

**BOROUGH OF HIGHTSTOWN PLANNING BOARD**  
**2014 MASTER PLAN AND DEVELOPMENT REGULATIONS**  
**RE-EXAMINATION REPORT AND MASTER PLAN AMENDMENT**



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**RE-EXAMINATION REPORT**

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## I. Introduction

The Municipal Land Use Law strongly encourages municipalities to make planning decisions through a thoughtful, deliberate process that includes public dialogue. That process begins with writing and adopting a master plan, which outlines the planning policies for the community. The Planning Board is the only entity authorized to generate master plans. Those plans must be re-examined at least every ten years, though towns may elect to do it more often. Upon adoption by the Planning Board, a copy of the Report and Resolution shall be sent to the County Planning Board and to the Municipal Clerk of each adjoining municipality.

The last time Hightstown adopted a new master plan was in 1998. Since then the Hightstown Planning Board has adopted two re-examination reports; one in 2002 and another in 2005. There were master plan amendments adopted in 2008 and 2013, but amendments are different from re-examination reports in so far as they tend to focus on a single planning policy and make recommended changes to that policy only. The 2008 amendment focuses on affordable housing, and the 2013 amendment recommends zoning changes to the Route 33 corridor between Summit Street and Route 130.

This re-examination report is an assessment of all Borough planning policies as they have evolved since 1998. In accordance with Municipal Land Use Law (MLUL) N.J.S.A.40:55D-89, this report considers the following:

- a. “The major problems and objectives relating to land development in the municipality at the time of adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the ‘Local Redevelopment and housing Law’ ...into the land use element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the Municipality.” (MLUL, N.J.S.A. 40:55D-89) See Appendix A for full text.

## II. History and Progress

“Major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report...” and

“The extent to which such problems and objectives have been reduced or have increased subsequent to such date.” (N.J.S.A.40:55D-89) See Appendix A for full text.

Technically, the Municipal Land Use Law only requires a community to examine the planning policies outlined in its last re-examination report. But this type of analysis tends to focus only on policies highlighted in the previous re-exam – the policies that needed updating at that time. Other policies, which might have remained unchanged and so were not mentioned in the previous re-examination report, tend to get overlooked. Yet as time passes, these older policies may lose their relevance. Therefore, the Hightstown Planning Board has elected to conduct a more comprehensive review than is required by the MLUL, carefully considering all of the Borough’s goals and objectives since and including the 1998 Master Plan.

The Planning Board has reviewed the 1998 Master Plan Goals and Objectives, the 2002 Master Plan Reexamination Report, and the 2005 Master Plan Reexamination Planning Policies and has set forth the following updated Objectives for the 2014 Borough Master Plan to guide the physical, social and economic development of the community: (The objective numbering has been updated to correspond to each Goal heading, thus eliminating confusion due to multiple Objectives with the same number.)

### **1998 MASTER PLAN**

#### **Goal #1: Protect and perfect an historic town center image for the Borough.**

Objective #1.1: Refine the Borough’s historic land use pattern of a central economic core surrounded by residential neighborhoods. The downtown area is the core of the Borough and it should include the Town’s most highly valued ratables. However, the downtown is not quite large enough to support the number of high valued ratables necessary to create a sustainable tax base. Therefore, the central economic core of Hightstown, otherwise known as the downtown, should be expanded. The surrounding commercial transition areas, presently known as RPO, Residential-Professional Office Zones, should be expanded and redefined to become a residential/commercial transitional zone, requiring a residential component but not necessarily limited to an office as the commercial ratable generating more valuable ratables while preserving an appropriate visual character for the area.

Objective #1.2: Encourage the development and redevelopment of the town center for the municipality. Streetscape improvement projects have improved the image of downtown, but more should be done. Policies should be implemented that will improve how the downtown functions. The list of permitted uses should be refined to encourage the image of downtown as a destination. Other policies that should be pursued include engaging an Economic Development Director and/or initiating a fully supported Main Street Program with a designated executive director. Either or both of these initiatives would improve the

economic viability of the Borough's Downtown and commercial districts. Initially a façade design standards manual should be produced and implemented, culminating with a Downtown Form Based Zoning standard. Property owners also should be encouraged to improve and maintain their properties and buildings in conformance with the appropriate design standards.

Objective #1.3: Encourage land uses which provide the residents with their daily needs for family life, enrichment, recreation, vocation and prosperity. This policy has not generated the level of economic vitality that the Borough needs to sustain itself. Uses that support daily needs and family life should still be promoted within the Borough, but the downtown area should be designed to attract more customers who shop often and regularly. This requires uses like retail stores, restaurants, delis and coffee shops and other businesses that garner significant amounts of foot traffic. Office uses should not be allowed on the first floor and service uses should be allowed selectively, for instance, nail salons and beauty shops may be appropriate, but dry cleaners and copying services are not recommended. The list of permitted uses for the downtown area should be studied and revised appropriately. Commercial uses that support family life should be encouraged in other commercial areas, outside of Hightstown's downtown as well.

Objective #1.4: Promote development and services that are family oriented and enhance and support family life. Family oriented businesses alone will not provide the kind of economic stimulus that the Borough requires to thrive as a sustainable community. Hightstown should establish a list of permitted land uses for the downtown which will transform the area into a destination, where people come specifically to pass the time shopping, eating and enjoying entertainment during the day and the night.

Objective #1.5: Provide opportunities and services for people of all ages, income levels and cultural backgrounds. Senior citizens are well served in the Borough and, in general, families can find the services they need. However, there is a noticeable lack of available resources for teenage residents. The Borough needs healthy, age appropriate sources of entertainment for young people along with casual eateries and interesting shops that encourage them to spend time staying local. All ages should have access to the arts, with available shared venues for speaking, poetry, performance art, physical art, gallery space, etc. This could be dedicated space or revolving temporary spaces that is available short term while a landlord awaits a tenant, or alongside patrons at a local eatery. These spaces should be coordinated by a local organization such as Downtown Hightstown (DTHT) or the Hightstown Cultural Arts Commission (CAC). Additionally for seniors and those disabled who may not be able to get out to the established venues, the art events should be organized in such a way to go to these groups, in the communities where they live.

Objective #1.6: Promote and restore the historic image of Hightstown in the Borough. Streetscape improvement projects have begun to improve the historic appearance of downtown streets, but more should be done to showcase the historic qualities of local buildings. The historic character and quaint ambiance of Hightstown and its place in history relative to the railroad, stage coaches and transportation in general would be enhanced if the Borough embraced its historic heritage more proactively. The Borough should pursue Certified Local Government (CLG) status, which begins with the preparation and adoption of a comprehensive inventory of historic structures and

landmarks in town such as the Rug Mill. The inventory should identify possible areas to add historic districts. Ultimately, Hightstown should wholly re-write the Historic Element of the Master Plan. The initial intent of the Element should be to protect historic resources, provide historic architectural guidance and encourage the preservation and restoration of historic resources. The Borough should collaborate with the Delaware Valley Regional Planning Commission which offers both planning assistance and grants for these kinds of endeavors. As such, Hightstown will be eligible for more preservation related grant programs, and generally be more involved in state and federal historic preservation initiatives.

Objective #1.7: Develop a unifying visual theme in the Borough, centered and most evident in the central downtown business district. While the streetscape improvement projects have helped to articulate and showcase an appropriate design vocabulary along selected streets, more could be done to codify and promote improvements to both public spaces and private properties visible from public spaces. The Borough should develop and adopt a design manual for streetscapes, parking lots, public and private plazas and walkways as well as commercial and residential buildings. The purpose of the manual would be to provide property and business owners with guidance on preferred options to consider when they're planning site improvements. Minimum design standards should be codified in a form-based ordinance that would apply to all commercial properties and residential properties in selected areas, such as along main roads leading into and out of the Borough. When this policy is proven successful, standards should be expanded to all residential neighborhoods at some point in the future.

Objective #1.8: Promote the priority of pedestrian movement throughout the Borough and create pedestrian links between the residential neighborhoods and the central downtown business district. Streetscape improvement projects have made existing sidewalks more attractive and in some cases, wider. The Route 133 Bypass has steadily reduced traffic through the area. However, traffic in town continues to make it difficult for people to cross streets safely. The Borough should pursue Local Technical Assistance funding from the New Jersey Department of Transportation and/or the Delaware Valley Regional Planning Commission to develop a Bicycle and Pedestrian Plan to identify and prioritize opportunities for traffic calming throughout the Borough. The Borough should also prepare an updated Greenways Plan to illustrate ways to enhance pedestrian and bicycle movement within an expanded system of greenways. The results of these studies should be incorporated through a Master Plan Amendment into an updated Circulation Element of the Master Plan. Due to current conditions, streets without sidewalks need traffic calming appointments such as speed limit signage, speed tables, striped lane designation, or other means.

Objective #1.9: Encourage a strong sense of community and promote local pride among both residents and business owners. The Borough has established a series of successful events that occur throughout the year to promote a strong sense of community and local pride. This effort should be expanded to include more and diversified events that would be interesting to more people. The events must be publicized more widely. A new local non-profit, Downtown Hightstown, has been helpful in this regard, but its efforts would be better supported if the Borough hired an Economic Development Director and/or

Executive Director to administer a formal Main Street Program. Additionally, a local business group should be set up with oversight by a council liaison, and meet regularly during times convenient for the business owners.

Objective #1.10: Recognize the value of the schools and churches in Hightstown and integrate the goals of the Borough with those of the schools and churches to create a closer, more symbiotic relationship that advances the objectives of all three; the Borough, the schools and the churches. Local schools and churches continue to be an important part of the Hightstown community, but coordination between these organizations and the Municipality is not consistent or easy. The Borough should establish a process with which to exchange ideas and communicate more regularly with these groups. Borough Council should consider appointing a liaison to meet informally, but regularly, with representatives from local schools and churches. It could be a monthly breakfast meeting or a similar event during which all sides would exchange ideas. Once a framework is established to facilitate dialogue, coordination between the Borough and these organizations should improve.

