

Frenchtown Planning Board
Regular Meeting
April 27, 2022
7:30 P.M.

Vice-Chairman John Denbleyker 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:

Cooke
DenBleyker
Dougherty
Dragt
Herb
Reino
Tomko

Absent:

Eckel
Ferree
Myhre

APPROVAL OF MINUTES

Regular Meeting – February 23, 2022

Jeanne Herb moved to accept the regular meeting minutes of February 23, 2022 and Gordon Dragt seconded the motion. The minutes of the February 23, 2022 Regular meeting were approved by unanimous favorable roll call vote.

PUBLIC COMMENTS

John Denbleyker 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. John Denbleyker opened the floor for public comments. John Denbleyker stated that if you wish to make a comment, raise your hand and he will call on you. Hearing no comments, John Denbleyker closed the public comment session.

NEW BUSINESS

Ordinance #880 - Board determination that ordinance is not inconsistent with the Master Plan

Planner Green stated the she was copied on an email about the ordinance. This is a clean up with the codification of the Land Use Ordinance. This is not changing any zones or bulk standards. It is all administration. In her opinion, the ordinance is not inconsistent with the Master Plan.

Jeanne Herb moved to find Ordinance #880 “Not Inconsistent with the Master Plan” and John DenBleyker seconded the motion. The Planning Board approved the determination that Ordinance #888 was not inconsistent with the Master Plan by unanimous favorable roll call vote.

Model Electric Vehicle Ordinance

Planner Green stated that the Electric Vehicle Ordinance is new legislation from last year requiring the installation of readily available electric car charging stations. This legislation impacts multifamily and large nonresidential developments. The legislation was adopted and every municipality has to start implementation. A model ordinance was provided. The majority of the ordinance cannot be changed if a municipality decides to adopt its own ordinance. There are two things to discuss. Is this something the Planning Board feels should be drafted toward Frenchtown and adopted into the Land Use Ordinance? None of the surrounding municipalities that she represents has adopted such an ordinance. Jeanne Herb stated that why codify if it is already mandated. She feels that it is money we do not want to spend and it is already a rule. Gordon Dragt stated that Country Classics has already included charging stations in the development. Darlene Green stated that it was not mandated for Country Classics.

John DenBleyker stated that it is a huge issue privately. Building services may not be big enough. Some companies are adding meters in parking lots to deal with it separately. John DenBleyker stated that when a station is put in, it has a credit card swipe for payment. A power source is required. Does Frenchtown pay for it? Darlene Green noted that it will be a requirement of the developer. John DenBleyker added that so many have to be handicap accessible. Mike Reino stated that there are preexisting handicap spots. Jeanne Herb stated that she will do more research on it. Planner Green said she was just googling the details. After adoption of the legislation, they are required in inclusionary developments. Gordon Dragt noted that if the parking lot is approved at the Kathee's General Store lot, there could be the possibility of one being included there. Do we need to approve it there? Planner Green stated that if the Borough develops a parking lot and it requires a site plan, it would be included in the approval. For 50 parking spots or fewer, one charging station has to be installed. Ms. Green added that retail parking lots providing less than 25 off street parking spaces are not required to provide it. The requirement is only triggered if an application comes in for site plan. Most developers know about the legislation. The legislation is silent about relief. Are you allowed to grant relief if they want 8 instead of 10 stations? Responding to Maggie Cooke, Planner Green noted that the legislation is not retroactive so any development that has already been approved, is not required to put one in.

Mike Reino stated that the view in Frenchtown is that we are built out. The municipality might want to see this in their parking areas. Jeanne Herb said that the Borough can do it voluntarily. The requirement is only triggered for site plan. If we want to do more we can. An ordinance would only be adopted to be transparent for developers. Planner Green stated that any developer that submits a site plan application must comply. John DenBleyker wants to understand the cost and where the money comes from. Darlene Green stated that an engineer would need to make recommendations. If we have no site plan, we will not enforce it. Jeanne Herb stated that she does not want to miss this opportunity and would like to review grant opportunities. She will provide a link to the Board. Planner Green will email the grant coordinator in their firm to see if there are any grants available. Maggie Cooke suggests that the Board waits until Mayor Myhre is in attendance to make any decisions. It sounds like it is on the radar of the Borough. Jeanne Herb put information for the grant in the chat on the zoom. Jeanne Herb added that she is happy to put together a summary of existing grants for Borough to pursue.

Planner Green summarized that it does not hurt to think about it for a month. It would be good to have more members in attendance to discuss this and make sure that the Governing Body is aware of the new legislation. Rules are already in effect.

John Dougherty asked if there are any time limit for use of the charging stations. Planner Green stated that there is nothing in the legislation that has limits. For every charging station, it counts for 2 parking spaces. Jeanne Herb stated that if you stay connected to a charging station once your car is charged, you pay a significant increase. Responding to Mike Reino, Planner Green said that she cannot see how you can put a time limit on them because of residential implication.

Jeanne Herb stated that May 13, 2022 is the deadline for grant applications. It would be the Council's decision. Jeanne Herb asked Planner Green if she could send an email to Mayor Myhre about the grant application and deadline and inform the Mayor that Jeanne Herb will do the work.

WAREHOUSE ORDINANCE

John DenBleyker noted that Planner Green and Chairman Eckel received an email from Attorney Albert Cruz in reference to an Ordinance that prohibited warehouses in Mansfield. Darlene Green stated that Frenchtown is smaller with more features than Mansfield and she is not sure that the Borough needs to do that. She reviewed the Borough's online digital codes. In the entire E-code for the Borough, it only mentions warehouses under low impact industrial where it allows storage of local inventory. She will forward that to the Board and the Board can look at it. This is not an emergency type situation. If the Board feels strongly about it, an ordinance can be written. Most Planners and Attorneys believe that if something is not allowed or in the ordinance, it is prohibited.

Jeanne Herb stated that for relationship building, the Planning Board should know if Alexandria is putting up large warehouses. That is the bigger risk. Planner Green stated that neighborhoods have to deal with the traffic etc. from the transportation routes from these warehouses. Jeanne Herb stated that it seems to be an exposure to the Borough. Planner Green stated that this is a big legislative debate. Are warehouses permitted and there is case law. You have to take into account the amount of traffic that goes with it. You cannot deny a warehouse because of traffic. If it is a use variance, you have the ability to object. A Board provides their witnesses to contradict an applicant's witness. Jeanne Herb will reach out to other towns for information. Darlene Green noted that you could fit a 75,000 sq ft building on 5 acres. Tracker trailers are in an out. She does not think they would be interested in the Borough. The concern is what the surrounding municipalities might allow. They will more than likely be approved. Mike Reino said that we already have problems with truck traffic. Maybe the warehouses would use vans rather than tractor trailers. Planner Green is currently working on the Master Plan review and talking to the County Planning Office. State Route 29 is designated as a scenic byway but still can be affected by warehousing. As to the correspondence to the towns, Mansfield said they are banning warehousing. John DenBleyker noted that he will bring to Chairman Eckels attention the concerns about surrounding towns. He thanked Planner Green for the input.

Affordable Housing Committee - July 1, 2025.

Planner Green stated that Chairman Eckel is assembling a subcommittee so we can brain storm and look for unique ways to generate affordable housing credits. Most towns do not want to do inclusionary development. They are working with family veteran housing and the units look like single family houses but have four (4) units. We can look at municipal owned land and what we can repurpose. This would save five (5) market rate units from being constructed if you provide one (1) affordable housing unit. You can also see if there are credit partnerships. Townships will see large numbers and the Borough does not have the same land mass to rezone. Maybe this summer, the committee can meet. Gordon Dragt noted that the Borough had included buildings that may not be built yet and we are counting River Mills that are not available yet. Planner

Green added that the Borough is already taking application for Country Classics and Eight Street. We need to get together and do serious thinking.

Maggie Cooke has volunteered to be on that committee. Jeanne Herb would also like to be on that committee. Gordon Dragt is currently on that committee. John DenBleyker will reach out to Chairman Eckel to let her know that Jeanne Herb, and Maggie Cooke wish to be on the committee.

Interactive Zoning Map

Planner Green noted that there was an email sent by Attorney Albert Cruz from General Code, providing information and a quote for an interactive zoning map. The Governing Body did approve Planner Green to update the Borough's current zoning map. Planner Green added that she did outline issues with the zoning map when we did the Master Plan review and already drafted a new zoning map. The Governing Body would introduce an ordinance to adopt a revised zoning map. Then, the ordinance would be referred to the Planning Board for a Master Plan consistency review. John DenBleyker noted that there may be a weblink for the zoning map. But, the Borough will have a new zoning map.

Planner Green stated that the Borough will receive a digital pdf that you can zoom in and out with, and it will be of better quality so you can see parcel and property lines. The Borough will receive a larger version that will be sent to Borough Hall.

OLD BUSINESS

Cannabis Committee Report

John Dougherty stated that back in March, 2022, Kandy Ferree and he tried to get the committee restarted. One person is departing the committee and we wanted to find someone from the FPBA to replace that committee member. He will reach out to Kandy Ferree to get a meeting scheduled. The work is not as easy as it seems. He is struggling with figuring out what deliverable would look like. We will need Planner Green's help. Jeanne Herb stated that the Borough could choose any. John Dougherty stated that the Borough put in place a prohibit ordinance within the time frame required by the law so we had time to consider a permissive ordinance meaning allowing some types of business to operate in Frenchtown. Deliverable would be recommended to the Governing Body including what the Ordinance should include, where it should be allowed and what conditions should there be. We may prohibit some. Retail seems most logical but parking is a big consideration such as in the R4B Zone where there is parking. There is no deadline now. Our intention all along was moving ahead and not let it sit as prohibitive forever. The Committee needs help to define what the deliverable should be. Does the committee draft it and give it to the Governing Body. Planner Green responded that the initial step is to agree on uses you want to permit and do an outline. The outline can be short or lengthy. There is a taxation ordinance, a police ordinance and a licensing ordinance also, not just land use change. Before we get too far, a framework should be drafted and feedback obtained. If there is agreement on perhaps two items, the subcommittee can fine tune it and then present a full developed ordinance. John Dougherty noted that Kandy Ferree has always wanted public involvement and we hope she can contribute in that area. John Dougherty likes Planner Green's advice. Then we will have something for public input. It gets complicated when you hear words like cultivation. It is grown indoors and it is usually in industrial areas. Jeanne Herb asked if it is appropriate to go to the Governing Body and say this is what we think and here are the issues we all should think about. Is it to offer recommendations or advice the Governing Body on what they should be thinking about? Her concern is if the Planning Board is the appropriate body to consider all aspects for cannabis. She commented that the Governing Body should be the

appropriate body to consider the ordinance as taxation, licensing, enforcing, etc. is also part of it. John Dougherty said the Governing Body should do public input. Mike Reino said that at this point, the Governing Body should come up with direction. We have an opportunity to see what is happening in the State. The Borough will probably have 50/50 in favor. If you are going to have 250 people waiting in line at a retail, no one would want that. People have complained about the smell from the grower developments and facilities had to spend money on air handlers. Jeanne Herb said that there are other things that should reside with the Governing Body. Financial benefit is not what it was going to be. John Dougherty said we already got direction from Governing Body. The committee should work along lines of what we have discussed and then take it to the Governing Body. Jeanne Herb stated that there is a value in determining the appropriate body to deliberate on issues such as tax revenue, licensing, etc. Gordon Dragt stated that little is said about micro businesses that were created in small towns. The first 7 licenses were issued to multinational companies with experience. Small town with certain characteristics may want a micro business. Why are we avoiding that? Jeanne Herb said that this is not allowed. Gordon Dragt said micro does not have to compete with international business. John Dougherty responded that we might be able to limit something which would localize it. That is what we want to figure out. John Dougherty said that we will talk to the Mayor Myhre and Kandy Ferree and get clear direction. All input is helpful. John DenBleyker said that many times we make recommendation that this is the direction and planning for the town and the Governing Body can do with it what they want. John Dougherty said that the tax issue is not what we think about. It is land use. Jeanne Herb said as a voter a lot has changed and there are experiences to look at. John Dougherty stated that Lambertville is ahead of us and he did get a copy of their Ordinance. It is something we should look at. They have had hearings. Their experience could be informative.

Planner Green noted that the committee is reviewing the land uses. We can permit conditional uses that give the Board a lot more control. The proofs are so much higher. If they cannot meet all the conditions, it would trigger a variance. You can tailor it to Frenchtown and creating the framework where it is important.

VOUCHER LIST 4/27/2022

GENERAL REPRESENTATION

Colliers Engineering	Professional Services rendered – General 2/17/22	\$730.00
Archer & Greiner, PC.	General Representation through 1/31/22	\$45.00

ESCROW ACCOUNT – BLOCK 45 LOT 2 5 & 6 WASHINGTON STREET

Albert Cruz	Professional Services for 5 & 6 Washington 1/28/22	\$432.00
Albert Cruz	Professional Services for 5 & 6 Washington 1/31/22	\$112.00
Albert Cruz	Professional Services for 5 & 6 Washington	\$382.66

12/31/21*

ESCROW ACCOUNT – BLOCK 43 LOT 4 13 MAPLE Avenue

Archer & Greiner, P.C.	Professional Services for 13 Maple Avenue	\$135.00
	2/28/2022	
Archer & Greiner, P.C.	Professional Services for 13 Maple Avenue	\$160.00
	1/31/2022	
Colliers Engineering	Professional Services for 13 Maple Avenue	\$77.50
	2/17/2022	
Van Cleef Engineering	Professional Services for 13 Maple Avenue	\$462.00
	2/28/2022	

ESCROW ACCOUNT – BLOCK 3 LOT 1 , Country Classics Redevelopment

Colliers Engineering	Professional services for Country Classics	\$77.50
	through 2/17/22	

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

Colliers Engineering	Professional services for Country Classics	\$80.00
	through 2/28/22	

ESCROW ACCOUNT – BLOCK 12 LOT 5 Milford Investments

Colliers Engineering	Professional Services for Milford Investments	\$740.00
	2/28/2022	

On motion by Jeanne Herb, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

ADJOURNMENT

Jeanne Herb moved adjournment at 9:00 pm and Mike Reino seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary