



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA

March 12, 2018 – 7:30 P.M.

Meeting call to order by Josh Jackson, Vice Chairman

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

Approval of Minutes February 12, 2018, Regular Meeting

Public Comment

Resolutions 2018-09 – REVISED Meeting Schedule 2018

Hearing

- 1) Borough of Hightstown Planning Board Proposed Condemnation Redevelopment Area

New Business

- 1) Resolution 2018-09 – Resolution Recommending the Expansion of the Bank Street (Sub-Area 1) Condemnation Redevelopment Area to Include Block 21, Lot 20 as a Condemnation Area in Need of Redevelopment Pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 *et seq.*)
- 2) Resolution 2018-10 – Authorizing an Amendment to an Agreement for Professional Legal Services for 2018
- 3) Ordinance - Accessory Use – treehouses, gazebo, etc.

Old Business

- 1) 2018 DVRPC Transportation and Community Development Initiative (TCDI)

Committee and Professional Reports

Chairman and Board Member Comments

Adjournment

Hightstown Planning Board
Regular Meeting
February 12, 2018, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:35 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		
Mr. Hansen	X		
Mr. Searing	X		
Mr. Jackson	X		
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 for a motion to approve the agenda. Motion made by Mr. Cabot and seconded by Mr. Searing to approve the agenda.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone was absent.

Motion passed 9-0.

NOMINATIONS – Chairman and Vice Chairman

Motion made by Mr. Misiura to nominate Fred Montferrat to serve as Chairman. Motion seconded by Mr. Balcewicz.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone was absent.

Motion passed 9-0.

Motion made by Mr. Misiura to nominate Joshua Jackson to serve as Vice Chairman. Motion seconded by Mr. Cabot.

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

OATH OF OFFICE

Planning Board Attorney Jolanta Maziarz swore in the following Planning Board Members:

Steve Misiura, Class III
Bill Searing, Class II
Joe Balcewicz – Alt. #1

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the December 11, 2017, Regular Meeting. Motion made by Mr. Balcewicz and seconded by Mr. Hansen to approve the minutes.

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

PUBLIC COMMENT

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

Carmen Ortiz, 240 Mercer Street – We have lived here for over 40 years and I also work at the Hightstown East Windsor YMCA. YMCA staff was informed that the YMCA will be closing as of June 2018. Live next store we have some concerns especially with our driveway. I would like the Board to give her some direction regarding this project. Mr. Slaugh, Planner provided some background for Ms. Ortiz. Mr. Slaugh's firm was engaged to do a feasibility study to determine if this property could be used for a municipal building. Mr. Slaugh gave a brief overview of the proposed project. Mr. Misiura informed Ms. Ortiz that the feasibility study is currently on the Borough's Website. Mr. Misiura reviewed the various concept plans and suggested she should attend a Borough Council meeting who may have for further information.

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

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

Ms. Maziarz noted that she changed the one correction (Architectural Review Committee) suggested by Mr. Balcewicz.

Ms. Maziarz reviewed the bulk variances requested. Mr. Montferrat asked if any of the neighbors had contacted the Board regarding reviewing the plans. Mr. Slaugh noted that the applicant has submitted a revised architectural design. Mr. Slaugh will forward copies of the revised design to the Architectural Review Committee (Dodie Colavecchio and Ron Hansen).

Motion made by Mr. Balcewicz and seconded by Ms. Colavecchio to adopt Resolution 2018-07 Memorializing Application #2017-03, Umberto Pirone, Block 63, Lot 24, 111 Orchard Avenue Granting Two bulk variances to construct a single family residential dwelling in a residential neighborhood. Relief requested:

- 1) Bulk variances in accordance with N.J.S.A. 40:55D-70c(1) and c(2), as follows:
From Section 2-3-5.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;
- 2) 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);

Roll Call Vote: Mr. Montferrat, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson and Mr. Balcewicz voted yes. Mr. Cabot abstained; Mr. Misiura, Not Eligible and Mayor Quattrone Absent. **Motion passed 7-0**

REORGANIZATION RESOLUTIONS

- 1) Resolution 2018-01 – Meeting Schedule 2018

Ms. Maziarz and Mr. Slauch noted that they may have conflicts with dates in April and October, however, they have other staff available if necessary.

Mr. Montferrat asked for a motion to adopt Resolution 2018-01 - Planning Board 2018 Meeting Schedule Motion made by Mr. Jackson and seconded by Mr. Hansen.