**Goal #2: Revitalize the central downtown business district and improve the economic viability of the Borough.**

Objective #2.1: Improve the appearance and economic viability of the Borough and restore the historic character to the central downtown business district. To date, streetscape improvements have been primarily cosmetic and while they've had a positive effect, they have not improved the function or economic viability of the downtown. Business owners must be encouraged to participate more proactively. A fully operational Main Street Program would help. Form-based standards for building facades, site improvements and signage would establish minimum requirements for business and land owners to meet, in hopes that they would invest in their properties in a manner that will contribute to the overall improvement of the downtown. Potential costs associated with such improvements could be offset to some degree if the Borough established a Business Improvement District (BID). A BID is a defined area within which businesses pay an additional tax (or levy) in order to fund projects within the district's boundaries. The BID is often funded primarily through the levy but can also draw on other public and private funding streams.

Objective #2.2: Improve the streetscape to make the central downtown business district inviting, appealing and pedestrian friendly. Efforts to improve the streetscape must expand beyond simply cosmetic changes. It should include traffic calming techniques, allowances for bicyclists, and the creation and adherence to form-based standards for buildings and site improvements, since private buildings tend to define the edge of the public streetscape space and thereby have a direct impact of the character of the downtown. The same sort of streetscape improvements should be utilized to create an obvious and functional connection between the Housing Authority and downtown. The Planning Board now considers the Housing Authority property akin to 'downtown housing' rather than high density housing in lower density residential neighborhoods. With this new perspective, a stronger connection between the Housing Authority and

downtown will benefit the residents and bring activity to the downtown by encouraging more people into the business district.

Objective #2.3: Maximize high valued ratables to help balance the cost of municipal services throughout the Borough. The Borough has rezoned the Minute Maid area from Industrial to Highway Commercial in an effort to establish more highly valued ratables in that part of town. In addition, the Planning Board endorsed conceptual plans to rezone and increase the value of the ratables in the Route 33 commercial corridor. The conceptual plans should be refined and developed into a new zoning ordinance for the area. On the opposite side of the Borough, on Wyckoff Mills Road, a large, undeveloped tract was developed with age restricted housing, which is a revenue positive form of residential development, though it is not as highly valued a ratable as the previous Research Office zoning might have been. Despite these changes, still more, highly valued ratables are required to balance the Borough's tax base and reduce the burden on local residential property owners. Therefore, in addition to improving the downtown and increasing the value of existing commercial ratables, the existing limits of downtown should be expanded. By increasing the area zoned for downtown commercial uses, there will be more room for more high valued ratables. However, the older homes in these expanded areas should be maintained, and converted but not disturbed as they define the character of Hightstown.

Objective #2.4: Encourage the protection and maintenance of an enhanced aesthetic quality of the buildings and the streetscape in the business district. The Borough has established the Stockton Street Historic District, but it is limited in size and it does not include any of the downtown commercial district. To the extent that it can, the Stockton Street Historic District protects the historic character of the area. The aesthetic quality of the downtown would be better protected and enhanced if the Borough implemented form-based zoning, which would protect and enhance the character of the downtown in much the same way as the Stockton Street Historic District protects some of the Borough's historic resources.

Objective #2.5: Encourage creative and innovative reuse of underutilized or abandoned properties. There are a number of underutilized properties in Hightstown. The Borough has rezoned the Minute Maid site in an effort to encourage reuse and redevelopment. Zoning should be further refined to reflect the land use policies outlined in 2013 Master Plan Amendment which included the Route 33 Corridor Study. This would improve the redevelopment potential for the Minute Maid site and the entire area south of Summit Street.

Objective #2.5a On another underutilized site, a redevelopment plan for the Rug Mill was adopted though final plans did not come to fruition. The Planning Board believes that the redevelopment process continues to offer potential developers for the Rug Mill the greatest flexibility and incentives. Therefore the redevelopment plan process is the Borough's best option for enticing a viable developer to the site. However, it is also appropriate to maintain a few minimum expectations regarding future redevelopment. For instance, with Rocky Brook dividing the property, the two halves of the property might naturally be redeveloped in different ways. The east side of the site



should be redeveloped to reflect the area's proximity to downtown while the west side should integrate more closely with nearby residential neighborhoods. Also, the older, brick building has historic value to the Borough and the Planning Board believes it can be re-purposed. Historic designation should be pursued for the brick building portion at a minimum, utilizing criteria A. (Buildings or sites which are associated with events that have made a significant contribution to the broad patterns of our [local] history.) This would provide inherent value in the form of tax credits for a potential developer. Every effort should be made to reuse this building.

Objective #2.5b On the 'Old Hights Overlook' tract on Cranbury Station Road plans were approved to redevelop this underutilized property with a combination of townhouses and apartments. That project has not been fully realized.

Objective #2.5c Lastly, there are several underutilized properties along Rogers Avenue across from the Methodist Church parking lot and on South Academy Street, across from the Federal Housing Authority site. Both the Housing Authority and Habitat for Humanity have expressed interest in collaborating with the Borough to secure a HOME grant for the purposes of planning and redeveloping affordable, single family housing in this area. HOME is a HUD initiative which provides formula grants to States and localities that communities use; often in partnership with local nonprofit groups to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people.

Objective #2.6: Encourage businesses that contribute to the historic, small town character of the Borough and are likely to stay and thrive for a long time. For the downtown area specifically, the Planning Board recommends businesses that contribute to a concept of downtown as a destination spot; the kind of area to which people plan an outing or plan to spend a day. Therefore, restaurants, retail shops and other businesses that typically generate high volumes of foot traffic, including businesses that would benefit from operating during evening and nighttime hours should be encouraged through zoning regulations and incentive programs. A Business Improvement District (See Objective 2.1 for a definition) would generate funds that could be used to encourage appropriate businesses to locate in downtown. Other businesses that are not destination oriented but may be focused more on supporting family or daily life needs (See Objective 1.3) should be encouraged in other commercial districts outside of downtown, such as the newly proposed Residential/Commercial Transitional zones around downtown and the Route 33 Corridor Study area.

Objective #2.7: Improve and expand employment opportunities for local residents. Though the Borough lost an opportunity to expand local employment when it rezoned the Research Office (RO) zone on Wyckoff Mills Road to Active Adult, Age-Restricted Housing (AA), the Borough has since re-introduced more potential for local employment by re-zoning the Industrial Zone to Highway Commercial. Expanding the limits of downtown and creating new Residential/Commercial Transitional (formerly RPO) zones around downtown will also increase the potential for growing local employment.

Objective #2.7a The Planning Board also recognizes the growing popularity of successful home based businesses. Such businesses provide local residents with an important alternative to outside employment and they can increase the value of local ratables. But home based businesses, particularly those that install signage, should be registered with the Borough, since they are more likely to generate traffic and possibly parking concerns. Home based businesses that serve clientele should be required to manage their parking needs on their properties without spilling into the street.

Objective #2.8: With sensitivity and careful study, incorporate mass transit service into the municipality's intimate, town center character, helping to reduce onerous vehicular traffic. Bus service serves the area fairly well and a new park and ride facility on Route 130 has proven successful. A new ordinance to allow taxi services in town reduces the need for local residents to drive their own cars. Since this is a new ordinance, the Borough should review the process and determine if taxi stands are utilizing needed parking spaces that could otherwise be used by shopping patrons.

Objective #2.9: Promote the redesign of the Route 33 corridor to maximize the pedestrian usability and minimize vehicular intrusion in the central downtown business district. Significant progress has been made toward redesigning the Route 33 Corridor, based on the 'Route 33 Corridor Study' dated February 2012. The Borough collaborated with East Windsor to successfully complete a corridor planning study, which was adopted in 2013 as part of the Borough's Master Plan with an amendment to the Land Use Element. The Planning Board should draft and implement a new land use ordinance for the Route 33 Corridor. Minimizing truck traffic through downtown remains a prime objective. The Borough should work closely with East Windsor, Mercer County and the New Jersey Department of Transportation, (NJDOT) to ensure that trucks utilize appropriately sized roadways designed to handle large truck traffic and volume.

Objective #2.10: Promote the redesign of vehicular circulation patterns where ever necessary to enhance the environment of the central downtown business district and maximize the pedestrian experience. Traffic patterns through town were improved when the State approved the Borough's request to remove one lane of traffic on Main Street between Franklin and Stockton Streets. Also, the Route 133 By-Pass has removed a lot of commuter traffic from downtown, reducing congestion. The challenge now is to increase *desirable* traffic, the kind that will support local businesses, while managing the cars so the downtown becomes truly pedestrian and bicycle friendly. The Borough should develop a plan for implementing appropriate traffic calming techniques that complement the streetscape improvements.

Objective #2.11: Develop a functional plan for parking that complements the municipality's small-scale town center image. The parking lots at Memorial Park and behind the stores on Mercer Street, between Stockton Street and Roger Avenue, have been redesigned and reconstructed. However, the Memorial Park lot sits in the center of downtown and consumes valuable real estate that could be used for successful restaurants or shops on the lake's edge. Ultimately, at some point in the future, this parking should be relocated. If a Municipal owned parking lot is truly necessary downtown, the Borough should consider using the rear portion of the Post Office lot, if the Post Office ever down-

sizes or relocates. Similarly, several larger bank sites consume valuable real estate without generating shoppers for downtown, so some of their parking might be repurposed for public use. Another possibility is the Borough could enter into a shared parking agreement with the Baptist Church on South Main Street.

Objective #2.12: Maximize the ease with which community residents can walk to the central downtown business district from Hightstown's residential neighborhoods. The Borough has received several grants to underwrite sidewalk improvements. These projects have installed sidewalks and curbing where it didn't exist and handicap ramps where they were needed. Where sidewalks do not exist, traffic calming devices would encourage pedestrian use. The pedestrian experience can be improved further by introducing such things as lamp posts, benches, street trees, hanging pots and decorative banners. Benches in particular should be placed to avoid becoming a hang-out or in locations that may accumulate natural droppings, such as berries and bird droppings from overhead trees, power lines and roof tops. Moreover, the streetscape along South Academy, between the Post Office and the Housing Authority should be revitalized to reinforce the connection between the Housing Authority and downtown. A new pedestrian plaza could also be constructed through the landscaped area between the Post Office and the bank, creating a more direct connection between the Housing Authority and downtown businesses.

Objective #2.13: Promote an environment within the central downtown business district which is inviting to visitors and encourages them to stay and enjoy the many valuable assets of Hightstown. The Library property, the bridge at the lake spillway, and the lake's edge all provide valuable places for people to come together and enjoy being in Hightstown. More public spaces should be incorporated throughout the downtown and even in other residential/commercial transitional zones. Vest-pocket parks, not unlike 'The Point,' where South Main Street and Mercer Street meet can be a welcoming place for shoppers to take a break or meet up with neighbors. Outdoor eating areas associated with local businesses can serve the same function. Businesses should be encouraged to create outdoor dining and the Borough should develop mini parks where ever possible. If Borough Council ultimately decides to relocate municipal building services, Hightstown should consider using the flood prone portions of the lot for public space. Public art of all varieties should be encouraged and programmed into all public spaces to make these areas more interesting for pedestrians and enticing to visitors.

Objective #2.14: Establish a public/private partnership to market the Borough as an attractive town center and a destination of activity. The Greater East Windsor Hightstown Improvement Project, (GEWHIP) was an organization of Hightstown and East Windsor business owners that collaborated to make improvements in the business districts of the two towns. The group has since disbanded. A new association, Downtown Hightstown, is trying to organize the efforts of local Hightstown businesses, while pursuing Main Street eligibility for the Borough. The Main Street Program is a valuable resource that would benefit the Borough. Hightstown should engage a salaried Economic Director/Executive Director to operate under the Main Street model and promote Hightstown and its businesses. It would also help if more proactive efforts were made to craft a mutually beneficial relationship with Peddie School. The Borough has shops and

services that the School needs and the School has theaters, recreation facilities and meeting venues that the Borough might find useful, not to mention patrons that could be downtown customers.

Objective #2.15: Promote and expand Hightstown's annual and cultural events and employ a public/private partnership between the municipality, the local businesses, schools and churches to market and produce the events. The Borough maintains an active series of annual events; concerts, festivals, a fishing derby and more. They get more successful every year. The Borough should continue to support these events. A Main Street Program Executive Director would advertise them to a wider audience, exposing the best of Hightstown to a larger community. The objective should be to market Hightstown as a destination spot for fun activities, exciting events and a great downtown.

Objective #2.16: Identify and utilize outside funding sources to facilitate improvements and business incentives. The Borough continues to secure grants for streetscape and infrastructure improvements. While these are important building blocks for a vibrant community, recent projects established only a foundation for the kind of qualitative improvements that will entice people to think of Hightstown's downtown as destination. The Borough should have a dedicated individual or an Economic Development Director, whose responsibilities include marketing the Borough and pursuing grants. Grants should be sought for aesthetic improvements to public spaces, façade improvements for eligible businesses and financial incentives to attract new businesses.

Objective #2.17: Provide incentives for business owners to rehabilitate store facades and restore Hightstown's original historic appearance. This objective has not yet been realized. Establishing form-based ordinances would help this objective. Developing an architectural design guide would also help; this is something the Historic Preservation Commission could do in conjunction with Downtown Hightstown or another local business group. Possibly adding a downtown historic district would provide an administrative structure through which to promote the restoration of the historic appearance of the downtown facades. Promoting and restoring the historic appearance of downtown will contribute to making it a more successful destination. It would also be advantageous to rehabilitate the rear facades of businesses that have parking behind the building. This way, shoppers would be able to take advantage of attractive, secondary store entrances at the back of the businesses where they shop.

Objective #2.18: Develop a unifying theme for signage and insure that signs are not overly invasive within the general appearance of the streetscape. The Borough adopted a comprehensive signage ordinance to regulate business signs, but it is very generic and it does not address the qualitative nature of signage. Like the buildings and street furniture, signs in the Borough should reflect Hightstown historic character. Guidelines should be drafted to establish a common, historic theme to unify the signage throughout the Borough. These guidelines should be incorporated into the Borough's sign ordinance with diagrams. In addition, the Borough needs directional signage to help people find local businesses and attractions. A comprehensive sign package should be developed for the Borough and adopted through a Master Plan Amendment as part of Hightstown's Circulation Element in the Master Plan.

Objective #2.19: Assure that the street furniture, including lighting and photometric design enhances the original quaint, historic, intimate scale of the central downtown business district. The streetscape design vocabulary that's been developed through various streetscape improvement projects should be codified in the Borough's ordinance so it can be considered carefully as part of any development application. With sufficient support from local businesses, a successful Business Improvement District could support the expansion and maintenance of streetscape and public space projects.

Objective #2.20: Preserve, protect and enhance Peddie Lake, its environs and open space corridors as valuable natural resources within the central downtown business district. Ultimately removing the parking lot from Memorial Park would be an improvement to Peddie Lake and the downtown as a whole. Businesses that abut the lake and take advantage of the wonderful view should help maintain an enjoyable environment along the lake edge for the public at large; it's in their best interest that this area remain desirable. Non-motorized boating would be a popular attraction to draw people into downtown. More well developed connections between the Lake and greenway corridors upstream toward Peddie School and downstream along Rocky Brook would enhance the usability of the greenways throughout the Borough.

**Goal #3: Preserve and enhance the existing residential character of the Borough.**

Objective #3.1: Maintain and enhance quaint, family oriented residential neighborhoods. The Borough has many residential neighborhoods and each has its own unique character. Family oriented neighborhoods continue to be preferred in Hightstown. This is in contrast to communities that lose their connection to families when large homes are renovated into multiple apartments or more to the point, single family homes are replaced with apartment buildings. Hightstown determined long ago that the community has enough apartments and that continues to be true today. Be it as a traditional apartment complex or as a converted single family home. Single family owner occupied homes, detached, attached or semi-detached, have priority now. This is the only way to insure that the town will remain well maintained and characteristic of a historic, walkable, family oriented place. The Borough should also adopt an ordinance to discourage the creation and operation of multi-family houses and boarding houses since they are just as incongruous with a family oriented community as apartment living.

Objective #3.2: Promote less intense land use development in the more expansive residential neighborhoods and intensify development in the smaller business core so as to establish a balance throughout the municipality both fundamentally and economically. Current zoning reflects this objective but changes must be made to rebalance the Borough's tax base, so some changes to residential neighborhoods are appropriate. Firstly, home based businesses that can manage their own parking needs on site should be encouraged. This policy supports a popular trend toward home based businesses, which so many families rely on these days. In addition, a controlled system of encouraging and registering Bed and Breakfast establishments would be an enterprising way of capitalizing on some of the larger homes in town while increasing the value of those

ratables and attracting visitors to stay in Hightstown. This is a preferred alternative to dividing up larger homes into apartments.

Objective #3.3: Maintain and enhance the housing diversity in terms of housing types and styles. Housing diversity as long as it is consistent with the architectural style of the adjacent established neighborhood continues to be an important part of Hightstown's character. A neighborhood generally consists of all houses visible from the front property line of the residence. The Planning Board's Architectural Review Committee (ARC) works with homeowners and Planning Board applicants to guide them when they propose to redesign or renovate the exterior of their homes. This committee should become a submission requirement prior to planning board consideration for all applications. A form-based ordinance for residential districts would help maintain appropriate house styles in established neighborhoods.

Objective #3.4: Maintain the existing residential character along the primary corridors into and out of the Borough. The current policy for the downtown is to expand the limits of the downtown business district along the main thoroughfares and make the downtown a little larger. However, the primary land use toward the edges of the Borough is, and should continue to be, more typically residential-looking. Therefore, as people enter Hightstown along Stockton, Morrison, Ward, and North and South Main, they should see the historic residential character of Hightstown before they reach the vibrant, bustling downtown. Mercer Street, and to some degree, Franklin provide a less residential entry to the Borough, though more effort should be made to save the historic character in these areas too. This can be done through form-based zoning, adding Historic Districts, and providing advice and incentives to property owners interested in historically appropriate renovations. "A Form Based Code, or Ordinance is a method of regulating development and renovations to achieve a specific form and a desired physical outcome."<sup>2</sup> The Borough should coordinate with East Windsor to promote appropriate zoning on both sides of the municipal line. Both towns should collaborate to insure that development at the edges of the Borough is consistent and compatible, creating a seamless transition between the two communities.

Objective #3.5: Provide a reasonable mix of housing for all ages and income levels. Refer to Objective 2.5c.

Objective #3.6: Provide a variety of housing for senior citizens of varying income levels and physical abilities. Between the existing housing stock, Meadow Lakes, the housing authority and Enchantment at Hightstown, an age restricted housing neighborhood, the housing needs for senior citizens have been met throughout the Borough.

Objective #3.7: Minimize conflicts between incompatible uses and segregate nonresidential uses from residential housing.: Rezoning the Industrial Zone to Highway Commercial will help reduce future land use conflicts when the Minute Maid site is redeveloped. A new redevelopment plan for the Rug Mill site should strive to reduce land use conflicts in that neighborhood also. The ultimate reconstruction of the 'Old Hights Overlook' site will eliminate a land use conflict that existed in that neighborhood. However, traffic, noise and excessive lighting from various properties continue to cause

conflicts in all areas of the Borough. Hightstown should enact new noise and lighting ordinances and continue to carefully analyze traffic in connection with proposed land uses.

