing none, she called for a motion. On motion by John DenBlyker, seconded by mayor Myhre and carried by unanimous favorable roll call vote, the Planning Board approved Memorializing Resolution #2021-14 as follows:

FRENCHTOWN BOROUGH PLANNING BOARD RESOLUTION NO. 2021-14
48 BRIDGE STREET, LLC
BLOCK 56, LOT 3
48 BRIDGE STREET, FRENCHTOWN BOROUGH

WHEREAS, 48 Bridge Street, LLC (the “Applicant”) made application for preliminary and final site plan approval with variances to reconstruct a mixed use building, destroyed by fire in 2018, said mixed use to include a restaurant on the ground floor and a residential apartment on

the second floor, on property known as Block 56, Lot 3 located at 48 Bridge Street, Frenchtown Borough (the “Subject Property”); and

WHEREAS, the Applicant is the owner of the Subject Property; and

WHEREAS, the application was determined to be complete with certain temporary waivers granted by the Planning Board at the Board’s regular meeting of September 22, 2021; and

WHEREAS, after public notice was provided by the Applicant pursuant to the requirements of law, the public hearing was commenced and completed at the October 27, 2021 Planning Board meeting; and

WHEREAS, the plans and documents submitted by the Applicant in support of this application included all of the documents listed in the October 20, 2021 review letter of the Board Planner, and are on file with the Board and are part of the record in this matter; and

WHEREAS, the Planning Board received and reviewed the following reports from its professional consultants, all of which are part of the record in this matter and are attached hereto as exhibits:

1. September 15, 2021 letter from Board Engineer, Robert J. Clerico, P.E., as updated October 25, 2021 (Exhibit “A”); and
2. September 16, 2021 review letter from Board Planner, Darlene A. Green, P.P., AICP (Exhibit “B”); ;and
3. October 20, 2021 review letter from Board Planner, Darlene A. Green, P.P., AICP (Exhibit “C”).

WHEREAS, the following individuals testified during the hearing for the Applicant, which testimony is part of the record in this matter:

1. Dorsey Reading, General Contractor for the proposed development;
2. Michael J. Margulies, RA, AIA, architect for the Applicant.

WHEREAS, Board Planner, Darlene A. Green, and Board Engineer, Robert J. Clerico, testified under oath during the hearings and such testimony is considered part of the record in this matter;

WHEREAS, no exhibits were marked into evidence by the Board during the hearing, although the plans and documents submitted as part of the application were referred to in testimony; and

WHEREAS, no members of the public appeared to ask questions or provide comments on the application; and

WHEREAS, the Board after considering the application, documents, testimony and exhibits referenced above and giving appropriate weight to each, makes the following factual findings:

FACTUAL FINDINGS AND CONCLUSIONS

The Property, Zoning, and Existing Nonconformities. The Subject Property comprises a corner lot located at the intersection of Bridge Street/Race Street (N.J. Route 12) and Trenton Avenue (New Jersey Route 29). The Subject Property is located in the R-4A zone and also within the Frenchtown Village Center. In 2018, the previous historic building on the property which was utilized as a restaurant, with one apartment unit on the second floor, was destroyed by fire. The Applicant proposes to rebuild the restaurant and apartment unit essentially on the existing foundation.

The Subject Property contains a number of legal non-conforming conditions including: a minimum lot area of 4,292 square feet (gross area), whereas the Village Center plan requires a minimum lot size of 15,000 square feet; a lot width of 24 feet at the rear lot line, and approximately 35 feet at the street line, whereas the Village Center Plan requires a minimum lot width of 80 feet; the minimum lot depth is approximately 120 feet, where the Village Center Plan requires a minimum lot depth of 150 feet; and the previous and proposed building have a front yard from Trenton Avenue of zero feet, whereas the Village Center Plan requires a minimum front yard of one foot from the street line.

Variations Requested by the Applicant.

A d(4) variance from the maximum floor area ratio (FAR), where the Village Center Plan permits a FAR up to 1.0 for lots of 5,000 square feet or less, and the Subject Property, having a net lot area of 2,693 square feet, with the proposed building being 2,784 square feet, equates to a proposal for a 1.03 FAR.

A c(1) or c(2) variance from the minimum 20-foot rear yard setback contained in the Village Center Plan, where the Applicant proposes a 4.5 foot rear yard setback, and the building destroyed by fire was located on the rear property line.

Board's Findings of Fact and Conclusions Regarding Requested Variations.

As a general matter relative to both requested variations, the Board notes the important public benefit associated with replacing a gravel lot in the center of the Borough's commercial district with a new building of appropriate size and height designed to reflect the historic architectural character of the prior building on the site as shown in photos from the 1900's, and consistent with the surrounding uses.

Based upon the testimony from Mr. Margulies, the Applicant's Architect, and from Dorsey Reading, the Applicant's Project Manager, the Board finds that sufficient reasons exist to grant the requested d(4) variance to allow a FAR of 1.03, where the permitted FAR is 1.0. First of all, the Board finds that the requested exceedance of the 1.03 FAR is a de minimis one, since the 1.03 FAR results in approximately 91 square feet above the permitted floor area ratio. The Board notes that the building previously located on the site was 800 square feet larger than the proposed building and that the new building will be constructed primarily within the same footprint of the prior destroyed building, although the length of the building would be reduced. The Board notes that under the Coventry Square case, the Applicant does not need to show special reasons for a FAR variance, but rather, that the site is particularly suited for the more intensive development proposed.

The Board is satisfied that the site will accommodate the slightly larger floor area than permitted in the Village Center Plan, considering the visual compatibility of the proposed

building with the surrounding mixed use buildings and the residential dwelling located to the south. The Board notes that no substantial detrimental impacts to surrounding properties and no substantial impairment of the intent and purpose of the zone plan and the zoning ordinance have been identified during the hearing, thus meeting the negative criteria for the grant of the requested FAR variance.

The Board finds with the requested variance to allow a 4.5 foot rear yard setback, where the rear yard setback required by the Village Center Plan is 20 feet, is justified given the Applicant's intent to construct the building primarily on the existing foundation and that the proposed 4.5 foot rear yard setback will provide sufficient room for garbage storage, HVAC and other utilities on the Subject Property. The Board also finds that the reduced rear yard setback is further justified due to the existing undersized lot, the dimensions of which would make compliance with the 20-foot rear yard setback infeasible for the development of uses that are permitted under the Frenchtown Village Center Plan.

The Board further find that the proposed restaurant and apartment dwelling on the second floor, given the design shown in the plans prepared by Michael J. Margulies, RA, AIA, dated October 12, 2021 and consisting of three sheets, will result in no substantial detriment to the public good, that is, the surrounding neighborhood, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, thus meeting the negative criteria for the grant of the requested rear yard setback variances.

Conclusions. Based upon the testimony and documents in the record, the Board hereby finds that the application for preliminary and final site plan approval, with the variances as noted herein to allow the construction of a first floor restaurant and second floor residential dwelling and related improvements on the Subject Property may be granted, provided that there is strict conformance with all of the conditions set forth herein below.

NOW, THEREFORE, BE IT RESOLVED BY THE Frenchtown Borough Planning Board, by motion duly made and seconded on October 27, 2021, that the Application for preliminary and final site plan with variances is hereby approved subject to compliance with the conditions listed below.

CONDITIONS

The proposed restaurant and dwelling shall be constructed in conformance with the plans entitled "48 Bridge Street" prepared by Michael J. Margulies, RA, AIA of Eclectic Architecture, LLC dated October 12, 2021 and consisting of three sheets.

The apartment component of the development is exempt from the residential development fee contained in the Frenchtown Borough development fee ordinance pursuant to Section 4.B4 due to destruction of the prior dwelling by fire. The Frenchtown Village Center fee cannot be applied due to the lack of current COAH rules. The restaurant use is subject to the State Non-Residential Development Fee, per N.J.S.A. 40:55D-8.4, which statutory fee applies in place of the fee contained in the Frenchtown Borough ordinance. The provision of the State Non-Residential Development Fee contained in N.J.S.A. 40:55D-8.6c applies due to the previous development of the site, and the formula for assessment of the fee contained in that section of the statute shall be applied by the Borough Tax Assessor. The Applicant shall provide a copy of this Resolution to the Borough Tax Assessor for future reference.

Any damage to adjacent sidewalks and municipal improvements which occurs during construction shall be repaired at the time of the grant of the certificate of occupancy, to the satisfaction of the Board Engineer, Robert Clerico. The plan shall be revised to show that the Subject Property has a lot width of 41 feet and a lot depth of 120 feet and that the front lot line for the property is at Trenton Avenue.

The improvements to be located between the building and the sidewalk along Bridge Street and the sidewalk along Trenton Avenue, as constructed, are subject to the approval of the Board Engineer, Robert Clerico.

The lighting plan package submitted by the Applicant shall be subject to the review and approval of Board Engineer, Robert Clerico, in order to assure that the lighting is adequate for pedestrians to access the building and along the sidewalk area, and not cause any spillage on adjacent properties. Additionally, the Applicant shall show the location of the proposed gooseneck lights on the subject plan or by way of note on the plan.

The Applicant shall be permitted to have 48 seats within the restaurant area of the building.

Outdoor mechanical equipment shall be wall-mounted on the south elevation of the building along the alleyway, and subject to review and approval of Board Engineer, Robert Clerico.

Any signage required by the Applicant shall be subject to review and approval of the Zoning Officer.

The checklist temporary waivers noted in Exhibit A, the October 25, 2021 updated review letter of Board Engineer, Robert Clerico, shall be satisfied by revisions to the plans or other documents, subject to the approval of Board Engineer, Robert Clerico. These temporary waivers include waivers from checklist items I (water and sewer will-serve letters), J (will-serve and review from Frenchtown Vol. Fire Dept.), K (will-serves from Elizabethtown Gas, JCP&L), L (deed restrictions and deed), N (m&b of proposed easement dedications), P3 (Hunterdon County Dept. of Health), 16 (easement calculations in sq. feet), 19-24 (plan drawings as required by 19-24), 32 (plan showing location/purpose of easements), 42 (land reserved/dedicated for public use) and 46 (4 s/s plan sets and digital copy of as-built plans for roads, utilities and stormwater facilities).

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

Any and all outstanding escrow fees shall be paid in full and the escrow account replenished within thirty days of the adoption of this Resolution of Memorialization, within thirty days of any written notice of deficiency of the escrow account, prior to the signing of the plans, prior to the issuance of any zoning or 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 October 27, 2021, a motion to approve the preliminary and final site plan and to grant the requested variances received the following vote:

Vote:		
Those in favor:		Eckel, Cooke, Herb, Tomko, Ferree, Myhre and DenBlyker
Those Opposed:		None
Recused:		Dragt

The above memorializing Resolution was adopted on November 10, 2021 by the following Board Members eligible to vote:

MEMBER	YES	NO
Eckel	X	
Tomko	X	
Ferree	X	
Myhre	X	
DenBlyker	X	

Attest:

Brenda S. Shepherd, Board Secretary

MINOR SUBDIVISION - LOT LINE ADJUSTMENT – BLOCK 43 LOTS 3.01, 4 & 6 – MAPLE AVENUE – MEGAN BYRNE (COMPLETENESS REVIEW)

Attorney Kara Kazinski, representing Applicant Megan Byrne, was present, as was Engineer Rob O’Brien from VanCleaf Engineering Associates, representing the Planning Board for Engineer Robert Clerico who had a scheduling conflict this evening.

Chairman Eckel confirmed that all members had received Engineer Clerico's updated memo, dated November 4, 2021. She directed her comments to page 2, where he updates his initial assessment of incomplete and notes that the applicant has complied with most of the incomplete items. Engineer Clerico recommended that the Board temporarily waive Item N and also grant a waiver for Item 17. Chairman Eckel stated that Engineer O'Brien is present to answer any questions about Engineer Clerico's memo. There were no questions from the Board.

Chairman Eckel noted that Attorney Guliet Hirsch was not present because the matter before the Board was fairly simple, and she saw no reason to run up charges to the applicant.

Kandy Ferree, referring to the temporary waiver, asked whether the Board had to stipulate a time by which the conditions would have to be met. Engineer O'Brien said that the information would be provided before approval, or would be a condition of approval. Chairman Eckel agreed and said that a temporary waiver doesn't mean the Board would not get the information. The applicant would provide it when it is needed. Ms. Ferree asked that the Minutes reflect the response to her question. Attorney Kara Kazinsky said, on behalf of the applicant, that they would provide the temporarily waived information at whatever point the Board required it.

As to Item 17, Engineer Rob O'Brien said that this item would be a permanent waiver, which relates to septic and wells on adjacent properties.

Chairman Eckel commented that if there were no further comments, and the Board agrees with the recommendations made by Mr. Clerico, there would be no need to get into the Planner's memorandum at all. That would be addressed at the public hearing. Chairman Eckel asked the Board for a completeness determination so that the applicant could come before the Board on December 8, 2021 at 7:30 pm on Zoom for the public hearing.

On motion by Gordon Dragt, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Planning Board deemed the application complete for Block 43 Lot 3.01, 4 and 6 and granting the waives as listed in Engineer Clerico's memo dated November 4, 2021.

Planner Darlene Green drew attention to an item in Mr. Clerico's memo: the Board must have an understanding between now and the Public Hearing about how the utility easement affects Lot 6. The ordinance is written for lot area, and depending upon what the easement permits, it may trigger another variance. She encouraged the applicant to submit the required information so that we know what variances will be needed.

Attorney Kara Kazinski agreed with Ms. Green, saying they had looked at the memo and she had spoken to Mr. Clerico. She knows they must notice for any and all variances, and will report back to the Board and its professionals. Her intention is to notice for all variances required.

Chairman Eckel excused Engineer O'Brien from the meeting, thanking him for attending in Engineer Clerico's absence.

Kandy Ferree asked whether the Board would be discussing the Planner's memorandum at the public hearing. Chairman Eckel said that it would. The applicant has the memorandum, and will be presenting testimony and addressing all the Planner's questions and issues at that time. This evening's action deals only with the completeness of the application.

NEW BUSINESS:

A. ESCROW FEE DISCUSSION

Chairman Eckel stated that Board Secretary Brenda Shepherd provided her with the escrow fees being charged by municipalities around Frenchtown. Ms. Eckel has been doing research and has begun making an Excel spread sheet. She has found that each town has a different structure for escrow fees. She asked Ms. Shepherd whether she was interested in all escrow fees, or just variance fees. Ms. Shepherd said she was interested in escrow fees in general.

Chairman Eckel added that the project was more complicated than she thought it would be. She said that it was approximately one-third complete. She plans to create a comprehensive spread sheet which can be read across each column to see where Frenchtown stands compared with neighboring communities. Ms. Eckel said that the fees vary greatly from one town to another. For example, the escrow fee for a variance in Alexandria or Holland can be as much as \$6,000, while in another municipality it can be as low as \$500. Although the project has turned out to be more complex than she had anticipated, Chairman Eckel said she thought she would have a document for the Board before its December meeting.

B. MASTER PLAN REEXAMINATION PRIORITIES

Chairman Eckel asked the Board members whether all had received the Word and Excel documents she sent over the weekend. She said she had chosen “the low-hanging fruit” for her first list, including things that are long overdue. Many of her choices were pointed out by the Master Plan Review. They include codifying the Zoning Ordinance, which will be completed soon. Her next pick was signage, which has become a Wild West situation downtown during the Covid era. No one wants to harass any business during Covid, but all kinds of “crazy signage” has gone up. Further, the Borough does not have a Zoning Officer at the moment, and the Zoning Officer had been approving sign applications as well as enforcing compliance. Ms. Eckel said that the Sign Ordinance has needed revision for at least five years. She also listed the cannabis ordinance and the need to look at the impact on the Borough from global warming and climate change.

Ms. Eckel said she would like to come up with two lists at this meeting: first the “low-hanging fruit” that can be accomplished quickly and relatively easily. The second list would comprise the next five items, projects that are somewhat more complicated and difficult.

Mayor Myhre agreed that it was sensible to target the “low-hanging fruit.” Codification is very important, and the cannabis ordinance has to be addressed too.

Chairman Eckel said that another low-hanging fruit could be solar and wind energy. One is easier than the other, so maybe they should be separated and solar dealt with first. Some Borough properties already have solar panels, but there is nothing in the Ordinance about that. Wind energy is different. Everybody thinks it’s a good idea until it starts making noise and killing off hawks.

Kandy Ferree said that some important things are happening in the Borough’s open space. There is the question of the Thompson Tract. Council is investigating the particulars of a skate park on open space either at Borough Park or Old Frenchtown Field. This is all related to the work of the

Environmental Commission, but this may be the right time for the Planning Board to have a look at the issues.

