



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA REORGANIZATION/REGULAR MEETING

February 12, 2018 – 7:30 P.M.

Meeting call to order by Fred Montferrat

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

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

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Nominations: Chairperson and Vice Chairperson

Oath of Office: Steve Misiura, Class III
Bill Searing, Class II
Joe Balcewicz – Alternate #1

Approval of Minutes: December 11, 2017, Regular Meeting

Public Comment

Memorialize Resolution: Resolution #2018-07 Memorializing Application #2017-03, Umberto Pirone, Block 63, Lot 24, 111 Orchard Ave., Bulk Variances

Resolutions
2018-01 - Meeting Schedule 2018
2018-02 - Newspaper Designation
2018-03 - Appointing the Planning Board Secretary
2018-04 - Appointing the Planning Board Engineer
2018-05 - Appointing the Planning Board Attorney
2018-06 - Appointing the Planning Board Planner

Subcommittee Appointments

- 1) Architectural Review Committee
- 2) Affordable Housing Subcommittee
- 3) Liaisons:
 - a. Historic Preservation Commission
 - b. Environmental Commission

New Business

- 1) Capital Projects – Carmela Roberts, Roberts Engineering Group
 - a. Capital Road Improvements Program (Roberts Engineering letter dated November 1, 2017)
 - b. Capital Sidewalk Improvements Program (Roberts Engineering letter dated November 22, 2017)
- 2) Expansion of the Bank Street Redevelopment Area – Brian Slaugh, Planning Board Planner
- 3) 2018 DVRPC Transportation and Community Development Initiative (TCDI)

Old Business

- 1) Sign Ordinance – LED Lights

Committee and Professional Reports

Chairman and Board Member Comments

Adjournment

**Hightstown Planning Board
Regular Meeting
December 11, 2017, 7:30 p.m.**

OPEN SESSION

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

Flag Salute

AMEND AGENDA

Mr. Montferrat asked that the agenda be amended to add the swearing in of new Planning Board Member Beverly Asselstine after the flag salute.

Mr. Montferrat asked for a motion to approve the agenda as amended. Motion made by Mr. Misiura to approve the agenda as amended. Motion seconded by Mr. Searing.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes.
Motion passed 9-0.

Mayor Quattrone swore in Beverly Asselstine, new Planning Board Member who will be replacing John Lane who previously resigned.

Roll Call

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

APPROVAL OF AGENDA

Motion made by Mr. Jackson and seconded by Mr. Balcewicz to approve the agenda.

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

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections to the minutes of the November 13, 2017, Planning Board Meeting. Mr. Balcewicz noted that under professional reports add the word Housing to "Affordable Housing Subcommittee." Motion made by Mr. Balcewicz and seconded by Mr. Hansen to approve the minutes as corrected.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Colavecchio, Mr. Hansen, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes. Ms. Asselstein and Mr. Searing abstained. Motion passed 8-0, two abstentions

PUBLIC COMMENT

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

Rich Bulvid, 109 Orchard Ave. – Informed the Board there is no water pressure on his block.

There being no further public comments at this time, Mr. Montferrat closed the public comments portion of the meeting.

NEW BUSINESS

HEARING – Application #2017-03, Umberto Pirone, Block 63, Lt 24, 111 Orchard Avenue, Hightstown – Bulk Variances

Mayor Quattrone, Councilman Misiura and Mr. Cabot recused themselves from the Hearing. Mr. Cabot recused himself since Mr. Coates (the applicant's attorney) is also his personal attorney.

Leonard Coates, attorney Turp, Coates, Driggers and White, client Umberto Pirone, contract purchaser of the subject property. This is a vacant lot previously owned by Mr. & Mrs. Applegate (both deceased). Vicki Bradford inherited the property. Ms. Bradford currently resides in Ferndale, California, and is the owner of the property and has authorized this application (authorization included in the Application). Property located 513 S. Main Street was recently sold to Thomas & Susan Dilger. Therefore, there is no longer common ownership between these two properties.

Applicant is seeking approval to build a single family home in R-1 residential district: two- story home with a basement, attached two-car garage, four bedrooms (one on the first floor behind the garage), three bedrooms on second floor and 2-1/2 baths.

Applicant is seeking two Bulk Variances:

Lot depth – existing condition (Ordinance 28-3-5b.3)

Required – 150 feet

Proposed 124.67 feet

Minimum Setback – Rear Yard, Principal Buildings (Ordinance 28-3-5b.7)

Required – 45 feet

Proposed – 26.2 feet (with the porch) 37 feet (without porch)

Mr. Pirone's professionals have reviewed the following professional reports submitted by the Planning Board Professionals: Roberts Engineering Group, dated November 6, 2017; Brian Slauch, Planner, dated December 4, 2017; George Chin, Hightstown Borough Zoning Officer, dated October 16, 2017.

December 11, 2017

Witnesses: Barry K. Wham, professional engineer, prepared the plan for the proposed dwelling unit; Lloyd Jacobs, professional engineer and planner, testimony setting forth the criteria that the Board will need to hear for the purpose of granting the variances. Applicant, Umberto Pirone, experienced builder, and is well known in the area as a person that has expertise in paving for many of the larger developments in Central New Jersey.

Ms. Maziarz, Attorney, swore in Barry K. Wham as an expert witness.

Barry K. Wham, Licensed Professional Engineer in the State of New Jersey, experience in soil testing for permeability, performing site plan plot plans, building location plans for the last 30 years. Attended Lowell University, Massachusetts, received B.S. Engineering. Upon graduation worked for international construction company in Charlotte, NC. Employed for fifteen year as State inspector of hospitals and nursing homes (code official reviewed electrical, mechanical, elevator, fire, and sprinklers) responsible for approval of all documents. Presently shareholder of Wham Engineering Services Inc. – site plans, contracting, environmental remediation (licensed site remediation professional from the DEP; issued to those who qualify and pass the exam; licensed to perform site remediation without DEP oversight). Mr. Wham has testified before West Windsor and Manalapan Planning Boards. On most occasions, he submitted plot plans which were submitted to Boards for site plan approval. Licensed engineer for 30 years. The Board accepts Mr. Wham as an expert witness.

Mr. Wham prepared the application for the proposed location for the dwelling on the subject property. Plan marked as Exhibit A-1 (plan contained in the application package). Mr. Wham reviewed the lot dimensions – area 15,014 which conforms to the R-1 Zone. There are houses on both the south and north and rear of the property. Mr. Wham has measured the front yard setback in relation to both houses and has located this house 45 feet from the front. The zoning requires 35 feet, this is a 10 foot differential. Mr. Wham explained the reasons for the 45 feet front yard setback. In surveying the lot took into consideration the neighboring property and looked at the front setback distances of the two properties. The home to the north has a front yard setback of approximately 38 feet, and the house to the south has a setback of approximately 52 feet. The proposed 45 feet setback represents the average of the two adjacent front yard measurements.

When you look at the setback you aren't just looking at the front door but also the garages on the property. Took these setbacks into consideration and thought 45 feet would be a medium of the two properties on either side. Flags were posted to show the four corners of the house so the purchaser could understand the proposed setbacks. This setback offers less of an obstructed view and would benefit the neighbors' property.

Mr. Coates – by setting the house back 45 feet, you are also reducing the size of the back yard. Mr. Wham - The rear property owner (Mr. Dilger) just installed a new fence (black aluminum rail), there is also a two-car garage in back of the property. The property line is 20 feet from the rear property. There would be no impact to the size of the back yard on the property that faces S. Main St.

Mr. Wham added there is also vegetation that separates the two properties – on the left side there are considerable mature trees and vegetation, which is one of the reasons we did not propose a side entrance garage. We did not want to disturb the vegetation. In the rear there is additional brush and on the right side there is also considerable vegetation buffer that provides an existing screen. Mr. Slaugh's report notes that the side yard has an aggregate of 35 feet that is required. Minimum setback is 15 feet with an aggregate of 30 feet. Proposed – right side 30 feet; left side 36 feet. Mr. Coates noted that this is more than double what is actually required. The aggregate is met. Mr. Wham will make a note on the plan in accordance with Mr. Slaugh's report to show those dimensions.

Mr. Wham noted there is existing water and sewer available in the street, laterals will be extended out from the front of the lot (8 inch sanitary sewer line and 6 inch water main). There are no sidewalks on Orchard Ave.