Objective #3.8: Promote historic restoration of old homes and historically appropriate architectural design of new or rehabilitated homes to help restore the Borough's historic visual image. The current Historic Preservation Ordinance is limited, both in terms of the circumstances under which it can be applied and the impact that an Historic Preservation Commission review might have. Considering how important the historic character of the Borough is to quality of life and the success of Hightstown, the ordinance and role of the Historic Preservation Commission (HPC) should be stronger. In addition, in concert with the Borough Council, the HPC should pursue Certified Local Government (CLG) status (see Objective 1.6 for a general description), prepare a complete survey of historic sites and landmarks and develop an effective public education awareness program that promotes the value of local historic buildings, historic sites and historic building styles. Once the community is more informed about the value of Hightstown's historic resources, it will be easier to revise the Historic Preservation Ordinance to make it more effective. Expanding the Historic Preservation Commission's role throughout the Borough would be an effective way to introduce the importance of historic preservation to more local residents.

Objective #3.8a: In reviewing the existing Historic Element of the 1998 Master Plan, the information included is outdated and incomplete according to present element methodologies. Therefore, the Planning Board in conjunction with the Hightstown Preservation Commission should wholly re-write the Historic Element of the Master Plan and adopt it as an amendment.

Objective #3.9: Encourage housing designs and site plans that promote social, family friendly community behavior. This continues to be a valid objective and a consideration during project reviews. Adopting form-based zoning would advance this objective.

Objective #3.10: Improve and rehabilitate the existing housing stock. The Borough has made some progress rehabilitating existing housing stock through the Borough's affordable housing rehabilitation program. The Borough should provide guidance and incentives for home owners in general who choose to renovate their homes in an historically appropriate fashion. The Historic Preservation Commission, with its committee review process could be expanded to assist in other residential areas whether or not the area is part of an historic district.

Objective #3.11: Develop housing within the existing housing stock for low and moderate income families to meet current State requirements. The Borough has developed an affordable housing plan that promotes this objective. Hightstown should continue to maintain COAH certification, although the Borough should also continue to advance an Affordable Housing Plan that takes advantage of the current local housing stock which includes sufficient housing for very low, low and moderate income households and thereby satisfies the intent of the Fair Housing Act. A plan that capitalizes on existing affordable housing resources in the Borough is one that will not

substantially change the character of Hightstown, which is a prime objective of the Borough.

Objective #3.12: In the central downtown business district, integrate residential development that is complementary to the intensity of the use and appearance of the Borough's commercial core district. With the new image of downtown as a destination spot, residential units should continue to be permitted on upper floors, since some residential uses in downtown can help maintain evening activity to the area and that can, in turn, be good for businesses. However, commercial uses are more highly valued ratables than residential uses. Therefore, commercial uses, probably the type that generate less foot traffic, should also be promoted on occupy upper floors. Only downtown housing, such as small, one and two bedroom apartments, which can coexist more easily with downtown businesses should be encouraged. Design guidelines and/or form-based zoning that enhances the character of downtown buildings should apply to upper floor levels as well as first floor uses.

Objective #3.13: Strive to create an appropriate balance between housing, which typically consumes more municipal services than the revenue it generates, and other, more highly valued ratables that increase municipal revenues. Rebalancing the Borough's revenue base continues to be key to the Borough's local planning policies. Rezoning of the Industrial Zone has created some potential to help rebalance the tax base and adopting an ordinance to implement the Route 33 Corridor vision will advance that effort further. Expanding the limits of downtown and striving to increase the value of the commercial ratables in the Borough's business districts will also help. Likewise, implementing a redevelopment plan for the Rug Mill site could increase the value of that site and the properties around it, thereby having a positive impact on the Borough's revenue base.

Objective #3.14: Promote well landscaped lots that create an appealing residential streetscape appearance. While the property maintenance ordinance was initially designed to implement this objective and keep local structures safe, the ordinance has not been consistently enforced and has proven to be less effective than expected. The Planning Board should review the process with which property maintenance is enforced and then consider if it would be more effective to make changes to the process or the ordinance itself.

Objective #3.15: Give pedestrian movement priority over any other form of transportation. This objective has only been partially addressed with the streetscape improvement projects. More needs to be done, including designing and installing effective traffic calming techniques throughout the Borough. The Borough should develop a comprehensive traffic calming master plan, prioritizing recommended improvements, incorporate it into the Circulation Element of the Master Plan and then pursue grants to construct the recommendations.

**Goal #4: Improve the municipal services including the infrastructure as well as operational systems.**



Objective #4.1: Provide a complete range of municipal services to support a diverse resident population with people of many different ages, economic levels, cultural and educational backgrounds. This continues to be a valid objective, though more opportunities for sharing services should be investigated more proactively. Local recycling services should be expanded and made easier for residents and local businesses. The Borough's website is becoming increasingly more valuable for disseminating service information to the public. With it, the Borough can help private community service groups.

Objective #4.2: Expand the cultural opportunities within the Borough and integrate them seamlessly with quasi-public and private cultural opportunities available within the Borough. This continues to be a valid objective. The Borough should survey local community groups to assess their level of interest in exchanging cultural ideas and participating in cultural activities. As a destination spot, the public spaces of Hightstown's downtown area can become a showplace for cultural art, sculptures, murals and festivals or events. Peddie School might contribute additional venue spaces for concerts, performances, and plays.

Objective #4.2a: A Main Street Executive Director in conjunction with the Hightstown Cultural Arts Commission (CAC) would be an appropriate person to spearhead such a cultural outreach effort. The CAC has recently been established and should coordinate with all factions within the borough and beyond to embrace the arts as an asset to draw people into Hightstown.

Objective #4.3: Improve both the function and the appearance of public utility services throughout the Borough. The State has mandated that stormwater management be closely regulated and monitored pursuant to updated water quality standards. A Stormwater Management Plan has been adopted and should be updated as part of the Master Plan, as required. To date, the Borough does not have a Utilities Element in the Master Plan. The Planning Board should consider adopting a Local Utilities Amendment that would summarize the existing condition and plans for local utilities – stormwater, sewer, water, water towers, treatment plants, electric and phone service, cable, etc. New utility lines are routinely installed below ground. The Borough should also pursue placing existing overhead wires underground whenever possible, especially when streets are improved. The following streets will be considered for improvements and modifications that could encompass changes to curb radii, as well as new and replacement curbs and sidewalks. These improvements must consider both pedestrian and vehicular needs. Increased emphasis should be placed on improving the pedestrian experience. The improvements should put the pedestrian first and incorporate things such as signage consolidation, trash/recycling consolidation, and where possible parking that provides bump outs. These types of improvements, in addition to beautifying the area, can also provide traffic calming. The improvements to these roads may impact both overhead and underground existing telephone, electric and cable facilities.

- |                   |                       |
|-------------------|-----------------------|
| 1. Academy Street | 15. Lincoln Avenue    |
| 2. Bank Street    | 16. Mercer Street     |
| 3. Bennett Place  | 17. North Main Street |

- |                       |                       |
|-----------------------|-----------------------|
| 4. Broad Street       | 18. Orchard Avenue    |
| 5. Dutch Neck Road    | 19. Park Way          |
| 6. Dey Street         | 20. Prospect Drive    |
| 7. First Avenue       | 21. Railroad Avenue   |
| 8. Franklin Street    | 22. Rocky Brook Court |
| 9. Grant Avenue       | 23. Schuyler Avenue   |
| 10. Hagemount Avenue  | 24. Spruce Court      |
| 11. Harron Avenue     | 25. Stockton Street   |
| 12. Hauser Avenue     | 26. Sunset Avenue     |
| 13. Hutchinson Street | 27. Taylor Avenue     |
| 14. Joseph Street     | 28. Ward Street       |

Objective #4.4: Recognize and promote the benefits of regional cooperation and pursue balanced, equitable and positive relationships with neighboring communities. The Borough continues to foster an improving and cooperative relationship with East Windsor, through projects like the Route 33 Corridor Study and now the planning study near the new Turnpike interchange. Inter-municipal collaboration should be pursued whenever possible and appropriate, including recreational opportunities. Shared services have been positive for Hightstown. Other services currently being shared include:

- EMS, bus services, and senior citizen services with East Windsor
- Fuel services with the East Windsor Board of Education
- Health Department Services with West Windsor
- STD clinic services with Hamilton Township
- Fire dispatch with Mercer County
- Vehicle repair and police department software with Robbinsville
- Trash pick-up, road and sewer repair with Roosevelt
- 9-1-1 services with Cranbury

Considering how successful they have been, the Borough should seek additional shared service opportunities with nearby communities whenever possible.

**Goal #5: Protect the natural resources and improve recreational opportunities within the Borough.**

Objective #5.1: Improve and maintain the natural resources of Peddie Lake and the Rocky Brook corridor. The Borough continues to diligently review impacts on the lake when reviewing proposed projects on the water’s edge. Stronger connections should be made between Peddie Lake and open space corridors both upstream and downstream. Working with the Stony Brook Millstone Watershed (SBMW), the Environmental Commission wrote and adopted a new Environmental Resource Inventory and new, sustainable stormwater regulations. The Borough should continue to work with and solicit the expertise and assistance of organizations like Stony Brook Millstone Watershed as well as the Delaware Valley Regional Planning Commission, (DVRPC). Building on the success of the collaborative efforts of the Borough’s Environmental Commission and the DVRPC, the Borough should expand its planning policies as they

relate to the environment and natural resources. The Open Space Element of the Master Plan should be updated to reflect this work. In addition, the Planning Board should adopt a new Sustainability Element as part of the Master Plan to incorporate sustainability principals and best management practices, promoting environmentally sound construction and design. The Borough should draft a green building policy and adopt a corresponding resolution along with a green development checklist. Sustainable practices should be promoted whenever possible, though it is not the intention of the Planning Board to recommend new, overbearing or mandatory sustainable regulations. The immediate objective should be to effect and change the way the community thinks about the environment while the long term goal is to achieve a Sustainable Community designation for Hightstown in accordance with the Sustainable Communities Act of 2010.

Objective #5.2: Redevelop and maintain the abandoned railroad right-of-way; redesigning it and integrating it into the natural open space system of the Borough. Many of the Borough's sleeper stones / railway blocks have been relocated and saved, but the railroad right of way itself remains under-utilized. The Borough should pursue grants to develop plans for converting the right of way into an active open /green space, since its location would create a convenient link through town. The open / green space could be extended further by constructing pedestrian bridges where the railroad bridges once stood that traversed Stockton and North Main Streets, It could be enhanced with exhibits, public art and signage along the way. It could also be used to improve the connection between the Housing Authority site and downtown, possibly with a direct plaza connection along the Post Office / Bank property line with benches, public art, shade trees, and landscaping. (perpendicular to Mercer Street.)

Objective #5.3: Provide controlled public access to the Borough's natural resources, balancing the public's opportunities to enjoy the resources with necessary safe guards to protect and preserve the resources for future generations. The greenways through the Borough, both along Rocky Brook/Peddie Lake and the abandoned railroad right-of-way, continue to be important assets for the Borough though more should be done to integrate connections throughout the Greenway; and create/expand the use of rear entrances to businesses from the Greenway and parking. The Borough should pursue grants to design and build more pedestrian and bicycle projects which where possible connect to routes through East Windsor. Additionally, seating, exhibits, public art, and signage should be installed to increase usage. A pedestrian bridge should be built at the south east end of Peddie lake connecting the greenway of the north side of the lake to the Peddie campus.

Objective #5.4: Develop Memorial Park along Peddie Lake as a central community focal point. A bridge project over the dam will provide a welcomed and attractive connection between Memorial Park and the library site. And while public space along the lake front is desirable and an important attraction for the downtown, the parking lot at Peddie Lake is an unproductive space that should be developed with vibrant shops and restaurants, leaving the lake's edge open for public access. The parking could be relocated, either to the Baptist Church through a formalize agreement of shared parking with the church or to the rear of the Post Office site, if the Post Office ever down-sizes or vacates the property.

Objective #5.5: Provide sufficient recreational opportunities for people of all ages. A gazebo has been constructed as part of an Eagle Scout project in Association Park (formerly Grant Park). Summer concerts have been and will continue to be held there. The Parks & Recreation Commission should develop a Master Plan for prioritized improvements to the Borough's recreational facilities and the Borough should update its Open Space and Recreation Element with a Master Plan Amendment to reflect it. With the new Environmental Resource Inventory and a Recreational Master Plan from the Environmental Commission, the new Open Space and Recreation Element could be integrated with economic development initiatives designed to make Hightstown a destination. Downtown events could be coordinated with recreational events and/or attractions throughout the Borough.

Objective #5.6: Integrate public recreation with available facilities at local schools and other recreational sites. While individual committees have been successful at coordinating with local schools, regular collaboration between the Borough and the schools should be encouraged. The Borough should designate a liaison for the specific purpose of facilitating efficient communication and coordination between the Borough and local schools. Peddie School and the Hightstown-East Windsor Regional High School, for instance, have swimming pools that are available to Hightstown residents individually, or the Borough collectively for selective occasions.

Objective #5.7: Develop a continuous open space system throughout the Borough. Local open space and recreation resources are limited, though important. Opportunities could be expanded if the Borough actively pursued cooperation from area schools.

Objective #5.8: Establish high priorities for the protection of existing historic sites and the restoration of the historic quality of the Borough. Since so many of the public spaces in Hightstown are part of the built environment and that environment has an important historic quality to it, the historic character of the Borough is just as critical to the cultural opportunities as it is the commercial and residential areas. This provides even more justification for pursuing Certified Local government status, maintaining a strong and effective Historic Preservation Commission and developing a comprehensive historic sites survey for the Borough. Form Based Zoning standards would help preserve the historic character of the town, which in turn will make the enjoyment of public spaces more fulfilling.

## **ADDITIONAL GOALS AND OBJECTIVES FROM THE 2002 AND 2005 RE-EXAMINATION REPORTS**

### **2002 Re-Examination Report**

The primary objective of the 2002 Re-Examination report was to establish the planning policy to substantiate the conversion of the Borough's Research Office (RO) zone to an Active Adult Age Restricted Single Family (AA) residential zone. That zoning change was made and Enchantment was built. The age restricted development is now a valuable, fully integrated part of the Hightstown community.

## **2005 Re-Examination Report**

In an effort to make this reexamination report one cohesive document, the policies from 2005 have been renamed as Goals, and renumbered to follow from where the 1998 Goals left off.

Planning Goals:

### **Goal #6: Increase coordination of the Borough's downtown economic development efforts.**

Objective 6.1: The Re-Examination Report in 2005 called for "a partnership of citizens, business owners and landowners" to help coordinate economic redevelopment with the Borough. Downtown Hightstown, a local non-profit dedicated to improving the image and desirability of the downtown area of Hightstown, should be a valuable part of that partnership. The Main Street Program, with an Executive Director, could be the facilitator of this public-private partnership.

### **Goal #7: Develop enforceable design guidelines for both commercial and residential structures.**

Objective 7.1: This continues to be a valuable planning policy, yet guidelines have not been formally adopted. Form based zoning would help advance this objective. Also see Objective 3.4. Expanding the role of the Historic Preservation Commission, (HPC) and the Planning Board Architectural Review Committee, (ARC) would also be of great value in meeting this goal.

### **Goal #8: Review and revise residential zoning.**

Objective 8.1 The Borough should begin by implementing form-based zoning and construction guidelines for residential areas. The Planning Board no longer agrees with suggestions from 2005 Reexamination Report that residential areas should favor 'denser construction' and determined that a more appropriate objective is to strive to maintain, or lower, the current 'density' in residential areas. This applies to both actual calculated density and the visual, apparent density of residential neighborhoods.

Objective 8.2: Mixed uses in residential areas are acceptable, but only if they do not compromise the quality of residential life, so acceptable commercial uses in residential zones should include things such as Bed and Breakfasts and home based businesses or 'home occupations'. See Objective 2.7a for related information. It may be advantageous to remove educational institutions from residential zones and consider creating a separate 'educational zoning district.' A similar distinction could also be useful for municipal uses, including municipal facilities and parks.

### **Goal #9: Accommodate mixed uses in the Industrial Zone.**

Objective 9.1 Assessment: This policy has been superseded by the rezoning of the Industrial Zone to Highway Commercial. See Objective 3.7.

### **Goal #10: Ensure consistency with new land use regulations.**

Objective 10.1: The 2005 Re-Examination Report recommended generating ‘Development Code for Centers,’ which was a planning document that the State once promoted, particularly for its designated centers. A separate Development Code for Centers is no longer essential. The policies recommended in this Master Plan Re-Examination Report, with all its constituent parts, and the supporting documents recommended herein, such as form-based ordinances, an historic sites and landmarks survey and revised Master Plan Elements and Amendments would, become a collective development code for this center that we call Hightstown.

### **Goal #11: Foster good stormwater management.**

Objective 11.1: The Borough has adopted a Stormwater Management Plan as well as an Environmental Resource Inventory and a new stormwater management ordinance. The Stormwater Management Plan should be revised, updated and readopted.

### **Goal #12: Redevelopment Plan.**

Objective 12.1: The Borough has a Redevelopment Plan for the Rug Mill. (See Objective 2.5a.) The process of redeveloping under Redevelopment Law provides the Borough with the greatest flexibility to respond to interested developers who want to re-purpose the Rug Mill. The Borough should continue to utilize the State’s Redevelopment process to promote the potential of the Rug Mill. Other areas in need of redevelopment, such as South Academy Street, might be more easily redeveloped using a different mechanism. Refer to Objective 2.5b for redevelopment along South Academy Street and Rogers Avenue. Since some areas mentioned in the Redevelopment Report may be more appropriately addressed through more traditional zoning, the Planning Board should review the Report on the Areas in Need of Redevelopment and adopt a Master Plan Amendment, articulating the priority for the five areas named in the original report. For instance, “Redevelopment Sub Area 3” which includes three distinct areas downtown, along Mercer Street, between the Peddie Lake bridge and West Ward Street, have been redeveloped to some degree and require only façade improvements now more than wholesale redevelopment. In the same general area, the Planning Board believes better pedestrian connections with inviting plaza spaces should be developed between the Housing Authority property and Mercer Street, possible between the Post Office and the bank, but this kind of improvement is not mentioned within the report. Therefore, the Report on the Areas of Redevelopment should be reviewed, revised and re-adopted with a Master Plan Amendment so that the Borough’s underlying redevelopment policy more accurately reflects the Borough’s current redevelopment needs.

## **III. Current Circumstances**

“The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last

revise...” (N.J.S.A. 40:55D-89) (See Appendix A for full text)

The primary planning objective of the 1998 Master Plan was to establish downtown revitalization as a priority that would re-invigorate the business establishments and thereby help to balance the tax base, taking some pressure off of homeowners. In 2002, the most significant change in planning policy was the decision to replace the Research Office (RO) Zoning District with Active Adult (AA) Residential zoning district which led to the development of Enchantment at Hightstown, an age-restricted, seniors only community. The previous Re-Examination Report in 2005 established planning policies that led to redevelopment plans for the Rug Mill site and rezoning of the Minute Maid property. A number of circumstances have changed since the 2005 Re-Examination Report was adopted, and collectively, they impact the Planning Board’s perspective of appropriate planning policy.

### **III-A: Route 133**

Otherwise known as the Hightstown By-Pass, Route 133 was opened in 1999 for the specific purpose of re-routing traffic around the Borough. Since then, three separate traffic studies have demonstrated a steady decrease in traffic through town. Many residents suggest that there’s still too much traffic downtown and it interferes with pedestrians and bicyclists. Some business owners, on the other hand, claim there’s now not enough traffic and business is suffering. It’s hard to say whether or not a lackluster business environment is due to reduced traffic or the current economic downturn that began in 2008. However, the key factor to implementing a planning policy that would establish the downtown as a destination must include measures to direct *appropriate* traffic to the downtown. ‘Appropriate’ traffic would include people who come into town to visit, shop and dine, as opposed to trucks and commuter through-traffic, which doesn’t frequent local businesses and simply drives through town on the way to other destinations. This truck traffic drives away pedestrians due to noise, exhaust and road dirt. Recently the Exit 8, New Turnpike interchange was relocated to align with Route 133. This alignment should increase the amount of commuter and truck traffic being diverted from downtown Hightstown, and it should be easier for the Borough to attract and capture patron traffic to support downtown businesses. In concert with good signage, and promotion of Hightstown’s best qualities such as its historic character, public art and quaint shops a strong diverting of truck traffic is paramount.

### **III-B: Minute Maid Lawsuit (2008)**

The Minute Maid property owner sued the Borough when the zoning was changed from Industrial (I) to Highway Commercial (HC). The case was substantially dismissed by the Court, which noted that the plaintiff had not exhausted all administrative remedies, such as pursuing a potential use variance. The property owners then applied for a use variance. That variance was ultimately denied, though a certification was issued which identified the characteristics of the legitimate pre-existing, non-conforming use. The property owners then re-activated the lawsuit but the case has since settled. The property owners secured the right to conduct warehousing with a specific ancillary light

manufacturing use. The Borough negotiated measurable limits on truck traffic to and from the site as well as substantial streetscape improvements.

Throughout this process the Planning Board and the Borough Council were cognizant of the potential impacts the results of the lawsuit might have on the Route 33 Corridor Planning efforts. With the cessation of the Minute Maid operation, the Borough initiated plans to redevelop the area and re-establish Mercer Street as a vibrant commercial corridor. It should have more highly valued ratables that might be slightly larger than typical downtown businesses because the lots in this neighborhood are larger and vehicular access to surrounding highways is easier and more direct. Hence, the area can accommodate more cars than downtown can. Because the Minute Maid site is so large and prominent in this neighborhood, it will naturally influence, either positively or negatively, the businesses around it. Therefore, any use, permitted on the site, either through a variance application, settlement discussion or re-zoning, must take into consideration the Borough's intention to revitalize this area with high valued commercial ratables, with a transition zone abutting the existing residential zones. The Borough Council and Planning Board were careful to insure that the settlement would not detract from or create obstacles to the Route 33 Corridor planning objectives.

### **III-C: Route 33 Corridor Study (2012)/ East Windsor Regional Planning**

Hightstown collaborated with East Windsor to undertake an extensive planning study of the Route 33 Corridor area. The study area extended from the Minute Maid property, west to Route 130. It included property in both East Windsor and Hightstown and on both sides of Mercer Street. Supported by market analysis and planning background studies, the final report recommended four (4) new zoning districts, two of which would cover Hightstown properties. The zoning districts proposed in Hightstown included a 'Main Street Retail' district along the road frontage and a 'Planned Campus Development' district covering most of the Minute Maid site. The Main Street Retail district would be characterized by commercial uses with a regional draw that can be easily accessed by car. The Planned Campus Development district would have low scale campus development with offices, a preference for medically related used and a possible option for an assisted living facility. An important part of the new planning policies outlined in the study was its reliance on form-based zoning to insure that revitalization occurs in a manner that fosters a desirable, Main Street character for the area. This will complement the character of the downtown and help to transform the under-utilized, underappreciated businesses in this part of town.

The Hightstown Planning Board agreed with the overall objectives of the Route 33 Corridor Study and ultimately adopted those recommendations with an Amendment to the Master Plan in 2012. The next step is to draft and adopt zoning to implement the new policies.

Near the east side of town, at the other end of Route 33 just outside Hightstown, the Borough is again collaborating with East Windsor on another planning study; this one designed to develop planning recommendations for the area between the new Turnpike interchange and the Borough line. These recommendations will affect Hightstown and



establish a new character for the eastern entrance to the Borough. Hightstown will continue to work with East Windsor Township and attempt to influence the process to protect the best interests of the Borough and assure a positive and smooth land use transition from East Windsor through this important access to downtown Hightstown.

### **III-D: Redevelopment Plan/Rug Mill Lawsuit (2009)**

The Rug Mill on Bank Street is an area ripe for redevelopment. Like the Route 33 Corridor Study area, the Rug Mill has the potential to be renovated with highly valued ratables that will help to balance the tax base and stimulate downtown revitalization. The Borough initiated a redevelopment plan in 2005, established the Borough Council as a Redevelopment Agency and attempted to negotiate a final redevelopment plan for the site. Early plans called for the redevelopment to incorporate facilities for municipal offices in exchange for the developer having access and use of the municipal building lot. But when the developer lost interest in the municipal building lot, negotiations broke down, culminating in a lawsuit against the Borough. That suit was summarily dismissed and the property is currently in bankruptcy. The Redevelopment Agency and the process that was initially established continues to offer hope for an efficient and effective redevelopment of the site, though the process is presently stalled and the current lack luster economy seems to be prolonging inactivity.

The Borough Council should step back from wearing two hats and dissolve themselves as the Redevelopment Agency. They should instead create a stand-alone Redevelopment Agency made up of members from multiple entities within the Borough, members of council, the Planning Board, the Environmental Commission and the general public.

### **III-E: Flood/Municipal Building (2011)/FEMA**

In 2011 Hurricane Irene flooded the downtown and did irreparable damage to the Hightstown Municipal Building. Subsequent analysis indicates that it would be too costly to renovate and restore the existing building. Borough Council has been investigating various possibilities for re-establishing municipal services in a permanent location or locations. To date, the Planning Board has reviewed Council's suggestions, unanimously agreed that no buildings should be built in place of the existing municipal building due to the history of flooding over the past 80 years, but has not yet developed a planning policy of its own on the subject. The Planning Board should consider formally rezoning the area between the Ely House and the Fire House as open space.

Complicating the matter is the incomplete analysis by FEMA (the Federal Emergency Management Agency) regarding the state of flood waters through Mercer County. While FEMA has re-mapped the 100-year flood line to more accurately reflect the established 100-year flood elevation, FEMA has yet to re-calculate the 100-year flood elevation which was last calculated in the 1970's. Of course, a significant amount of development and therefore new impervious cover has occurred in the local watershed since the 1970's, suggesting that the current *official* flood elevation is likely not representative of current reality. Unfortunately, there's no expectation that FEMA will re-calculate the flood elevation any time soon. Yet, considering the impact of Hurricane Irene on the

Municipal Building and the municipal building lot, the Borough can reasonably assume that this area of downtown will flood again. The Planning Board should consider the known facts and develop a planning policy regarding the re-establishment of municipal service facilities. As the local planning entity, tasked by the Municipal Land Use Law with providing planning advice to local officials, the Planning Board has some responsibility to analyze the situation and develop a planning policy to help guide the Borough through this important decision.

### **III-F: Environmental Resource Inventory (2012) and Stormwater Management**

In 2012 the Hightstown Environmental Commission, in collaboration with the Delaware Valley Regional Planning Commission, prepared an Environmental Resource Inventory (ERI) for the Borough. In June of 2012 the Planning Board adopted the ERI as an appendix to the Borough's Master Plan.

The ERI provides valuable information on natural and biological resources in addition to key statistics regarding the built environment. It illustrates how fully developed the community is while highlighting the fragility of the last remaining natural resources. Indeed, the Rocky Brook corridor, including Peddie Lake, bisects the Borough and passes right through downtown. In 2011 this stream corridor flooded downtown Hightstown, causing significant damage, from which the Borough continues to recover today. That event illustrated how the Borough's environmental resources can be both valuable assets that enhance the quality of life and a powerful force that warrants respect and consideration. In an effort to strike an appropriate balance between permitted development and acknowledging the carrying capacity of the Borough's natural resources, the Environment Commission developed and the Borough Council adopted a new stormwater management ordinance. This ordinance seeks to address and manage the cumulative impact of small development projects that can, over time, have significant consequences as it becomes increasingly difficult to mitigate the effects of intensified development in a fully developed community like Hightstown.

The Borough's Stormwater Management Plan, originally dated February 9, 2005 and later revised March 14, 2005 has been recently updated. The policies continue to be consistent with the goals and objectives of the Borough and local planning policies continue to be responsive to the management strategies outlined in the Stormwater Management Plan. The latest revised Stormwater Management Plan is attached herein as part of this Re-Examination Report.

### **III-G: COUNCIL ON AFFORDABLE HOUSING (COAH)**

The Borough Planning Board maintains that the Borough's existing housing stock and zoning plan fulfill the purpose and intent of the Fair Housing Act, which strives to insure that no community adopts zoning practices that discriminate against low income households. Toward this end, the Borough has submitted several revised Affordable Housing Plans in response to changes in the State affordable housing regulations. The State never responded to any of the Borough's submissions. The current status of the

affordable housing process is this – the New Jersey Supreme Court invalidated both the substantive and procedural rules of the State’s affordable housing regulations and instructed the State to re-write them. The State abandoned the concept of growth share and reverted to a methodology similar to the one used during COAH Rounds 1 and 2, when towns were assigned an affordable housing obligation allocation. In the meantime, in response to concern that the State would require municipalities to forfeit uncommitted housing funds, the Borough entered into agreements with Habitat for Humanity and the Hightstown Group Home on Dey Street. The Holly House may continue to be a viable prospect for additional affordable housing credits. Through agreements with these organizations, the Borough can secured affordable housing credits, or the prospect for affordable units that can be credited toward the Borough’s ultimate obligation. The new rules published in May of 2014 indicate that the Borough has a rehab obligation of 39 units and a new unit obligation of 9 units; this addresses both the Round 3 need and the unmet need of prior rounds. As soon as there is some assurance that the latest set of rules are the final set of rules, the Borough should revise its Fair Share Plan to address the current obligation. The Planning Board continues to maintain that any Fair Share Plan should satisfy the new regulations without substantially changing the existing character of the community.

