

Hightstown Planning Board
 Regular Meeting
 May 9, 2016, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:34 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, Alt. #2		X	

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

APPROVAL OF AGENDA

Mr. Montferrat asked that the Agenda be amended to add the swearing in of new Board member Raymond Cabot, Peddie School, who will be replacing Jason Honsel who has resigned and will be moving to Delaware.

Mr. Montferrat asked for a motion to approve the agenda as amended. Mr. Misiura made a motion to approve the agenda. Mayor Quattrone seconded.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Lane and Mr. Honsel were absent. **Motion passed 9-0.**

Mayor Quattrone swore in Raymond Cabot, Alternate #2 – who will be replacing Jason Honsel on the Planning Board.

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the April 11, 2016 Regular Meeting. Mr. Balcewicz made a motion to approve the minutes. Mr. Mulleavey seconded.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Cabot abstained. Mr. Lane was absent. **Motion passed 9-0, one abstention.**

Mr. Montferrat asked if there were any corrections or comments on the minutes of the April 11, 2016, Executive Session. Mr. Musing made a motion to approve the minutes. Mr. Balcewicz seconded.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Cabot abstained. Mr. Lane was absent. **Motion passed 9-0, one abstention.**

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.

NEW BUSINESS

Mr. Balcewicz posed the following question to the Planning Board Attorney: In the past when Mr. Coates appeared before the Planning Board, I have recused myself because my wife had been an employee of the firm he is associated with. She is no longer an employee. It does appear on my financial disclosure form for last year.

Jolanta Maziarz, Planning Board Attorney – You do not have to recues yourself if there is no longer any pecuniary interest.

Mr. Coates stated that he had no objections to Mr. Balcewicz sitting in relation to this matter.

- 1) Yash Auto Service Resolution #2014-13 – May 12, 2014, Block 60 Lot 1, 386 Mercer Street, Highway Commercial Zoning – construction of a 3,413 sq. foot building – first floor retail and office second floor residential. They are requesting an extension. We have two year years on the approval, and if there are any zoning changes we are not affected for the first two years. After the first two years, which expires May 12, 2016, you must request an extension.

Ms. Maziarz – You can get an extension from the Planning Board under the MLUL, statute regulating site plan and subdivisions. Proceeding NJS 40:55D-52 protects the property against any zoning changes. Paul Hummel, Jr., had inquired about the property. He was informed per Carmela Robert's letter dated October 24, 2014, that there are outstanding issues. Lorali E. Totten, Crest Engineering has been contacted and will be contacting Ms. Roberts regarding outstanding issues.

Letter received by the Planning Board Secretary dated April 28, 2016, from Leonard J. Coates, Law Office of Turp, Coates, Essel and Driggers, for Yash Auto Service, Inc. requesting Yash Auto Services, Inc. be listed on the agenda for the May 9, 2016 meeting of the Planning Board for the purpose of an extension of Resolution 2014-13.

The Planning Board accepted Mr. Coates' letter dated April 28, 2016, requesting that Yash Auto Service, Inc. be listed on the agenda for the May 9, 2016 meeting of the Planning Board for the purpose of an extension of Resolution 2014-13 as proper notification of extension hearing.

Ms. Maziarz swore in applicant Yash Pal Singh, 74 Cartwright Drive, Princeton Junction, NJ, owner of 386 Mercer Street. Resolution was obtained May 12, 2014, and the property has been on the market for sale since then. Currently have a potential buyer. This is the first serious interest. Property taxes have all been paid up to date. Due to the due diligence of Mr. Hummel, he received Carmela Roberts' letter dated October 24, 2014, which detailed some outstanding engineering matters. Mr. Singh will comply with the engineer's concerns.

Mr. Coates – Mr. Singh is a hardworking auto mechanic. When he originally purchased the property he wanted to build an auto service at this location. The property is not suitable for that.

Mr. Balcewicz – When the application was first approved what were your plans?

Mr. Singh – I was thinking of building, but my financial situation deteriorated so I moved the business to another location. There is no mortgage on this property.

Mr. Balcewicz expressed concern regarding property maintenance – overgrown grass and “For Sale” sign appears to be falling.

Ms. Maziarz swore in Paul Hummel, Licensed Real Estate Broker for Action USA J. Roberts Realtors, reside at 677 North Main St., East Windsor, NJ. Mr. Hummel stated that he would make sure the sign was repaired immediately.

Mr. Balcewicz – This is a property in Hightstown and we would like to see it maintained.

Mr. Musing asked if there were any violations with the Borough. Mr. Hummel – none that I am aware of.

Ms. Maziarz – asked if an escrow account has been established? If so, it may need to be replenished.

Mr. Coates – There is an escrow fund which we will replenish. Mr. Singh has met every financial obligation despite all the adversity.

Mr. Montferrat asked for a motion for Yash Auto Service, Inc. one-year extension of Resolution 2014-13 – adopted May 12, 2014 under NJS 40:55D-52(a). Motion made by Mr. Balcewicz and seconded by Mr. Musing.

Discussion – Ms. Maziarz - Granting extension under subsection A for one-year extension which will end on May 12, 2017. The resolution can also note property maintenance, since the applicant's witness testified to it.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz voted yes. Mr. Lane was absent. Not eligible Mr. Cabot. **Motion passed 9-0.**

- 2) Proposed Flag Ordinance Change – George Chin, Construction Official – The Subcommittee is proposing that open flags not be permitted. Mr. Chin will contact each business and provide them with a copy of the A-Frame and projecting sign ordinance. Businesses will be limited to either an

A-Frame sign or a projecting sign and window signs will be limited. Do not want to overwhelm the businesses.

Mr. Balcewicz – Subcommittee considered eliminating all flag signs.

Mr. Misiura asked about the LED signs. Those will also be reviewed.

Mr. Chin will meet with each business to educate and encourage the use or more creative advertising throughout Hightstown.

Mr. Musing – We want to attract visitors to Hightstown. The more creative and interesting we can make the downtown area, we will increase interest in Hightstown.

Mr. Montferrat asked for a motion to move the Proposed Flag Ordinance Revisions to Council for further action. Motion made by Mr. Balcewicz and seconded by Mr. Musing.

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

OLD BUSINESS

- 1) Proposed Ordinance Amendment – Enchantment of Hightstown Age-Restricted Housing – Ms. Maziarz provided an update regarding this matter. She spoke with Enchantment’s attorney and Mr. Raffetto and it was agreed that the ordinance be amended to remove all reference to specific age restrictions, and reference only the Federal statutes and HUD guidelines. Mr. Raffetto will draft an ordinance for the Borough Council, since it is a land use ordinance, once Borough Council votes to introduce the ordinance, it will be forwarded to the Planning Board to make a determination whether or not it is consistent with the Master Plan. Once the Planning Board determines that it is consistent with the Master Plan, the Borough Council will have their final reading and adoption.
- 2) Route 33 Ordinance – Planning Board received the following documents prior to the meeting:
 - a) East Windsor & Hightstown Route 33 Corridor Revitalization Plan Zoning & Design Standards
 - b) Memo from Tamara Lee, Proposed Initial Route 33 Ordinance Parameters dated Feb. 2, 2016
 - c) Memo from Tamara Lee, Proposed Zoning for Route 33 Corridor Study Area dated March 11, 2013
 - d) East Windsor Ordinance No. 2013-05 Route 33 Corridor Revitalization Plan

Ms. Lee – reviewed discussion from last Planning Board meeting regarding permitted uses (memo Feb. 2, 2016):

A) Gateway Retail (GR) Zoning District

Permitted Uses - add hotels & motels

Standards – With respect to the Master Plan shift toward form-based zoning and away from traditional zoning. Character related standards would require variances, not waivers.

Ms. Lee reviewed the proposed GR Standards which would require variances:

- 1) Maximum size
- 2) Minimum height of building – 2 stories
- 3) Maximum building height – 3 stories
- 4) Architectural design of the first floor façade must be significantly different than upper floors.
- 5) Maximum number of parking spaces in front of building – additional parking in back
- 6) Signage – number of free-standing and façade signs, height, materials/appearance, lighting, regulating signage in windows
- 7) Lighting – fixtures height, intensity, location
- 8) Streetscape enhancement proposed site design must enhance the streetscape
- 9) Connectivity with adjoining sites.

Design Standards which would require waiver (more flexible):

- 1) Setbacks
- 2) Parking/loading zones – current parking standards are suburban and we are a Borough. Studies have shown that you don't need as much parking in built up communities as you do in suburbs, especially if your zoning is going to encourage people to stop at many places in a single trip.
- 3) Sustainable stormwater management – focus is to making this main street.
- 4) Microclimate mitigation – encourage – shade trees
- 5) Buffering – landscaping to maintain main street appearance

Variance (C1-variance related to hardship or C2-benefits out way the detriment and there is negative criteria as well) demonstrate that it is consistent with the goals and objectives of the Master Plan. Waiver – more judgment call (benefits out way the detriments). Both variance and waiver would require site plan and Planning Board approval.

Discussion – Suggested that setbacks should be a variance and maximum size would be a waiver.

Ms. Lee – Two ways of approaching this – look at the Route 33 Corridor study which describes the vision and if you want the ordinance to implement that vision, then you set the standards based on that. However, if you want the ordinance to stimulate redevelopment and you want more flexibility to stimulate the redevelopment you may want to craft this ordinance more along the lines of what you discussed. What you get may be different from the vision of the Route 33 Corridor, but it will be redeveloped. We want this business district to be vibrant. In order to be vibrant it has to be as interesting as possible. If you have one large building with different facades with all one business, unless you are interested in that particular business you have to go past that large business to get to the next business that might interest you. The idea of having a series of small businesses is to add to the variety to attract shoppers. You can also limit the width of the business.

Ms. Lee – When you think of main street, there is not a lot of landscaping. Landscaping is more important in the campus zone.

B) Office Campus Development (OCD) Zone

Permitted OCD Principal Uses: - add research Labs and Physical Therapy
OCD Conditional Uses – add YMCA or non profit

Proposed Standards (variance)

- 1) Minimum percentage of open space --- campus appearance
- 2) Minimum height of building – 2 stories
- 3) Maximum building height 4 or possibly 5 stories

- 4) Maximum FAR (floor area ratio)
- 5) Minimum architectural design standards for linear, corner and “landmark” buildings.
- 6) Architectural design of the first floor façade must be significantly different than upper floors to insure a comfortable scale to the campus setting.
- 7) Maximum number of parking spaces in front of the building minimize the parking visibility and maximize the landscape and campus aspect of the design.
- 8) Minimum setbacks to adjoining existing uses and setback requirements to the campus setting.
- 9) Streetscape enhancement
- 10) Connectivity with other uses (buildings)

Proposed Standards (waivers)

- 1) Signage
- 2) Lighting
- 3) Internal setback dimensions – distance between buildings; setback from buildings and internal roads.
- 4) Parking/loading zones
- 5) Sustainable stormwater management, encourage shared facilities
- 6) Buffering to adjoining existing uses

Discussion – maximum building height – some of the properties located near R-3 and R-4 zoning (housing). Graduate heights; additional stories add to ratable.

Amend #3 maximum building height to – 3 stories.

Discussion - Architectural design of the first floor façade – important for main street retail; not as important in the campus zone – change to waiver instead of variance.

Ms. Lee will review and create a first draft ordinance which will be reviewed by Mr. Montferrat and Mr. Misiura, and if necessary forward to a subcommittee for review.

EXECUTIVE SESSION

Chairman Montferrat read Resolution 2016-13 Executive Session.

Resolution 2016-13

*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 May 9, 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 to be discussed:

Anticipated Litigation regarding Borough of Hightstown and Council on 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 August 9, 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 Mayor Quattrone and seconded by Mr. Searing.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Hansen, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Musing left the meeting at 8:23 p.m., prior to Executive Session. Mr. Lane was absent. **Motion passed 9-0.**

Motion made by Mr. Balcewicz and seconded by Mr. Cabot to end Executive Session and return to Regular Meeting.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Musing left the meeting at 8:23 p.m., prior to the Executive Session and Mr. Hansen left the meeting at 9:35 p.m., during the Executive Session. Mr. Lane was absent. **Motion passed 8-0.**

PROFESSIONAL REPORTS

Ms. Maziarz reviewed the voting procedures – applications, hearing, and resolutions – Alternate 1 & 2 only vote on formal action if a voting member is absent, nine voting members on Planning Board.

CHAIRMAN AND BOARD MEMBER COMMENTS

Mr. Balcewicz mentioned tractor trailers turning on to Stockton Street from Main Street.

Mr. Montferrat – Minute Maid has some code issues. Carmela Roberts sent a letter dated April 13, 2016, to Larry Shapiro, Esq. regarding NJDOT Major Access Permit.

Yash Auto will need to provide additional funds for this project. Any complaints regarding property maintenance should be forwarded to George Chin.

Noted that several properties on Stockton Street (East Windsor) in need of maintenance. The Board suggested that George Chin or Dave Bell contact East Windsor regarding this problem.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Mr. Mulleavey. All ayes. Meeting adjourned at 9:55 p.m.

Respectfully submitted,



Sandra Belan
Planning Board Secretary