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

Resolution 2018-01

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 2018, 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
February 12, 2018	

Monday

December 10, 2018

2019

Monday

January 14, 2019

2) Resolution 2018-02 – Designating Official Newspapers

Motion made by Mr. Misiura and seconded by Mr. Cabot to approve Resolution 2018-02 – Designating Official Newspapers (Trenton Times and Windsor-Hights Herald).

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

Resolution 2018-02

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.

3) Resolution 2018-03 – Appointing Planning Board Secretary

Motion made by Mr. Searing and seconded by Mr. Jackson to adopt Resolution 2018-03 Appointment of Planning Board Secretary.

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

Resolution 2018-03

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.

4) Resolution 2018-04 – Appointing Planning Board Engineer

Motion made by Mr. Hansen and seconded by Ms. Colavecchio to adopt Resolution 2018-04 Appointing Planning Board Engineer.

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

Resolution 2018-04

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.

5) Resolution 2018-05 – Appointing Planning Board Attorney

Motion made by Ms. Colavecchio and seconded by Mr. Balcewicz to adopt Resolution 2018-05 – Appointing the Planning Board Attorney.

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

Resolution 2018-05

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.

6) Resolution 2018-06 – Appointing Planning Board Planner

Motion made by Mr. Cabot and seconded by Mr. Searing to adopt Resolution 2018-06 – Appointing the Planning Board Planner.

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

Resolution 2018-06

**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. Slaugh, 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. Slaugh 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.

Subcommittee/Liaison Appointments

Architectural Review Committee	Dodie Colavecchio, Ron Hansen, George Chin
Affordable Housing Subcommittee	Fred Montferrat, Steve Misiura, Josh Jackson
Historic Preservation Commission - Liaison	Dodie Colavecchio
Environmental Commission - Liaison	Josh Jackson

NEW BUSINESS:

- 1) Capital Projects – Ms. Roberts reviewed the proposed Capital Road Improvements Program. Council requested a recommended program of road and sidewalk improvements. Reviewed the roads and prepared a list of the roads considered to be in worst condition; reviewed sidewalks (without any connection to the roads) locations where there are currently no sidewalks. Provide sidewalks on at least one side of the road. To provide sidewalks on both sides of the road, the length and cost is doubled. Suggested that a subcommittee be established to review these recommendations and determine the best way to master plan these improvements to roadways and sidewalks. Once the roads are prioritized the costs will be determined. Mr. Misiura -- Council is concerned with sidewalks and cross walks. Subcommittee comprised of Councilmembers (Mr. Stults and Mr. Misiura), Planning Board (Beverly Asselstine and Dodie Colavecchio) and a representative of the Environmental Commission will review roads, sidewalks, cross walks and overall streetscape.
- 2) Expansion of the Bank Street Redevelopment Area –Mr. Slaugh reviewed the Redevelopment Area and the process - Board will need to conduct a Public Hearing in March. Ms. Maziarz will prepare the resolution. Mr. Slaugh reviewed the proposed time line.
- 3) 2018 DVRPC Transportation and Community Development Initiative (TCDI) – Borough Council requests that the Planning Board review this opportunity and prepare an application that would include a study regarding parking, traffic circulation and public transportation on Hightstown. Application will assist Hightstown with an evaluation of its present circumstances and plan for ongoing projects and future development. Mr. Misiura spoke with Mayor of East Windsor today and talked about the next steps for the Route 33 Corridor. She also mentioned this grant. Chairman Montferrat and Mr. Misiura will discuss with Mayor Mironov. Mr. Misiura will discuss further with Council.

OLD BUSINESS:

- 1) Sign Ordinance – LED Lights – Mr. Slaugh reviewed the proposed changes to the ordinance regarding LED lights. The proposed Ordinance will be forwarded to the Borough Council for their review.

Discussion regarding lighting and signage at the State Farm Building. George Chin will meet with the owner to discuss the number of lights and timing of the lights. Ms. Maziarz – If the Zoning Officer approved and construction has been completed there is nothing the Planning Board can do at this time. Anything done without Borough permission regarding the lights and signs is now an enforcement issue.

Ms. Roberts informed the Board that a site plan is required when there are four or more new parking spaces added. Ms. Maziarz – Zoning Officer can investigation how they paved the parking lot. If it was done without the benefit of receiving site plan approval, they can be sited, and would have to come before the Planning Board for a Site Plan.

Committee and Professional Reports

Historic Preservation Commission – Ms. Colavecchio informed the Board the Historic Banners have been received and will be installed in the spring.

Deerfield/Westerlea Project - Ms. Maziarz updated the Board on the proposed project.

Mr. Montferrat, Mr. Balcewicz and Mr. Searing met with George Chin regarding a treehouse built on Wyckoff Mill Road. George Chin issued a stop work order. Researching records on treehouses from other municipalities. Per Ms. Maziarz accessory uses are incidental to the primary use. Collecting data and will discuss at the March meeting.

COAH – Ms. Maziarz updated the Board on COAH – Received an order from Judge Jacobson concerning West Windsor and Princeton (last two municipalities remaining in the litigation in Mercer County). Judge indicated that she will be issuing a decision on the numbers. Hightstown Borough will eventually get their affordable housing numbers as proposed by Rich Reiding.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Hansen and seconded by Mr. Balcewicz. All ayes. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

Resolution 2018-08

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

AMENDING RESOLUTION 2018-01 WHICH APPROVED THE 2018 MEETING SCHEDULE

WHEREAS the Planning Board adopted Resolution 2018-01 establishing 2018 Meeting Schedule at the February 12, 2018 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown that resolution 2018-01 is amended. Resolution 2018-08 hereby amends the previously approved 2018 Meeting Schedule. Planning Board meetings 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
Tuesday	November 13, 2018
Monday	December 10, 2018

2019

Monday	January 14, 2019
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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 -09
HIGHTSTOWN BOROUGH PLANNING BOARD
MERCER COUNTY, NEW JERSEY

RESOLUTION RECOMMENDING THE EXPANSION OF THE BANK STREET (SUB-AREA 1) CONDEMNATION REDEVELOPMENT AREA TO INCLUDE BLOCK 21, LOT 20 AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW
(N.J.S.A. 40A:12A-1 *et seq.*)

WHEREAS, the Hightstown Borough Planning Board (the “Board”) conducted a hearing in accordance with N.J.S.A. 40A:12A-6b of the Local Redevelopment and Housing Law (the “LRHL”) on March 12, 2018 (the “Hearing Date”) to hear comments from all interested parties regarding the investigation of a condemnation area in need of redevelopment, specifically, Block 21, Lot 20 on the Borough’s official Tax Map (the “Study Area”); and

WHEREAS, prior to the aforementioned Hearing Date, the Board received a report prepared by the Board’s Planning Consultants, Brian Slauch, P.P. and Kendra Lelie, P.P. of Clarke Caton Hintz, P.C., entitled “Preliminary Investigation of an Area in Need of Redevelopment, Expansion of the Bank Street (Sub-Area 1) Redevelopment Area Block 21, Lot 20, Hightstown Borough, Mercer County, New Jersey” (the “Report”), which is a study prepared at the direction and on behalf of the Board to determine whether the Study Area qualifies as a condemnation area in need of redevelopment as defined by LRHL, N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, the Borough Council of the Borough of Hightstown authorized and directed the Board to conduct this study of the Study Area by Resolution 2017-203, adopted on December 11, 2017; and

WHEREAS, all jurisdictional requirements of the Borough’s Zoning Ordinance, the Municipal Land Use Law, and the LRHL have been met and a public hearing was held before the

Board on the Hearing Date for the purpose of hearing the results of the preliminary investigation of the Study Area to determine whether it qualifies as an area in need of redevelopment; and

WHEREAS, Board Planning Consultant, Brian Slaugh, testified before the Board with regard to the findings of fact and recommendations contained in the Report.

NOW, THEREFORE, BE IT RESOLVED that the Hightstown Borough Planning Board makes the following findings of fact, conclusions of law and recommendations to the Borough Council regarding this review:

1. Brian Slaugh testified that the Study Area consists of a parcel of land that is designated on the Borough's Tax Map as Block 21, Lot 20 in the R-3, residential zoning district. The Study Area comprises a minimally improved, land-locked, vacant lot less than three-tenths of an acre in size. The Study Area is located on the southern edge of the western portion of Sub-Area 1 (Bank Street) of the Main Street Redevelopment Area ("Redevelopment Area") and is accessible by a private driveway from Block 21, Lots 3, 4, 5 and 14. The Study Area slopes slightly from west to east and north to south; the southern edge of the parcel is located at the edge of a swale that drains from North Academy Street to Rocky Brook. The Study Area is not impacted by the environmental constraints of the Redevelopment Area.

2. Mr. Slaugh further testified that the Study Area is surrounded by a storage facility and vacant industrial buildings to the north and single-family dwellings to the south. The parcels located immediately to the west, north and east of the Study Area were designated as an Area in Need of Redevelopment in December 2003 and are also included in several iterations of a redevelopment plan which was originally adopted in September 2004 (subsequently revised in October 2006, October 2008, April 2015 and most recently March 2017).

3. Mr. Slaugh stated that the Redeveloper's Agreement for the Redevelopment Area entered into in March of 2017 contemplates the development of approximately 47,500 square feet

of retail space, 266 residential units, associated parking and other infrastructure improvements. The Study Area is needed to provide adequate access to the Redevelopment Area.

4. Mr. Slaugh reviewed two maps depicting the Study Area that were appended to the Report and entitled, "Tax Lots Bank Street Redevelopment Area" and "Environmental Constraints Bank Street Redevelopment Area".

5. The Report also contains the Borough Council's resolution numbered 2017-203 authorizing and directing the Board to determine whether the Study Area constitutes an area in need of condemnation redevelopment in Appendix A.

6. Mr. Slaugh reviewed the statutory criteria for the establishment of an area in need of redevelopment and further reviewed its applicability to the Study Area with the Board. He stated the LRHL at N.J.S.A. 40A:12A-5 provides that a delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearings as provided in N.J.S.A.40A:12A-6, the governing body of the municipality, by resolution, concludes that within the delineated area any of the following conditions is found:

- a. The generality of buildings are 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

vacant 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 development 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 of obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- 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 areas 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.183, c.303 (C.52:27H-60 *et seq.*) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 *et seq.*) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 *et seq.*). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.192, c.79 (C.40A:12A-1 *et al.*) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
 - h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

7. With regard to the foregoing criteria, Mr. Slaugh stated the results of the redevelopment area investigation reveal that the Study Area meets criteria “c”, “e”, and “h” for designation as an area in need of redevelopment.

8. With regard to criterion “c”, Mr. Slaugh testified that the Study Area has remained unimproved for at least the last 10 years. Tax Assessor data indicates that the Study Area has no known owner which creates an insurmountable challenge to a private entity willing to purchase the property and only governmental action to acquire the property will enable its reuse. The Study Area is very narrow and cannot be developed as it does not have access to a public street or to a private easement leading to a street. The Study Area, therefore, is not likely to be developed through the use of private capital.

9. With regard to criterion “e”, Mr. Slaugh testified that the Study Area has no known owner and a clouded title. Being placed into a condemnation redevelopment area allows the Borough to acquire the Study Area and extinguish any potential future claims to it. Without this action, the Study Area cannot be properly utilized.

10. With regard to criterion “h”, Mr. Slaugh explained that the State’s Planning Commission designated the Borough a Designated Center in a Smart Growth Area. Mr. Slaugh testified that redevelopment of the Study Area will further smart growth principles such as: future development direct to Centers with existing infrastructure, creation of livable and walkable neighborhoods with a variety of housing types and price ranges, and community and stakeholder collaboration in development decision making. The redevelopment of the Study Area will support an allowed use within the Redevelopment Area and will further the objectives of Smart Growth development which is supported by many policies at the State and local level. Mr. Slaugh further testified that while criterion “h” is not sufficient, in and of itself, to qualify 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”.

11. Mr. Slaugh concluded that the Study Area qualifies as an area in need of condemnation redevelopment. Even if the Study Area does not meet any of the criteria of the

LHRL to sustain a designation, it is necessary for the effective redevelopment of the Redevelopment Area. Based upon his analysis, Mr. Slaugh believed that the Study Area meets the criteria set forth in *N.J.S.A.* 40A:12A-5(c), (e), (h) and therefore can be designated as a condemnation area in need of redevelopment.

12. [] members of the public spoke regarding this matter.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Hightstown Borough Planning Board recommends to the Borough Council that the Study Area should be determined to be a condemnation area in need of redevelopment pursuant to the testimony of Board Planner, Brian Slaugh, memorialized herein, and the Report submitted by the Board's Planning Consultants, Clarke Caton Hintz, P.C .

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Hightstown Borough Planning Board finds that the Study Area meets the criteria outlined in *N.J.S.A.* 40A:12A-5(c), (e), and (h) as the Study Area is a small, narrow piece of land that lacks clear title and ownership, lacks access to a public street, is not likely to be developed through the instrumentality of private capital, and is necessary to be included in the Redevelopment Area in order to ensure that the goals and objectives for redevelopment are met.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Board of the Borough of Hightstown on this 12th day of March, 2018, that the action of the Planning Board taken on March 12, 2018 is hereby memorialized as is stated herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the Hightstown Borough Council for review.

Fred Montferrat, Chairman
Hightstown Borough Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Hightstown Borough Planning Board, Mercer County, New Jersey at a public meeting held on March 12, 2018.

Sandy Belan, Board Secretary
Hightstown Borough Planning Board

Resolution 2018-10

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

AUTHORIZING AN AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL LEGAL SERVICES FOR 2018

WHEREAS, on February 12, 2018, the Planning Board adopted Resolution 2018-05 appointing Jolanta Maziarz of Woolson Anderson Maziarz, P.C. of Somerville, New Jersey, as Planning Board Attorney for the year 2018; and

WHEREAS, in accordance with Resolution 2018-05, the Planning Board entered into an Agreement for Professional Legal Services with Woolson, Anderson, Maziarz, P.C. for the year 2018; and

WHEREAS, Jolanta Maziarz will no longer maintain an association with Woolson, Anderson, Maziarz, P.C. after March 31, 2018; and

WHEREAS, although the Planning Board has been advised that it may maintain its current Agreement for Professional Legal Services with Woolson, Anderson, Maziarz, P.C. for the year 2018, the Planning Board desires to continue to retain Jolanta Maziarz as its primary Planning Board attorney and further desires to amend its Agreement for Professional Legal Services for the year 2018 in order to retain the law firm of Ventura, Miesowicz, Keough & Warner, P.C., by whom Ms. Maziarz will be employed, effective April 1, 2018; and

WHEREAS, with the exception of the replacement of Woolson, Anderson, Maziarz, P.C. with the law firm of Ventura, Miesowicz, Keough & Warner, P.C., the Professional Legal Services Agreement for the year 2018 shall remain unchanged in all other respects.

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 Amendment of the Planning Board's Agreement for Professional Legal Services for the year 2018 replacing Woolson, Anderson, Maziarz, P.C. with Ventura, Miesowicz, Keough & Warner, P.C. as the entity that will provide professional legal services to the Planning Board for the remainder of 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 Amendment to the Agreement for Professional Legal Services with Ventura, Miesowicz, Keough & Warner, P.C.

2. The original Contract was 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 Amendment 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 March 12, 2018.

Sandra S. Belan
Planning Board Secretary

**Addendum To
Professional Services Agreement**

THIS AGREEMENT, made this _____ day of _____, 2018, by and between the **BOROUGH OF HIGHTSTOWN PLANNING BOARD**, located at 156 Bank Street, Hightstown, New Jersey 08520, (hereinafter referred to as "the Board"), and **VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.**, the Principal Attorney being **JOLANTA MAZIARZ**, whose office address is 783 Springfield Avenue, Summit, New Jersey, (hereinafter referred to as "Attorney").

1. The Professional Services Agreement dated _____, 2018, by and between the Board and Woolson Anderson Maziarz, P.C., the Principal Attorney being Jolanta Maziarz, is hereby amended, as of April 1, 2018, to replace "Woolson Anderson Maziarz, P.C., the Principal Attorney being Jolanta Maziarz," with "Ventura, Miesowitz, Keough & Warner, P.C., the Principal Attorney being Jolanta Maziarz," wherever same appears therein, and "Woolson Anderson Maziarz, P.C." shall be replaced with "Ventura, Miesowitz, Keough & Warner, P.C." in Paragraph 4 therein, and the Professional Services Agreement shall remain unchanged in all other respects.

IN WITNESS WHEREOF, the Board and Attorney have signed this Agreement the day and year first above written.

ATTEST:

**BOROUGH OF HIGHTSTOWN PLANNING
BOARD**

Sandra S. Belan, Secretary

By: _____
Fred Montferrat, Chairman

ATTEST:

**VENTURA, MIESOWITZ, KEOUGH &
WARNER, P.C.**

Jolanta Maziarz

By: _____
Steven K. Warner, Secretary