



The Borough of Hightstown Planning Board

156 Bank Street, Hightstown, New Jersey 08520
609-490-5100, ext. 617

PLANNING BOARD MEETING AGENDA

December 12, 2016 – 7:30 P.M.
Hightstown Firehouse Hall, 140 North Main St.

Meeting call to order by Fred Montferrat, Planning Board Chairman

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Laws 1975, Chapter 231. Said notice was advertised in the, Trenton Times and Windsor-Hights Herald as required by law, and is posted in the Borough's Office.

Flag Salute

Roll Call

Approval of Agenda

Approval of Minutes Regular Meeting, November 14, 2016
Executive Session, November 14, 2016

Public Comment

New Business

- 1) Memorization of Resolution 2016-16 – Granting Extension of Resolution 2015-08 - Teckno Properties, LLC – Minor Subdivision Approval Block 47, Lots 5 & 6, 314 Second Avenue, Hightstown

Old Business

- 1) Route 33 Ordinance Parameters - Update - Tamara Lee
- 2) COAH – Housing Element and Fair Share Plan – Update – Tamara Lee
- 3) Amendments for the Master Plan – Cultural Arts Commission Public Arts Master Plan and Hightstown Downtown Design Manual – Tamara Lee

Committee and Professional Reports

Chairman and Board Member Comments

Next Meeting – Monday, January 9, 2017

Adjourn

Hightstown Planning Board
 Regular Meeting
 November 14, 2016, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:31 p.m. and read the Open Public Meetings Act statement: “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Trenton Times and the Windsor-Hights Herald, and is posted in the Borough Clerk’s office.”

Flag Salute

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Montferrat, Chairman	X		
Mayor Quattrone	X		
Councilman Misiura	X		
Ms. Colavecchio	X		
Mr. Hansen	X		
Mr. Lane	X		
Mr. Musing		X	
Mr. Searing	X		
Mr. Balcewicz, Alt. #1	X		
Mr. Cabot, Alt. #2	X		

Also in attendance: Sandy Belan, Planning Board Secretary, Tamara Lee, Borough Planner and Jolanta Maziarz, Planning Board Attorney. Carmela Roberts, Borough Engineer was not present.

OATH OF OFFICE

Mayor Quattrone swore in Joshua Jackson – Mr. Jackson is employed at the Peddie Golf Course. He currently serves on the Environmental Commission and will be the liaison to the Planning Board.

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to amend the agenda to add an Executive Session (Attorney-Client privilege) after the agenda approval. Mr. Lane made a motion to approve the agenda as amended. Mayor Quattrone seconded.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Colavecchio, Mr. Lane, Mr. Hansen, Mr. Searing, Mr. Balcewicz, Mr. Cabot and Mr. Jackson voted yes. Mr. Musing was absent.
Motion passed 10-0.

Chairman Montferrat read the Resolution 2016-15 Executive Session.

Resolution 2016-15

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that this body will hold a meeting on November 14, 2016 at or after 7:30 p.m. in the Hightstown Engine Co. #1 Firehouse Hall, located at 140 North Main Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Attorney – Client Privilege

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public February 14, 2017 or such date when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Motion made by Mr. Cabot to move into Executive Session. Motion seconded by Mr. Balcewicz.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Colavecchio, Mr. Lane, Mr. Hansen, Mr. Searing, Mr. Balcewicz, Mr. Cabot and Mr. Jackson voted yes. Mr. Musing was absent. **Motion passed 10-0.**

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the October 13, 2016, Regular Meeting. Motion made by Mr. Balcewicz to approve the minutes. Mr. Searing seconded.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Mr. Searing, Mr. Balcewicz, and Mr. Cabot voted yes. Mr. Montferrat, Ms. Colavecchio, Mr. Hansen, Mr. Lane and Mr. Jackson abstained. Mr. Musing was absent. **Motion passed 5-0, with 5 abstentions.**

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments on any items not on the agenda.

There being no comments, Mr. Montferrat closed the public comments.