Mr. Wham explained how the impervious runoff will be addressed. The water will drain toward the front to the street. The property will be graded and piping will direct the runoff to the street. I performed a soil log which showed the soils were permeable and the water table was greater than 10 feet (seasonal high water table). For the basement we are proposing it to be greater than two feet above the seasonal high water table.

Ms. Roberts' report recommends that a Building Plot Plan be submitted and reviewed before the issuance of a building permit. The Building Plot Plan shall include but not be limited to: existing and proposed lot grading, spot elevations at all building corners, location of all roof downspouts, location of the existing sanitary sewer and water mains in the street, location and sizes of the proposed sanitary sewer and water service connection lines, and the necessary details required to construct the site improvements and utility connections to the Borough Standards. Mr. Wham is familiar with these requirements and agreed to comply with the requirements and submit the Plot Plan for Ms. Roberts' review and approval prior to issuing a building permit.

Questions from Planning Board:

Mr. Balcewicz asked if the mature trees on the left side would be disturbed during construction.

Mr. Wham - We have positioned the house, to avoid removing any of the trees. One of the large trees is close and it will depend on the root structure in relationship to the foundation. The plan is to not disturb these trees and not change the grading at the location. Do not think any of the property will have to be disturbed within 15 feet of the property line on any side.

Mr. Montferrat – The shrubbery on the property appears to be mostly weeds; not established vegetation that would enhance the buffering for the neighbors. This has been a vacant lot. The under growth is not cultivated. Mr. Coates – it was not mentioned in Mr. Slauch's report. Additional plantings may be appropriate to insure adequate screening for the neighbors.

During the Plot Plan Review Ms. Roberts will make sure that no new runoff is pushed toward neighboring properties. Mr. Wham will be able to grade the property and install downspouts to direct the runoff to the street and not to the neighbors. If there is a problem with runoff, we will ask for modifications to correct any additional runoff.

Mr. Balcewicz – Zoning Ordinance regarding front yard setbacks does not say to just look at the two adjacent houses, but look at the properties within 200 feet of the property. Mr. Jacobs will provide testimony regarding the variances. Mr. Jacobs will discuss the neighborhood, impacts to the neighborhood, what exists and whether there will be any detriment to the zoning plan for the public good.

Mr. Searing asked if there is a storm drain in front of the property to connect the downspouts. Mr. Wham responded there are no storm drains. How do you plan to connect the flow? Storm drain to the north of the property. Mr. Wham – This property sits on the pix of that road and everything drains down toward the south from that point. All the properties drain south.

Ms. Roberts – We will see that the property breaks toward the curb line. Downspouts will discharge over the front lawn, and there will be some percolation over the front lawn. Excess runoff will run over the curb into the curb line and run down the road the same as the rest of the neighborhood.

Mr. Wham noted that the soils were very permeable.

Ms. Maziarz swore in Lloyd J. Jacobs, Licensed Planner for this project.

Mr. Jacobs credentials – graduate engineer from Syracuse University and Masters Degree from Rensselaer Polytechnic University, Troy, NY. Registered licensed engineer and planner in the State of New Jersey and have been practicing for over 35 years. I have presented expert testimony to numerous boards throughout the state, including Hightstown. I was the Director of Engineering Planning Inspection in Hamilton Township for over eight years. The Board accepts Mr. Jacobs as an expert witness.

Mr. Jacobs reviewed the proposed application to construct a single family home on a vacant lot in an established residential neighborhood with similar sized lots throughout. Property is zoned R-1, residential single family district where homes are principal permitted use. The character of the area: established, well maintained residential neighborhood of single family homes. Lot size in the area is similar with some variations in width and depth. The subject property is a vacant lot that is slightly larger than the two adjacent properties. Size as shown on the plan is 120 feet wide by 125 feet deep with an area of over 15,014 sq. feet. The adjacent lots are of similar depth with a width of only 100 feet and approximate area of 12,500 sq. feet.

The applicant desires to construct an attractive single family home that will provide for first floor living with master bedroom and laundry on the first floor. Also propose to construct a covered porch in the rear yard and to centrally locate the house on the property for greater compatibility with the adjacent homes and to provide for greater side yard setbacks and open space on both sides of the property. The side yards are 36 feet and 30 feet, the ordinance requires 15 feet minimum side yard with an aggregate of 35 feet. The side yards are substantial. The side yards of adjacent properties are approximately 10 feet and 8 feet. The proposed design and location of the house will provide for greater open space, particularly on the side yards.

While this proposal is in substantial compliance with the ordinance, two variances are needed:

Lot depth – existing condition (Ordinance 28-3-5b.3)

Required – 150 feet	Proposed 124.67 feet
---------------------	----------------------

Minimum Setback – Rear Yard, Principal Buildings (Ordinance 28-3-5b.7)

Required – 45 feet	Proposed – 26.2 feet (with the porch) 37 feet (without porch)
--------------------	---

The variance for the rear yard is necessary in part by the established 125 foot lot depth in this immediate area and the reduced building envelope from what would be provided if the lot depths were 150 feet which is the criteria in the R-1 Zone. Also by proposing a greater front yard setback, in order to be more compatible with the existing homes on both sides, reduces the depth of the rear yard but still provides for a functional rear yard. The ordinance allows a front yard setback of 35 feet and 45 feet is proposed. The 45 feet would be more considerate of the two adjacent homes. This was a decision that was made and testified to earlier. The greater setback would enhance the neighborhood and be more compatible with the adjacent homes and provide a more open view. This was a judgment call and that is the reason why the purchaser is proposing to set the front yard back further than required.

This proposal, in my view, is consistent with the existing development. It will enhance the neighborhood and will promote a number of the purposes in the Municipal Land Use Law and the Zoning Ordinance: good civic design, adequate light and open space, contribute to the well being of the neighborhood, provides housing that is more compatible with senior citizen needs by having the first floor living. In my

view this is an excellent proposal for this residential development on this vacant lot. The testimony has shown that the benefits far out way any detriments. Granting the variances requested will preserve and enhance the residential character of this neighborhood.

In my view there would not be a substantial detrimental impact to the planning or Zoning Ordinance, and there would not be any substantial negative impact to the public good, i.e. the neighborhood.

Questions from the Board

Mr. Balcewicz - Zoning Ordinance regarding front yard setbacks does not say to just look at the two adjacent houses, but look at the properties within 200 feet of the property. In this case, it would be two properties to both the north and south. You testified that the setback you are promoting is the average of the two adjacent properties. Mr. Jacobs responded that the setbacks along the entire area are very similar. The homes along the street are similar with respect to side yard, lot depth and setbacks.

Mr. Balcewicz noted that most of the adjacent properties are one story and you are proposing a two-story house. Mr. Jacobs added that most of the homes in this particular area are ranches. However, further down there are some two-story homes. The ordinance for this zone does permit two-story homes.

Mr. Balcewicz expressed concern with the house fitting into the neighborhood. Mr. Jacobs believes it would fit into the neighborhood. This is a matter of opinion. This is true in a number of developments. Previous years ranches homes were more popular. If there were an adverse effect, the ordinance would include a provision not permitting it.

Mr. Balcewicz – I am looking at the side yards being twice the requirement, should the second story actually be a first story. Can you decrease the floor space by expanding the first floor, and then the adjacent homes would look more compatible.

Mr. Jacobs – We tried to design something that we see in numerous places where the two-story will blend in. If you put more on the first floor, you have a larger foot print, more impervious surface; open space is not as great. In particular one of the main advantages of this property is the side yard setbacks. Many of the homes in this area, the side yard setbacks are very minimal. This will be a great enhancement.

Brian Slaugh, Borough Planner – With regard to the front yard setback – the required set back is 35 feet as testified. Is that an adequate distance to allow two cars to be parked in front of the garage? You would not normally have a parking space that is 17-1/2 feet. It would be better to have additional land so you don't have cars go over top the sidewalk.

Mr. Jacobs – it would be a lot easier with 45 feet. The additional setback will allow the cars to be parked on the property and not on the sidewalk or street.

Mr. Slaugh – Did you examine the lot to the rear and the effect that the closer portion might have?

Mr. Jacobs – The home that fronts on Main Street is a considerable distance from this property. There is a large garage immediately to the rear on the adjacent property. There is considerable existing buffering on the property. I do not believe there is any substantial detrimental impact. The 26 feet that is provided will provide for a functional rear yard. It is actually 37 feet for the bulk of the rear yard. The covered porch is a very nice feature. The intent here is to have a good looking home that will truly be compatible with the neighborhood as well as satisfy the needs of seniors who are looking for single floor living and a rear covered porch they can enjoy.

Mr. Slaugh asked if Mr. Bliefernich (architect) would be testifying. According to Mr. Coates, Mr. Bliefernich will not be in attendance due to health reasons. Mr. Coates noted that his plan is part of the record and the application. Mr. Slaugh asked if Mr. Bliefernich considered other house designs. Mr. Pirone will testify to this question.

Mr. Coates – In reading from Mr. Slaugh's report, Lot 13, which is the rear property that fronts S. Main Street, is more than 100 feet from the rear property line.

Mr. Slaugh would like to enter a comment into testimony. Ms. Maziarz swore in Brian Slaugh, PP, AICP, Planning Board Planner, Clarke Caton Hintz – The measurements were obtained by utilizing Google Earth which is not a precise measurement. In checking it against the survey, it shows a fairly good degree of accuracy (perhaps within 5%). I am reasonably confident that the house is more than 100 feet from the property line.

Ms. Maziarz swore in the applicant, Umberto Pirone, 250 Princeton-Hightstown Rd., West Windsor. Mr. Pirone has been a contractor for almost 45 years. Built nine new houses in West Windsor. Mr. Pirone has a construction and home inspection license in New Jersey. Mr. Pirone built the house he resides in and a house for his daughter. The other properties are investments. Obtained new homeowner warranties for all his properties and will do the same for the Orchard Avenue property. Property addresses of the nine homes: 250, 248, 246 Princeton-Hightstown Rd., 247, 245, 261 and 5 Manor and 2 Sherbrook Dr. Mr. Pirone intends to build a nice house and sell it on the open market.

Mr. Balcewicz confirmed with Mr. Pirone that his intent was to sell the house and not rent.

Mr. Slaugh asked if Mr. Pirone provided any directions to the architect. Yes I did. This is a design that Mr. Bliefernich put together. The Orchard Ave. neighborhood has simpler roof lines. Roof pitch on the houses in the neighborhood is less steep than shown here.

Mr. Slaugh suggested that perhaps the plans could be tweaked to better fit with the existing neighborhood. Lower roof line that slopes toward front lot would have a lower appearance than a house that has a gabled end. A lower roof line would match the other houses in the neighborhood. Mr. Pirone stated that if the Board approves the lot, they may be able to make the change. Mr. Pirone is willing to go back to his architect with the proposed suggestions regarding the roof line. Mr. Slaugh noted that this change would not affect the floor plan or the number of rooms. Mr. Slaugh noted that he has worked with Mr. Bliefernich in the past and found him to be amenable to similar suggestions. Mr. Pirone stated that he would ask Mr. Slaugh to contact the architect regarding reducing the roof line so the curbside view will appear lower from the street. There is currently an escrow account.

Mr. Balcewicz asked if it would be appropriate to ask the Architectural Review Committee (ARC) to also review the plans. Mr. Coates – this would be a two-step process: Mr. Slaugh would discuss the roof pitch with the architect, and a plan that addresses the height concerns would be prepared by Mr. Bliefernich. The ARC is only review and comment (nothing would be binding).

Mr. Coates wanted to make sure the public understands that there will not be another hearing on the application. Mr. Coates stated with that understanding, I would advise my client to move forward.

Ms. Maziarz stated that this request is very specific – roof line curbside appearance to make the pitch more compatible with the neighborhood. The Board Planner can review the roof line specifically.

Mr. Coates closed presentation.

Mr. Montferrat opened the public comment portion of the meeting.

December 11, 2017

Renee Franzo, 104 Orchard Ave., Expressed concern regarding the scale of what is proposed. This lot is 8% smaller than what is required for the house. Site coverage is at 20% and this house proposed is 16%. Shouldn't we maintain the scale of the property by doing only an 8% overall smaller footprint keeping with the proportion and the scale of the lot. Setbacks and house could easily be modified to fit better on this specific lot. They are applying for the variance because they don't have to go through the cost of a custom designed house. Was the house designed for this lot or was this house picked and you don't have the flexibility to design a floor plan that would fit within the required variances?

Mr. Pirone responded that he has used this architect previously to design several of his other houses.

Mr. Coates - They could avoid the rear setback variance by moving the house closer to the front (35 feet) instead of the proposed 45 feet. However, think this is an adverse impact to the two owners on each side. Noted that George Chin, the Construction Official, also mentioned this in his report. Mr. Coates reviewed the requested variances and the reasons.

Rich Bulvid, 109 Orchard Ave. – Mr. Bulvid stated that he has experience in construction, worked for a major engineering company as project manager in war torn and disaster areas. I have a lot of experience in demolition and construction. The proposed house is 2600 square feet without the garage. The average house in this neighborhood is about 1500-1800 sq. ft. Mr. Wham stated that the soil is good. When it rains my basement floods. I spent \$3500 to prevent my basement from flooding. I do not need extra runoff onto my property which is on the south side. I spent a lot to have privacy in my back yard—park like setting and a hot tub. I do not want people to be looking in my back yard. This property is in direct line of sight. The house is twice the size of the neighborhood.

Pamela Zuczek, 109 Orchard Ave. – We spent a lot of money to eliminate our flooding problems. This is a detriment to the neighbors. I don't want to be in a basement trying to get rid of water. I have installed exercise equipment that cannot be moved. It is a hardship on me if I get water in the basement again. The windows in the proposed house look directly into my backyard. We have a six foot privacy fence, but we will not have any privacy. There is no buffering on our side. What is the detriment to the neighbors if the front setback is 35 feet?

Mr. Jacobs responded none. Testimony that the house can be located 35 feet from setback, but it would be more desirable if it were more. Desirability is a judgment call. The applicant and his professionals recommend that it would provide a better view, more open space in the front, which is true, and the view of the adjacent homeowners would be looking at the side of the house rather than an open front yard. It was a judgment call that overall it would be an enhancement to have a greater front yard setback.

Ms. Zuczek agreed with Mr. Jacobs's response. However, when I come out of my house I come out the side door and I will be looking at that house. Even if you put it back 45 feet, I won't have the advantage of going out my front door and looking at a yard. I always go out my side door and that house will be right there. The house is very large for our community, and I am being affected.

Mr. Coates asked that Thomas Hutchinson, listing Realtor, 16 Rocky Brook, East Windsor be sworn in. Ms. Maziarz swore in Mr. Hutchinson.

Mr. Hutchinson testified that the subject property was listed through Century 21 Abraham Hutchinson Associates and was on the Multiple Listing Service for nine months. I had this listing for five months prior to getting Mr. Pirone's offer.

Pamela Zuczek, 109 Orchard Ave. - If it does affect the community when the house is too big and does not fit in, and I am concerned with the runoff. I would appreciate you taking this into consideration.

Mario Ribeca, 108 Orchard Ave. – I object to this variance. The property is too small to support the house, it should not be built. It should conform to the regulations, should be made smaller. Does not fit into the neighborhood. Two-car garage will impact more with paving and additional runoff. We experience flooding due to limited drains. I also experience flooding in my basement from time to time. Vegetation is actually ivy which is ground cover, therefore no buffer.

Question for Mr. Wham – How would you grade the property to flow toward the road? Mr. Wham – Limited amount of grading from the property line to maintain existing grade. I believe I can control the runoff so that it will not affect any of the houses on all three sides. I am confident that stormwater runoff will not be an issue for the neighbors.

Do you think this house fits the neighborhood? Mr. Jacobs – This house does not look like the other homes which are ranches. This is a vacant lot where the owners are entitled to build a single family residential home which is marketable for the neighborhood. I believe it will enhance the area and the property values.

Alicia Ribeca, 108 Orchard Ave. – Real Estate agent in Hightstown. This lot was originally listed with the adjoining property on 513 S. Main. I live across from this lot and object to this variance. The house does not comply with Hightstown zoning laws for a reason. This is not a hardship it is a choice to build a home to overpower and over take the surrounding homes instead of a smaller home that would clearly meet the expectations of Hightstown's zoning laws. I am a realtor in Hightstown. The Borough currently has approximately 10 newly listed houses for sale, six pending homes and at least five homes in distress. Instead of taking what is left of openness and nature, there are certainly many other options. As stated before, this is not a hardship it is a choice to buy cheap property and put a "Toll Brothers" like house in a quaint upscale neighborhood. The proposed house is incompatible with the established built form and character of the neighborhood. It erodes the aesthetics of the streetscape. All the neighboring houses are ranches. The primary issues raised are related to loss of sunlight, privacy, views, spacing, openness, due to the massive height and bulk of this home. I purchased my home 15 years ago believing that this property would not be built on. I enjoy sitting on my front porch watching the sunset, which will be blocked by this house. My neighbors across the street will have no privacy in their back yards. Their view will now be a large house instead of nature. I do not want to be pushed out of Hightstown because the Borough might be going against their guidelines. Building a four bedroom home on this lot will add to more issues regarding access, lack of trees, parking, drainage, traffic and noise. The neighboring homes already have problems with water in their basements and sewage issues. Sewer system is over 60 years old; the foundations of older homes are particularly vulnerable to water leakage and lot drainage problems. Will this cause more drainage and runoff problems? Hightstown already flooded numerous times. Who will be held accountable for the problems that will arise? Our taxes for a two-bedroom, one bath home are almost \$10,000. Will they increase because the sewer system needs to be upgraded for this custom home? These items must be addressed before anything goes further. By allowing the zoning laws and setbacks to change for this home, you are taking away the character of our neighborhood, including the light, privacy and views. They are proposing a setback that is supposed to be 45 feet proposing the setback to 26 feet which is almost half the requirement. The total depth should be 150 and I know some are less, but they are grandfathered. The builder is asking that you change the ordinance to 126 which are 25 feet short of the requirement. This is setting Hightstown up for problems in the future.

If a house should be built here, the buyer should build a small ranch where the zoning ordinance can be obeyed, and no other home owner laboring the said land should be annoyed or disturbed by the structure and it should fit into the neighborhood. The new owner shall be responsible for upgrading and repairing the sewer lines, water lines and damage roadways for this inappropriate addition to the neighborhood.

Conclusion – this new home does not meet the criteria for R-1 Zoning laws in Hightstown. The neighbors most impacted by this project are against it. Almost every neighbor who lives within 200 feet of the property is against it. Therefore, there is no circumstance to approve or justify this variance except that the builder wants to build an extremely large house on cheap land. According to public records Mr. Pirone has built houses and is making a huge profit. The intent and purpose of this Planning Board is to guide the appropriate use and development of all lands in the Borough in a manner which promotes the public health, safety, morals, and general welfare. You are also required to make sure that your choices provide adequate light, air and open space. I am asking you to hold true to our town ordinances and laws and reject this variance for the said land. I'm asking you to be loyal to your current tax payers instead of pushing us out of Historic Hightstown for builders that just want to make money.

Diane Hoversen-Smith, 107 Orchard Ave. - I think it is a beautiful home that would be perfect in Millstone where there is plenty of land. New and change are very difficult for us to accept. We are a small quaint street. Our dogs regularly use that land. I do not approve something this large. I don't have the right to block anybody to live wherever they want to or build whatever they want. I would love to see something that fits within our town, block and neighborhood. Thank you but no thank you. If you are going to build something on our block, fit in -- something that does not need to be skewed or twisted. Everyone is welcome and we are a great block. Just fit in!

Greg Scott, 115 Orchard Ave. (house directly adjacent south of the property) - I moved here in 2012 and have three kids who play in the back yard. Many of my concerns have been addressed. Reiterate a few things: house is too large for the lot; currently look out of my back yard to nature (peaceful and quiet). Construction will be noisy and disruptive. I chose Hightstown because of the aesthetics – character and charm. This house would fit better in East Windsor or Millstone community where newer developments are populated. Our whole street is all ranches for the most part. A tall two-story house does not fit into the aesthetics of the neighborhood. Logistics – proposed house location – my view will be blocked. Concerned with drainage issues on my property (northwest corner). Recently installed a metal fence, which will be useless once this property is built. I will have to add additional privacy between the two properties. The size of the property 50 – 80% larger. The house does not fit the character of the street. Question whether the plans are just cookie cutter and not specifically for this property. Property values – a house out of proportion with the neighborhood, not always a good thing. With the property further back, there is a carriage house and new house surrounding my property. When the property was originally for sale, I was also under the impression that the lot was being sold with the house (513 S. Main St.) There was interest to preserve that land and keep it open space. I reviewed the Master Plan which talks about aesthetics and historic preservation, keeping things natural and beautiful. It's a beautiful house, just the wrong location.

Tom Dilger, 513 S. Main St. – I purchased the Applegate House in July 2017. Two concerns about the property: One of the reasons I purchased the Applegate property was for the rear yard. I did try to purchase the rear lot, but no agreement could be reached. Greg made a great point about the runoff. The building in back is not a garage. It is a barn with a basement, bathroom, running water and electricity. It can flood. The Orchard property does slant toward my property. If this application is approved, is the Board going to insure that my property will not flood, as well as the neighbors property because my property flows into theirs on the north side of my house. In addition my main bathroom on the second floor of my house will overlook the second floor of the proposed house. That is not a great thing. I have huge windows in my house and don't want to change them. I have a 2600 sq. foot house as well. However, I'm on an acre lot. I'm not putting a 2600 sq. foot home on such a small lot. I agree with everything said. You are not putting the right size house on that lot. It will hurt that neighborhood. Also concerned about the rear setback (25 feet) to my property line.

Rich Bulvid, 109 Orchard Ave. – A number of years ago after the original owner passed away, Rich Aughenbaugh asked if I wanted to buy the lot. Mr. Aughenbaugh said the price was \$100,000 for just the lot. If the price was ever reduced, I was not aware.

Mr. Jacobs explained that the building envelope in the R-1 Zone with a conforming lot would be 4,550 sq. feet. On this particular building lot, the permitted envelope would be 3,400 sq. feet. The footprint of this particular house, including the garage, is about 2,000 sq. feet. Mr. Jacobs thought the proposed roof slope design is an appropriate item to review and reduce the impact.

Mr. Coates stated that the main issue seems to be the size of the house compared to the lot. There has been adequate testimony regarding the drainage concerns. We do not want to cause any flooding to adjoining properties. Mr. Wham will work with Carmela Roberts, Roberts Engineering Group building plot plan will include lot grading. The applicant will comply with any recommendations made by the engineer to insure proper drainage. Mr. Coates reminded the neighbors that this is a much larger lot than the lots on either side. It is more than 15,000 sq. feet. Mr. Jacobs indicated 12,500 sq. feet lots. When you have a larger lot it attracts a larger house. The applicant is well within the zoning requirement for the R-1 Zone. It is only a personal opinion to say that the house is too large.

Mr. Montferrat closed the public comment portion of the meeting.

Mr. Montferrat informed the audience that a site plan is not part of tonight's hearing. The hearing is only about the bulk variances. We have heard the neighbors concerns: flooding, wet basements, runoff, character of the neighborhood and the proposed house.

Ms. Maziarz - This is a residential application which is permitted in the R-1 Zone, the Board is not entitled to ask questions about how it will be used. The only thing the Board is entitled to look at realistically is the rear yard setback and any issues that creates. Those issues have to be substantial, not simply issues that might arise, but substantial issues that would allow the Board to deny this application. The applicant has attempted to show that the benefits of this application outweigh the negative. The Board cannot mandate that this land remain open space. The Borough has allowed this land to be developed with a house and that is what the applicant is proposing. With regard to flooding and drainage, that is something the Board can take into account. The only expert testimony that has been given so far with regard to flooding and drainage is the applicant's expert who has shown on the plans and has indicated that this property will be graded so that the runoff goes to the front and the street, and will not impact neighboring properties. If neighboring properties are already being impacted, then this house (property), that does not currently exist, has nothing to do with causing the drainage problems. There has been no testimony from any neighbor or objector that would directly point to this property that is causing the flooding problems. The Board is constrained only to the evidence that is put on the record. The Board cannot look at matters that have not been presented by expert qualified testimony.

Resident - What if the problems increase after the house is built? Ms. Maziarz responded that it would then be an enforcement problem for the Borough. This Board is concerned primarily with the rear yard setback, because the lot depth is an existing condition. Previously mentioned that other properties have the lot depth issue are grandfathered. If those lots are grandfathered, than so is this lot because it was created at the same time. Whatever subdivision created those lots, created the problem. The zoning ordinance was adopted that created this particular lot depth of 150 feet. All of your lots are non-conforming.

Alicia Ribeca stated that it is for existing homes and buildings. There is no existing home or building on that lot. Therefore, it would not be grandfathered.

Ms. Maziarz – It is because the lot depth is grandfathered. The rear yard setback is not grandfathered because it does not exist yet, but the lot depth (survey) is grandfathered. In terms of existing conditions, such as lot depth, the Planner stated earlier that some towns do not require a variance because it is an existing condition, created by the ordinance, and it has been created on all the lots in this neighborhood. The rear yard setback is not grandfathered because nothing is there yet. The Planner has not indicated that it is an existing condition. This is a variance they are seeking.

Alicia Ribeca asked what action they could take if they do not agree with the Board's decision. Ms. Maziarz advised her to consult an attorney.

Mr. Slauch – Discussed the floor plan – second floor is about 30% of the total floor area and 70% including garage and covered porch are on the first floor. From this standpoint it is not a full two-story house. It is only a portion of the area covered by the first floor master bedroom. Suggest a different roof line structure.

Ms. Maziarz – If the Board believes that the applicant has proven that it satisfies the C2 positive criteria in that the benefits of this application outweigh the detriments, then the variance must be approved. Some of the conditions discussed are:

Lower roof pitch – Planner believes that would bring this house more in line with the neighborhood; Submit a Building Plot Plan to the Board Engineer that will comply with the engineer's recommendations;

Additional buffering in the rear yard to mitigate the rear yard setback (conditional approval on the addition of buffering or the removal of dead trees or shrubbery that is unsightly in order to minimize any affect on neighboring lots).

Applicant has agreed to submit the architectural plan to the Architectural Review Committee for review and make sure the house is compatible with the homes in the area.

Mr. Montferrat suggested that a resident from the neighborhood be invited to sit on the ARC (ad hoc committee) as a courtesy.

Mr. Searing – What are the Planner's thoughts regarding the positive and negative criteria as presented by Mr. Jacobs? Are you in agreement or do you see some differences in the criteria?

Mr. Slauch – The character of the neighborhood, in terms of how it looks from the street, is determined by the house setbacks. How it looks and the sense of the neighborhood is created by the spacing from the front of the houses. If you have a vacant lot and you want it to match the character of the neighborhood, I would have taken the same approach, which is to set the house back 45 feet. The primary aspect of the look and feel of the neighborhood is the houses and views that create mass-made building scale views. When the neighborhood is new, the building scale differences are more obvious than in a multi-home neighborhood they are less obvious. In this neighborhood there are a lot of ranches. There is nothing that would prevent the neighbors from adding a second story to their homes. Neighborhoods change over time as they are responding to people's needs. Applicant selected a plan that would appeal to today's buyers. The conflict is between expectations of buyers and the expectation of the neighbors. Tonight we are hearing those different expectations.

Mr. Balcewicz – The lot depth is grandfathered and not an issue. The variance is for the rear yard setback. Reviewed the proposed location, setbacks and variances. I have an issue with the architecture of the house. It is my understanding as a Board member that we are to represent the community and whether the house is consistent with the rest of the neighborhood. I believe the proposed house is not consistent with the neighborhood, so I would vote no on the variances for that reason. I hope that the Architectural Review Committee could sit down with the applicant to modify the plan to the point where it does fit in

more with the neighborhood. The current impervious margin coverage and side yard margin that exists right now could probably be used to provide similar square footage and floor space and not require any variances. The argument that it's a vacant property and I'm going to miss the sunset is not a valid point. It's a buildable lot. I look out the second floor window of my house and I see the second floor window of the house next to me. I wish there were vacant land next to me but there isn't. This is a town where there are a lot of houses on relatively small lots.

Mr. Hansen expressed concern with the discrepancy between the study stating the water table is two feet below basement level, yet we have heard testimony that some of the basements flood. I don't know what point we are in the review of the studies of the design and grading of the house. That's a concern. We have heard testimony saying that if it starts flooding, the applicant will be responsible. Is this something that could be a condition in the resolution?

Ms. Maziarz – The Board can only consider testimony presented by the applicant. The homeowners have not provided any independent evaluation or report with regard to the flooding concerns. There may be other circumstances causing the flooding. At this time, it has not been evaluated by an expert. This applicant has already evaluated what they intend to do on their lot. The application is only for that one lot. Conjecture is not part of the record. The only record we have is what the applicant has submitted and been evaluated by the Board's professionals.

Mr. Montferrat noted that this is where we have to be careful on Municipal Land Use Law. Testimony by the applicant is for the setbacks. The Board thinks it should be modified for the aesthetics of the neighborhood.

Mr. Jackson added that this is tough – on the one hand you argue to discuss the setbacks and the other hand you have to consider the neighbors who have problems and building a two-story house which is out of character with the neighborhood.

Mr. Montferrat – The flooding is not an issue for this application. We have to determine the setbacks and the aesthetics. The criteria have been met.

Mr. Slauch – The aesthetics have to be related to mitigation of any impact of the variance.

Motion made by Mr. Balcewicz and seconded by Mr. Hansen to approve Application #2017-03, Umberto Pirone, Block 63, Lot 24, 111 Orchard Avenue, Hightstown – seeking rear yard variance and lot depth as well as all conditions discussed and noted below.

The applicant is seeking two bulk variances to permit construction of a single family dwelling on a vacant lot. The proposed dwelling would contain four bedrooms within two stories, and would have an attached two-car garage. The plans also depict a basement level. The dwelling is proposed to be located at the center of the 15,014 sq. lot. The site is located within an established single-family neighborhood on similarly sized lots. The site backs up to houses fronting on S. Main Street which are generally larger and the lots are deeper.

Rear Yard Variance -The applicant proposes a rear yard of 26.2 feet, as measured from a proposed rear porch, which does not meet the minimum rear yard of 45 feet required by Ordinance 28-3-5.b.7

Lot Depth (Existing Condition) – The existing lot depth is 124.67 feet, which does not conform to the minimum lot depth of 150 feet required by Ordinance 28-3-5.b.3. The applicant has filed for this condition as a variance.

Conditions for approval:

December 11, 2017

- 1) Applicant replenish the escrow account;
- 2) Lower roof pitch – Planner believes that would bring this house more in line with the neighborhood;
- 3) Submit a Building Plot Plan to the Board Engineer that will comply with the engineer's recommendations (per Ms. Roberts memorandum dated November 6, 2017);
- 4) Additional buffering in the rear yard to mitigate the rear yard setback (buffering or the removal of dead trees or shrubbery that are unsightly in order to minimize any affect on neighboring lots);
- 5) Applicant has agreed to submit the architectural plan to the Architectural Review Committee for review. As a courtesy, we will also invite one or two residents to attend the Architectural Review Committee meeting. The Planner to review their recommendations.
- 6) As with all resolutions, the applicant will be required to seek any outside agency approvals (state and county) as well as building department.

Roll Call Vote: Mr. Montferrat, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz. Mayor Quattrone, Councilman Misiura and Mr. Cabot recused themselves.
Motion Passed 7-0

Mr. Coates thanked the Board. It was a very open meeting and hope everyone had an opportunity to express their concerns.

At this time Mayor Quattrone, Mr. Misiura and Mr. Cabot returned to the dais.

Mr. Montferrat asked for a five-minute recess.

After a five-minute recess, Mr. Montferrat called the meeting to order.

New Business:

Mr. Misiura suggested that in the interest time, the following items be moved from tonight's agenda to the January Agenda:

- 1) Capital Projects:
 - a) Item e. - Capital Road Improvements Program
 - b) Item f. – Capital Sidewalk Improvements Program
- 2) Redevelopment Plan – tabled to January meeting
- 3) Sign Ordinance – LED Lights – tabled to January meeting

Capital Projects – Ms. Roberts reviewed the Capital projects – Letter dated December 7, 2017, Capital Projects Review previously distributed to Board members.

- 1) Replacement of retaining wall on the west embankment of Rocky Brook. This week will take soil borings, install new bulk head retaining in front of the old one, approximately 150 feet north adjacent to the First Aid Squad Building property line.
- 2) Finances for reconstruction of First Avenue – DOT grant \$275,000; new pavement, new curbs, sidewalks and utility improvements. Minor sewer repairs on First Ave.
- 3) Installation of water main First Avenue from Center St. to Outcalt St. Mr. Searing asked if they were doing any sewer improvements on First Avenue. Minor sewer improvements – manhole repairs, lids replaced, evaluated the video tapes and think those repairs can be done with a combination of Rudex and joint sealing rather than full replacement. Mr. Searing added that he

had recommended changing the pitch going down toward Summit St. We will be making improvements but the design is not completed. Also included in this ordinance.

- 4) NJDOT grant received for Maple and Sunset Avenues – milling and overlay, repairs, replace deteriorated curbs and sidewalk and additional sidewalk from North Main St. to Maple Ave. Minimal amount of water and sewer work. Mr. Searing added that he has scheduled cleaning TV sewer lines which should be done by the end of the year.
- 5) Two water main projects – installing water main on Forman from Stockton St. to end of Forman crossing over to Church St. and then south on Church St. to Rogers Ave.
- 6) Water main improvement on Stockton Street – install new 8 inch main on Stockton from Center St. to the Borough line. Ms. Roberts reviewed the process.

Mayor Quattrone and Borough Administrator spoke with the Mayor of East Windsor regarding the water projects which are being funded by a loan through New Jersey Environmental Infrastructure Trust.

Committee and Professional Reports - None

Chairman and Board Member Comments

Mayor Quattrone – Administrator, Police Chief and Mayor are talking with the County about moving the cross walk closer to Joseph St.

Mr. Montferrat appointed Bicycle Plan Subcommittee – Beverly Asselstine, Joe Balcewicz and Ray Cabot.

Affordable Housing Subcommittee –owner who wants to expand; not remove anything.

Mr. Balcewicz – discussion on trees -- El Zorro property. Applicants should be required to replace tree(s) that are removed and plant a new tree within the Borough. Environmental Commission review all Planning Board applications and make recommendations regarding trees.

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

Respectfully submitted,

Sandra Belan
Planning Board Secretary

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

**UMBERTO PIRONE
RESOLUTION 2018-07**

Applicant: Umberto Pirone
Property Owner: Vicki T. Bradford
Application No: 2017-03
Location: 111 Orchard Avenue
Property: Block 63, Lot 24
District: R-1, Residential
Hearing Date: December 11, 2017
Request: Two bulk variances to construct a single family residential dwelling in a residential neighborhood.

Relief requested:

Bulk variances in accordance with N.J.S.A. 40:55D-70c(1) and/or c(2), as follows:

From Section 28-3-5.b.7 of Chapter 28 (the "Zoning Ordinance") of the Revised General Ordinances of the Borough of Hightstown, 1996 (the "Code") for exceeding the Minimum Rear Yard Setback:
Required: 45'; Proposed: 26.2', from the end of the porch (the rear yard setback is proposed to be 37' from the rear wall of the dwelling);

From Section 28-3-5.b.3 of the Zoning Ordinance in the Code for failure to conform with the required lot depth:
Required: 150'; Proposed: 124.67' (existing condition);

Relief Granted:

Bulk variances, as indicated above, subject to the conditions imposed herein.

Supporting Plans and Documents Submitted and made part of the Record:

Application Packet, dated October 10, 2017, including owner's certification consenting to the Application, dated October 3, 2017, current tax payment letter, contribution disclosure

statement, dated October 6, 2017, and affidavit of title, dated October 3, 2017.

Plan of Survey, prepared by Max V. Raffaele, PLS of A-1 Land Surveys, Inc., dated July 28, 2017, consisting of one sheet.

Plan of Proposed Dwelling Location, prepared by Barry K. Wham, PE, dated September 20, 2017, consisting of two sheets.

Floor Plans and Elevations, prepared by Fred H. Bliefernich, RA, dated August 22, 2017, consisting of seven sheets.

Letter of explanation, prepared by Fred H. Bliefernich, RA, dated September 18, 2017.

Planning Board's Expert Reports Submitted and made part of the Record:

Memorandum from Board Planner, Brian Slauch, PP, AICP, dated December 4, 2017, consisting of four pages.

Memorandum from Board Engineer, Carmela Roberts, PE, CME, dated November 6, 2017, consisting of three pages.

WHEREAS, the Applicant applied to the Planning Board of the Borough of Hightstown ("Board") for the Relief Requested, as noted above, in accordance with N.J.S.A. 40:55D-70c and no other relief was requested; and

WHEREAS, the Board convened to hear the Applications in its capacity as a board of adjustment therefore the Class I and Class III members of the Board did not participate in the hearing on or adjudication of the Application; and

WHEREAS, the Applicant met all jurisdictional requirements enabling the Board to hear and act on the Application; and

WHEREAS, during the public hearing on the Hearing Date, the Applicant, represented by Attorney Leonard Coates of Turp, Coates, Driggers and White, was given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the following exhibit was presented to the Board during the hearing on the Application:

Exhibit A-1: Plan of Proposed Dwelling Location; and

WHEREAS, Leonard Coates, Applicant's Attorney, introduced the Application and presented legal argument to the Board as more fully

set forth on the record, as follows:

Mr. Coates presented the Application and reviewed the two bulk variances requested by the Applicant that are required in order for the Applicant to build a two story, single family residential home in a residential district. Mr. Coates indicated that the Applicant is the contract purchaser of the Property and that the Property's owner had given permission for the Applicant to make the Application. Mr. Coates further indicated that the Applicant is a home builder; and

WHEREAS, Barry K. Wham, P.E., Applicant's Engineer, provided testimony on behalf of the Applicant as more fully set forth on the record, as follows:

Mr. Wham provided the Board with his qualifications as a licensed professional engineer and his qualifications were accepted by the Board.

Mr. Wham presented the plan depicting the proposed single-family dwelling and its location on the Property. Mr. Wham indicated that he had taken the locations of the two neighboring homes into consideration when deciding the placement of the proposed dwelling. Mr. Wham testified that the placement of the proposed dwelling conforms to the placement of the homes on neighboring properties.

With regard to setbacks and buffering, Mr. Wham testified that the Property contains considerable vegetation in the side yards and in the rear yard which acts as screening. Mr. Wham indicated that one tree may have to be removed but the other trees will not be disturbed. In addition, the property owner to the rear of the Property has installed a new aluminum fence which adds screening to that property. Mr. Wham further testified that the minimum side yard setback aggregate is more than double than that which is required.

Mr. Wham testified that water connection and sewer is available on the Property. With regard to runoff, Mr. Wham testified that water will be directed to the street by grading and by piping the runoff toward the street. Mr. Wham indicated that the soil log indicates that the soil is well-drained and further indicated that the basement floor will be greater than 2 feet above the seasonal high water table. Mr. Wham also conceded that there is a storm drain on the North side of the property, not the South.

Mr. Wham confirmed that the Applicant will comply with Board Engineer's report with regard to submitting a building plot plan before a building permit will issue and will comply with all recommendations and requirements; and

WHEREAS, Umberto Pirone, the Applicant provided testimony as more fully set forth on the record, as follows:

Mr. Pirone testified that he is a licensed builder and that he regularly constructs houses and driveways. Mr. Pirone indicated that most of the houses he builds are for sale and the proposed house on the Property will also be sold on the open market, it will not be rented. Mr. Pirone stated that he provides new home warranties on the properties he develops.

After discussion with the Board with regard to the style of the proposed house, Mr. Pirone agreed to amend the plan to lower the slope of the roof toward the street removing any gables in order to make the appearance of the proposed dwelling more consistent with other homes in the neighborhood. Mr. Pirone further agreed to submit the revised home plan to the Borough's Architectural Review Committee for their review and agreed to comply with the Committee's recommendations. Mr. Pirone also agreed to replenish the escrow amounts for the Application; and

WHEREAS, Lloyd Jacobs, PE, PP, Applicant's Planner, provided testimony on behalf of the Applicant as more fully set forth on the record, as follows:

Mr. Jacobs provided the Board with his qualifications as a licensed professional planner and his qualifications were accepted by the Board.

Mr. Jacobs described the Relief Requested and indicated that the Applicant seeks to construct a single-family home on a vacant lot in a residential zone where such homes are permitted as of right. Mr. Jacobs indicated that the surrounding neighborhood is established and well-maintained and the neighboring properties are similar in size to the Property with variations in width and depth. Mr. Jacobs testified that the Property is slightly larger than the neighboring properties.

Mr. Jacobs described the proposed dwelling and noted that although the proposed home is two stories, the second story

is not a full story and the master bedroom will be located on the first floor. Mr. Jacobs testified that having the master bedroom on the first floor promotes senior living. Mr. Jacobs testified that although most of the homes on neighboring properties are ranch style homes, the ordinance does not prohibit two story homes. The ordinance allows a maximum height of 35 feet and the Applicant's proposal does not exceed that maximum.

With regard to the setbacks, Mr. Jacobs testified that the ordinance requires the side yard setbacks to be 15 feet and the Property has larger side yards which provide open space. Mr. Jacobs indicated that the Property's lot depth is a preexisting condition and that relief from the rear yard setback minimum requirement is needed because the proposed home's porch will encroach into the rear yard. Even without the porch, the home will encroach into the rear yard setback. Mr. Jacobs indicated that the covered porch is a nice feature and typical in a residential neighborhood. Mr. Jacobs further indicated that the lot depth and a limited building envelope causes the rear yard setback reduction. Despite the reduction, Mr. Jacobs stated that the Applicant's plan nonetheless provides for a functional rear yard. Mr. Jacobs also noted that the property to the rear, on Lot 13, contains a large garage at the rear of the property which further screens it from the proposed home on the Property. Mr. Jacobs concluded that the reduced rear yard setback will not cause detriment to Lot 13 because of the garage and the fact that home on Lot 13 is more than 100 feet from the property line. The Board's Planner confirmed the location of the home on Lot 13.

In addition, Mr. Jacobs testified that setting the proposed home back further makes the home more compatible with the neighborhood and allows for more visibility from the neighboring homes. The attached garage will allow automobiles to be stored off of the street. Mr. Jacobs indicated that the home, as proposed, will preserve and enhance the residential character of the neighborhood; and

WHEREAS, Thomas Hutchinson, the listing real estate agent of the Property, provided testimony on behalf of the Applicant as more fully set forth on the record, as follows:

Mr. Hutchinson testified that the Property was listed through Century 21 Abraham Hutchinson Associates and was on the Multiple Listing Service for nine months prior to

receiving Mr. Pirone's offer.

WHEREAS, members of the public appeared to ask questions and speak with regard to the Application as more fully set forth on the record, as follows:

Renee Franzo of 104 Orchard Avenue was concerned with the size of the proposed house;

Richard Bulvid of 109 Orchard Avenue indicated that the average home size in the area is 1500 square feet. Mr. Bolden also stated that, although both the Applicant's Engineer and the Board's Engineer agree that the Property contains good soil, basements in the area flood.

Pamela Zuczek of 109 Orchard Avenue was concerned with basement flooding and the new residents of the Property looking into her property.

Mario Anthony Ribeca of 108 Orchard Avenue objected to the variances because, in his opinion, the Property is too small and a home should not be built on the Property.

Alicia Ribeca of 108 Orchard Avenue, objected to the size of the proposed home and to a home being built on the Property.

Diane Hoversen-Smith of 107 Orchard Ave objected to the size of the home.

Greg Scott of 115 Orchard Avenue objected to a two-story home being built on the Property because it is not aesthetically similar to homes in the neighborhood and because it will block views.

Tom Dilger of 513 S. Main St was concerned with the size of the proposed home and the potential of increased runoff and flooding due to the development of the proposed home on the Property.

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

1. The Property is comprised of a vacant 15,014 square foot lot located at 111 Orchard Avenue, also known as Lot 24 in Block 63 on the Hightstown Borough Tax Map. The Property is situated in the R-1 residential zoning district where single-family homes are permitted uses. The residential street upon which the Property is

located is an established single-family residential neighborhood containing lots similar in size to the Property. The lots to the rear of the Property located on South Main Street are larger and deeper than the Property.

2. The Applicant proposes to construct a two-story single-family home with an attached two car garage in the center of the Property. In order to construct any home, the Applicant requires a bulk variance for the deficient lot depth, which is an existing condition of the Property. In order to construct the home in the proposed location on the Property, as depicted on the Applicant's plans submitted to the Board, the Applicant requires a bulk variance for a deficient rear yard setback.

3. Other than the two required bulk variances that have been requested, the Applicant does not require any further relief and the proposed home otherwise conforms to the Zoning Ordinance requirements.

4. All jurisdictional requirements of the Application were met and the Board proceeded to hear the Application and render its determination which is memorialized herein.

5. The Applicant has requested relief from the Board in the form of two bulk variances in accordance with N.J.S.A. 40:55D-70c(1) and/or (2), as specified above in the Relief Requested. In order for the Board to grant a variance in accordance with subsection "c", the Applicant must satisfy the so-called positive and negative criteria. In order to satisfy the positive criteria, the Applicant must show that exceptional conditions affect the Property and that the strict application of the Zoning Ordinance would present peculiar and exceptional practical difficulties or exceptional hardship to the Applicant. Exceptional conditions related to the Property may include the dimensions of the property, topographic conditions, or some other extraordinary or exceptional feature unique to the Property or the "structures lawfully existing thereon". N.J.S.A. 40:55D-70c(1). Or, the Applicant must show that the purposes of Municipal Land Use Law "would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment...". N.J.S.A. 40:55D-70c(2). The negative criteria require proof that the variances will not result in substantial detriment to the public good or substantially impair the purpose of the Zoning Ordinance and zone plan.

6. With regard to the variance for lot depth, the Board acknowledges that this is an existing condition inherent to the

Property. The Applicant has established that the condition cannot be mitigated because adjoining properties, specifically Lot 13 to the rear, is improved with a residential use which includes a residential dwelling, associated accessory structures, and a large garage in the back of the property and therefore cannot offer land to abate the lot depth deficiency. The Applicant has further established that the strict application of the lot depth regulation will preclude the construction of any home on the Property which is an exceptional hardship as it would devalue the Property substantially and render the Property unusable as a residential building lot.

7. With regard to the variance for the rear yard setback, the Board acknowledges that the need for the variance would be ameliorated if the Applicant chose to place the dwelling further forward on the Property and would be, perhaps, eliminated if the porch were to be removed. However, the Board agrees that the proposed placement of the dwelling is aesthetically pleasing and conforms more closely to the neighborhood and the placement of other homes in the neighborhood. The Board further agrees that a porch is customary and typical in single-family homes in the neighborhood and readily allows for convenient access from the home to the open space in the rear yard. The Board finds that the proposed placement of the proposed home creates a desirable visual environment, allows for greater visibility and does not block views from other existing homes on Orchard Street, and is in keeping with the neighborhood. The detriments associated with a request for a smaller rear yard implicate greater proximity to neighboring homes which results in a loss of light and open space. Here, the fact that the closest home on Lot 13 is more than 100 feet away from the property line and the amount of existing vegetation at the rear of the Property together with the existing garage at the rear of Lot 13 mitigate the issues associated with a smaller rear yard. Thus, the Board finds that the benefits of the proposed placement of the home with the porch, although it creates a smaller rear yard setback, outweigh any detriments.

8. The Board acknowledges that several neighboring property owners appeared to object to the Applicant's proposal and the Board considered all of the objections presented. With regard to the neighbors' concerns regarding basement flooding, no evidence was presented from which the Board could infer that the Relief Requested had any negative impact on the basement flooding problem in the area. The unrefuted evidence presented to the Board which was reviewed by the Board's professionals indicated that the proposed home will be constructed two feet above the high water table, the soils on the Property are permeable, and the Property

will be graded to allow drainage over the front of the Property to the street. With regard to the neighbors' concerns regarding the size of the Property and the size of the proposed home, the only variances required are for lot depth, an existing condition, and a diminished rear yard setback, which was created in an effort to otherwise make the proposed home conform to the neighborhood, as indicated above. Both the Property and the proposed home otherwise conform to the zoning standards. As to the neighbors' concerns regarding the elimination of open space due to the construction of a house on the Property, the Board is not entitled to preclude the construction of a home on residentially zoned property in order to preserve open space. The Property was offered for sale on the open market and could have been purchased by a neighboring property owner who would have been entitled to keep the Property as open space. In order to make the proposed home conform to the neighborhood and the existing residences in the neighborhood, the Board notes that the Applicant has freely agreed to amend the plans and lower the roof line. In addition, the Applicant has agreed to work with the Borough's Architectural Review Committee and to consider the Committee's recommendations in amending the building plan.

9. The Board finds that granting the requested bulk variances will not cause substantial detriment to the public good, the zone plan or the Zoning Ordinance. The Applicant has voluntarily agreed to amend the plan for the proposed home in order to create a home that more closely conforms to other residences in the neighborhood. The Applicant's proposal also allows for the parking of vehicles in a garage rather than the street thereby alleviating parking issues in the neighborhood. In addition, the Applicant's proposal contains a good deal of open space in the side yards of the Property and retains the existing vegetation for screening on the sides of the Property and in the rear yard. The Board finds that the Applicant's proposal enhances the Property with the development of an attractive residence in a visually pleasing manner that conforms to the other residential properties in the neighborhood.

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

1. The Applicant is required to comply with the following conditions:

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

- b. The Applicant shall comply with the recommendations of the Board Engineer, Roberts Engineering, in a report dated November 6, 2017.
- c. The Applicant shall submit the Applicant's plans for development to the Architectural Review Board for its review and comply with any Architectural Review Board recommendations.
- d. The Applicant shall amend the Applicant's plans for development to lower the slope of the roof toward the street, to the satisfaction of the Board Planner and the Architectural Review Committee.
- e. The Applicant shall remove any dead trees or shrubbery on the Property and shall provide additional buffering in order to mitigate the rear yard setback variance, to the satisfaction of the Board Planner.
- f. The Applicant shall replenish any deficiency in the Application escrow account before any review of Applicant's compliance with the Resolution shall commence. No building permit shall issue until the Applicant has complied with the conditions contained in this Resolution.

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

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

4. All fees assessed by the Borough of Hightstown for this Application and the Hearing shall be paid prior to any construction. Thereafter, the Applicant shall pay in full any and all taxes, fees, and any other sums owed to the Borough before any certificate of occupancy shall issue for the Property.

5. In accordance with the adopted ordinance provisions and the current requirements of the Borough of Hightstown, to the extent applicable, the Applicant shall be required to contribute to the Borough's "Housing Trust Fund" and/or otherwise address the impact

of the subject application for development upon the affordable housing obligations of the Borough, in a manner deemed acceptable by the Borough Council and in accordance with COAH's "Third Round Substantive Rules" and/or in accordance with enacted legislation and/or in accordance with directions from the Courts.

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

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

WHEREAS, A Motion was made by Mr. Balcewicz and seconded by Mr. Hansen to GRANT approval of the Relief Requested as set forth herein.

BE IT FURTHER RESOLVED, that this Resolution, adopted on February 12, 2018, memorializes the action of the Planning Board taken on the Hearing Date with the following vote: Yes: Montferrat, Asselstine, Colavecchio, Hansen, Searing, Jackson, Balcewicz; Recused: Cabot; Not Eligible: Quattrone, Misiura; Absent: None.

RESOLUTION DATE:

ATTEST:

Sandy Belan,
Board Secretary

Fred Montferrat,
Chairman

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

I hereby certify this to be a true copy of the Resolution
adopted on February 12, 2018.

Sandy Belan,
Board Secretary

Resolution 2018-01

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

2018 MEETING SCHEDULE

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the meetings of the Planning Board for the remainder of 2018 and for the first meeting in 2019, will be held at **7:30 p. m.**, at the Hightstown Engine Co. #1 Firehouse Hall, 140 North Main Street, Hightstown, on the following dates:

2018

Monday	January 8, 2018 – Canceled
Monday	February 12, 2018
Monday	March 12, 2018
Monday	April 9, 2018
Monday	May 14, 2018
Monday	June 11, 2018
Monday	July 9, 2018
Monday	August 13, 2018
Monday	September 10, 2018
Tuesday	October 9, 2018
Monday	November 12, 2018
Monday	December 10, 2018

2019

Monday	January 14, 2019
--------	------------------

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

Sandra Belan, Planning Board Secretary

Resolution 2018-02

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

DESIGNATING OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the *Trenton Times* and the *Windsor-Hights Herald* are hereby designated as the official newspapers for the year 2018.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

*Sandra S. Belan
Planning Board Secretary*

Resolution 2018-03

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

APPOINTING PLANNING BOARD SECRETARY

WHEREAS, there exists a need for a Planning Board Secretary for the Borough of Hightstown Planning Board; and

WHEREAS, it is the desire of the Planning Board to appoint Sandra S. Belan to this position; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Sandra S. Belan is hereby appointed as Planning Board Secretary for the year 2018 at the rate of \$20.00 per hour.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2018 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

Sandra S. Belan
Planning Board Secretary

Resolution 2018-04

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

APPOINTING PLANNING BOARD ENGINEER

WHEREAS, there exists a need for engineering services for the Planning Board of the Borough of Hightstown, and

WHEREAS, Carmela Roberts, Roberts Engineering Group, LLC has served in the previous years as both the Borough Engineer and the Planning Board Engineer, and

WHEREAS, the Planning Board desires the continued services of Ms. Roberts for the 2018 year as the Planning Board Engineer as stated in her "Hourly Fee Schedule" previously approved by Borough Council.

WHEREAS, this contract is awarded as a "fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Carmela Roberts is hereby appointed Planning Board Engineer for the 2018 year.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2018 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

*Sandra S. Belan
Planning Board Secretary*

Resolution 2018-05

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

APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – WOOLSON ANDERSON MAZIARZ, P.C.

WHEREAS, there exists the need for specialized legal services for the Planning Board during 2018; and

WHEREAS, it is the desire of Planning Board to appoint **Woolson Anderson Maziarz, P.C.**, of Somerville, New Jersey, as Planning Board Attorney for the year 2018; and

WHEREAS, the cost for the proposed services shall be as stated in the “2018 Hourly Fee Schedule” as approved by the Planning Board; and

WHEREAS, funds for this purpose will be made available in the 2018 budget; and,

WHEREAS, the anticipated term of this contract is for the 2018 calendar year, and it may only be renewed upon further action of the Planning Board; and

WHEREAS, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Planning Board of the Borough of Hightstown that the Planning Board Chairman is authorized to execute and the Planning Board Secretary to attest an agreement between the Borough of Hightstown and Woolson Anderson Maziarz, P.C. for professional legal services for the year 2018.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. The Chairman and Secretary are hereby authorized and directed to execute an Agreement with Jolanta Maziarz, Woolson Anderson Maziarz P.C., 11 East Cliff Street, Somerville, New Jersey 08876.
2. This Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law, (N.J.S.A. 40A:11-5(a)) as a contract for services to be performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A copy of this Resolution and Contract shall be placed on file in the Office of the Borough Clerk.
4. Notice of Adoption of this Resolution should be published in an official Borough newspaper.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

Sandra S. Belan
Planning Board Secretary

PROFESSIONAL SERVICES AGREEMENT

Legal Services – Planning Board

THIS AGREEMENT, made this 12th day of February, 2018, by and between the Planning Board of the Borough of Hightstown, County of Mercer, State of New Jersey, hereinafter referred to as the Planning Board, and Jolanta Maziarz, Woolson Anderson Maziarz P.C., 11 East Cliff Street, Somerville, New Jersey 08876; and

WHEREAS, the Planning Board requires the services of an Attorney at Law of New Jersey to serve in the capacity of Planning Board Attorney; and

WHEREAS, the Planning Board has authorized the appointment of Jolanta Maziarz, Woolson Anderson Maziarz P.C., to serve as Planning Board Attorney during the Calendar Year 2018 as memorialized by adoption of Resolution 2018-05.

NOW, THEREFORE, BE IT HEREBY AGREED by the Planning Board and the Attorney that the Attorney will perform legal services for the Board and the Board will compensate the Attorney for such legal services as follows:

- | | | |
|----|---|----------------------|
| 1. | Attendance at all Planning Board meetings and work sessions | \$450.00 per meeting |
| 2. | All other legal services, including court time | \$140.00 per hour |
| 3. | Paralegal | \$60.00 per hour |
| 4. | Clerical | \$15.00 per hour |
| 5. | Any out-of-pocket disbursements | actual cost |

IN WITNESS WHEREOF, the Board and the Attorney have executed this Agreement as of the date first above written.

Attest by:

Hightstown Planning Board

Sandra Belan, Secretary
Planning Board

Fred Montferrat, Chairman
Planning Board

Jolanta Maziarz, Attorney

Resolution 2018-06

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

APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL PLANNING SERVICES – BRIAN M. SLAUGH

WHEREAS, there exists the need for specialized planning services for the Planning Board during 2018; and

WHEREAS, it is the desire of Planning Board to appoint Brian M. Slauch, PP, AICP of the firm Clarke Caton Hintz, 100 Barrack Street, Trenton, New Jersey, as Planning Board Planner for the year 2018; and

WHEREAS, funds for this purpose will be made available in the 2018 budget; and,

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Planning Board; and

WHEREAS, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Brian M. Slauch is hereby appointed Planning Board Planner for the 2018 year.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough’s 2018 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on February 12, 2018.

Sandra Belan
Planning Board Secretary