### **III-H: State Development and Redevelopment Plan (SDRP)**

The latest State Development and Redevelopment Plan builds on the previous State Master Plans and continues to encourage growth in existing centers and away from undeveloped areas with environmentally sensitive natural resources. Moreover, it establishes the following overall objectives:

- Objective A: Targeted Economic Growth: Enhance opportunities to attract and grow industries of statewide, regional and international importance.
- Objective B: Effective Regional Planning: Guide and inform regional planning enabling each region of the State to experience appropriate growth based on its desires and assets.
- Objective C: Preservation, Protection and Enhancement of Critical State Resources: Ensure that strategies for growth include preservation, protection and enhancement of the State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.
- Objective D: Tactical Alignment of Government: Prioritize effective resource allocation, coordination, cooperation and communication among entities that play a role in meeting the mission of this Plan.

While the first State Master Plan sought to establish centers, and the second one focused on promoting endorsed plans, whereby communities collaborated to plan regionally, the latest State Master Plan encourages effective, innovative planning. Economic growth is

critical to managing the quality of life throughout the state. Commercial development provides employment opportunities and helps to shoulder municipal and state tax burdens. The Hightstown Planning Board has always, and continues to recognize the commercial sectors of the community as the Borough's best opportunity to improve the economic health and vitality of Hightstown.

In recent years the Borough has worked very closely with East Windsor, collaborating on multiple planning efforts. These projects are laying the foundation for appropriate and improved planning, redevelopment and growth.

In the area of preservation, the Borough maintains two valid objectives – maintain the integrity and improve the quality of the last remaining natural resources and also identify, protect and enhance the Borough's historic resources and character. Toward this end, the Planning Board is committed to drafting ordinances designed to protect the historic character of the community, by developing a stronger historic preservation ordinance and modifying the current ordinance based zoning to include form-based zoning.

Lastly, the Borough's objectives align squarely with the State's overall goals, thereby confirming that Hightstown's Master Plan continues to be consistent with the State's latest State Development and Redevelopment Plan.

#### **IV. New Planning Policies**

“The specific changes recommended for the master plan or development regulations, if any, include underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.” (N.J.S.A. 40:55D-89) (See Appendix A for full text.)

The fundamental vision for Hightstown remains valid. The Borough has the potential to provide all the experiences necessary to enjoy a well-rounded, excellent quality of life. The core of the community is its downtown. The residential neighborhoods that surround the downtown remain close knit and family oriented. The Borough, as a whole, is quaint, small scale and historic. But Hightstown is not realizing its full potential and there's an understanding that real structural changes must be made to insure a more positive future for the Borough.

#### **IV-A: Downtown**

The policy regarding downtown has been that businesses in general hold the key to economic vitality in Hightstown. The Planning Board now believes this policy is insufficient. The Hightstown community alone cannot support the business district. Instead the Borough should work to attract people from outside the community into the downtown. Hightstown must become a destination; a place that visitors come to because **is** a great place to spend the day, evening or a weekend. The uses in downtown should complement this objective – eateries, specialty retail, and uses that generate night life. The Borough should plan for and help coordinate community activities to draw people to the area. When people come, they will want spaces to gather, sit and talk. Pedestrian spaces, plazas and sidewalk cafes for outdoor dining and art displays should be

encouraged. The Borough should construct plazas where it can, but business owners should also work together to develop gathering spaces on private property. The Borough should incorporate a streetscape vocabulary section into the Downtown Design Guidelines developed by Downtown Hightstown and adopt them so that everyone can use it to coordinate their efforts.

With this new image of what the purpose of downtown should be, the Planning Board also feels there is room for downtown to grow. There is no longer a need to distinguish between Central Commercial 1 (CC-1) and Central Commercial 2 (CC-2). Both CC-1 and CC-2 zones should be developed as a single Downtown Core (DTC) Zoning District. Uses within this zone should attract high volumes of foot traffic and support the concept of downtown as a destination. Office uses, or businesses that generate less foot traffic should be confined to upper floors. Moreover, this Downtown Core zone should expand the Borough's central business district in selected areas, such as east on Franklin Street to the border with East Windsor, a little further south on South Main than the commercial zoning currently extends and north on North Main to Bank Street (see attached plan of Proposed Zoning).

In reality, the zoning changes proposed for the downtown area focus mainly on refining the list of permitted uses, consolidating the two CC zoning districts, into a Downtown Core, DTC zone and implementing form-based zoning to develop a more unified image for the area. Only modest expansion of the zoning district boundaries are recommended. However, more significant changes to the limits of the Borough's transitional zoning district, formerly the Residential-Professional (R-PO) zone are now recommended. This transitional zone will be known as the Downtown Gateway, DTG. The Planning Board proposes to redefine these areas allowing Residential and Residential/Retail as a transition between the Residential and Downtown Core Zones. They would allow all or most of the uses permitted in the Downtown Zone, however, the properties must also be maintained with an historic residential character to the buildings and one residential unit on each property. The mix of residential and commercial uses will create a transitional zone between the Downtown Core Zoning District and surrounding residential neighborhoods. The residential component will also help to limit commercial development to the kind of uses that are naturally compatible with a residential use. Ultimately, the Planning Board is proposing to expand this Residential/Retail Downtown Gateway (DTG) transition zone west on Bank Street, north along Broad Street, north along Maxwell, and west on Mercer (See attached plan of Proposed Zoning).

These proposed zoning changes will increase the value of the ratables in downtown and expand the commercial base in the transition zones. All this is important to rebalance the tax base in Hightstown, and to tie into the proposed zoning changes between Hightstown and the relocated Exit 8 New Jersey Turnpike interchange, drawing more business into our Downtown Core, (DTC).

There are other planning tools that can be implemented to support these rezoning efforts, such as The New Jersey Main Street Program. This program is a valuable tool that would help the Borough substantially. Built on the national Main Street model, developed in 1980 by the National Trust's National Main Street Center, the Main Street Program has a

successful history of revitalizing commercial centers. Downtown Hightstown has been following the Main Street Four-Point Approach to downtown management using organization, promotion, design, and economic development as defined by the National Main Street Center and Main Street New Jersey. Below are the four points:

1. Helps to establish an invaluable structural organization made up of local residents, business owners, land owners and public officials so everyone's efforts are coordinated.
2. Provides support for local economic goals by 'restructuring' the local economy. For instance, a Main Street Program would encourage new businesses to come to Hightstown and it would pursue businesses that could advance Hightstown's goals to become a destination.
3. Provides design support that would complement the Borough's efforts to create a quaint, historic image for itself.
4. Helps promote the downtown by organizing events to attract people to the area and also helping businesses organize with each other in a collaborative effort to support the downtown.

The Main Street New Jersey Program has a proven record of accomplishments and its methods and assets would dovetail well with the Borough's plans for downtown re-visioning.

Another useful planning technique is the Business Improvement District (BID). If the business community would support it, Hightstown would be well served to establish a BID. It would provide important financial resources to initiate some of the efforts that would be most helpful to begin to revitalize the downtown. If approved by the Governing Body, a Business Improvement District is an area, within which the Borough collects a fee. The funds collected would be dedicated to programs that implement positive changes in the downtown. Such programs might include a façade improvement program, commercial building renovations, plaza construction, incentives to entice new businesses, and many other possible and creative initiatives. But a BID requires full participation, so support from the business community is critical.

A comprehensive plan to support this new policy toward revitalizing the downtown holds real promise for a brighter future for Hightstown.

#### **IV-B: Rug Mill**

The Rug Mill is presently zoned for development through a Redevelopment Plan. The Planning Board continues to feel that the redevelopment process in lieu of rezoning offers the greatest opportunities for reusing the site. It gives the Borough flexibility to meet the needs of interested developers and it also provides incentives, such as a possible PILOT program, (Payment in Lieu of Taxes), and negotiated design solutions that make the land development process easier, and therefore more attractive to prospective developers. Without interest from developers, the property will continue to languish. The Borough's

primary interest right now is to attract real and viable interest in the site. However, a couple of over-arching objectives should be part of any redevelopment consideration.

Most likely, the current Redevelopment Plan will be revised when a new redeveloper is identified. Any revision to the Redevelopment Plan should embrace the concepts of form-based zoning as promoted throughout this Master Plan Re-Examination.

Also, the property is naturally bifurcated by Rocky Brook. The area east of the brook should be commercially developed and the area west of the brook would be more appropriately developed with residential uses. With a new Downtown Gateway, (DTG) Zone now proposed to be extended on the north side of Bank Street from North Main to the Public Works site, the opposite (or south side) of Bank Street could be redeveloped with neighborhood commercial uses, such as a bakery, a coffee shop, deli, cleaners, salon, etc. This would be more easily accomplished if Mechanic Street south of Bank Street were vacated; it currently divides the Rug Mill from the former municipal building lot. A small collection of businesses located here on Bank Street would provide convenient services to the residential neighborhoods to the north. Much of the rest of the east side of the Rug Mill redevelopment area is prone to flooding, except the Ely House, an historic asset that could be an attraction for downtown. The area that was the municipal building and parking lot could be transformed into a public park with public art, benches, trees, green space, etc.

The west side of the Rug Mill property is abutted by residential uses. The lots that front on North Academy Street should complement the R-4 residential uses across the street. The remainder of this side of the site would be appropriately redeveloped with a revenue positive form of multifamily housing, such as artists live-work studios, loft-style or one and two bedroom apartments. The brick building of the original mill should be preserved for its historic value; it could be creatively re-purposed. It may also be possible to secure historic preservation credits to help offset some of the redevelopment costs, though it would require its own Historic District to cover the brick portions of the building as the site does not contribute to the housing stock and the period of significance of the Stockton Street Historic District. The site could however meet the requirements of criteria A of the National Register of Historic Places. (Buildings or sites which are associated with events that have made a significant contribution to the broad patterns of our [local] history.) This should be part of any negotiation with a future redeveloper.

#### **IV-C: The Municipal Building**

The existing municipal building was inundated by flooding during Hurricane Irene. While the Federal Emergency Management Agency (FEMA) has re-calculated the limits of the flood zone based on new technology that can more accurately locate a designated flood elevation, the Planning Board acknowledges that FEMA has not re-calculated the flood elevation that they use for mapping since the 1970's. In other words, the information provided by FEMA shows the area that will flood based on the amount of development that existed in the area in the 1970's. Obviously, much more development has occurred in the watershed in the last forty years. Additionally, based on real world flooding over the past 80 years, line or no line, this area is prone to flooding. Therefore,

the Planning Board believes the flooding that occurred during Hurricane Irene is a much more accurate representation of the true flood limits than the ‘official’ FEMA maps. Considering previous floods in 1971, 1955 and 1938, along with the increased potential for more frequent and more intense storms due to climate change, the Planning Board believes the site of the former municipal building should not be used for a new municipal building or any other building but rather should be developed as a sculpture park/pedestrian space between the Ely House and the Fire House. This would have the added benefit of opening up the view from Franklin Street to the Rug Mill property.

Obviously, without a new building on this site, municipal services will need to be relocated. The Planning Board carefully considered the role of the municipal building in the community. In Hightstown, the building never served as the center of the community as municipal buildings sometimes are in other towns. Nor is it desirable for the municipality to have such prominent building. Under current planning policy, downtown Hightstown, the destination, should be the center of the community, not the municipal building.

The Planning Board also acknowledges that many municipal services are already shared with other communities and these arrangements are serving Borough residents very well. Sharing services with other communities should continue and expand when possible. Services that continue to operate within the Borough can be divided into logical groupings; and if they are divided, they don’t need to be assembled in a single building or facility. Water, sewer and public works should stay together. Borough administration, the tax assessor, construction official and planning/zoning offices, along with record keeping and a public meeting venue should also operate together. The police department can function independently, especially since court services now operate outside the Borough through shared services with Robbinsville. Each of these three groups of municipal operations can operate from different buildings.

If new buildings are constructed for any of these uses, the design of the new building or buildings should anticipate the potential re-use or re-purposing of the building. That would be particularly advantageous if Hightstown consolidates with East Windsor.

As an alternative to constructing new buildings, the Borough should consider relocating some of its operations to existing establishments where it might rent space, such as a local church, sections of Monmouth Street, Mercer Street, the First Aid Squad building, a floor of the Rug Mill building when it’s redeveloped or in the Public Works building where much of the municipal operations occur now. In addition to all these possible locations, the second floor of the Fire House may provide the Borough’s best option for useable and accessible space on a long-term basis.

In short, the best policy for replacing the Borough municipal building is to:

- maximize shared services whenever possible,
- divide the Borough’s remaining local services, which gives the Borough more flexibility to relocate them,



- occupy existing space in town where its available
- if a new building must be constructed, it should be built outside any true, not theoretical, floodplain and it should be designed to be repurposed someday.

#### **IV-D: Form Based Zoning**

Form-based zoning is defined by the Form Based Codes Institute as a “*method of regulating development to achieve a specific form and a desired physical outcome.*” (“Form Based Codes in New Jersey” by Regional Planning Association, July, 2010) Form-based codes put greater emphasis on the appearance of a use and its ability to fit in the desired character of the community and less emphasis on the use itself, with some caveats. The assumption is that the way in which a use is developed can be as important to the success of a neighborhood or town as the use itself.

It differs from architectural or aesthetic zoning, which focuses on the architectural details, design, materials and colors of the buildings. Form-based zoning places more emphasis on the physical form and relationship to the street edge and neighboring properties’ volumetric details. For example, by requiring some differentiation between the first floor and the upper floors of a commercial building, the design of the façade reinforces the pedestrian scale of the streetscape. This design feature affects how people feel as they walk along the street. In residential areas, form-based codes might require porches and this recognizes the importance of having a public/private design feature where the public space (the streetscape) meets the private space (the front door of a house). This feature often encourages people to come out of their ‘private space,’ sit on the edge of the ‘public space’ and this new behavior ultimately changes the character of the street and neighborhood. These and similar design requirements affect both how the community looks and how it functions and/or feels.

Traditionally, form-based zoning is most effective when incorporated into redevelopment plans, like one that may be revised for the Rug Mill or plans that may be developed for the Route 33 Corridor Study area. Utilizing form-based concepts to revitalize developed areas is a less purist way of implementing the concept but nonetheless, it can be effective.

The streetscape projects that helped improve the appearance of downtown have begun to establish a design vocabulary for the public spaces. The Borough would be well served to codify these design elements in a design guide, so that property owners, particularly in the business districts can draw upon them to develop pedestrian spaces where ever possible. Similar guidelines can be developed for building facades, both commercial and residential as well as site improvements, such as fencing, lighting, site furniture and decorative paving. Once the guidelines are in place, it will be easier to craft form-based codes that shift the emphasis from specific, uniform bulk standards to form-based criteria.

Lists of permitted uses, which in many zones are outdated, can be updated when the standards are revised. Nowadays, when new types of businesses arise quickly, it is increasingly difficult to maintain effective ordinances by listing specific uses that are be permitted. Instead, in form-based zoning, lists of permitted uses often include more

general categories into which various future uses that we may not even be imagined yet might fit. When towns use a broader category to describe permitted uses, businesses have an easier time getting established and this can be good for the local economy. But towns must be just as careful to articulate the qualities of desirable uses so they avoid inadvertently allowing the kinds of uses that would adversely affect the neighborhood. So an old ordinance might have said theaters are permitted, but a form-based code might suggest instead uses that promote family entertainment, which would include things like theaters, arcades, skating rinks, and dance studios.

The most traditional sort of form-based codes should be incorporated into redevelopment projects. In other areas, both downtown and in residential zones, form-based codes should be developed to the extent that they can be. The Planning Board recognizes that it might be a little more difficult to implement form-based codes in residential zones, because people tend to become a little more defensive or protective about their homes than they do their businesses. The Borough may consider different levels of form based ordinances for residential versus commercial areas. Yet, many will agree that it is important to preserve the image of Hightstown and much of that image is created along the main residential streets into and out of the Borough. Therefore, there is greater justification for adopting form-based codes in residential zones along streets such as South Main Street, North Main Street, East Ward Street, Mercer Street, Monmouth Street, Morrison Avenue, and Stockton Street. These would be appropriate residential areas in which to start using form-based codes. Once these neighborhoods illustrate how well the new codes can improve the appearance of the community, the Planning Board is confident that other residential areas will acknowledge the value of the new codes and accept the same standards.

#### **IV-E: Minor Subdivisions**

To the extent that minor subdivisions can be approved without any variances, they are considered consistent with the ordinance. Otherwise known as a ‘by right plan,’ such applications are plans which the property owner is permitted, by right, to do.

Minor subdivision applications which include requests for density, area, impervious cover or bulk variances must include proper proofs demonstrating compliance with the Municipal Land Use Law, i.e. N.J.S.A. 40:55D-70(c)(1) and/or (2), regarding ‘peculiar and exceptional practical difficulties or exceptional and undue hardship’ or a showing that the benefits of any deviation from zoning ordinance requirements “substantially outweigh any detriment”. The obvious concerns to the granting of such variance relief in these cases are the possible detriments to the community, such as added traffic and increased density, and effects on the Borough’s Land Use Plan. Minor subdivisions can benefit the community when a pre-existing, non-conforming condition is eliminated or reduced or an environmental hazard or public safety issue is corrected.

A subdivision which results in a flag lot is not an acceptable land use choice. A flag lot is a condition where a property is divided to accommodate one house in the front of the property and a second house at the rear of the property. The second house is accessed from a sliver of land (the “flag staff”) usually along the side of the lot. There is little or

no benefit to the community in this type of configuration. Flag lots create unnecessary safety concerns for the flag property and potential land use conflicts that typically compromise the privacy of rear yards in the area.

#### **IV-F: New Policy Conclusion**

With these new planning policies and the amended policies that precede them, the Borough is outlining a comprehensive new strategy to fulfill its long standing goals of revitalizing the downtown and re-balancing the tax base. The overall objective continues to be to improve the commercial components of the community, reducing the burdens on local residents and ultimately improving the quality of life for everyone in Hightstown.

#### **V. Redevelopment Policy**

“The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate appropriate changes in the redevelopment plans of the municipality.” (N.J.S.A. 40:55D-89) (See Appendix A for full text.)

As noted previously, the Planning Board has determined that the Local Redevelopment and Housing Law offers the best opportunity to attract quality redevelopers to the Rug Mill site.

The redevelopment of the Route 33 Corridor is not in a state, at this point, that would suggest that utilization of the Redevelopment Law could be effective in this area. Presently, re-zoning the area to more closely reflect the objectives of the Route 33 Corridor Study is the prudent policy to follow. If circumstances change to make the Redevelopment Law process more viable in the Route 33 Corridor, the Borough should consider it.

#### **Endnotes**

1. Reference to Re-Examination Reports in the Municipal Land Use Law. (See Appendix A for full text.)
2. NY, NJ, CT Regional Planning Commission, Form Based Codes in New Jersey, July 2010, p. 9

## **APPENDIX A:**

### **40:55D-89 Periodic Examination.**

Periodic Examination. The governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the county planning board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may, on behalf of the governing body of the municipality, request a copy of the report and resolution. A reexamination shall be completed at least once every 10 years from the previous reexamination.

The reexamination report shall state:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- c. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Re-Exam report.12-1213