OLD BUSINESS:

- 1) Teckno Properties, LLC – Minor Subdivision Approval Block 47, Lots 5 & 6, 314 Second Avenue, Hightstown, Extension of Resolution 2015-08

Steve Gouin, Giordano, Halleran & Ciesla – We were scheduled to come here tonight for the adoption of the resolution for a six-month extension which was granted last month. However, some additional fact finding took place. Part of the basis of the extension that the Board granted was the apparent six month delay in the applicant receiving the resolution of approval and beginning compliance. It looks like the resolution may have actually been sent to the applicant well before that six month period. We are here tonight to correct the record. The resolution was sent, either the applicant did not find the copy or it was misplaced. The basis for the Board’s grant of this extension was that the applicant was diligently seeking outside agency approvals.

Ms. Maziarz swore in Mr. John Pyonteck, owner Teckno Properties LLC, 136 Mills Road, Monroe Township – I chose to build in this town because I see the huge potential. I am not familiar with this process. If it was our oversight, we will take complete responsibility. We have had an issue with mail delivery to our home. I don’t know if it is my fault, but I will take full responsibility. My wife and I are usually on top of everything. I do not know what happened to this. We don’t know whose fault it is. Anything that comes to us we act quickly and responsibly, but for some reason I don’t know what happened to this. If it is my fault my wife and I apologize for that. I am currently looking at three other properties in the Borough. I want to make this town my home and invest and make it better. I’m asking that the Board grant a two week extension on the resolution.

Ms. Maziarz – I understand there is an outstanding water/sewer bill? Mr. Pyonteck – 314 Second Ave., tenant has some medical issues and we were working with them. I will make sure the issue is resolved immediately.

Ms. Maziarz – The Resolution will not be adopted until the December meeting. We needed to reopen the hearing in order to get additional testimony in order to correct the resolution.

Mr. Gouin - We could submit the deed and reduce the extension period. We will send a copy of the deed to the Board Secretary.

Mr. Montferat – The Board wants to make sure that you can meet your deadline. The purpose of reopening the hearing was to clarify the record that the Board based its decision not on lost documents but other circumstances.

Ms. Maziarz will send a letter regarding the deed approval. Ms. Roberts will review the metes and bounds and issue her report.

Mr. Pyonteck - I will make sure that all outstanding accounts are paid by the end of the week.

Ms. Maziarz provided an overview of the process going forward: If the Board approves the extension tonight and the condition is that the deed is recorded within three weeks. The deed will be recorded subject to all taxes and assessments are paid. In December the Board will memorialize the Resolution. At that time the applicant will need to file a corrected deed to add the resolution that extends the time to file the deed.

Motion made by Mayor Quattrone to grant Teckno Properties, LLC a six-month extension based on testimony by the applicant, subject to all taxes and assessments are paid and compliance with all prior conditions in the original Resolution 2015-08. Motion seconded by Mr. Searing

Roll Call: Mr. Quattrone, Mr. Misiura, Mr. Searing, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Montferrat, Ms. Colavecchio, Mr. Hansen, Mr. Lane and Mr. Jackson not eligible. Mr. Musing was absent. **Motion passed 5-0; 5 members not eligible to vote.**

- 2) Route 33 Ordinance Parameters – Ms. Lee – Subcommittee has not met to review. Item tabled to December meeting.
- 3) COAH – Housing Element and Fair Share Plan – All Planning Board members received updated copies of the following documents: Ms. Lee gave a brief overview of the documents.
 - a) Housing Element and Fair Share Plan with Spending Plan dated November 9, 2016
 - b) Vacant Land Analysis dated October 26, 2016

Next step would be for the Planning Board to review and discuss; public hearing; adopt as amendment to the Master Plan.