Chairman Eckel said a Strategic Open Space Plan had been adopted in 2018. It left some open questions, and included some action items. She asked Kandy about her goal.

Ms. Ferree said her goal was to provide clarity and guidance. Some big decisions are coming up soon, including whether the skate park happens or not. She doesn't know if such a use is consistent with past thinking, or if the Open Space and Recreation Plan adequately addresses these issues. She said that the Board might provide guidance to the Council.

Mayor Myhre said the Borough might want to reconvene an Open Space Advisory Committee to think about some of these issues. While the skate park meets Green Acres' standards, we are still considering the right place for it. With the Thompson Tract, the question is what uses are appropriate for it? Passive recreation? Development of hiking trails? Connecting it with the rest of our Green Belt? During the Hilltop meetings, we discussed developing some kind of green infrastructure to help us deal with the water issues on those streets.

Chairman Eckel asked whether the Mayor was referring to rain gardens and bio-swales. He responded that the idea of bio-swales has come up for the ends of the Maple, Chestnut and Hilltop Streets. Plantings there would help reduce the water that now jets off the shale and makes gullies everywhere. All these things are going to come together.

Chairman Eckel pointed out that the Open Space Advisory Committee is separate from the Planning Board. She said it might be a good idea, as there is a fairly new Open Space and Recreation Plan. We could look at recommendations in that plan and see if we can take action on any of them. She added that she did not know that a skate park was a Green-Acres-approved use. Mayor Myhre noted that the Council had been advised that it was permitted.

Mayor Myhre reported that the Borough had been approached by Habitat for Humanity a few years ago. They want to do a build in Frenchtown, or repurpose a house for a family. He doesn't know how that fits within local zoning. He wondered if there was a way to help the organization, which does all its work with volunteers and fundraising.

Planner Darlene Green responded that Habitat for Humanity is bound by local zoning regulations. In one of her towns, the organization looked at a Borough-owned single-family vacant lot. They needed variances, and had to go through the application process. She added that if Frenchtown decided to work with Habitat for Humanity, the Borough would want a 30-year deed restriction, and an Affordable Housing credit. If the Borough goes through all the work and trouble, we want to be sure we get credit.

Mayor Myhre responded that it would be worthwhile to put standards in place, as the local Habitat organization is particularly interested in Frenchtown. The Borough doesn't have a lot of available land, and there are disadvantages to Habitat for Humanity in choosing us. However, there are advantages too because any family occupying such a building would have access to such amenities as a walkable town, a grocery store, pharmacy and so on. He said he would be interested in any boilerplate language that Planner Green could give him.

Planner Green responded that there is no boilerplate language. The organization would have to go through the regular Zoning process. In other places, Habitat for Humanity has asked for

money from a trust fund for materials. This kind of thing would have to be in the Borough's spending plan, and it has to be credit-worthy. This issue goes to an item in the Master Plan Re-examination which mentions an Affordable Housing Committee to plan for 2025. She said she had just met with a town that realized that they cannot re-zone large swaths of their town again in 2025. Ms. Green added that some of Frenchtown's mechanisms are stalled or unlikely to happen, so she worries about a shortfall in the third round. Towns that are not keeping up will find themselves in a deep hole and will become development targets. All the "easy" land in New Jersey is either already developed or undevelopable. Now they are looking at the more difficult pieces. The developers are moving west, toward Hunterdon County and other places that were not their first choices.

Chairman Eckel reported a conversation she had had with Barbara Bristow, a resident of River Mills. The property owners were contacted by the new owner of River Mills. The River Mills owner told the River Mills residents that his intent is to build the plan as approved including Lot A. He will not be looking for any changes. He understands that he has to build the Affordable Housing units. Ms. Eckel did not know the name of the new owner. Responding to Chairman Eckel as to an Affordable Housing Committee, Kandy Ferree commented that, as 2025 is coming up fast, it would be wise to demonstrate some thought and action on the Affordable Housing issue. Chairman Eckel agreed, saying that the Committee should be formed in 2021, or early 2022.

Gordon Dragt stated that his recommendations for the list are problems he has been working on for a long time. They are the truck route through the center of Frenchtown, downtown parking and the unattractive conditions of the riverfront Park and Ride. Mr. Dragt added that the riverfront is one of Frenchtown's greatest assets. The DPW and Sustainable Frenchtown have tried to keep it in good shape, but it is not enough. The place often looks terrible. This should be addressed.

Chairman Eckel reminded the Board that ten years ago that area had not even been paved. Mr. Dragt agreed, but said that for years he had gone there every day to do what he could to keep it clean and neat. He does not do it anymore. Chairman Eckel said that when the parking lot was built, a beautiful landscape had been installed, but there was no maintenance plan. The plantings are almost all weeds now.

Mike Reino, Public Works Manager, responded that the landscaping, though once beautiful, is labor-intensive to maintain, and his department does not have the manpower to do it. There is a thick, woody ground cover in which weeds proliferate. He said they had been maintaining the area with work-release laborers. However, when he suggested doing it again this year, the Council did not want those optics. They have the equipment required and the DPW does not. Another issue with maintenance so close to the river is DEP requirements. While Frenchtown might want to remove vegetation to enhance river views, this actually increases flood erosion. Mr. Reino pointed out that the lack of beauty did not appear to discourage visitation.

Chairman Eckel stated that the area between the parking lot and the river was her son's Eagle Scout project. He put in the picnic tables, and rescued and repaired the benches. The picnic tables were paid for by a Borough grant. Ms. Eckel's son mulched the trail, knowing that the next flood would wash it away, but he did it anyway. The landscaping on the other side of the parking lot needs a garden club. Unfortunately, many landscape projects are installed with no plan for maintenance.

Ms. Eckel said that her next “low-hanging fruit” was a suggestion by Jeanne Herb. It is to alter the Zoning Code to forbid the planting of bamboo, which is on the “do not plant list” of the New Jersey Invasive Species Strike Team. Some properties in Frenchtown have such problems with bamboo that they are unmarketable. Ms. Ferree asked what such a provision would mean to people who already had bamboo. Randi Eckel responded that she would look at some relevant ordinances. She knew that some of them make a property owner responsible if bamboo on one lot crosses into the neighbor’s lot. An ordinance could prohibit planting bamboo, and require an owner who already had bamboo to keep it from “marching off the property.”

Planner Green said she had a town with a bamboo problem. They have twice tried to craft an ordinance, but have been unsuccessful, as some members of the governing body think it is a private property issue. There was an incident in which bamboo roots penetrated the next-door neighbor’s swimming pool and destroyed it and the governing body said it was a private-property issue. Chairman Eckel commented that bamboo might not be such a low-hanging fruit. Kandy Ferree said she would support finding a way to educate property owners, encourage eradication, and prohibit future planting of bamboo. She is concerned about long-term residents, or new residents who buy a property unaware of the hazard, and end up with a costly remediation situation. Vice Chairman DenBlyker added that people sometimes cut their bamboo and toss it on the bike path or in the creek, and six months later there is a new stand. Kandy Ferree wondered whether there were any collaborations or grants available for remediation. She thought the Environmental Commission might take on the issue. Chairman Eckel agreed that invasive species are an environmental issue which would be a good fit for the Environmental Commission.

Mayor Myhre said the Borough might be able to get a grant from the Office of Economic Development. When the codification is done, Mark Saluk wants to speak with the Council about a next phase. The Mayor said he had seen something interesting at the League: if someone is interested in a property, they could look up a certain map, hover over the property and see what is permitted on it by zoning. The county might help offset something like that.

Planner Darlene Green reported that Hunterdon County has funded three of her towns. They are likely to pay for the Ordinance work related to any recommendation the Board can tie to economic development.

Chairman Eckel asked for additions to the list.

Planner Green responded that in the R-4 Zone, where a non-residential lot abuts a residential lot, the non-residential lot must provide a 10-foot-wide buffer. This requirement is impossible for many lots in the R-4 Zone because they are not big enough. Depending on the type of work, an application might not trigger the Village Center Plan. But if the buffer requirement is triggered, the applicant has to come before the Board for a variance. Ms. Green said that the intent of the requirement was probably to create a visual screen between a commercial and a residential use. A better solution in Frenchtown would be a six-foot-tall solid fence and that would not consume as much land as a 10-foot buffer. Chairman Eckel said this idea made sense, and would not be hard to accomplish. Kandy Ferree said that this had happened on the ArtYard project, on two sides. They had to get variances on both sides. Ms. Eckel said that very few R-4 properties could support a 10-foot buffer.

Kandy Ferree said that John DenBlyker has observed that many downtown applications are for properties that already have many nonconforming conditions that trigger variances for projects

that would not exacerbate the conditions. This is due to the nature of downtown lot sizes. This does not happen in other areas like the Hilltop streets. It puts an unfair burden on people who need to renovate their homes to age in place. Ms. Ferree wondered if these burdens could be lightened without continuing to make concessions. Chairman Eckel agreed and noted that she had intended to bring this up herself. She said that two separate issues might be involved. Several zones should be looked at, and the Board should discuss how to make aging-in-place projects less onerous in those zones. Sometimes the work involves handicapped ramps, additional bathrooms, new driveways, etc. We want to make it possible for people to stay in their homes but she has no idea how to revise the ordinance to permit this.

Planner Green cautioned that the Board has to be careful not to appear to discriminate or to favor the elderly over young people. She said that High Bridge had an issue with a mismatch in zoning. Like Frenchtown, High Bridge has an old downtown. The difference is that many of their lots encompass the right-of-way, whereas in Frenchtown you cannot count the right-of-way as lot area. When High Bridge analyzed its situation, it found that fewer than 50% of its downtown lots met the minimum lot size. They had to be careful with permitting applicants to use their right-of-ways for lot area as they did not want to permit a lot of subdivisions.

Randi Eckel said the Board might be able to find a solution like that for some of Frenchtown's issues. The bigger problem these properties have is impervious surface. There is a real problem with water in the Borough. Some people have even removed coverage to obtain permission to add what they need. There may be a way to provide some help with bulk standards. Kandy Ferree stated that the right-of-way reducing usable lot size seemed reasonable to address. A corner lot has a big predicament. Chairman Eckel said that adding street right-of-way could help with setbacks, but the trade-off is more impervious cover. Ms. Ferree recalled that when Rutgers did a report on rainwater for the Borough, there were some recommendations about impervious cover. One was to use permeable pavers. They also mentioned rain gardens and bio-swales. There may be something there to help mitigate the impact of more impervious cover. Chairman Eckel commented that permeable pavers really do help. If you do use them for a driveway, you can mow your driveway and it still adds to overall coverage. She wondered whether impermeable coverage was a state or a local regulation. Planner Darlene Green said she would defer to Engineer Clerico on the question, as there are many new stormwater regulations. In the Highlands, if an applicant cannot mitigate stormwater on-site, he can mitigate it off-site, often on municipal property. They can plant trees, or put in rain gardens.

Chairman Eckel stated that a lot of residents have mentioned lighting issues. She noted that lighting is part of the TAP grant. It's going to happen. She wants the ordinance to refer to "lumens" instead of "wattage." Ms. Green said that towns are now specifying maximum "kelvins," because they prefer white lights over blue.

Having no other points to discuss, Chairman Eckel said she wanted to summarize points covered:

1. Pre-existing conditions
2. Aging in place
3. Codification of the Zoning Ordinance
4. Cannabis committee is up and working
5. Look at addressing solar power in the ordinance.

Kandy Ferree asked whether other forms of renewable energy could be included.

Chairman Eckel responded that solar is especially timely as people are already putting solar panels on their buildings, and it is not addressed. Planner Green reminded the Board

that both solar and wind have been deemed inherently beneficial in the Municipal Land Use Law.

6. Lighting.
7. Open Space Plan
8. Habitat for Humanity – can something be done to make Frenchtown more friendly for Habitat for Humanity to come in?
9. Fix the Zoning Map.
10. Fix the R4-A zone buffer requirement (maybe either a ten-foot buffer OR a fence).

Chairman Eckel listed the first things to do list. These are items she feels could be accomplished relatively quickly and easily.

1. Create an Affordable Housing Subcommittee as early as January, 2022.
2. Encourage renewable energy and address the wind energy question.
3. Pre-existing condition relief, especially as it relates to aging in place.
4. Traffic, parking and signage.
5. The bamboo question: develop wording to educate the community about this and other invasive species, and add it to the ordinance.

Kandy Ferree said that she appreciated how complicated this task is, and thanked Chairman Eckel for her work. Chairman Eckel said she would put everything into a list form and distribute it unless Brenda had gotten everything down. Planning Board Secretary Brenda Shepherd said she had gotten everything in her notes.

APPROVAL OF VOUCHERS

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

VOUCHER LIST 11/10/21

GENERAL REPRESENTATION

Archer & Greiner, PC.	General Representation through 10/31/21	\$220.00
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ESCROW ACCOUNT – BLOCK 56 LOT 3 Bridge Street

Archer & Greiner, PC.	Professional Services for 48 Bridge Street 10/31/21	\$760.00
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ESCROW ACCOUNT – BLOCK 43 LOTS 3.01, 4 & 6 – 13 Maple Avenue

Colliers Engineering	Professional services for Country Classics through 10/17/21	\$375.00
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Archer & Greiner	Professional services for Country Classics through 10/31/21	\$240.00
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ESCROW ACCOUNT – BLOCK 12 LOT 5 – 8TH Street Associates

Return of remaining escrow balance		\$199.95
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On motion by John Dougherty, seconded by John DenBleyker 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

John Dougherty asked whether the River Mills property had been sold. Randi Eckel replied that River Mills resident Barbara Bristow told her that it had. The buyer has met with the residents. Mayor Myhre added that Ms. Bristow had given him the contact information for the new owner. He gave it to Attorney Cruz, and asked him to initiate contact with the buyer.

Kandy Ferree recalled that at a previous Planning Board meeting someone had asked about progress on the Upper Eighth Street development. It appears to have started, then stopped, and has now started up again. Were there conditions? Did the Zoning Officer shut it down? She asked for information on the project. Mayor Myhre said he didn't know whether there had been a Stop Work Order. The original owner, who designed the project and got the approvals, sold off the project. Board Secretary Shepherd noted that the new owner had to post bond and have a pre-construction meeting. Kandy Ferree asked whether these things had happened. Ms. Shepherd replied that they had. Ms. Ferree asked whether, when a new developer takes over and posts a bond, we trust that they are following the approved plans. Brenda Shepherd responded that their escrow pays for engineering inspections. The engineer is always inspecting what is being done.

Kandy Ferree, the Borough Council representative, reported that Maggie Cooke had sent a reminder about the Climate Action Committee's meeting on Saturday, November 13th, from 10:00 to 11:30 AM. Ms. Ferree said she was excited to see young people, elected officials and townsfolk coming together to think about resilience. We will talk about how we can care for each other in a severe weather event. She encouraged everyone to participate.

Ms. Ferree noted that they are awaiting correspondence from the codification company, and she believes the process is near its end. As soon as it is done we will entertain discussion with Mark Saluk and the Economic Development Team about what other grant projects we will ask them to support. When we get that, we will be able to convene the Economic Development Committee again and get community input.

Mayor Myhre reported that the Borough has a contract with Dave Cahill through the end of the year to make changes and updates to the website. He and his brother James have gone in separate directions, and Dave has rebranded his business. There is a new e-mail address for him. Chairman Eckel said that the Board had to stay on top of the posted schedules on the website because last month, the information on the website confused an applicant and this month it created a scheduling conflict with one of the Board's professionals. People assume that the website is correct. Its errors make us look bad, operate less efficiently, and cost applicants time and money.

Ms. Eckel reported that she would be moderating a session entitled "Staying out of Trouble" at the League of Municipalities meeting next week. Her panel includes two planners and an attorney, and will run for an hour and a half. They will be talking about ways planning boards and boards of adjustment get themselves into trouble, and the consequences of that. They will also talk about how to avoid trouble in the first place. One thing she had not been aware of, she said, was to never do Planning Board business on your personal cell phone. Do it on the house land line, your business phone, or the Borough phone. Cell phone records can be subpoenaed.

Kandy Ferree stated that she plans to go the League meeting, and wondered whether others were going as well. Mayor Myhre responded that he is going, as was as Michele Liebttag and Public Safety Director Mark Gantner. Covid protocols will be observed so anyone going should bring a vaccination card, a mask, and so on.

Chairman Eckel commented that the NJPO used to put on a humorous skit at the League. It roasted attorneys and planners at “the Planning Board meeting from hell,” with everybody doing everything wrong. Betsy Mackenzie used to participate in it.

ADJOURNMENT

Mayor Myhre moved adjournment at 9:09 pm and Mike Reino seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary