

Frenchtown Planning Board
Regular Meeting
January 26, 2022
7:30 P.M.

Mayor Myhre called the Reorganization and 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.

OATHS OF OFFICE – Mike Reino (Class II), Kandy Ferree (Class III), Randi Eckel (Class IV), John Dougherty (Class IV), Paul Tomko (Alternate I)

Mayor Myhre administered the Oaths of Office to Mike Reino (Class II), Kandy Ferree (Class III), Randi Eckel (Class IV), John Dougherty (Class IV), and Paul Tomko (Alternate I) They all accepted their Oaths of Office.

ROLL CALL

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

NOMINATION OF CHAIRMAN

Mayor Myhre asked for nomination of Chairman of the Board. John DenBleyker nominated Randi Eckel for Chairman of the Board. John Dougherty seconded the nomination. No other nominations were made. The Planning Board elected Randi Eckel Chairman of the Planning Board by unanimous favorable roll call vote.

NOMINATION OF VICE-CHAIRMAN

Mayor Myhre asked for nomination of Vice-Chairman of the Board. Randi Eckel nominated John DenBleyker for Vice-Chairman of the Board. Jeanne Herb seconded the nomination. No other nominations were made. The Planning Board elected John DenBleyker Vice-Chairman of the Planning Board by unanimous favorable roll call vote.

Mayor Myhre thanked the Chairman and Vice-Chairman for their services.

Mayor Myhre turned the gavel over to Chairman Eckel and Chairman Eckel took over chair of the meeting. Chairman Eckel thanked everyone for their service.

CONSENT AGENDA – All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Chairman Eckel reported that she has reviewed the contract proposals for this year and they remain essential the same. One is up \$4.00 per hour and one is up \$20.00 per hour. The Board professionals work together very well and the prices are reasonable which the Board appreciates.

On motion by Kandy Ferree, seconded by Mike Reino, and carried by unanimous favorable roll call vote, the Planning Board approved the consent agenda approving Resolution #2022-01 through 2022-08 as follows:

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2022-01

Dates, Time and Place for 2022 Regular Meetings and 2023 Reorganization & Regular Meeting

WHEREAS, Section 13 of the “Open Public Meeting Act”, Chapter 231, Public Law 1975, requires that at least once a year every Public Body shall post and mail to the newspapers designated by said body, a schedule of the location, date and time of each Regular Meeting of said Body during the succeeding year.

WHEREAS, due to the COVID-19 State of Emergency the public is limited to participation in public meetings through electronic means.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, as follows:

1. The Regular Meetings of the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, shall be held at 7:30 p.m. at the Borough Hall, 29 Second Street, Frenchtown, New Jersey, on the Fourth Wednesday of each month, for the year 2022, with the exception of the month of November and December. The Regular Meeting for the month of November and December shall be the second Wednesday.

The Meeting dates and time of all Regular Meetings for 2022 and the Reorganization and Regular Meeting for 2023 are as follows:

January 26	7:30 p.m.	Reorganization and Regular Meeting
February 23	7:30 p.m.	
March 23	7:30 p.m.	
April 27	7:30 p.m.	

May 25	7:30 p.m.
June 22	7:30 p.m.
July 27	7:30 p.m.
August 24	7:30 p.m.
September 28	7:30 p.m.
October 26	7:30 p.m.
November 9	7:30 p.m.
December 14	7:30 p.m.
January 25, 2023	7:30 p.m. Reorganization & Regular Meeting