Ms. Lee received an email Nov. 10 from Westerlea Apartments – owners are interested in expanding the apartment complex. If they did, they would be willing to incorporate some affordable housing. Two proposals:

- a) They are considering demolishing 2 or 3 buildings and replacing them with a single 5 to 10 story building. The Borough could offer input regarding which 2-3 buildings should be replaced.
- b) They claim there is a ‘junkyard’ (actually a towing service) next to the site. They would like to know if the Borough would condemn the “junkyard” and then allow them to expand on that site.

Mr. Montferrat – We should move forward with these two plans review and take action. Board will review documents and discuss at the December meeting.

- 4) Amendment to the Master Plan – Cultural Arts Commission Public Arts Master Plan and Downtown Hightstown Design Manual – The Board could have a joint hearing on both items.

Copy of the final Downtown Hightstown Design Manual will be emailed to all Board members.

Mr. Balcewicz asked for clarification concerning the Design Manual being only recommendations and not required. Ms. Lee confirmed that it is stated in the Manual that the guidelines are only recommendations.

Mr. Misiura noted that during the previous review of the Cultural Arts Commission Master Plan there was some discussion regarding some items that needed further clarification.

Ms. Lee – “The proposed ‘Standard Operating Procedures,’ with a few refinements, offers a good initial framework for their program...” Refinements would be made through ordinances adopted to implement the planning policies suggested in the Cultural Arts Commission’s Master Plan.

Tabled for further discussion at the December meeting.

COMMITTEE AND PROFESSIONAL REPORTS

Mr. Balcewicz – The Sign Subcommittee plan to meet again.

Mr. Jackson – Environmental Commission – continuing the work on the Sustainable New Jersey Grant.

Ms. Colavecchio – The Historic Preservation Commission has not met for the past several months.

BOARD MEMBERS COMMENTS

Minute Maid Property – Mr. Balcewicz drove past the property last Monday and noticed over 16 trucks parked on the Mercer Street side next to the fence. Also checked today, and there were no extra spaces. Settlement Agreement does not allow truck parking on that space. This is an enforcement issue. Mr. Raffetto is interpreting the settlement agreement.

Ms. Lee – They are still waiting for DOT approval.

Ms. Maziarz – Quasi criminal complaint – notice of a zoning violation and municipal court determines' the violation fee. Summons may be issued based on noncompliance with the settlement agreement and diagram.

Ms. Lee - During negotiations I asked for those spaces in the front to be removed and they said they needed them for maneuvering. They also said they needed a couple of truck spaces in case some trucks had to wait while other trucks maneuvered. If they are not complying with the settlement agreement, they are in violation of their CO.

Mr. Misiura – brief update on the Rug Mill Property. He will be meeting with DEP this month regarding remediation. Walking Bridge has been tied up with DOT regarding historic permit and archaeological issues on the site. Council received letter from DOT last week signing off on the Bridge approval. The Borough may be making some improvements to the Fire House using funds from the sale of the Borough Hall and insurance.

Mayor Quattrone – attended the League of Municipalities Convention in Atlantic City, Nov. 15-18.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Mr. Hansen. All ayes. Meeting adjourned at 9:06 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

**RESOLUTION OF THE PLANNING BOARD
BOROUGH OF HIGHTSTOWN
MERCER COUNTY, NEW JERSEY**

**TECKNO PROPERTIES LLC.
EXTENSION OF RESOLUTION 2015-08**

Applicant: Teckno Properties LLC.
Location: 314 Second Avenue
Property: Block 47, Lots 5 and 6
Hearing Dates: October 13, 2016 and November 14, 2016
Request: One year extension in time to record a deed in accordance with a minor subdivision approval granted on May 11, 2015.
District: R-4, Residential

Relief requested:

One year extension in time pursuant to N.J.S.A. 40:55D-47g to record a deed in accordance with a minor subdivision approval granted on May 11, 2015.

Relief Granted:

Six month extension in time pursuant to N.J.S.A. 40:55D-47f to December 30, 2016 to allow Applicant time to file a deed in accordance with Applicant's original minor subdivision approval granted on May 11, 2015 in Resolution 2015-08.

WHEREAS, Applicant has applied to the Planning Board of the Borough of Hightstown ("Board") with a request for a one year extension in time, pursuant to N.J.S.A. 40:55D-47g which says, in pertinent part, "[t]he planning board shall grant an extension of minor subdivision approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development..." (emphasis added); and

WHEREAS, during the hearing on the Application it was determined that the Applicant's request was not a request for an extension of the minor subdivision approval but an extension of the 190 day period for filing a plat or deed and, therefore, implicated relief available under N.J.S.A. 40:55D-47f, which says "[t]he planning board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to subsection d. of this section if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or

indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board.”; and

WHEREAS, the Board considered the relief requested under N.J.S.A. 40:55D-47f rather than N.J.S.A. 40:55D-47g; and

WHEREAS, during the public hearing on the Application on the Hearing Date, the Applicant, represented by attorney Steven Gouin, was given the opportunity to present testimony and legal argument, and the Board’s consultants and members of the public were given an opportunity to comment on the Application; and

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

WHEREAS, Mr. Gouin introduced the Application and presented legal argument to the Board as more fully set forth on the record as follows:

Mr. Gouin stated that the Applicant had previously received minor subdivision approval to divide the Property into two lots in April of 2015. A resolution memorializing the Board’s April decision was adopted on May 11, 2015. Mr. Gouin indicated that the Applicant was required to record the minor subdivision deeds within 190 days of the approval but failed to do so. Mr. Gouin further indicated that the Applicant’s approval was extended by the Permit Extension Act to June 30, 2016 but the Applicant failed to record the deeds by that extended time, as well. Since the Applicant failed to record the minor subdivision deeds within the statutory 190 day time period and during the extended period, Applicant was requesting an extension to record the deeds.

WHEREAS, the Applicant presented testimony to the Board as more fully set forth on the record on October 13, 2016 from Lella DeFino the owner of the Property and member of Applicant limited liability company as follows:

Ms. DeFino testified with regard to the actions that Applicant took with regard to the Property, including

applying for necessary approvals, from the time Applicant acquired the Property through construction of the home on the Property. Ms. DeFino indicated that she did not receive the Board's resolution of approval for six months. Ms. DeFino further testified that the Applicant had satisfied all of the conditions in the Borough Engineer's report and had received approvals from the County.

WHEREAS, after the October 13, 2016 hearing, the Board was made aware of the fact that the Board's original approving resolution adopted on May 11, 2015 was e-mailed to the Applicant's attorney on May 26, 2015 and hard copies of the resolution were sent to another of Applicant's attorneys, the Applicant and to the Applicant's engineer; and

WHEREAS, the Applicant appeared before the Board once again and presented testimony to the Board as more fully set forth on the record on November 14, 2016 from John Pyonteck the owner of the Property and member of Applicant limited liability company as follows:

Mr. Pyonteck testified with regard to an issue that the Applicant has with mail delivery and receiving mail. Mr. Pyonteck did not dispute that the Board's resolution was sent in a timely manner but testified that the Applicant may simply have not received it. Mr. Pyonteck further agreed to ensure that all outstanding sums for water, sewer, tax, or any other amount owed to the Borough will be paid in full.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Applicant originally received approval to subdivide the Property into two lots on May 11, 2015 under resolution numbered 2015-08. The original resolution also required compliance with certain conditions.

2. The Applicant was statutorily required to file minor subdivision deeds in accordance with N.J.S.A. 40:55D-47 within 190 days of approval of the minor subdivision approval, in addition to an extension provided for by the Permit Extension Act, but failed to do so.

3. The Applicant's witness testified indicating that the Applicant did not receive the Board's approving resolution for six months from the resolution's adoption on May 11, 2016. Borough records indicate that the approving resolution was sent to the Applicant and the Applicant's attorneys and engineer on May 26, 2015. The Applicant's second witness clarified the record

indicating that the testimony presented in the earlier hearing may have been in error.

4. The Applicant's approval under resolution 2015-08 was not clear as to whether the Applicant was required to satisfy all resolution conditions before the deeds could be recorded. Thus, the Board accepts the Applicant's interpretation that all conditions of the approval were required to be satisfied before the Chairman and Secretary of the Board could sign the minor subdivision deed and the deed could then be recorded in accordance with law.

5. The Applicant proceeded to work to satisfy all of the resolution conditions but was unable to satisfy the conditions within the 190 day statutory period and during the extension period due to delays in obtaining required outside agency approvals. The Applicant has indicated that all conditions are now satisfied. The Board defers to its professionals to determine whether all resolution conditions are satisfied. During the time that Applicant acted to satisfy the conditions of the original approving resolution, the Applicant obtained construction permits and proceeded to construct a second residence on the Property. Once the minor subdivision deed is filed, this second residence will be located on a separate property.

6. The Applicant has shown sufficient evidence to substantiate its claim that outside agency delays hindered the statutory recordation of the minor subdivision deed. Therefore, the Applicant has shown sufficient evidence to substantiate the need for an extension in time to December 30, 2016 to record the minor subdivision deed.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the evidence presented to it, and the foregoing findings of fact and conclusions of law, that the Planning Board does hereby GRANT the Relief Granted as noted above, subject to the following:

1. Applicant is required to comply with the following condition(s):

a. The Applicant shall comply with Applicant's representations to and agreements with the Board during the hearing on this Application.

b. The Applicant shall comply with all conditions imposed in original approving Resolution 2015-08 adopted May 11, 2015.

c. The Applicant shall pay in full any and all taxes, fees, and any other sums owed to the Borough before any certificate of occupancy shall issue for the Property.

2. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the Borough of Hightstown Code, other Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.

3. The grant of this application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

6. All fees assessed by the Borough of Hightstown for this Application and the Hearing shall be paid prior to any construction.

7. The Borough of Hightstown Planning Board reserves the right to revoke or withdraw any approval granted herein, upon notice to the Applicant and an opportunity to be heard at a public hearing, if there is any deviation from or alteration of the plan hereby approved, unless prior written approval for such deviation or alteration has been obtained from the Planning Board. So called "minor deviations" and "field changes" may be authorized solely by the Borough Engineer in writing and only after consultation with the Chairman of the Planning Board to determine if the proposed minor deviations and field changes deviate from the intent of this Resolution. If it is determined by this consultation that the changes proposed are not minor, the matter must then be referred to the full Planning Board and no changes may be effected until the Board gives its approval.

8. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted plan or the improvements to be installed, which are subject to third-party jurisdiction and which require approvals by any third-party agencies. This Resolution of approval is specifically conditioned upon the Applicant securing the approval and permits of all other agencies having jurisdiction the proposed development. Further, the Applicant shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicant and third-party agencies from which approval and permits are required to the Borough of Hightstown Planning Board at the same time as such correspondence is sent or received by the Applicant.

WHEREAS, A Motion was made by Mayor Quattrone and seconded by Mr. Searing to grant approval of the time extension as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on December 12, 2016, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Mr. Quattrone, Mr. Misiura, Mr. Searing, Mr. Balcewicz and Mr. Cabot; No: None; Abstain: None; Not Eligible: Mr. Montferrat, Ms. Colavecchio, Mr. Hansen, Mr. Lane and Mr. Jackson; Absent: Mr. Musing.

Sandy Belan,
Board Secretary

Fred Montferrat,
Chairman

VOTE ON RESOLUTION					
MEMBER	YES	NO	NOT ELIGIBLE	ABSTAINED	ABSENT
CHAIRMAN MONTFERRAT					
VICECHAIR MUSING					
MAYOR QUATTRONE					
COUNCILMAN MISIURA					
MS. COLAVECCHIO					
MR. HANSEN					
MR. LANE					
MR. SEARING					
MR. JACKSON					
MR. BALCEWICZ, ALT 1					
MR. CABOT, ALT 2					

I hereby certify this to be a true copy of the Resolution dated
December 12, 2016.

Sandy Belan,
Board Secretary