

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

OPEN SESSION
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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. Lane	X		
Mr. Montferrat	X		
Mr. Misiura	X		
Mr. Hansen	X		
Mr. Mulleavey	X		
Mr. Searing	X		
Mayor Quattrone	X		
Mr. Musing	X		
Ms. Colavecchio	X		
Mr. Balcewicz, Alt. #1	X		
Mr. Honsel	X		X (7:35 pm)

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

Jonathan Kinney and Andrea Tingey from the New Jersey State Historic Preservation Office were also present.

APPROVAL OF AGENDA

Mr. Montferrat asked that the agenda be amended as follows: move the discussion of portable and projecting signs after the presentation by State Historic Preservation Office.

Mr. Montferrat asked for a motion to approve the agenda as amended. Mr. Musing made a motion to approve the agenda as amended. Mr. Mulleavey seconded.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Honsel was absent.

**Motion passed 10-0.**

## APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the January 25, 2016, Joint Borough Council and Planning Board Meeting. Motion made to approve the minutes.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Honsel was absent.

**Motion passed 10-0.**

Mr. Montferrat asked if there were any corrections or comments to the minutes of the February 8, 2016 Regular Meeting. Mr. Balcewicz emailed the Board Secretary with the following addition: add Mr. Balcewicz's name to the list of members reappointed and sworn in. Mr. Montferrat asked for a motion to approve the minutes as amended. Mr. Balcewicz made a motion to approve the minutes. Mr. Lane seconded.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Mr. Hansen, Mr. Balcewicz and Mr. Honsel voted yes. Ms. Colavecchio abstained.

**Motion passed 10-0; 1 abstention.**

Mr. Montferrat asked if there were any corrections or comments on the minutes of the February 8, 2016, Executive Session. Mr. Balcewicz had a question regarding the minutes. Ms. Maziarz noted that any discussion of the Executive Minutes should take place during Executive Session and be approved during Regular Session.

## PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

Jeffrey Lawton, 400 Mercer Street, LSC Mechanical, Hightstown – Received a second notice of violation dated March 9, 2016, from the Zoning Officer regarding site plan revision (altering the site plan of the property without a zoning permit or Planning Board approval). Cut down and removed three mature trees, removed stone curbing and a grassy area to increase the parking area. The Board attorney will review and Board will respond to Mr. Lawton.

Mark Labose, represents AAMCO Transmission, Hightstown – Mr. Lawton is a model tenant and citizen. Mr. Lawton's intent in making these changes was general maintenance and safety of the property. Mr. Montferrat asked that he provide his comments in writing to the Board.

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

## NEW BUSINESS

- 1) Presentation by State Historic Preservation Office - Jonathan Kinney and Andrea Tingey –

At this time Dimitri Musing recused himself from the Planning Board with regard to this presentation and any further discussions concerning the Historic District. I own, reside and operate a business in the Historic District. It is my personal opinion that this creates a conflict of interest. As a resident and business owner in the Historic District, I will voice my opinion. I do not make this decision lightly. I believe it is in the best interest of the Planning Board and with respect of my fellow Board members.

Jonathan Kinney:

- a) There are three levels of designation: (1) National Registry (nomination and application process, no effect on property owners, basically honorary, protects against Federal undertakings); (2) State Registry (nomination and application process, no effect on property owners, state process complements the federal process, protects against State and municipal undertakings); (3) Local Designation – municipal ordinance may have restrictions on what property owners are permitted to do: zoning and exterior changes. The following are designated CLG communities (total of 44 in New Jersey) – Princeton, Ewing, Lawrence, Hopewell, Paterson, Cape May.
- b) Establish Historic Preservation ordinance which outlines regulations on how to designate and regulate historic properties. Ordinance must be approved by the governing body.
- c) Reviewed the procedures to become a CLG (Certified Local Government)
- d) Weak vs. Strong HPC: Weak HPC reports to Planning Board and the Board advises the Administrative Officer. Strong HPC the Administrative Officer is bound by the HPC recommendations.

Ms. Lee - Historic Properties are designated in the Master Plan and Zoning map.

Discussion: Adding additional properties to the Historic properties. The current ordinance only applies to the Stockton Street properties.

What is the advantage of becoming a CLG: technical assistance from SHPO; grant funding (10% of all the money received from the federal government is passed along to local governments); more formal role in National Registry of properties within Hightstown.

Mr. Balcewicz – Would minor repairs require approval from the HPC? Does our current ordinance list items to be reviewed/approved? The HPC in the past wanted to be involved in making changes to windows and front doors.

Ms. Lee – Reviewed the current Historic Preservation Ordinance:

“A Certificate of Appropriateness shall be required before any work is commenced that affects the exterior or structural integrity of any Historic Landmark or resource within any Historic District: 1) Demolition of any building, structure, site, object or improvement. 2) Relocation of a principal or accessory building, structure, site, object or improvement. 3) Any addition to or new construction of a principal or accessory building, structure, site, object or improvement. 4) Any work that affects the exterior or structural integrity of an Historic Landmark or resource located within an Historic District whereby a permit is required to be issued by the Construction Official except as exempted below in subparagraphs (B)1 and (B)3. 5) The replacement of the following exterior features visible from the street: windows and/or window trim, shutters, doors and/or door trim, fascia, soffits, exterior wall materials, fretwork (gingerbread), dentils, bracket, metal reliefs, lights, porches or portions thereof.”

Ms. Tingey - HPC ordinance, each municipality determines the specific items to be included in the ordinance – it can be very specific (such as paint colors, lighting fixtures, etc.).

Mr. Mulleavey – How are the funds disseminated?

Ms. Tingey – CLG certification applies to the entire municipality. All Borough commissions and board would fall under the CLG. To apply for grants you must be a CLG member in good standing. Grants are

issued on a competitive basis determined by the merits of each application. The grants are funded by the National Park Service.

Mayor Quattrone – Does a home owner have any rights in the event their property is nominated to be designated “historic?” A property nominated for historic designation, must meet specific qualifications to be considered historic. Nomination must be approved by the HPC, Planning Board and Borough Council. If approved, the zoning for that property would be changed. You may also be required to notify all property owners within 200 feet. Properties cannot be grandfathered.

Mr. Montferrat – we will be doing a joint meeting with the Historic Preservation Commission and Planning Board as well as workshops with residents.

Mr. Montferrat opened a second public comment on SHPO presentation only:

Councilman Connor Montferrat, 414 Stockton Street: Liaison to the Historic Preservation Commission – currently we have a weak commission. This would help enforce some issues with property owners. The HPC is not trying to designate the entire town. This would give some additional weight to the HPC’s recommendations.

Charles Stults, 408 South Main Street – I have reviewed several historic ordinances. Hightstown Borough properties do not sell for a million dollars like Main Street Cranbury. They are purchased by young couples. The intent is good however the consequences are very negative to Hightstown. I previously sold real estate, this type of ordinance would eliminate 90% of the buyers in this area. Once you give individuals the power to designate properties, property owners would be required to comply with the ordinance. Individual property owners may nominate their home for historic designation. This sounds good and works extremely well in a lot of places, but do not believe it would be good for Hightstown.

Dimitri Musing, 137 Stockton Street – resident and business owner – I agree wholeheartedly with Mr. Stults interpretation. The intent is good, however I feel it is a “slippery slope.” Before I purchased the property, I checked to see if there were any restrictions. It is expensive to renovate an older house, when you have additional restrictions, ultimately the district is not going to improve. Residents are maintaining their property more and more. I purchased the house because I saw potential in the property and Hightstown. These are not million dollar properties. There are businesses within the historic district that will also have to comply. There are increased costs for insurance for properties in historic districts. I would ask all of you to think carefully before adopting such an ordinance.

Mr. Montferrat asked the SHOP representatives if insurance premiums are higher in historic districts. Ms. Tingey – there are premier insurance companies who work with homeowners in historic districts.

Mr. Stults, 408 South Main Street – insurance issue – because Hightstown ordinance is advisory, many insurance companies will allow the house to continue to be insured at current rate. Insurance is based on the cost to rebuild the property. In the event the property has to be rebuilt to “historic standards” the cost increases.

George Chin, Construction Official – reviewed the process for Historic Preservation Commission review. Homeowner submits a construction application, if the property is in the Historic District the information is forwarded to the HPC for their review. Once reviewed the HPC provides their Opinion letter to the Construction Office and then the Construction permit can be issued.

Mr. Montferrat thanked Jonathan Kinney and Andrea Tingey from the New Jersey State Historic Preservation Office for their presentation and attendance. At this time, Mr. Musing returned to the dais.

## OLD BUSINESS

- 1) Portable A-Frame and Projecting Signs – Planning Board members received copies of the proposed ordinance changes for review. Mr. Balcewicz – Mr. Chin was very instrumental in drafting these ordinances. Projecting signs – amended to further explain the difference between projecting sign and “creative” sign. Mr. Musing also thanked the subcommittee and Mr. Chin for their work on these two ordinances.

Mr. Misiura raised a question concerning only permitting businesses to have either projecting or portable sign. Mr. Chin explained that originally the Board wanted to eliminate portable signs. However, businesses expressed their concerns. Believe this is a good compromise for both the businesses and the community. The creative signs may be a draw to Hightstown by improving the appearance of the downtown area. Any business that wants both types of signs would have to apply to the Planning Board for a variance. Discussion on Fernando’s Restaurant – they have portable signs (menu and parking). Their parking sign should be considered a directional sign.

Mr. Misiura – there are other issues with signage in the Borough. Neon open signs – those are LED signs which are permitted. The signs cannot blink. Several businesses with extensive advertising posted in their windows. Want to make sure that all the ordinances are being enforced.

Motion made by Mr. Lane and seconded by Mr. Mulleavey to forward the proposed Ordinance 29-15, Projecting Signs as amended by the Planning Board to the Borough Council for their approval.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz and Mr. Honsel voted yes.

**Motion passed 11-0.**

Motion made by Mr. Balcewicz and seconded by Mr. Lane to forward the proposed Ordinance 29-18, A-Frame Signs as amended by the Planning Board to the Borough Council for their approval.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz and Mr. Honsel voted yes.

**Motion passed 11-0.**

- 2) Route 33 Ordinance Parameters, Memo dated Feb. 2, 2016: Ms. Lee - Reviewed the proposed initial Route 33 Ordinance Parameters. Mr. Misiura suggested that a copy of the proposed ordinance be emailed to Planning Board members. Do not exclude hotels/motels. East Windsor is building several hotels. If you have a certain number of hotel/motel rooms, you may obtain a liquor license. YMCA as an anchor to promote other businesses around. Add physical therapy and research labs in OCD. East Windsor is adding several high tech research facilities, which is changing the landscape around Hightstown. Discuss design standards at the April Meeting. A copy of the Route 33 Corridor Revitalization Plan by Heyer Gruel & Associate dated May 2012, will be emailed to the Board for their information.
- 3) 2017 Transportation and Community Development Initiative Funding: Mr. Misiura noted that this funding comes up each year, and we did receive funding for the Route 33 Study. Suggested that perhaps it could be used to rewrite the rezoning ordinance. Ms. Lee - This grant needs to contain a

transportation element. Suggested a traffic generation model which could be used to determine traffic generation routes and the most appropriate land uses for downtown. This model has not been used in New Jersey. This would incorporate rezoning and traffic elements.

Mr. Misiura - with the Mill and Downtown Visioning Plans, this might be a good time for begin informal discussions with DOT regarding Route 33 traffic pattern and change the designation of Route 33.

## EXECUTIVE SESSION

Chairman Montferrat read the Resolution 2016-10 Executive Session.

Resolution 2016-10  
*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 March 14, 2016 at or after 7:30 p.m. in the First Aid Building located at 168 Bank 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 to be discussed:

Anticipated Litigation regarding Borough of Hightstown and Council on  
COAH - Affordable Housing and any continuing court matters

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 June 14, 2016 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.

Mr. Montferrat asked for a motion to go into Executive Session. Motion made by Mr. Lane and seconded by Mr. Balcewicz. Unanimous consent.

Motion made by Mr. Mulleavey and seconded by Mr. Searing to end Executive Session and return to Regular Meeting. Unanimous consent.

Planning Board closed Executive Session and returned to Regular Meeting.

Approve Minutes – February 8, 2016 Executive Session:

Motion made by Mayor Quattrone and seconded by Mr. Lane to approve the Executive Session minutes of February 8, 2016, as amended during Executive Session.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Mr. Hansen, Mr. Balcewicz and Mr. Honsel voted yes. Ms. Colavecchio abstained.  
**Motion passed 10-0. 1 abstention**

#### CHAIRMAN AND BOARD MEMBER COMMENTS

Mr. Mulleavey – Environmental Commission is planning an extensive Arbor Day Event, Saturday, April 23, 2016 – tree planting, logo contest (Environmental Commission) and large shredder. Stony Brook Millstone Watershed would like to meet with the Planning Board regarding environmental concerns at the Rug Mill.

Mr. Montferrat – Workshop with Planning Board and Historic Preservation Commission prior to the April meeting. Date and time will be determined and emailed to both Boards. This meeting will be open to the public and must be noticed in the newspaper.

Mr. Balcewicz asked if there was still a Cable TV Commission. Comcast no longer carries the Yankee games.

Change Planning Board Meeting location – discussion – Mr. Misirua – the Clerk and Administrator prefer the Firehouse due to proximity to Borough Hall and the sound system. A resolution will be prepared and introduced at the April meeting. Mayor Quattrone suggested the Board send a thank you letter to the First Aid Squad for the use of their facility.

Mr. Musing thanked the sign subcommittee for all their work on the two sign ordinances.

#### PROFESSIONAL REPORTS

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Mr. Mulleavey. Unanimous consent. Meeting adjourned at 10:20 p.m.

Respectfully submitted,



Sandra Belan  
Planning Board Secretary