2. During the COVID-19 State of Emergency, the meetings will be held solely by the Zoom platform.
3. Zoom access information for each meeting will be included on the meeting agenda, which will be posted on the Borough website at least 48 hours in advance of each meeting. Agendas will also be posted on the front door and the bulletin board in the Municipal Building.
4. In the case of a special meeting, Zoom access information will also be included in the Open Public Meetings Act notice.
5. During public hearings, members of the public will be able to participate via Zoom by using the Raise Hand feature to signify their desire to make public comment. The Zoom platform also provides the ability for the public to listen to the meeting by telephone without video and to also comment by telephone by pressing *9 to raise their hand during public comment sessions.
6. During a state of emergency when the Planning Board meetings are held remotely, written comments to be read during the public hearings or public comment periods may be submitted to the Borough Clerk/Planning Board Secretary electronically by email or letter no later than 3:00 PM on the date of the meeting. Only one public comment, whether oral or written, from each person at each public comment period will, as with all public comments, be heard or read. The reading of the written comments will, as with all public comments, be limited to five minutes and the reading will end after five minutes.
7. Certified copies of this Resolution shall be:
 - a) Mailed to the Courier News and the Hunterdon County Democrat.
 - b) Filed with the Frenchtown Borough Clerk and Planning Board Secretary.
 - c) Posted on the bulletin board in the Municipal Building and on the front door of the Municipal Building; and
 - d) Mailed to any person requesting notice of meetings to N.J.S.A. 10:4-19 who has paid the required fee thereof.
8. All of the foregoing shall be accomplished within seven (7) days of adoption of this Resolution pursuant to N.J.S.A. 10:4-18.

Dated: January 26, 2022

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2022-02

Designated Newspapers

BE IT RESOLVED that the following newspapers shall be designated for the advertising of Legal and Public Notices for the Borough of Frenchtown:

Courier News, Bridgewater, New Jersey
The Star Ledger, Newark, New Jersey
Hunterdon County Democrat, Flemington, New Jersey
The Express Times, Easton, PA

Dated: January 26, 2022

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

RESOLUTION #2022-03

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ATTORNEY TO SERVE AS PLANNING BOARD ATTORNEY FOR THE BOROUGH
OF FRENCHTOWN**

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire an Attorney to serve as Planning Board Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Archer & Greiner has submitted a proposal dated January 5, 2022 indicating they will provide that attorney services for the amount of \$220.00 per hour in addition to costs incurred for out of pocket and travel expenses; and

WHEREAS, Guliet Hirsch of Archer and Greiner has completed and submitted a Business Entity Disclosure Certification which certifies that Archer & Greiner has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract

will prohibit Archer & Greiner from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown will authorize the Chairman to enter into a contract with Archer & Greiner as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 26, 2022

Brenda S. Shepherd,
Planning Board Secretary

**RESOLUTION #2022-04
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A PLANNER
TO SERVE AS PLANNING BOARD PLANNER FOR THE BOROUGH OF
FRENCHTOWN**

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Planner to serve as Planning Board Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Darlene A. Green of Maser Consulting PA has submitted a proposal dated 11/16/21 indicating she will provide planner services for the amount \$155.00 per hour; and

WHEREAS, Darlene A. Green of Maser Consulting PA has completed and submitted a Business Entity Disclosure Certification which certifies that Darlene A. Green and Maser Consulting PA has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Darlene A. Green and Maser Consulting PA from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Darlene A. Green of Maser Consulting PA as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 26, 2022

Brenda S. Shepherd,
Planning Board Secretary

**RESOLUTION #2022-05
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ENGINEER
TO SERVE AS PLANNING BOARD ENGINEER FOR THE BOROUGH OF
FRENCHTOWN**

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire a professional engineer to serve as the Board's Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Robert J. Clerico of Van Cleef Engineering has submitted a proposal dated 1/5/21 indicating they will provide engineering services for the amount of \$154.00 per hour; and

WHEREAS, Robert J. Clerico of Van Cleef Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Van Cleef Engineering from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Robert J. Clerico of Van Cleef Engineering as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 26, 2022

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2022-06
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ARCHITECT TO SERVE AS PLANNING BOARD ARCHITECT FOR THE BOROUGH
OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire an Architect to serve as the Planning Board Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Christopher Pickell of Pickell Architecture LLC. has submitted a proposal on 1/26/22 indicating they will provide architectural services for the amount \$150.00 per hour; and

WHEREAS, Christopher Pickell has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher Pickell has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Christopher Pickell from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Christopher Pickell as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the official newspaper.

Dated: January 26, 2022

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2022-07
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A
LANDSCAPE ARCHITECT TO SERVE AS PLANNING BOARD LANDSCAPE
ARCHITECT FOR THE BOROUGH OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Landscape Architect to serve as the Planning Board Landscape Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Jim Mazzucco of B.W. Bosenburg & Co. has submitted a proposal dated 1/4/21 indicating he will provide Landscape Architect services for the amount \$145.00 per hour; and

WHEREAS, Jim Mazzucco of B.W. Bosenburg & Co. has completed and submitted a Business Entity Disclosure Certification which certifies that Jim Mazzucco of B.W. Bosenburg & Co. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Brian Bosenberg from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Jim Mazzucco of B.W. Bosenburg & Co. as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 26, 2022

Brenda S. Shepherd,
Planning Board Secretary

**FRENCHTOWN BOROUGH
PLANNING BOARD**

**RESOLUTION #2022-08
PROFESSIONAL APPOINTMENTS**

WHEREAS there exists a need for the Planning Board to hire an Attorney to serve as the Board Attorney, an Engineer to serve as the Board Engineer, a Planner to serve as the Board Planner; a Landscape Architect to serve as the Board Landscape Architect and an Architect to serve as the Board Architect; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS sufficient funds are available in the 2022 Temporary Budget and will be made available in the 2022 Municipal Budget for the Borough of Frenchtown for such services,

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, as follows:

1. The Planning Board Chairman and Board Secretary are hereby authorized and directed to execute an agreement with the following persons and/or firms for the year 2022:
 - a. Guliet Hirsch, Archer & Greiner, Attorney
 - b. Robert Clerico, Van Cleef Engineering, Engineer
 - c. Darlene A. Green, Maser Consulting PA, Planner
 - d. Christopher Pickell, Pickell Architecture, LLC, Architect
 - e. Jim Mazzucco, B.W. Bosenberg & Company, Inc., Landscape Architect
2. These contracts are being awarded as described above without competitive bidding as “Professional Services” as defined under the appropriate section of the Local Public Contracts Law because each of the above mentioned individuals is a member in good standing of his respective profession.
3. Notice of this action shall be printed in the Courier News.

Dated: January 26, 2022

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

APPROVAL OF MINUTES

Regular Meeting – December 8, 2021

John Dougherty moved to accept the minutes of the December 8, 2021 regular meeting and Jeanne Herb seconded the motion. The minutes of the December 8, 2021 regular meeting were approved by favorable roll call vote with Gordon Dragt, Paul Tomko and John DenBleyker abstaining.

PUBLIC COMMENTS

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. Hearing no comments, Chairman Eckel closed the public comment session.

MEMORIALIZING RESOLUTION #2022-09 - MINOR SUBDIVISION/LOT LINE ADJUSTMENT AND VARIANCE APPLICATION– BLOCK 43 LOTS 3.01, 4 & 6 – MAPLE AVENUE – MEGAN BYRNE

Megan Byrnes stated that she would like to thank everyone for the help and their hard work. She has two clarifying questions, noting that she started off with 3 lots, the one in the middle is developed with the house, a 1950's ranch, and on either side of it, two undeveloped lots. Her question revolves around the street trees. She will be more than happy to plant the street trees on the two undeveloped lots. The lot in the middle has the house on it with mature trees, forsythia and plant cover. Her question is does she need to plant the street trees on the middle lot.

Chairman Eckel stated that she is looking at the resolution. The resolution reads that the proposed location of the street trees along Maple Avenue and Ridge Road in conformance with the ordinance requirement shall be shown on the Subdivision plans both proposed street trees shall be installed prior to the issuance of the CO for the first new home on the subdivided lot, conditions shall be included in each minor subdivision deed. Chairman Eckel stated that she is not an Attorney and there is not an attorney present this evening. The way she reads it is that the street tree question is in regards to new homes that are being built on those other two lots. Brad Myhre stated that she should ask Attorney Guliet Hirsch to clarify it so there is no issue there. Chairman Eckel asked that if Board Attorney Guliet Hirsch was going to answer that, does that postpone the adoption of the resolution. Kandy Ferree asked if it is an administrative matter and Mayor Myhre responded in the affirmative and the Board can memorialize the resolution subject to interpretation by Attorney Hirsch of the street trees questions. The Board agreed with the condition for approval. Megan Byrnes said she would be happy to follow up with Guliet Hirsh. Megan Byrnes asked Chairman Eckel if her interpretation was that she does not need trees on the developed lot. Chairman Eckel read that the street trees will be in compliance with the ordinance requirements and that proposed street trees shall be installed prior to issuance of a CO for the new homes. Megan Byrne said that was her interpretation too.

Megan Byrnes had a second question. As to the lot on the corner of Maple Avenue and Ridge Road, there are two easements on Ridge Road, a Site Easement and JCP&L Easement. Do the

Street Trees need to be installed on Ridge Road? Chairman Eckel read the Resolution again and it states: on Maple Avenue and Ridge Road. Chairman Eckel state that the approval of the resolution will be subject to interpretation by Guliet Hirsch of the street trees as discussed. Chairman Eckel asked if that was okay with everyone on the Board and everyone agreed.

On motion by Brad Myhre, seconded by Kandy Ferree, and carried by unanimous favorable roll call vote, the Planning Board approved Resolution 2022-09 as follows subject to Attorney Guliet Hirsch's interpret about the street trees on Maple Avenue and Ridge Road:

FRENCHTOWN BOROUGH PLANNING BOARD RESOLUTION NO. 2022-09

MEGAN BYRNE

BLOCK 43, LOTS 3.01, 4 AND 6

13 MAPLE AVENUE, FRENCHTOWN BOROUGH

WHEREAS, Megan Byrne (the "Applicant") made application for minor subdivision and associated variances, for a lot line adjustment between three existing lots known as Block 43, Lots 3.01, 4 and 6 (the "Subject Property"); and

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

WHEREAS, the application was determined to be complete with temporary waivers granted by the Planning Board at the Board's regular meeting of November 10, 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 December 8, 2021 Planning Board meeting; and

WHEREAS, the plans and document submitted by the Applicant in support of her application are listed in Exhibit C, and include the revised plans dated October 28, 2021 and entitled Minor Subdivision Plan Maple Avenue Lot Line Adjustment, prepared by Wayne J. Ingram, L.S. of E&LP, all of which 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. October 22, 2021 review letter of Board Engineer, Robert J. Clerico, P.E. (Exhibit "A"); and
2. November 2, 2021 Planning Report of Board Planner, Darlene A. Green, P.P., AICP (Exhibit "B"); and
3. November 4, 2021 review letter of Board Engineer, Robert J. Clerico, P.E. (Exhibit "C").

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

1. Megan Byrne, Applicant; and

2. Wayne Ingram, of E&LP, Professional Planner, Professional Engineer and Professional Land Surveyor.

WHEREAS, Professional Planner, Austin Bejin, P.P., appeared on behalf of Board Planner, Darlene A. Green, and Robert O'Brien, P.E. appeared on behalf of Board Engineer, Robert J. Clerico, and both Mr. Bejin and Mr. O'Brien testified under oath during the hearings and such testimony is considered part of the record in this matter; and

WHEREAS, no exhibits were marked into evidence by the Board during the hearing, although the Board did review sheet 3 of the revised plans, entitled Minor Subdivision Plat, during Mr. Ingram's testimony; and

WHEREAS, no member of the public testified or appeared to question any witnesses during the public hearing; 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 is comprised of three (3) lots known as Lots 3.01, 4 and 6 in Block 43 and is located in the R-1 low density residential zone along Maple Avenue. Lot 6 is a corner lot with frontage on both Ridge Road and Maple Avenue. Lot 4 contains an existing single-family dwelling with access to Maple Avenue, as shown on sheet 2 of the Minor Subdivision Plans.

Existing nonconformities include:

The lot depth of Lots 3.01 and Lot 4 is 191.51 feet, where 220 foot lot depth is required;

The width of Lot 3.01 is currently 100 feet where 150 foot lot width is required. This non-conformity would be eliminated with the proposed lot line adjustment which would increase the lot width to at least 175 feet;

The lot depth of Lot 6 is 200 feet, where 220 foot lot depth is required;

Lot 3.01 is 19,151 square feet in size, where the minimum lot size is 33,000 square feet. This nonconformity would be eliminated with the proposed lot line adjustment which would increase the size of Lot 3.01 to 33,083 square feet.

VariANCES Requested. The Applicant has requested the following c(1) hardship or c(2) planning variances:

To reduce the existing lot depth of both Lot 3.01 and Lot 4 to 182.69 feet, less than the currently existing 191.51 foot lot depth;

To reduce the existing lot depth of Lot 6 to 182.01 feet at the narrowest point;

As a result of the proposed dedication of right of way along the frontage of Ridge Road and Maple Avenue, Lot 4 will require a variance to allow a 57 foot front yard setback;

As a result of calculation of minimum lot area as required to exclude the NJP&L easement area, a variance to allow the area of Lot 6 to be approximately 26,832 square feet; and

A variance from the steep slope density limitations of Section 310. A., to allow the existing three lots to remain as three lots.

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

Based upon the testimony of the Applicant, and the Applicant's Professional Planner/Professional Engineer, the Board finds that sufficient reasons exist to justify the grant of the requested variances in connection with the proposed lot line adjustment minor subdivision. Most of the variances are justified as c(1) hardship variances which may be granted where there are exceptional topographic or physical features uniquely affecting the property. The exceptional conditions affecting the Subject Property include the existing lot depths and lot widths; the existing residential dwelling located on the center lot, Lot 4, which limits the modification of the existing lot lines; the power line easement on Lot 6; and the proposed dedication of right of way along both Maple Avenue and Ridge Road. The Board finds that all of the described extraordinary exceptional conditions affecting the Subject Property allow the Board to grant the requested variances in order to avoid exceptional and undue hardship to the Applicant. As testified to by Mr. Ingram, the lot line adjustments would bring the existing 3 lots into better conformity with zoning and with conditions on adjacent properties and would serve Municipal Land Use Law purposes (c), (e) and (i). No substantial detriment to the public good, ie., negative impacts to the neighboring properties, nor substantial impairment of the zone plan or zoning ordinance were demonstrated during the hearing or described in the Board's review letters.

Conclusions. Based upon the testimony and documents in the record, the Board hereby finds that the application for minor subdivision and associated variances to allow the adjustment of lot lines between Lots 3.01, 4 and 6 in Block 43 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 December 8, 2021, that the Application for Minor Subdivision Approval and associated variances is hereby approved subject to compliance with the conditions listed below.

CONDITIONS

The Applicant shall provide any and all required documents and plan revisions which were temporarily waived by the Board as identified in Exhibit A attached hereto;

Questions concerning the suitability of the proposed lots for future construction of dwelling units must be resolved as part of the process of application for building permit(s). Prior to the issuance of a building permit for future construction on any of the three lots, required information shall be provided, including but not limited to, information showing compliance with future house locations, grading, soil erosion and sediment control measures, right to construct improvements within the NJP&L easement area, demonstration of the availability of public utilities and compliance with Section 310.A.2 and 3 regarding disturbance in steep slope areas. It is expressly noted that the Board granted the submission waivers and variances herein

with the understanding that required supporting information would be provided prior to the issuance of any building permit for future construction, and that this lot line minor subdivision approval does not guarantee the subsequent grant of any variances that may be needed for future construction of a dwelling unit on any of the three lots.

A deed of dedication for the 25 foot from centerline right of way dedication for each of Maple Avenue and Ridge Road shall be reviewed and approved by the Borough Attorney and the metes and bounds descriptions to be reviewed and approved by the Borough Engineer prior to the recording of the right of way dedication deeds, which deeds shall be recorded with the minor subdivision plat. The subdivision plan shall be revised to show the setting of iron pin/pipe or concrete property markers for the new lots along the dedicated ROW and include the setting of markers at the PC/PT of the curve in the southeast corner of Lot 4 and southwest corner of Lot 6.

The plans and plat shall be revised to show a 30' by 100' sight easement at the intersection of Maple Avenue and Ridge Road. A deed of sight easement shall be reviewed and approved by the Borough Attorney with the metes and bounds description to be reviewed and approved by the Borough Engineer, with the deed of sight easement to be recorded in conjunction with the recording of the minor subdivision deeds.

The Applicant shall obtain approval of the Borough Tax Assessor for the current or new lot numbers for the three lots which compromise the Subject Property.

The currently existing NJP&L easement shall be accurately shown on the survey.

The exact location of the existing well and septic system serving Lot 4 shall be shown on the subdivision plans, in order to verify that the existing septic disposal field will meet the 10 foot minimum offset from the proposed property line. If the septic field is located closer than 10 feet from the proposed property line, a new minor subdivision application will need to be submitted to the Board, and this approval shall be null and void.

The proposed location of street trees along Maple Avenue and Ridge Road, in conformance with Ordinance requirements, shall be shown on the subdivision plans. All proposed street trees shall be installed prior to recording of the minor subdivision deeds.

All revisions requested in the Exhibit B review letter of Board Planner Darlene Green shall be reflected on the revised plans, specifically including items 2-8, under the Comments Section of that review letter.

The minor subdivision plat shall be revised in accordance with the requirements of this Resolution, to the satisfaction of the Board Engineer, and draft subdivision deeds shall be reviewed and approved by the Board Attorney and Engineer, with metes and bounds descriptions for the three subdivision deeds to be reviewed and approved by the Board Engineer, and thereafter the subdivision deeds shall be recorded within 190 days of the adoption of the within Resolution, ie., by **August 4, 2022**.

The Applicant shall provide proof that all taxes have been paid up to date prior to the adoption of the Board 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 the 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 December 8, 2021, a motion to grant the minor subdivision application with requested variances received the following vote:

Vote:	
Those in favor:	Eckel, Cooke, Dougherty, Ferree, and Reino
Those Opposed:	Herb

The above memorializing Resolution was adopted on January 26, 2022 by the following Board Members eligible to vote:

MEMBER	YES	NO
Eckel	X	
Cooke	X	
Dougherty	X	
Ferree	X	
Reino	X	

Attest:

Brenda S. Shepherd, Board Secretary

**SITE PLAN WAIVER/VARIANCE APPLICATION
BLOCK 4, LOT 1 1110 HARRISON STREET – FORZA HOLDINGS LLC
(APPLICATION WITHDRAW)**

Chairman Eckel asked if everyone saw that Forza Holdings LLC is withdrawing their application. The Fire Code inspection does not allow that use in the building.

OLD BUSINESS

Cannabis Committee report

Chairman Eckel asked Kandy Ferree to give the Cannabis Committee Report. Kandy Ferree has a call with John Dougherty and Planner Darlene Greene on Friday, January 28, 2022 that will chart a new timeline and make sure that it moves forward so we get something in the next couple

of months. Chairman Eckel thanked Kandy Ferree for her report. John Dougherty stated that he did not see the meeting information for Friday's meeting. Kandy Ferree stated that it was confirmed by Planner Darlene Green and she will resend the link to John Dougherty.

APPROVAL OF VOUCHERS

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

GENERAL REPRESENTATION

Colliers Engineering Professional Services rendered – General \$150.00
1/4/22

Archer & Greiner, PC. General Representation through \$280.00
12/31/21

Colliers Engineering Professional Services rendered – General \$525.00
1/4/22

ESCROW ACCOUNT – BLOCK 43 LOT 4 13 Maple Avenue

Colliers Engineering Professional Services for 13 Maple Ave \$231.25
1/4/2022

ESCROW ACCOUNT - BLOCK 4, LOT 1 – Forza13 Holdings

Van Cleef Engineering Professional services for Block 4, Lot 1 \$976.50
through 11/1-30/21

**ESCROW ACCOUNT – BLOCK 3 LOT 1 , Country Classics Redevelopment
On Site Off Site Inspection**

Colliers Engineering Professional services for Country Classics \$77.50
through 12/9/21

ESCROW ACCOUNT – BLOCK 56, LOT 3, 48 Bridge Street

Van Cleef Professional services for Block 56, Lot 3 \$900.00
Through 1/4/21

On motion by Jeanne Herb, seconded by Mike Reino 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 asked for a Council report.

Kandy Ferree stated that she had a conversation with a developer interested in doing some work here in Frenchtown, who had talked to NJDEP and was told that no new residential development or new building would be approved in a flood zone. If that is true, it will have significant implications to our affordable housing plans and the properties that have been identified in the plans. She does not have any real information on that but we need to be up to speed with that. She would like to get some clarity on that quickly. Chairman Eckel stated that she would expect that Planner Green is on top of that but Kandy Ferree should ask Planner Greene to give a report on that at the next meeting. Jeanne Herb said that new legislation has not been proposed and that there is an anticipation of new regulations coming out in the first half of this year. Kandy Ferree asked Jeanne Herb to get clarity on it. Jeanne Herb said she will put links in the chat. Randi Eckel asked if there is proposed legislation and Jeanne Herb said no, more stringent rules under current legislation will be proposed. Jeanne Herb noted that she will post the NJDEP links in the chat box. Chairman Eckel reminded Brenda that any comments posted in Chat box have to be recorded in the minutes. Brenda asked if the chat can be turned off for future meetings. Chairman Eckel responded in the affirmative. Jeanne Herb posted the following links in the chat box:

<https://www.nj.gov/dep/njpact/real.html>

and

<https://vtc.rutgers.edu/new-jersey-safe-routes-to-school-srts/>

Jeanne Herb noted that it is more about where there is substantial improvement, new construction, what kind of conditions have been met, etc. Randi Eckel stated that the Planning Board should stay up to date on any new requirements or restrictions.

Kandy Ferree reported that she had a meeting with NV5 and the NJDOT last week about the TAP grant and the Safe Routes to School Grant. The TAP Grant is for the Downtown, Race Street, Bridge Street, Front Street and Trenton Avenue improvements. The good news is that they completed the survey work and they have a really good sense of where the key points of interest are and concerns around crosswalks, pedestrian safety and potential safety improvements. The next step would be to move towards the creation of a subcommittee and get public input. There will be a need to have a subcommittee to discuss items like street trees, benches, pedestrian crosswalks and street lighting for those areas. Construction will probably begin in 2023. Safe Routes to School goes from Bridge Street down Harrison Street. Chairman Eckel thanked Kandy Ferree for her report.

Chairman Eckel asked Mayor Myhre if he has anything to report.

Mayor Myhre stated that he received Jeanne Herb's email and the Borough Attorney will help in drafting a response to the Environmental Commission. He thought that this was dealt with in the past and there is a jurisdictional issue with the State of New Jersey overseeing the D&R Canal path. Chairman Eckel asked Mayor Myhre if he could explain this to the Board. Mayor Myhre noted that there has been a concern expressed about a property owner along Railroad Avenue allegedly encroaching onto the D&R Path along the bank with some plantings and shrubs. The question was whether this was a violation of Borough Ordinances. It is most likely that this has to do with the NJDEP. The homeowner believes that their deed allows them to access that property. So, the Borough is going to try to resolve this but it may be an issue where NJDEP has to weigh in. If that is the case, they will have to have the appropriate officials from NJDEP review this matter. The Borough will re-memorialize all of this in writing.

Mayor Myhre reported that he will be meeting with the School Board next week to discuss using some of the money from the American Rescue Fund Grant to help the school purchase 2 portal air purifiers for the gymnasium and the cafeteria at a total cost of \$4,800.00. The school are looking for potential financial support for that.

Mayor Myhre also reported that as you may be aware, the Borough CFO has resigned and taken another position, so we are working with an outside consulting firm. Joseph Sarno is our representative now. We also have a new zoning officer assigned to the Borough through the City of Lambertville. The City of Lambertville has an agreement through the Township of West Amwell to share their Zoning Officer. The Zoning Officer will be serving the City of Lambertville, Township of West Amwell and the Borough of Frenchtown.

Chairman Eckel stated that she just sent over the escrow fees spreadsheet she composed and is asked everyone to look over the spreadsheet. She aimed for a fee that is $\frac{3}{4}$ of the highest amount from other municipalities. She asked for comments or recommendations by the next meeting so the Board can send a recommendation to Council to update the escrow fees. Gordon Dragt asked what the purpose is to raising the fees. Chairman Eckel stated that the purpose is to pay for any professional service bills related to an application. Our escrow fees are very low compared to the escrow fees of the surrounding municipalities. This leads to an administrative nightmare for Secretary Brenda Shepherd and it also represents to the applicant an approximate cost for an application. So instead of paying one escrow fee of \$1,000.00 and maybe you get back \$150.00, our escrows are so low that Brenda has to keep going back to the applicant for more escrow money. This puts the escrows in a more realistic realm and eliminates time spent on the administration side. Does anyone have any suggestions or questions to this? Maggie Cook stated that there is one line item that she would like clarification on. She does not have an opinion either way. The one fee is the permitting escrow fee that jumped from \$500.00 to \$750.00. She is wondering what it is for and why this is so high. That may be too much of a financial burden. She asked for clarification. Maggie Cook shared her screen with everyone. Chairman Eckel stated that Alexandria's escrow for this is \$1000.00. Chairman Eckel will continue to work on this and will be looking for feedback from the Board. Then it will go to Council for their approval.

Chairman Eckel reported that she took notes from the "Keeping Out of Trouble" Class she attended in Atlantic City. As soon as she gets the handout from the class speaker, she will forward it to the Board.

Chairman Eckel also reported that she will be working on the Annual Report. Codification of the Ordinance is complete and you can access it on the Borough website.

Chairman Eckel noted that an Affordable Housing Subcommittee needs to be formed. She will be asking Gordon Dragt, Maggie Cook, John DenBleyker and Paul Tomko to be on that Subcommittee. Jeanne Herb asked what is the purpose of this Subcommittee. Chairman Eckel noted that the subcommittee will make sure that the Borough meets the affordable housing obligation, has a plan for them or must amend the plan. Every Municipality in the State of New Jersey has an Affordable Housing obligation. An affordable housing plan gives the Board some control over the housing. Gordon Dragt would like to volunteer for that subcommittee. Kandy Ferree would like to volunteer for this down the road. There is a resident who Kandy Ferree thinks would be valuable for this committee. Maggie Cook would like to volunteer too.

Gordon Dragt asked about the River Mills Development. Chairman Eckel asked Mayor Myhre if he has heard from the Developer. Mayor Myhre responded that he has not. Maggie Cook asked what consequence will there be if the developer for River Mills does not build the affordable housing. Mayor Myhre stated that the Building Inspector Ken Rogers will not issue any permits until the new developer provides certain information. Kandy Ferree agreed with Mayor Myhre.

Mayor Myhre noted that on January 31, 2022 Councilwomen Stacey Becker will be having another Climate Control Meeting.

Chairman Eckel noted that she has sample ordinances on invasive plants because of the concerns with the bamboo growing in the Borough.

Chairman Eckel also noted that the 48 Bridge Street project has started. Gordon Dragt stated that owner is very excited.

Paul Tomko volunteered to work on the Planning Board portion of the Borough website.

ADJOURNMENT

Gordon Dragt moved adjournment at 8:27pm and Jeanne Herb seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary