

Hightstown Planning Board
Regular Meeting
December 9, 2019, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:37 p.m. and read the Open Public Meetings Act statement: “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the Trenton Times and the Windsor-Hights Herald and is posted in the Borough Clerk’s office.”

Flag Salute

Roll Call

| | PRESENT | ABSENT | LATE ARRIVAL |
|--------------------------|---------|--------|--------------------------|
| Mr. Montferrat, Chairman | X | | |
| Mayor Quattrone | | X | |
| Councilman Misiura | X | | |
| Ms. Asselstine | X | | |
| Ms. Colavecchio | X | | |
| Ms. Jackson | | X | |
| Mr. Rosenberg | X | | |
| Mr. Searing | X | | |
| Mr. Laudenberg | X | | Sworn in after Roll Call |
| Mr. Balcewicz, Alt. #1 | X | | |
| Mr. Cabot, Alt. #2 | X | | |

Also in attendance: Sandy Belan, Planning Board Secretary, Jolanta Maziarz, Planning Board Attorney Carmela Roberts, Planning Board Engineer and Brian Slaugh, Planning Board Planner.

APPROVAL OF AGENDA

Mr. Montferrat asked that the agenda be amended to add the swearing in of new member, John Laudenberg, replacing Joe Cicalese who elected to the Borough Council.

Mr. Montferrat asked for a motion to approve the amended agenda. Motion made by Ms. Asselstine and seconded by Mr. Cabot to approve the amended agenda.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Rosenberg, Mr. Searing, Mr. Balcewicz and Mr. Cabot. Mayor Quattrone and Ms. Jackson were absent. Motion passed 8-0.

OATH OF OFFICE

Ms. Maziarz, Board Attorney, swore in Mr. Laudenberg, new Planning Board Member.

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the November 12, 2019, Regular Meeting.

Motion made by Ms. Asselstine and seconded by Mr. Misiura to approve the minutes from the November 12, 2019, Planning Board meeting.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Rosenberg and Mr. Searing. Ms. Colavecchio, Mr. Laudemberger, Mr. Balcewicz and Mr. Cabot abstained. Mayor Quattrone and Ms. Jackson were absent. Motion passed 5-0, four abstentions.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

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

HEARINGS

- 1) Application #2019-05 – Americana Hospitality Group, Block 7, Lots 40.02 and 41 – Preliminary and Final Site Plan Approval

Mark Shane, Shane and White, LLC representing the Americana Diner. Received approval from this Planning Board a few years to expand the Americana Diner, Route 130. Property is in both Hightstown and East Windsor. Received approval several months ago from East Windsor for the proposed renovations. Appearing before this Board for some minor changes to the original plans previously approved by the Board.

All information on notice of publications was submitted to the Planning Board Secretary.

Mr. Shane – Mr. Szalay also testified before East Windsor on this project as well as other municipalities throughout the state.

Testimony – Christopher Szalay, Professional Engineer – Ms. Maziarz swore in Mr. Szalay. Credentials: received bachelor's degree in civil engineering from the University of Rhode Island in 2008; currently work for Menlo Engineering Associates, 261 Cleveland Ave., Highland Park, NJ; licensed professional engineer in New Jersey since 2013. Testified before numerous Boards within the State: Middlesex, Somerset, Hutchinson, Mercer and Monmouth County. Board accepts Mr. Szalay as an expert witness.

Exhibit to be reviewed:

- a) Exhibit A1 – Aerial View of Existing Conditions
- b) Exhibit A2 - Colorized Rendering of the Site Plan

This property is in both the Borough of Hightstown and East Windsor Township. Borough of Hightstown is located on lots 40.02 and portion of lot 41 – total 1.77 acres in the Borough of Hightstown, with total developable area of the area is 6.46 acres including East Windsor. The properties in East Windsor are Lots 9, 10 and 11 within Block 57.

Site is somewhat irregularly shaped lot with frontage on the north side of US 130 between Stockton Street and Town Center Road. Surrounding the properties to the north, south and west are commercial properties. In addition, to the north of our property is a regulated body of water, Rocky Brook, which has

a 150-foot riparian buffer. To the west of the property is the right of way of US 130. To the east of the property are single family residential homes located within the Borough of Hightstown.

Access to the site is by way of curb cuts along Route 130 and the lots with the Borough are located entirely within the R-3 residential district and within the Highway Commercial District within East Windsor Township.

Existing conditions – The property as a whole is developed with a multitude of commercial uses totaling approximately 28,300 square feet of commercial space as well as 228 associated parking spaces, 87 of which are located on Lot 40.02 within existing paved parking area that is associated with the commercial site, located closely to the Americana Diner.

Utilities – Underground detention basin located to the east of the Americana Diner, which collects, conveys, stores and contains stormwater runoff from the existing parking area and discharges it within the Route 130 right of way. Stormwater management improvements along the other two lots which are not contained, currently discharge to through the right of way.

The applicant is proposing to redevelop the entire site and provide a total of approximately 30,800 square feet of commercial uses. The three existing buildings onsite will remain. Some building additions are proposed to the Americana Diner and two existing buildings located to the south as well. Overall the other commercial space will total 30,800 sf and a total of 342 parking spaces are proposed.

We are here today for an Amended Site Plan for the improvements that are located within the Borough of Hightstown. The existing parking lot on lot 40.02 is remain and modified (8 angled parking spaces which will be reconfigured into 7 90-degree spaces).

Mr. Shane noted that one of the reasons for the reconfiguration of the parking is because the applicant is attempting to save a tree.

Mr. Szalay – What was previously approved as a functioning site plan for the parking addition that is to be located on the leased portion of Lot 41 in the Borough of Hightstown. The applicant is attempting to save an existing Oak Tree which is mature and fully developed as well as avoiding relocating an existing transformer. By reconfiguring what was previously approved, we can achieve those two goals as well as maintaining a well-functioning site that circulates safely and adequately.

Also, proposed, in addition to the modifications on Lot 40.02, is a 78-parking space addition onto a portion of Lot 41 within the Borough of Hightstown. Included with these new spaces are 4 ADA spaces near diner and in a level spot. The applicant is also proposing one dumpster that will be in Hightstown Borough (Exhibit A-2). Existing lot 40.02 is located along the eastern portion of the property line and the parking lot addition located within Lot 41 is along the northern portion of the property line. The ADA accessible spaces are located off the northeast corner of the existing Diner and the dumpster is located mid-point of the northern property line.

Screening – proposing six-foot high board-on-board fence along the northern property line to supplement the current landscaping along the eastern and southern property lines. In addition to the existing buffer, we are substantially enhancing the buffer within the East Windsor Township and buffering the residents located within Borough of Hightstown.

Utility Improvements

- a) Proposing for East Windsor a new underground detention basin and utilizing the existing detention basin near the Americana Diner. All runoff will be treated for water quality prior to being discharged into the Route 130 and meet water management regulations. Application submitted to the DEP for approval regarding regulation of discharge into the DOT system.
- b) Other utilities improvements are located within East Windsor Township.

Lighting Improvements

- a) Lighting plan shows five pole mounted light fixtures to be installed in the new parking area. Pole heights are proposed to be 25 feet. Minimum of 0.3 foot-candles, with an average of 0.98 foot-candles and an average minimum uniformity ratio of 3.27.1 are provided within parking areas and access aisles.

Variances

- a) Non-permitted Principal Use – The use of a portion of Lot 41 as a parking lot serving a commercial use is not permitted in the R-3 District. The modification of the existing parking lot on Lot 40.02 to expand it by providing access to the new parking area on Lot 41 is not a permitted change in the non-conforming use of that lot.
- b) Parking Stall Size – The proposed parking stalls measure 10 feet wide by 18 feet long. Borough ordinance requires parking stalls to be a minimum of 20 feet long.

Mr. Shane – At the prior approval, we had a planner testify regarding the Zoning requirement for the non-conforming use at this site. It was approved at that time.

Mr. Szalay reviewed the changes from the previous approved Site Plan.

- a) Layout very similar to the previously approved Site Plans within the Borough. Main changes as discussed earlier have to do with saving existing Oak tree located on the property (Exhibit A-2) and existing transformer which we are maintaining now by providing this green space. Previously, through this green space was a drive aisle that extended toward the exit along Route 130. With this change, we have been able to maintain the existing egress only driveway onto Route 130 rather than modifying to a right-in; right-out driveway, which was part of the previously approved plans.

Mr. Shane – The focus of the original Site Plan and this site plan is parking in Hightstown Borough. The improvements to the site, which were previously in disrepair. These improvements will be made to the benefit of Hightstown Borough.

Ms. Maziarz – It is my understanding from the application and from your testimony so far that you previously received Site Plan approval. I have not been able to locate it or identify it. If the Zoning Board had jurisdiction initially then this application will also be with the Zoning Board. Mr. Misiura must recuse himself.

Mr. Shane – We are not changing the original variance approval for non-conforming use. We are modifying the parking,

Ms. Roberts – I approached this application as Preliminary and Final Site Plan approval tonight. I do not believe the original application received resolution compliance from the Planning Board.

Mr. Slauch – Are the number of parking spaces changing?

Mr. Shane - The original approval was for 157 parking spaces in Hightstown Borough. We are now proposing 158 spaces in Hightstown Borough. Lot 40.02 is owned by the owner and lot 41 is being leased. What is the current status of the lease?

Discussion on the approval of the previous resolution.

Attorney needs to provide additional materials. Grounds to postpone this hearing. Does a resolution expire?

Ms. Maziarz – The Board and professionals need to review the site plan to determine how it has changed from what was originally approved in 2011.

This application is tabled to future meeting no additional notice required.

At this time, Mr. Misiura returned to the dais.

- 2) Application #2019-07 – JKAMQSR, LLC – Amendment to Approved Site Plan, Block 26, Lot 22.01, 119 Franklin St.

George White, Attorney, Turp, Coates, Driggers & White, Hightstown – Amendment to Approved Site Plan – previously here for Zoning Appeal – where the zoning issues related to this application were approved. Tonight’s application is to renovate and make architectural improvements. All the improvements are external; no other site work required, all architectural improvements and sign improvements (two variances regarding number of signs permitted).

Two professionals will testify: Cynthia Falls, Architect, gk+a Architects, PC and Creigh Rahenkamp, Professional Planner, Creigh Rahenkamp & Associates.

Ms. Maziarz swore in Ms. Falls, Architect, gk+a Architects, Rutherford, NJ – Master of Architecture from University of Texas, Arlington, 1996; registered architect in New Jersey since 2008 and registered in the New York since 2001. Appeared before multiple boards including East Brunswick, Middletown, Fairhaven, Montclair and throughout northern New Jersey. Board accepts Ms. Falls as an expert witness.

Ms. Falls – Proposing alterations to the Krauser’s Convenience Store, 119 Franking St. This will be a combination convenience store and Dunkin Donuts. The Dunkin Donuts will be part of the convenience store, will not include seating or drive thru. Proposing exterior improvements to the façade.

Exhibit A-1 – Color Version of A-4.2 Detail 1 Photo of Existing Conditions; Detail 2 Photo of Existing Façade at Broad St. which fronts residential area; Detail 3 Detail of Proposed Elevation (Franklin St.): removal of existing canopy over the convenience store proposed Dunkin – adding architectural feature to display signage making this more of an end-cap store; Architectural feature will be composed of fiber cement panels with more fiber cement planking accented by pink and white panels on the Dunkin’ side.

Two permits are permitted because there are two businesses – Dunkin’ and Hightstown Mart.

- a) **Dunkin’** - Internally illuminated: sign area 22.5 sq. ft.; sign height of 2 feet; sign projection of 5 inches; height above grade 18.4 ft. This complies with the Borough ordinance.

- b) **Hightstown Mart** (convenience store): sign area is 32 sq. ft.; sign height 2 inches; sign projection 5 inches, height above grade 9.11 ft.

Neither of these signs exceeds the allowable 40 sq. ft. These two signs are permitted.

NOTE CORRECTION: Ms. Falls testified that the sign height (Hightstown Mart) was 2 inches; per the Plans the height is 2 feet.

Broad Street signage – Proposing two signs - monolith **DD** sign and **Hightstown Runs on Dunkin'** sign.

- a) DD sign will be on the monolith which projects slightly from the building, but projects less than existing. The canopy projects 2.11 ft. over the building. The DD sign will be less than that now – 8-inch projection. DD sign is internally illuminated.

DD sign - Area 7.6 sq. ft.; sign height 2 feet; sign projection of 5 inches; height above grade 18.4 ft.

- b) Hightstown Runs on Dunkin' will have fiber cement panels which will look like wood but is low maintenance to maintain the look. Hightstown Runs on Dunkin' sign will be illuminated with gooseneck lights. The lights are shielded as required to prevent light spillage over the property line.

Hightstown Runs on Dunkin' sign – area 21.92 sq. ft.; sign height 2 feet, sign projection of 1 inch; height above grade 9 ft.

We think the Hightstown Runs on Dunkin' helps to break up the long facade and gives some interest to the side of the building. The sign will not project any further than the current canopy.

Board Discussion

- a) Existing condition on the Broad St. side – vent in the middle of the building
- b) Two existing trees
- c) Canopy on Franklin St. and Dunkin' sign
- d) Lighting in the area
- e) Two separate business – convenience store and Dunkin' Donuts

Ms. Falls response:

- a) Parking lot - LED lights which will be relocated. There is no sidewalk, most of the lights are there for security.
- b) Both trees will remain, which is part of the reason the DD sign will be a little higher (three feet) than the existing building.
- c) Proposing two signs on the Broad Street side of the building (DD and Hightstown Runs on Dunkin'). Internally lighted signs are permitted.

Some Planning Board members questioned the two separate businesses.

Ms. Falls – It's a convenience store that has "convenience" projects and a Dunkin's Donuts. Each business will have its own point of sale cash register. There is no wall separating the two businesses.

They each operate as a separate business: convenience store (Hightstown Mart), service area/register (Dunkin' Donuts).

Mr. Rosenberg stated he would like to go on record as saying I had a very different idea as to what this was when the zoning appeal was approved. It was approached as a convenience store just selling Dunkin' Donut products. One business.

Ms. Falls – I was not present for the zoning appeal. It was positioned as a 60%-40% split.

Mr. White - There was a discussion of the split between the two businesses as far as what the orientation would be – two separate point of sale systems due to the Dunkin Donuts franchise requirements. Dunkin Donuts products sold through separate register. We did have testimony as to the separation of the square footage based on the different businesses that would be operating.

Ms. Maziarz added that she also had the same observation regarding the two business as some Board members do.

Mr. Slauch – Hightstown Runs on Dunkin sign reviewed the plans. Effectively, you have an element that is only supported on the corner according to the architectural design. Generally, that is an oddity. Normally the whole piece would go down to the ground, and it would be more like a fin or a pier that supports the entire piece. That is not the case here. Is this how this was designed.

Ms. Falls – Yes, that is correct.

Ms. Asselstine – The Dunkin sign on the Franklin Street side is elevated higher than all the other signs in the center. Is that within the guidelines of the sign ordinance in terms of height? Also elevated and illuminated.

Mr. Montferrat – How does this merge into the other façade that will remain the same? The green and white and that will change height wise and will not match with the other signage and canopy.

Ms. Falls – We are describing this as more like an end cap of a retail center which frequently are different than the rest of the centers. Again, this is a requirement that Dunkin Donuts has for branding. There is various signage on this building.

Ms. Asselstine – I think it is important going forward that we think about that since we can't really address the fact that it has been there since the 70's. You mentioned the franchise requirements?

The Dunkin in Robbinsville does not use the orange and pink color scheme. It has a much more subdued gold and black color scheme which is more in keeping with the architecture of the building.

Ms. Falls – Dunkin no longer approves sites that do not get their signage with their branding. Everything is about branding. All Dunkin's will be renovated to be consistent with the new signage, look and corporate name change. More modern cleaner look.

Ms. Asselstine – Hightstown is more historic town.

Mr. Slauch – This is not mounted on the roof, so this is technically not a roof sign.

Ms. Maziarz swore in Creigh Rahenkamp, Creigh Rahenkamp & Associates, Riverton, NJ: Qualified previously on the zoning interpretation. Creigh Rahenkamp, Planner – Credentials - planner for 37 years; licensed in New Jersey for 23 years. I have appeared in over 100 matters before Superior Court; lecturer at Rowan University and consultant on the residential site improvement standards. Board accepts Mr. Rahenkamp as an expert witness.

Mr. Rahenkamp reviewed the Variance issues:

I presented the planning testimony on original application it was presented as a single business with two points of sale. There is a single owner for all of this phase, but because of the franchise product delivered through Dunkin' Donuts, they have their own cash register system. Calling it two businesses was an effort to deal with the signage.

The overall purpose of signage is to communicate to the public what they can expect from a particular store. This is a relatively unique situation, that comes with a relatively small number of retail users who nest within the space of other businesses (for example Dunkin Donuts and Subway). When this occurs, you essentially now have two different functions occurring within the business. It is both a convenience store and a Dunkin Donuts. While it is a single business, because of the two different functions, it is important to be able to communicate to the public that both product lines are available within this store. We must communicate with two separate signs when we are addressing the public and do it aesthetically and not overbearing. You don't want the two signs right next to each other, which would obviously clash in terms of their overall look. You have a corporate logo and a more modest convenience store sign. You want to create a separation.

The effort with the architecture is to add a vertical element at the corner. It is common to have a vertical element at the end of a building that carries some additional mass, and to use that opportunity to give a building a different look rather than simply a straight strip center. This adds a vertical element. This gives us the opportunity to split the signage. Dunkin Donuts messaging on the vertical element that is being added and maintain the Hightstown Mart sign at the same elevation of the other signs (Exhibit A-1) – same height and background banding.

DD on side of building (modest signage) – plan to retain the two trees on Broad St.

Hightstown Runs on Dunkin' - This is adding different colors and material in the middle with a sign that mentions both the community and the use.

Soffit light will be removed; gooseneck light on sign DD. If additional lights are needed, will add modern LED hidden fixtures. This will be an improvement over existing conditions.

Buffering between residential and commercial zone (currently a non-conforming existing condition) – we did not plan to address it since it is an existing condition.

Mr. Rahenkamp - The existing green roof turns the corner. It would stick out further than the additional architectural vertical element.

Board Questions:

Mr. Balcewicz – Did you consider a lower vertical sign rather than extending 18 feet – lower the Dunkin sign on the front and the corner DD sign on the side? LED lights - color

Mr. Rahenkamp – The point in having a vertical element is that it is going to extend above the peak of the roof.

Ms. Falls – LED fixture on the side of the building comes in 4-5 different color temperatures. Will use warm temperature. All lights will be LED.

Mr. Slaugh recommends a color temperature of 3200 Kelvin or less (lower end of the LED range).

Mr. Rosenberg – The problem I have are the two signs – it is one business. From an aesthetic standpoint, it seems like your goals butt up directly without sign ordinance goals (using words like pops and modern which are not what we want in our signage). The Borough specifically did away with neon because it pops. We don't have lights that pop because they draw unnecessary attention. We want to maintain the historic character. You will be able to see this across the lake. Do not think it fits in with the character we are trying to achieve. Whether or not you can do it legally that's a different discussion. From an aesthetic point it simply does not fit in and two signs on one frontage is not permitted. Do not see how you can get around that.

Mr. Rahenkamp – It is better to have two separate elements, rather than trying to jam them together. That is the essence of the variance.

Variations Requested:

- a) Two signs where only one is permitted
- b) Interpretation as to whether that applies to both façades or one façade? I believe it applies to both façades.

Mr. Slaugh agrees with Mr. Rahenkamp's interpretation.

Ms. Asselstine – Illuminated sign on Board St. (DD Sign) – corner not visible.

Ms. Falls – DD Sign (Broad St.) - Applicant would agree to restricted hours on the lighting.

Mr. White – Dunkin is adamant about the Dunkin on the front be back lite with white background. The DD Sign on the side could be adjusted to goosenecks lights to restrict potential for commercial lighting shining toward residential area.

Ms. Falls – We can also change the brightness on the other lights.

Mr. Rahenkamp – The intent here is not to have a very bright sign; it should not have any glare.

Mr. Slaugh suggested a limit would be 300 nits.

Ms. Asselstine – The two signs on Board St. - one is the branded DD sign and the other is not is another Hightstown Runs on Dunkin is not a Hightstown Mart. I like the gooseneck better there and it is much more subtle. It is two signs for the same business on one façade. That seems unnecessary.

Ms. Falls – We are describing that more as an architectural feature to break up the brick wall. Again, it is a sign not unlike some of the others – example – Welcome to Hightstown sign in front of the building. It is not dissimilar to what you see in a lot of towns.

Mr. Rahenkamp – The subtitle is smaller, is externally illuminated and is part of an architectural feature. It does not scream Dunkin.

Mr. Slaugh – Isn't the architectural feature the actual thing that is changing the side not the façade?

Mr. Rahenkamp - No, the whole point of this is you have a further change in materials and letters that creates the horizontal element within that bound. It's the three elements together that create the visual interest.

Further discussion on the design of the DD and Hightstown Runs on Dunkin signs.

- a) Looks like a piece of the awning was removed to build a random structure on the side;
- b) Comes across more as a marquee element. I understand what they are trying to achieve here.
- c) If you have a DD sign it should be pushed back so the edge lines up with the front façade of the building. It looks unbalanced.
- d) On Broad St. you really aren't getting a lot of traffic, don't understand the Broad St. signage.
- e) Hightstown is an historic town and we trying to embrace that these days. We want to be our own entity. We don't want to be a highway commercial, which that was at one time. The town has changed.

Mr. White stated that the DD sign is visual as you come down Franklin St.

Mr. Slaugh – If you look at the aerial in my review and you see the trees would obstruct the sign.

Mr. White – The applicant is willing to remove the entire center element (Hightstown Runs on Dunkin) which eliminates the need for the variance (two signs on one façade). The intent of the signage was town recognition. If it is problematic as far as having dueling signs on the Board St., we can remove the entire element from the center of the building, leaving just the signage proposed with the branding.

Board Comments:

- a) Have you addressed the Police Chief's Comments - Related to double parking in the fire zone lane in the center and the increase in traffic?

Ms. Maziarz – This is site plan approval, so that should be addressed now.

Mr. Rahenkamp – The Police Chief simply concerned about an increase in activity, no mention of design changes.

Ms. Colavecchio – Removing gooseneck sign. We have a Mural Arts Program and I believe that wall could be used in a different way more to benefit of the town.

Open Public Comment

Frank Rivera, 110 Broad St. – Two signs on a brick wall. Aesthetics are upside down. We need to do something that fits historic Hightstown. The first thing you will see driving into Hightstown is "Hightstown Runs on Dunkin" – nothing tackier. The Borough was founded in 1721, will celebrate 300th anniversary in 2021. All this additional signage and lighting is an eyesore. This is overreach by any stretch of the imagination. Other members of the Cultural Arts Commission could not be here tonight, but they are also opposed.

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

Board Discussion

- a) I support the removal of the center sign (Hightstown Runs on Dunkin) on Broad St. and the use of gooseneck over the DD instead of being back illuminated would reduce the impact on Board St.
- b) Hours of operation
- c) Lower the proposed DD and Dunkin' signs

Mr. Misiura asked that Mr. Slauch review the self-illumination/brightness of the proposed lighting to determine the appropriate level for Hightstown.

Ms. Roberts – They are currently in compliance with ordinance regarding height. It is the number of signs.

Ms. Falls - Three-foot difference from the other façade.

Mr. Misiura – We are concerned with the historic nature of the town; this strip mall is not historic. Adding some variety to the individual businesses may make it more typical of Hightstown where you have individual buildings right up against each other and not these strips of buildings. I think this may improve it. We may disagree with the style, but I don't have an issue with the two businesses and the signage.

Mr. Montferrat – This area is heavily used, and the Dunkin Donuts will enhance the other businesses in that area. Make some minor changes so you get what you want, and we are preserving our community as we see our master plan and moving forward how we would like to see the rest of the downtown move forward.

Mr. Slauch – The difference in signs is greater than three feet. Ms. Falls noted she misunderstood – the element being added at the end is three feet higher than the existing roof.

Mr. Searing – Really do not like the elevation of the Dunkin sign itself. In my opinion it would be much better if it was lowered to the roof level with white background. Reduce that elevation – looks so out of place. Would also like to see the DD lowered to be in line with the Dunkin on the site. Ideally, I would also like to see gooseneck lights on top of the Dunkin instead of the illuminated sign.

Mr. Slauch – DD will be gooseneck, but the Dunkin will be internally lite as well as the Hightstown Mart.

Mr. White – All the signs are internally illuminated right now.

Mr. Rosenberg – We have two signs on one façade? Mr. Slauch agreed that this is considered one façade.

Mr. Rosenberg – The ratio 60/40. The signage is reversed. Does not apply to our ordinance. Not aesthetically appealing.

Subsequent to the motion, applicant agreed to remove the second sign (Hightstown Runs on Dunkin) from the façade on Broad Street. Therefore, only one variance is required for the two signs on the Franklin Street façade.

Ordinance 29-18.A - Sign Variance - Permits one façade sign for each street frontage that has direct vehicular access from that street. The applicant proposes to install two signs on the front (Franklin Street). Variances is required for having more than one sign per façade for each building.

Motion made by Ms. Asselstine and seconded by Mr. Cabot to approve Application #2019-07 – JKAMQSR, LLC – Amendment to Approved Site Plan with Variances, Block 26, Lot 22.01, 119 Franklin St. with the following conditions:

- a) Broad Street – Internally illuminated signs – The Board Planner will work with the applicant to determine appropriate lighting;
 - a. Signs will be turned off at the close of business (operating hours 5:00 a.m. to 11:00 p.m.);
 - b. Security lighting will be no hotter than 3200 Kelvin

Applicant will revise the Plans and resubmit for resolution compliance, so the Borough has a record.

Roll Call: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Laudenberg and Mr. Cabot voted yes. Mr. Rosenberg, Mr. Searing and Mr. Balcewicz voted no. Mayor Quattrone and Ms. Jackson were absent. Motion passed 6-3.

3) Proposed Condemnation Redevelopment Area: Bank Street Redevelopment Expansion II

Ms. Maziarz swore in Brian Slauch, Planning Board Planner, Redevelopment Preliminary Investigation Hearing.

The purpose of the public hearing is for the Borough of Hightstown Planning Board to conduct a preliminary investigation, pursuant to N.J.S.A. 40A:12A-1 et seq. (Local Redevelopment and Housing Law), to determine a need for redevelopment and revitalization of Block 8, Lots 12-14 (158 N. Academy Street and 168 Bank Street) and Block 18, Lots 8-12 (156 Bank Street) on the tax assessment maps of the Borough of Hightstown.

Borough Council has entered into a Redevelopment Agreement with PRC Group, new owner of the Rug Mill Redevelopment site. PRC Group proposes to expand the redevelopment area.

The land areas we are discussing include:

- a) Yellow Georgian House on Bank St. and N. Academy
- b) First Aid Squad located on Bank St.
- c) Other side of Rocky Brook – Mechanic St. DPW buildings and the current Municipal on Bank St. and Mechanic.

PRC Group has acquired the yellow Georgian House (158 Academy St., block 8, Lot 12) – possible use as community center for the development, leasing/sales office.

Historical Society is currently in the redevelopment area. Renovation and additions for new Borough hall, which may free up that space for other things. This is intended to determine whether those areas meet the eligibility criteria under the law for expanding this Bank Street area.

Mr. Slauch reviewed his findings – “DRAFT - Preliminary Investigation of an Area In Need of Redevelopment – Main Street Redevelopment Bank Street Sub-Area 1, Second Expansion” (attached)

Properties involved area: Block 8, Lots 12-14 (western end Bank St.); Block 18, Lots 8-12 (portion currently owned by Municipality).

Environmental Constraints reviewed by Mr. Slaugh

Properties Block 18, Lots 8-12, owned by the Borough of Hightstown are eligible designation under Criterion C and H:

(C) "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital."

(H) "The designation of the delineated area is consistent with smart growth planning principals adopted pursuant to law or regulation."

Properties Block 8, Lots 13 and 14 (First Aid Squad) Criterion D applies:

(D) "Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community."

Facility itself is obsolete for a modern emergency medical technician and other first aid and emergency use services. Memorandum Hightstown First Aid Building Evaluation, dated 10/14/2019 **attached**.

Reversion clause in the title – property reverts to JCP&L who own the building.

Property Block 8, Lot 12 (158 Academy Street) - Criterion D, E and H apply:

PRC Group has indicated that the prior owner did extensive interior renovations; structural problems created in the house itself, as well as an odd arrangement of rooms which makes it difficult to adapt for another use, such as a community center.

The Board could adopt these findings and make a resolution to the Borough Council that you found the criteria had been met based on this report.

(E) "A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare."

Process:

Planning Board would adopt the findings and make resolution to the Borough Council.

Borough Council would also pass a resolution which would be sent to the State Commissioner of Department of Community Affairs. Since Hightstown Borough is in a “smart growth area,” it would become effective upon receipt.

Two resolutions from the Borough Council (1) dealt with just the western end and not the municipal properties; (2) also included the butrist for the Railroad Bridge, which was removed in the second resolution which added the municipal property.

Open Public Comment

Mr. Montferrat opened Public Comment.

Sneah Sukhadia, 24 Campton Dr., East Windsor, Acting Captain, First Aid Squad – Volunteer service to the community; provide a response time that is half compared to our contracted, which is largely due to our location. Building is inspected every year by the Fire Marshal. We rarely have any issues. We are first responders, and we understand safety very well compared to the general public. We spend a lot of time in this building. If we felt it was not safe, would not be staying overnight and spending so much time in the facility.

Brian Slauch met with our colleague and went through the building. When they went through no issues were brought up at that time.

Issues:

- 1) Obsolete for current EMS services – multiple levels, not ADA compliant, lack of storage, limitations within the building itself. Reviewed the architect’s memo.

Mr. Montferrat added that it is not about the services you are providing to the community; it is more about the building itself.

Mr. Misiura – This is not about shutting down the squad. The developer expressed some interest in that property since it is across the street. They are looking at acquiring as much property as they can to expand their development. The Borough would find another location for the First Aid Squad which may involve identifying a piece a property where a new facility could be built. Working out some type of deal with the developer to help fund. This gives us future options for these properties.

Mr. Sukhadia - We can fit everything we need inside; it is cramped but it suits are current needs. We try to be inclusive. I also work per diem at other EMS agencies. It is more the less the same there. Newer building may have more space. The building is more like our “home” away from home.

Mr. Misiura – As the process moves forward the squad will be involved in discussions.

Mr. Sukhadia - Current location is in the middle of town, which helps with response times.

Closed Public Comment

Ms. Maziarz – Board would vote on whether to recommend that this study area be designated as a condemnation area in need of redevelopment. After vote is taken, I have prepared a resolution which can be adopted tonight and be sent to the Borough Council.

Mr. Balcewicz suggested that this resolution also include relocating the First Aid Squad.

Ms. Maziarz – Since this is a recommendation to the Borough Council on the Area in Need of Redevelopment, the Planning Board could make a recommendation regarding the relocation of the First Aid Squad.

Mr. Cabot – Asked if there were any hope in saving the yellow house?

Mr. Misiura – The developer has not made any recommendations. They do understand the importance and the history of the property.

Mr. Slaugh – These recommendations would be more a part of the redevelopment agreement or redevelopment plan.

Mr. Slaugh reviewed the redevelopment process going forward.

Motion made by Ms. Asselstine and seconded by Mr. Misiura to recommend to the Borough Council that the Preliminary Investigation of An Area in Need of Redevelopment Bank Street Sub-Area 1 Second Expansion that all of the criteria in the study area should be designated as a condemnation area in need of redevelopment.

Roll Call: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Rosenberg, Mr. Searing, Mr. Laudenberger, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone and Ms. Jackson were absent. Motion passed 9-0

Ms. Maziarz read the following resolution into the record: Resolution #2019-13 Resolution Recommending the Designation of the Bank Street Sub Area 1 (Block 8, Lots 12, 13 and 14; Block 18, Lots 8-12) as a Condemnation Area In Need of Redevelopment Pursuant to the New Jersey Local Redevelopment and Housing Law.

Motion made by Ms. Asselstine and seconded by Ms. Colavecchio to adopt Resolution 2019-13 as presented by Ms. Maziarz at the Planning Board meeting, December 9, 2019.

Roll Call: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Rosenberg, Mr. Searing, Mr. Laudenberger, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone and Ms. Jackson were absent. Motion passed 9-0

A copy will be forward to the Planning Board Secretary for signature by the Chairman and Secretary and then forwarded to the Borough Council for further action.

OLD BUSINESS – None

NEW BUSINESS – None

COMMITTEE AND PROFESSIONAL REPORTS

Mr. Montferrat – Subcommittee to discuss “flag lots.” Several residents have discussed with the Zoning Officer selling property and would like to advertise as flag lots that can be subdivided – shared driveway (Oak Lane and South Main St.). Suggested it be handled on a case by case basis.

Mr. Slauch – Flag lot issues - do not have access to utilities, lots usually larger than normal lot even once subdivided, house orientation issues and requires buffering for back yard.

Ms. Asselstine – The Kickoff Meeting for the Mobility Plan with the Community Advisory Committee is scheduled for December 12th from 5-7 at the Fire House Hall. Received Municipal Aid Grant for Railroad Avenue and connection to rear of the new municipal site.

Ms. Roberts reported that the water main on Stockton will be completed by the end of next week. Curbs and sidewalks will extend to the intersection of Dutch Neck Road.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Laudenberger and seconded by Mr. Rosenberg. All ayes. Meeting adjourned at 10:45 p.m.

Respectfully submitted,


Sandra Belan
Planning Board Secretary



DRAFT

Preliminary Investigation of
An Area in Need of Redevelopment

Main Street Redevelopment

Bank Street Sub-Area 1

Second Expansion

Block 8, Lots 12, 13 & 14

Block 18 Lots 8 - 12

Hightstown Borough, Mercer County, New Jersey

_____, 2019

Prepared by:

Clarke Caton Hintz | 100 BARRACK STREET | TRENTON, NJ | 08608



Preliminary Investigation of an Area in Need of Redevelopment

Second Expansion of the Bank Street Sub-Area 1 of the Main Street Redevelopment Area

Block 8, Lots 12 - 14

Block 18, Lots 8 - 12

Hightstown Borough, Mercer County, New Jersey

Adopted pursuant to N.J.S.A. 40A:12A-1, *The New Jersey Local Redevelopment and
Housing Law*, as a Preliminary Investigation by the Planning Board on
_____, 2019

Implemented by the Borough Council by Resolution _____, adopted on _____,
2019.

Prepared for Hightstown Borough by

Clarke Caton Hintz, P.C.

Brian M. Slauch, PP, AICP
Principal-in-Charge
NJPP License 3743

A signed and sealed original is on file in the Office of the Planning Board Secretary



Planning Board

Fred Montferrat, *Chair*

Lawrence Quattrone, *Mayor*

Steve Misiura, *Councilman*

Beverly Asselstine

Dodie Colavecchio

Ryan Rosenberg

Joanna Jackson

William Searing

Joseph Cicalese

Joseph F. Balcewicz, *Alt. 1*

Raymond Cabot, *Alt. 2*

Staff

Sandy Belan, *Board Secretary*

Jolanta Maziarz, Esq., *Board Attorney*

Carmela Roberts, PE, CME, *Borough
and Board Engineer*

Brian Slauch, PP, AICP, *Borough and
Board Planner*

Clarke Caton Hintz

Brian Slauch, PP, AICP, *Principal in
Charge*

Donna Miller, PP, AICP, CFM

Melissa McMullen

Christian Kuhn, LLA, ASLA



TABLE OF CONTENTS

| | |
|---|-----------|
| Introduction and Executive Summary | 1 |
| Statutory Authority and Process | 2 |
| Study Area Description | 2 |
| Tax Lots: Bank Street Sub-Area 1 Redevelopment Area Map..... | 3 |
| Environmental Constraints | 4 |
| Environmental Constraints: Bank Street Redevelopment Sub-Area 1 Area Map..... | 5 |
| Redevelopment Defined | 6 |
| Application of Redevelopment Criteria to the Study Area | 6 |
| Criterion “C” | 7 |
| Criterion “D” | 9 |
| Criterion “E” | 11 |
| Criterion “H” | 11 |
| Redevelopment Area Designation in the Alternative..... | 13 |
| Recommendation | 13 |
| Subsequent Procedural Steps | 14 |
| Public Hearing..... | 14 |
| Planning Board Recommendation to Borough Council..... | 14 |
| Redevelopment Plan..... | 14 |
| Appendix A: Resolution 2019-122 | 15 |
| Appendix B: Resolution 2019-__ | 16 |
| Appendix C: Resolution 2019-__ | 17 |



INTRODUCTION AND EXECUTIVE SUMMARY

The Borough Council of Hightstown directed the Planning Board in Resolution 2019-122, adopted on June 17, 2019, to conduct a preliminary investigation to determine whether the area known as Block 8, Lots 12, 13 and 14 qualifies as an *Area in Need of Condemnation Redevelopment* (ANCR), pursuant to the criteria established at N.J.S.A. 40A:12A-1 *et seq.*, known as the “*Local Redevelopment and Housing Law*” (LRHL). Subsequently, on November 18, 2019, the Borough Council directed the Planning Board to investigate additional properties, identified in Resolution 2019-___ as Block 18; Lots 8-12, for conditions that would qualify them as an *Area in Need of Condemnation Redevelopment*. The resolutions are found in Appendix A.

The Borough Council, in accordance with the requirements of the LRHL, indicated in its resolution to the Planning Board the Study Area was being considered a “condemnation redevelopment area”, meaning that the use of the power of eminent domain could be used within the ANCR should it be so designated. Subsequent to the Borough Council resolution, the Planning Board directed this office to undertake such a study.

This report, which constitutes a *Preliminary Investigation* of the identified properties, is the statutorily enabled vehicle by which the Planning Board may respond to the Borough Council’s request to study the area in question. It provides an examination of the existing conditions of the study area, written descriptions and data analysis. The information gathered is compared to the criteria contained within the LRHL and, based on that comparison, a recommendation is made as to whether it should be formally identified as an ANCR.

The Study Area is being investigated as an expansion of Sub-Area 1 of the Bank Street Redevelopment Area within the Main Street Redevelopment Area, which had previously been established by the Hightstown Borough Council. The Study Area is comprised of a series of lots located on the north side of Bank Street between Academy Street and Mechanic Street, which is directly adjacent to the properties identified in the Bank Street Redevelopment Area.

Block 8, Lot 12 contains a single-family dwelling at the corner of Bank Street and N. Academy Street. Block 8, Lots 13 and 14 adjoin Lot 12 to the east and are developed with the Hightstown First Aid Squad’s building and a small parking area. The building houses ambulances and a

NJ LHRL: *Redevelopment Process*

- Borough Council directs the Planning Board to undertake a preliminary investigation to determine whether or not an identified area requires redevelopment.
- Planning Board conducts an investigation and holds a public hearing on the proposed redevelopment-area designation.
- Based on the Planning Board’s recommendation, Borough Council may designate all or some of the study area as an “area in need of redevelopment”.
- The Borough Council either prepares a redevelopment plan for the area, or directs the Planning Board to prepare the plan.
- The Borough Council adopts the redevelopment plan.
- The Borough Council or other public agency / authority is designated as the “redevelopment entity” to oversee the implementation of the redevelopment plan.
- The redevelopment entity selects a redeveloper(s) to undertake a project(s) that implements the plan.



responder's car, storage, dispatch and training facilities, bunk rooms, kitchen and a multi-purpose room for rent. Block 18, Lots 8-12 are located at the northwest corner of Bank Street and Mechanic Street and are currently developed with the Borough of Hightstown's Public Works facility and the temporary location of the Borough's administrative offices (*see* Study Area map, p. 3).

This report concludes that the Study Area meets the criteria for designation as an Area in Need of Redevelopment. Using the eligibility standards in *N.J.S.A. 40A:12A-5*, the Study Area meets Criteria "c", "d", "e" and "h" of the Local Housing and Redevelopment Law. Even if none of the criteria could be met, it would still qualify to be part of the expanded Bank Street Redevelopment Area since these properties are necessary for the effective redevelopment of the former rug mill buildings into new residential and commercial uses.

STATUTORY AUTHORITY AND PROCESS

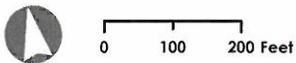
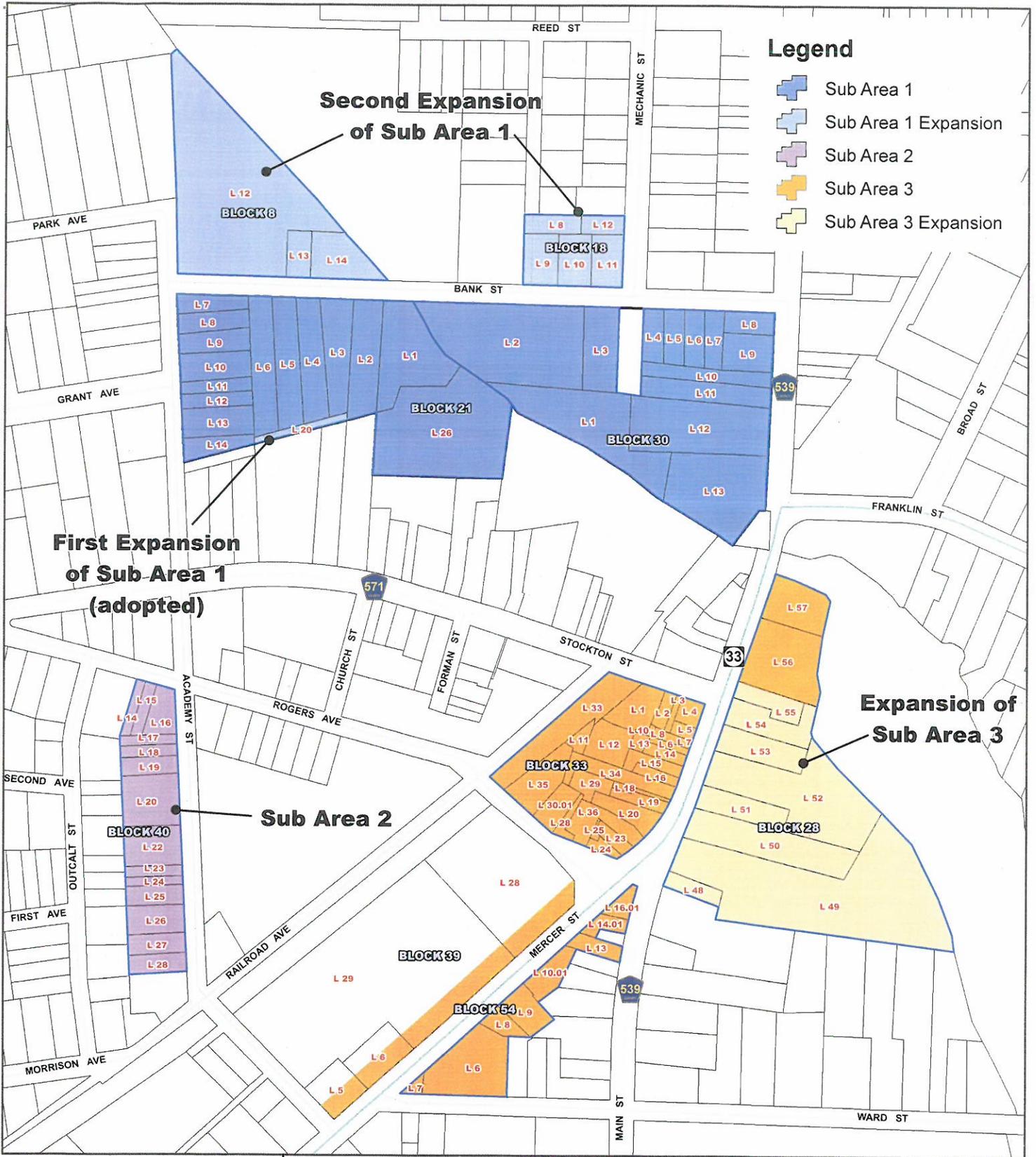
Under the LHRL, municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects by following the statutorily defined process set forth in the LHRL (*see sidebar*, prior page). This process may result in the adoption of a redevelopment plan, which is a new set of development concepts, land use and potentially specific development regulations, along with the ability to offer enhanced fiscal tools that may act as incentives to prospective redevelopers. Ultimately, it is a means to lay the groundwork for redevelopment that benefits both the public and private interests.

STUDY AREA DESCRIPTION

The Study Area contains approximately 3 acres of land located on the north side of Sub-Area 1 of the Bank Street Redevelopment Area. Bank Street itself lies between the existing redevelopment area and the lots in this study. The Study Area consists of land and buildings located on the north side of Bank Street between N. Academy Street and Mechanic Street. The Study Area boundaries are depicted on the map on the following page.

The Study Area is located in the Borough's Residential 3 (R-3) zoning district. Surrounding land uses are generally single-family dwellings, with the Main Street Redevelopment Bank Street Redevelopment Area located immediately to the south and the Borough's Rocky Brook Park and water treatment plant to the east. The south side of the street in the existing redevelopment area is slated for multi-family dwellings, townhouses and retail development. All of the properties within the Study Area have access and frontage on public streets.

Block 8, Lots 12-14 and Block 18 Lots 8-12 Study Area: Preliminary Investigation



PRELIMINARY INVESTIGATION OF STUDY AREA

Study Area

- Clarke Caton Hintz
- Architecture
 - Planning
 - Landscape Architecture

LOCATION:
Hightstown Borough, Mercer County, NJ

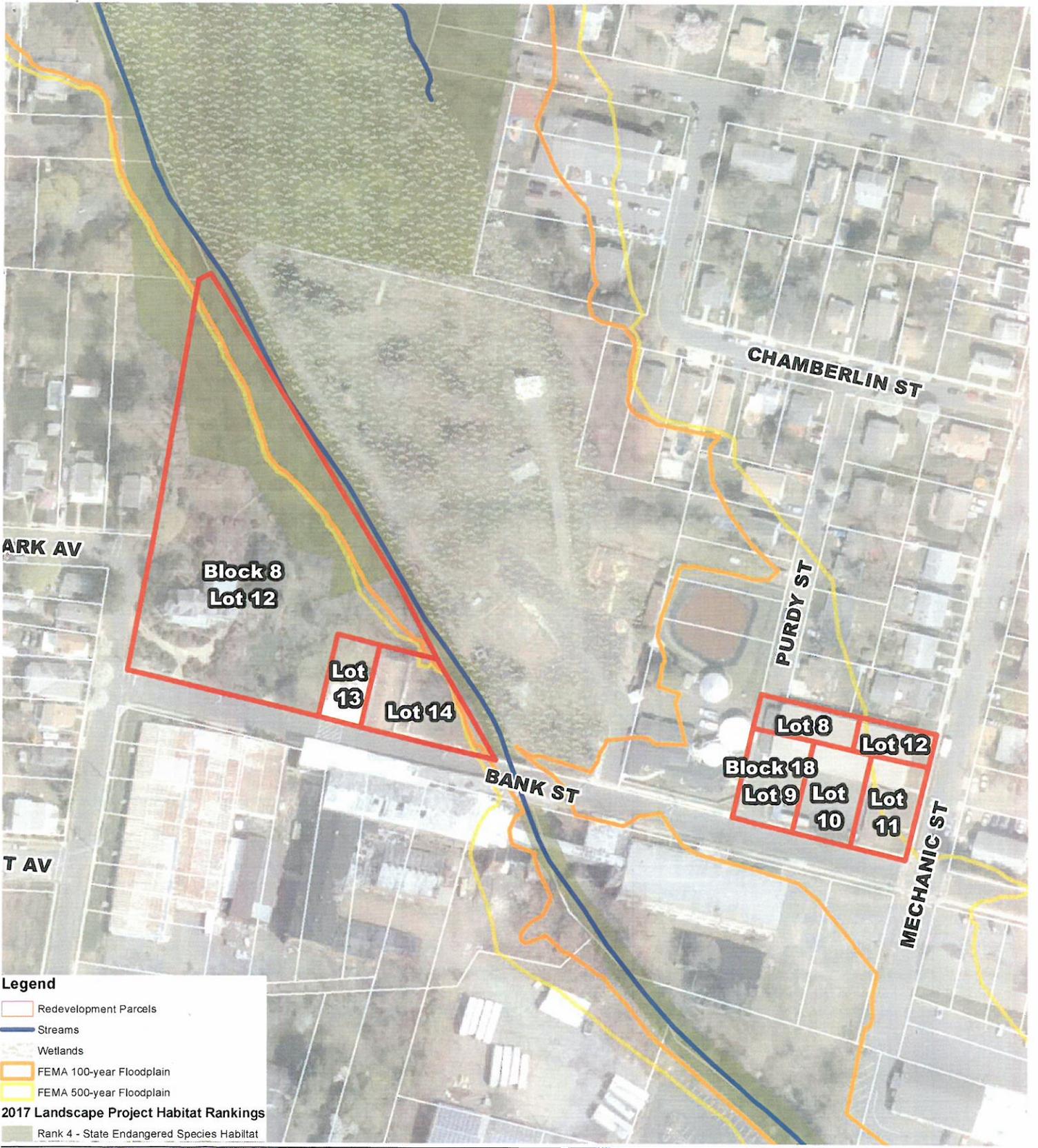
DATE:
December 2019



ENVIRONMENTAL CONSTRAINTS

The properties in the Study Area are affected by flood hazard areas and riparian buffers associated with Rocky Brook, which runs along the eastern edge of Lots 12 and 14 in Block 8. Additionally, a State endangered species habitat is identified along Rocky Brook and within the wooded areas adjacent to it. Because of the steep bank from the First Aid Squad down to the Rocky Brook, the flood hazard areas have little impact on the property. Most of the Department of Public Works property between Purdy Street and Mechanic Street is located in the 500-year flood plain, but not the 100-year floodplain. Lot 12 in Block 8 is mostly located on a rise similar to the First Aid Squad, but because the streambed itself wanders onto the lot, it is slightly more affected by flood plain. Lot 14 in Block 8 is more affected by the presence of endangered species habitat, which affects approximately one-third of the property. Vegetation disturbance will be regulated by NJDEP in the 150-foot wide riparian buffer associated with Rocky Brook.

See the *Environmental Constraints: Bank Street Redevelopment Sub-Area 1 Expansion* map, p. 5.

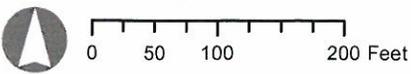


MAIN STREET REDEVELOPMENT: BANK STREET SUB AREA 1 EXPANSION STUDY

Environmental Constraints

LOCATION:
Borough of Hightstown, Mercer County, New Jersey

DATE:
November 5, 2019



Clarke Caton Hintz
Architecture
Planning
Landscape Architecture



REDEVELOPMENT DEFINED

Redevelopment is defined in the LHRL as:

Clearance, replanning [sic], development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.
[N.J.S.A. 40A:12A-3]

APPLICATION OF REDEVELOPMENT CRITERIA TO THE STUDY AREA

Criteria set forth in the LRHL at N.J.S.A. 40A:12A-5 provides the basis for the determination of an Area in Need of Redevelopment. Although there are a variety of factors that could apply to particular properties in a study area, an area qualifies as being in need of redevelopment if it meets at least one of the eight statutory criteria, listed in the sidebar to the right and the following page. These criteria are commonly identified by the letter (a-h) corresponding to the paragraphs of Section 5 of the LRHL. They relate to the impact of a particular area on public health, safety and welfare, primarily through conditions of deterioration, obsolescence, vacancy, title, ownership, destruction by fire or natural disaster and long-standing unimproved conditions not amenable to private sector investment. The absence of

Redevelopment Criteria “a” through “d” (N.J.S.A. 40A:12A-5)

- a. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.



any use of the land and an area's relationship to an Urban Enterprise Zone or "smart growth" regions are also addressed in the criteria.

The various lots within the Study Area exhibit conditions that meet a number of the statutory criteria as described below:

CRITERION "C"

The properties in Block 18 Lots 8 – 12 are owned by the Borough of Hightstown and may be considered eligible for designation under criterion 'c'. Criterion C is reprinted below:

Land that is owned by the municipality, the county, a local housing authority, redevelopment agency, or redevelopment entity, or unimproved land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

On its face, the wording could be interpreted to mean that notwithstanding the public ownership of Block 18, the other provisions of the criterion pertaining to location and the physical characteristics of the property must also be met (as a trial court judge once found in Camden County). However, it is instructive to compare this portion of the LHRL with the prior law, the Blighted Area Act (N.J.S.A. 40:55-21.1(c), repealed), which reads as follows:

Unimproved vacant land, which has remained so for a period of ten years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of

Redevelopment Criteria "e" through "h" (N.J.S.A. 40A:12A-5)

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (C.52:27H-60 et seq.) (subject to limited redevelopment powers)
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

In adapting the regulation to the LHRL, the phrase “Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity” was added to the beginning of the earlier law and this criterion.

If one were to apply the language in the statute to mean that only governmentally owned land that is poorly located, remote, lacking access, or having topographic or poor soil conditions to the degree that it could not feasibly be developed by private capital, it would lead to absurd conclusions. For example, a municipal government obtains a vacant lot through the *in rem* tax foreclosure process and deeds it to the redevelopment agency. Unless the property was remote, lacking access, or there were soil or topographic problems, the redevelopment agency – precisely the governmental entity specifically designed to tackle abandoned property - would be unable to use the tools of redevelopment. A declaration of an area in need of redevelopment allows a redevelopment agency to craft specific financial incentives in an attempt to correct a market failure. In the example of tax foreclosures, that failure occurs when a property owner, the person or legal entity most intensely interested in the property, abandons that property because the risks are too high to offset the cost of holding the property; that an adequate market return will be realized is so remote, that the most rational economic decision is to walk away from the property.

Likewise, it is unreasonable to presume that a private entity using private funds could expect to redevelop land that is in public ownership, regardless of condition. Land in public ownership is not available for development by the private sector without some form of dedication or equitable transfer. The provisions in the redevelopment law – declaring an area in need of redevelopment, creating a redevelopment plan and issuing a Request for Proposal for redevelopment – are precisely the mechanisms needed for municipalities to leverage private investment for the improvement and reintegration of publicly owned land onto the tax rolls.

The criterion describes two different classes of land, either governmentally owned or vacant and compromised.

Based on the analysis in this document, ownership by the municipality supports the finding that criterion ‘c’ is met.



CRITERION “D”

Block 8 specifically meets the “d” criterion since, “*Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*”

BLOCK 8, LOTS 13 AND 14

Lots 13 and 14 in Block 8 are developed with a building used by the Hightstown First Aid Squad. The property was formerly used as a JCP&L service facility and was built in sections. The property contains approximately 0.36 acres in area and is irregularly shaped. The easterly property boundary comprises the westerly bank of Rocky Brook and its floodway. Part of the property is compromised by the Special Flood Hazard Area, lying in Zone AE with a Base Flood Elevation of 81. The property slopes down, away from the street toward Rocky Brook. Based on the topography, it would appear that part of the existing building may lie within the base flood elevation.

The property is also developed with a small, parking lot that is irregularly shaped and does not provide conforming parking spaces with adequate maneuvering area for turning.

There are three structures, which date to approximately 1930, that have been modified and connected to create one building. The First Aid Squad stores its emergency vehicles and equipment in the westernmost part of the building, while meeting rooms, sleeping quarters and bathing facilities for emergency personnel are arranged on an upper level. A large multi-purpose room that can be rented out occupies the ground floor in the easternmost part of the building. The building is functionally obsolete. Upon inspection of the premises, numerous health and safety violations were apparent. While some are minor, easily correctable infractions, others are more serious and point to the fact that the building has reached the end of its useful life.

- The floors within the building are not at a consistent elevation. Between the ambulance bays, there is an approximately six-inch step, which creates a tripping hazard for unloading and stocking the ambulances. Within the rest of the building, there are rooms where the squad meets and sleeping quarters and bathing facilities on upper levels that are not available on the ground level. No lift or elevator is provided for access to these facilities by mobility impaired patrons or squad members. This makes the facility non-compliant with the Americans with Disabilities Act and the NJ Barrier Free Code. Substantial investment would be required in order to alter or rebuild the facilities to achieve compliance.



- There was noted the widespread use of extension cords and power strips surface-mounted on walls and across floors, including within the utility room housing the electric circuit panel and within the ambulance bay in use with a supplemental battery charger. Although the building may be supplied with an adequate level of power at the electrical panel, it is not distributed throughout the building in a manner that can be deemed safe and compliant.
- There is evidence of roof leaks throughout the building, but particularly in the kitchen over food storage and prep areas. As access to the roof was unavailable during the inspection, the condition of the roof could not be assessed. Aerial photographs do indicate ponding of water and water damage to the building's roof.
- There is a significant lack of storage space for the First Aid Squad's equipment. There are items on floors and other horizontal surfaces throughout the building, including stairwells. Storage of compressed gas cylinders, including oxygen cylinders, were noted in close proximity to gasoline storage containers and ignition sources within the ambulance bays.
- The parking lot has inadequate maneuvering area in the parking aisle and does not have a conforming barrier free parking space.

Given the design, construction and layout of the buildings there is little remedy to these problems short of wholly renovating the entire building or replacing the facility. Consequently, the building exhibits at least substandard and obsolete characteristics sufficient to satisfy criterion 'd'.

BLOCK 8, LOT 12

Lot 12 in Block 8 is developed with a single-family detached dwelling, part of which dates to 1889. Over the years, the building has been added to and expanded, to create an eclectic Victorian-era house. Unfortunately, during these many alterations, the structure has become compromised. The internal arrangement of rooms does not follow normal conventions. The nature of additions and alterations that have occurred make structural repairs extremely complicated and cost prohibitive, particularly for use as a single-family dwelling. This illustrates it has a faulty arrangement or design, making its use as a dwelling concerning and making the building problematic to renovate for an adaptive reuse. These characteristics indicate satisfaction of criterion 'd'.



CRITERION “E”

As noted above, Criterion “e”, provides for a determination of an area in need of redevelopment as it relates to ownership, or title issues, and *“A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.”*

Criterion ‘e’ affects Block 8, Lots 13 and 14, which are encumbered by a deed restriction that causes the ownership of the lots to revert to Jersey Central Power and Light (JCP&L) in the event the property is no longer used as the headquarters of the Hightstown First Aid Squad. This reversion clause is a direct obstacle to the land being used for any other purpose. The First Aid Squad, due to its success, has outgrown the existing building yet does not have the means to improve the building to meet modern standards for emergency services. This inaction has caused the property to meet Criterion ‘d’; however, upon cessation of the First Aid Squad use and occupancy, ownership of the property would then pass back to JCP&L, which would employ an unknown process for disposition or reuse of the land and building. This prevents timely improvement of the property, *“...resulting in the stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare”* satisfying criterion “e”.

CRITERION “H”

“Smart Growth” principles are embodied in the New Jersey State Development and Redevelopment Plan adopted on March 1, 2001 by the State Planning Commission pursuant to the State Planning Act (*N.J.S.A. 52:18A-196 et seq.*). Hightstown Borough has been a designated town center placed within Planning Area 2. Centers have been designated by the State Planning Commission as “Smart Growth Areas”. Smart Growth Areas have been codified in the lending criteria for the NJ Housing Mortgage Finance Agency, infrastructure development by the Board of Public Utilities and in the expedited permit review allowed under the NJ Department of Environmental Protection in smart growth areas (*N.J.S.A. 13:1D-144*).

The State Plan contains policies that are related to redevelopment and this study. For example, Policy 1: Revitalize the State’s Cities and Towns, recommends to, “Leverage private investments in jobs and housing.”¹ Policy 3: Promote Economic Growth, Development and Renewal for All, suggests, “Retain and expand businesses, and

¹ - NJ State Development and Redevelopment Plan, p. 25



encourage new, environmentally sustainable businesses in Centers and areas with infrastructure.”² These policies can be implemented best through the redevelopment plan process.

The State Planning Commission recommends that the response to these policy objectives lies with:

*Capitaliz[ing] on the opportunities for redevelopment in Centers afforded by redevelopment laws and brownfield redevelopment programs. Establish and maintain a publicly accessible inventory of sites recommended for redevelopment.*³

The designation of this Study Area as an area in need of redevelopment is consistent with the State Development and Redevelopment Plan’s objectives.

The Office of Planning Advocacy, staff to the State Planning Commission, describes Smart Growth as follows:

*Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth is an approach to land-use planning that targets the State’s resources and funding in ways that enhance the quality of life for residents in New Jersey. Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space.*⁴

Redevelopment of this Study Area as well as the existing Sub-Area provides the opportunity to further the following smart growth principles: (1) future development directed to Centers with existing infrastructure; (2), creation of livable and walkable neighborhoods with a variety of housing types and price ranges; and (3), community and stakeholder collaboration in development decision making.

The designation of the Study Area to expand the boundaries of the Bank Street Sub-Area 1 of the Main Street Redevelopment project demonstrates that positive outcomes can occur from its redevelopment. These parcels can contribute in important ways to the larger redevelopment potential of other areas in downtown Hightstown. Consequently, the redevelopment of this parcel will support an allowed use within the

² - *ibid.* p. 51

³ - *ibid.* p. 194

⁴ - www.nj.gov/dca/osg/smart/index.shtml



Bank Street Redevelopment Area which will further the objectives of Smart Growth development, which is supported by many policies at the state and local level.

While Criterion “H” is not by itself sufficient to designate the Study Area as an Area in Need of Redevelopment, it provides a supporting role to the LRHL definition of a “redevelopment area” or an “area in need of redevelopment”.

REDEVELOPMENT AREA DESIGNATION IN THE ALTERNATIVE

Even if Lots 12, 13 and 14 in Block 8 and Lots 8-12 in Block 18 did not meet any criteria of the LRHL for designation, the properties are fundamentally necessary to meet the objectives of the Bank Street Redevelopment Area. Property is permitted to be included in a redevelopment area if:

“...lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.” (N.J.S.A. 40A:12A-3)

The properties within the Study Area are necessary for the effective redevelopment of the Bank Street Redevelopment Sub-Area of the Main Street Redevelopment Area.

RECOMMENDATION

This report and appendices constitutes the preparation of a preliminary investigation for determining an Area in Need of Condemnation Redevelopment as directed by the Borough Council of Hightstown Borough. It is the conclusion of this preliminary investigation that all of the properties within the Study Area qualify under the criteria set forth at N.J.S.A. 40A:12A-1 *et seq.*, to be designated as an Area in Need of Redevelopment. The Study Area satisfies criteria “c”, “d”, “e” and “h” for many reasons and its necessary inclusion in the Main Street Redevelopment: Bank Street Sub-Area 1 -Redevelopment Area, in order to ensure that the Borough’s goals and objectives for redevelopment may be met.



SUBSEQUENT PROCEDURAL STEPS

PUBLIC HEARING

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two consecutive weeks, with the last publication no sooner than 10 days from the hearing. A copy of the notice is required to be mailed to the last owner of record of each property within the proposed Redevelopment Area. The newspaper notice must be published in the official newspaper of the municipality.

PLANNING BOARD RECOMMENDATION TO BOROUGH COUNCIL

Once the hearing has been completed, the Planning Board makes a recommendation to the Borough Council that the delineated area, or any part of such an area, should or should not be determined to be an Area in Need of Redevelopment. The Borough Council may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written objection and the Commissioner of the NJ Department of Community Affairs.

REDEVELOPMENT PLAN

If so designated by the Borough, the next action would be the addition of the parcel to the existing Bank Street Redevelopment Plan. An amendment to the Redevelopment Plan is adopted by ordinance by the Borough Council before any project is initiated. The Redevelopment Plan should be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

Redevelopment Plan: Required Elements (N.J.S.A. 40A:12A-7.a)

- The plan's relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- An identification of any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan.
- The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
- Pursuant to N.J.S.A. 40A:12A-7.c., the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law", N.J.S.A. 40:55D-1 *et seq.*

Resolution 2019-122

BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY

**RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF
 MERCER, AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD
 TO DETERMINE WHETHER CERTAIN PROPERTY CONSTITUTES AN AREA IN
 NEED OF REDEVELOPMENT**

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, by Resolution 2003-19 duly adopted on December 1, 2003, as amended by Resolution 2018-72, adopted on March 19, 2018, the Borough Council ("Borough Council") of the Borough of Hightstown (the "Borough") designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14, 20 & 26 on the Borough's official tax map (collectively, the "Redevelopment Area"), as an "area in need of redevelopment"; and

WHEREAS, a revised redevelopment plan ("Redevelopment Plan") containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006 and October 6, 2008, and which was subsequently further amended by ordinances adopted March 6, 2017 and April 2, 2018; and

WHEREAS, on March 10, 2017, the Borough and RBG Hightstown, LLC ("RBG") entered into that certain Amended and Restated Redevelopment Agreement (the "Redevelopment Agreement"), pursuant to which, among other things, RBG agreed to redevelop the portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-13, 20 & 26 on the Borough's official tax map (collectively, the "Original Project Area"), which constitutes part of Sub-Area I (Bank Street), by constructing thereon a project including approximately 47,500 square feet of retail space, approximately 266 residential units, and associated parking and other infrastructure improvements, consistent with the Concept and Phasing Plan attached as Exhibit 2 to the Redevelopment Agreement (the "Original Project"); and

WHEREAS, RBG subsequently transferred its rights and obligations under the Redevelopment Agreement to the PRC Group ("PRC"),

WHEREAS, PRC has expressed a desire to also redevelop the parcels designated on the Borough's tax map as Block 8, Lots 12-14, Block 28, Lots 32-40 and 48-55, and Block 30, Lot 14 (collectively, the "Additional Property"), located adjacent to the Original Project Area, to more effectively redevelop the area; and

WHEREAS, the Borough desires to authorize and direct the Borough's Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether the Additional Property meets criteria for designation as an area in need of redevelopment; and

WHEREAS, if the Additional Property is determined to meet the criteria for designation as an area in need of redevelopment and the Township so designates the Additional Property, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Council of Borough of Hightstown, in the County of Mercer and the State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Planning Board is authorized and directed to undertake a preliminary investigation and conduct a public hearing(s) to determine whether the Additional Property meets criteria necessary for designation as an area in need of redevelopment under the Redevelopment Law and, if the Additional Property so qualifies, to recommend whether it should be so designated and should be incorporated into the Redevelopment Plan.

Section 3. In the event the governing body shall designate the Additional Property as a redevelopment area, the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

Section 4. A copy of this resolution shall be forwarded to the Secretary of the Planning Board for action consistent herewith.

Section 5. This resolution shall take effect immediately.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 17, 2019.

Debra L. Sopronyi
Borough Clerk



APPENDIX B: RESOLUTION 2019-___

Resolution of findings by the Planning Board and recommendation to Borough Council



APPENDIX C: RESOLUTION 2019-___

Resolution of the Borough Council on the recommendation of Planning Board and establishment of the redevelopment area.



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

To: Brian Slauch, PP, AICP, Borough Planner
From: Michael Hanrahan, AIA, RA
Re: Hightstown First Aid Building Evaluation
Block
Date: October 14, 2019

As part of the preliminary investigation of whether an area is in need of redevelopment, per your direction on October 4, 2019, I visited the existing Hightstown First Aid Squad Building. The building is a single story exterior masonry load bearing structure with an internal steel frame. The building contains two vehicle bays with overhead sectional doors. The building appears to have been re-purposed for use as the first aid squad. The exterior walls are mostly painted brick with some concrete block infill occurring at former window locations. The street elevation is covered with stucco with the incoming electric and gas service visible. Access to the roof was not provided.

The interior of the first aid squad contains multiple floor levels creating a facility that is not accessible or ADA compliant. There are multiple levels within the vehicle apparatus bays (one of which is a stacked vehicle bay) creating unsafe tripping conditions. Storage and laundry facilities are also included within the apparatus bays. The presence of a diesel exhaust capture system was noted. The remainder of the building includes office space, a conference room, sleeping quarters, bathing facilities, a squad room, a multi-purpose room with a commercial kitchen, public restrooms, a separate public vestibule and various utility spaces. The finishes throughout the spaces are worn and dated.

The building contains a functioning single zone HVAC system. In addition, the building is fully sprinklered. However, while the electric service is 450 amps we observed numerous instances of the use of extension cords and power strips to provide additional outlets. There was no standby generator observed. Adjacent to the building is primarily overgrown vegetation and a small, irregularly shaped parking lot for approximately six vehicles and garbage collection.

The overall condition of the facility, inclusive of the site, exterior envelope and interior, is in "fair" condition. Generally speaking, the building suffers from deferred maintenance. In addition, given the assumed age of the building and the nature of its construction, the building should be evaluated for the presence of environmental concerns such as lead and asbestos.

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slauch, AICP
Michael Sullivan, AICP

Emeriti

John Clarke, FAIA
Carl Hintz, AICP, ASLA



MEMORANDUM

Clarke Caton Hintz

In addition to the existing conditions of the Hightstown First Aid Squad Building, the building should be evaluated against "The Safety and Health Considerations for the Design of Fire and Emergency Medical Services Stations," prepared by The U.S. Fire Administration with FEMA, dated May 2018. These guidelines indicate that the ideal facility is housed on a single, ADA compliant level if possible. Care should be given to the arrangement of apparatus bays to the support spaces so that circulation is as simple and direct as possible. Unfortunately, the Hightstown First Aid Squad Building has circulation that includes both stairs and turns within the circulation routes, as well as steps internal to the ambulance/squad car bays.

The first aid squad building suffers from a lack of general storage as well as dedicated, secure storage for items such as drugs/ refrigerated medical supplies and the handling of medical gases. Separate areas are required for hand washing, laundry and disinfecting areas. These activities currently occur within the apparatus bays. Locker rooms, a fitness area and space for training props are not present, but are commonly found in similar modern facilities. It is unclear if the multi-purpose room doubles as a training classroom. If so, modern classrooms should be designed to incorporate screens, projectors/ monitors, recording capabilities, white or smart boards, internet connectivity and efficient, adjustable lighting. We did not observe any locations for medical waste disposal.

As indicated previously, many of the finishes are tired and worn. The use of carpet is discouraged within first aid squad facilities. In addition, safety is of paramount concern due to the likelihood of possible slip-and-fall conditions. For this reason, concrete floors such as the apparatus bay are also discouraged. The use of a slip-resistant broadcast vehicular grade coating is desired.

Road access is a primary concern for the Hightstown First Aid Squad. The site is sloped. Sloped sites typically have negative impacts on response time. In addition, there are poor lines of sight from the first aid squad to the street. A longer concrete apron is recommended over the approximately six foot long apron currently existing. Also, vehicles currently have to "back-in" to the apparatus bays creating the need to stop traffic. The use of traffic signals would be recommended. The use of four panel vertically hinged overhead doors is recommended in lieu of the current sectional doors. Finally, bollards are typically used around vehicle doors and as a safety measure between apparatus and internal pedestrian circulation. Currently bollards do not exist.

It is my opinion that the building is nearing or at the end of its useful life, requiring a major investment in renovation or new facilities. Due to the current layout and conditions found within the Hightstown First Aid Squad, I believe the building is also



MEMORANDUM

Clarke Caton Hintz

functionally obsolete, requiring replacement. Should you have any questions or concerns, please feel free to contact me.