



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA

April 30, 2018 – 7:30 P.M.

Meeting call to order by Fred Montferrat, 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 March 12, 2018 Regular Meeting
 March 26, 2018 Special Meeting

Public Comment

New Business 421 North Main Street

Hearing The Lofts at Hightstown, Preliminary and Final Major Site Plan –
 Phase 1 – Block 21, Lots 1-14, 20 & 26

Adjournment

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

OPEN SESSION

Joshua Jackson, Vice Chairman, called the meeting to order at 7:30 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, Robyn Wright, Attorney and Brian Slaugh, Planning Board Planner.

APPROVAL OF AGENDA

Mr. Jackson asked for a motion to approve the agenda. Motion made by Mr. Searing and seconded by Mr. Balcewicz to approve the agenda.

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

Motion passed 7-0.

APPROVAL OF MINUTES

Mr. Jackson asked if there were any corrections or comments to the minutes of the February 12, 2018 Regular Meeting. Motion made by Mr. Misiura and seconded by Ms. Colavecchio to approve the minutes.

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

Motion passed 6-0, one abstention.

PUBLIC COMMENT

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

There being no public present, Mr. Jackson closed the public portion of the meeting.

RESOLUTION

1) Resolution 2018-08 – Amending Meeting Schedule 2018

Resolution amends Resolution 2018-01 Meeting Schedule 2018 - Municipal Offices will be closed on Monday, November 12 in observance of Veteran's Day. Therefore, the November Planning Board meeting will be held on Tuesday, November 13, 2018.

Mr. Jackson asked for a motion to adopt Resolution 2018-08 - Planning Board 2018 Meeting Schedule Motion made by Mr. Searing and seconded by Mr. Balcewicz.

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

Motion passed 7-0.

HEARING – Notice of this Hearing was published on February 23 and March 2, 2018, in the official newspaper of the Borough.

Borough of Hightstown Planning Board Proposed Condemnation Redevelopment Area -

Ms. Wright swore in Mr. Brian Slaugh, Professional Planner, State of New Jersey, Planning Board and Borough Council Planner, Clarke Caton Hintz testified on the Preliminary Investigation of an Area in Need of Redevelopment, Expansion of the Bank Street Redevelopment Plan.

Mr. Slaugh reviewed the Expansion of the Bank Street Redevelopment Area – Block 21, Lot 20 –a small piece of land (1200 square feet) that was used as part of the Rug Mill Industrial Complex. The owner is unknown. Mr. Slaugh provided a brief description of the area in question. This is one of the main steps in creating a redevelopment plan. Under State Law the Planning Board is the designated body for determining an area in need of redevelopment.

Mr. Slaugh reviewed the criteria set forth in the Local Redevelopment and Housing Law (LRHL). The Study Area is essentially unimproved, undersized parcel, irregular in shape, land-locked and with an unknown owner.

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

The Study Area meets the “c” criterion since it is *“unimproved land that has remained so for a period of ten years... and is not likely to be developed through the instrumentality of private capital.”*

- 2) Criterion “E” - A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in the stagnant

or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

The Study Area meets the “e” criterion in the statute since it exhibits *“A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions...”*

- 3) Criterion “H” – The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

“Smart Growth” principles are embodied in the New Jersey State Development and Redevelopment Plan adopted on March 1, 2001, by the State Planning Commission pursuant to the State Planning Act. Hightstown Borough is a Designated Center located in Planning Area 2. Centers have been designated by the State Planning Commission as “Smart Growth Areas.”

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

Even if Block 21, Lot 20 did not meet any criteria of the LHRL for designation itself, the property is fundamentally necessary to meet the objectives of the Bank Street Redevelopment Area. Property is permitted to be included in a redevelopment area if:

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

It is the conclusion of this preliminary investigation that the Study Area qualified under the criteria set forth at N.J.S.A. 40A:12A-1 et seq., to be designated as an Area in Need of Redevelopment. The Study Area satisfied criteria “c”, “e” and “h” for many reasons, including a lack of clear ownership and title, the lack of access to a public street, its narrowness and small size, and its necessary inclusion in the Bank Street Redevelopment Area, or Sub- Area 1 of the Main Street Redevelopment Area, in order to ensure that its goals and objectives for redevelopment may be met.

It is my recommendation that based on my investigation and the criteria of the law, that the site does meet the criteria for being designated an area in need of redevelopment. If the Board agrees, the next step would be to adopt a resolution. The Borough Council would then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such determination is then sent to each objector who has sent in a written objection and the Commissioner of the NJ Department of Community Affairs.

Mr. Jackson opened the meeting for public comment on this topic. There being no public present, Mr. Jackson closed the public portion of the meeting.

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.

Mr. Jackson asked for a motion to adopt Resolution 2018-08. Motion made by Mr. Misiura and seconded by Mayor Quattrone.

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

Motion passed 7-0.

- 2) Resolution 2018-10 – Authorizing an Amendment to a Agreement for Professional Legal Services for 2018 – Ms. Maziarz is moving to another firm.

Mr. Jackson asked for a motion to adopt Resolution 2018-10. Motion made by Mayor Quattrone and seconded by Ms. Colavecchio.

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

Motion passed 7-0.

- 3) Ordinance – Accessory Use – gazebos, treehouses, etc. George Chin, Zoning Officer discussed the proposed ordinance to add the following to the accessory structures: gazebos, pergolas and arbors. Several residents have asked about gazebos, which are currently not permitted as an accessory structure. Mr. Slauch noted that pergolas usually do not have a roof. It's a structure of wood. Definitions for pergolas and arbors are interchangeable.

- a. Roofed structures shall include free standing gazebos, pergolas, arbors and similar structures.
- b. Roofed structures are permitted only in the rear yard and cannot be closer than 10'-0" to any property line.
- c. The maximum size is 256 square feet or 20% of the rear yard, whichever is smaller. The maximum height is sixteen (16) feet.
- d. The roofed structures with completely covered roofs will be included in the total lot coverage of all buildings. The roofed structures with open roofs or lattice will be included in the total lot coverage of all structures and other improvements.

Board suggested that specific definitions be provided for each (gazebos, pergolas and arbors).

28-10-21 Tree House – currently there is nothing in the ordinance to prevent the construction of a tree house in the Borough. Suggested addition:

- a. The tree house is permitted only in the rear yard and cannot be closer than 10'-0" to any property line.
- b. Maximum size of the tree house is eighty (80) square feet. Maximum height to the highest element of the tree house is twelve (12) feet.
- c. The tree must be a mature, healthy deciduous or coniferous tree with a trunk diameter of twelve (12) inches or more. Supports are to be attached using a single large lag bolt fitted into a cleanly drilled pilot hole. Nails, screws, cables or ropes slung over branches are prohibited because they will damage the tree.
- d. Platforms require railings or wall enclosure a minimum of thirty (30) inches above the platform. The bottom of any window or opening must be thirty (30) inches above the platform.
- e. Electric, plumbing or lighting is not allowed in or on the tree house or tree.

- f. The zoning permit is only to allow the tree house to be built. Hightstown Borough is not responsible for the structural integrity of the tree house. Hightstown Borough assumes no responsibility for how the tree house is used. The zoning permit for a tree house is good for only one year. It must be renewed annually. The tree house must come down when it is no longer being used.

Mr. Slauch suggested it may be better to use performance standards and not be too specific with the requirements and building details – adequately supported, no damage the tree, etc. Tree house discussion tabled and forward to attorney for further review.

Mr. Chin will provide the Board with specific ordinances from other towns concerning tree houses. Mr. Chin will make the proposed changes and forward a copy to Mr. Slauch for his final review.

Mr. Jackson asked for a motion to approve the proposed additions (gazebos, pergolas and arbors) to the Accessory Uses Ordinance with the following suggestions by the Board.

- 1) Add definitions (gazebos, pergolas and arbors)
- 2) Terminology be consistent throughout

Motion made by Mr. Misiura and seconded by Mayor Quattrone.

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

Motion passed 7-0.

OLD BUSINESS:

- 1) 2018 DVRPC Transportation and Community Development Initiative (TCDI) – mandatory meeting scheduled for Tuesday, March 15, 2018. Discussion. This is an annual grant process which does require extensive planning. They look for supporting documents – plans, Master Plan, and resolutions. Establish a subcommittee to begin preparation on this grant proposal for 2019.

Committee and Professional Reports

- 1) Mr. Slauch reported that Judge Jacobson's decision was released on Friday, March 9th, in the Affordable Housing with West Windsor and Princeton. Issued an extensive opinion paper and goes through her methodology. Her numbers are almost half of the Fair Share Housing Numbers on a statewide basis. Princeton – Rich Redding's numbers: Princeton 501 units and West Windsor 1000 units. Princeton 753; West Windsor 1500 units from Court's decision.

If Rich Redding's numbers are applied to Hightstown, the numbers would go from 83 to 138 units. Under Vacant Land Analysis that was previously done, Hightstown has a realistic development potential of 49 units.

Chairman and Board Member Comments

- 1) Ms. Asselstine reported that the Bicycle Planning Subcommittee met and identified five planning issues:
 - a) Integrated plan for roads that cut across the three jurisdictions (state, county and local)
 - b) Specific safety issues for bikes and pedestrians in Downtown Hightstown
 - c) Safe routes to schools

- d) Difficulty in dealing with three different constituencies (children, bike commuters and recreational bikers)
- e) Integrating with existing bike plans for connecting roads with East Windsor and the County

Discussed potential members for an Advisory Board which would include:

- a) Downtown Hightstown (local business owners)
- b) Peddie School
- c) East Windsor Regional School District
- d) Police Department
- e) Department of Public Works
- f) Parks & Recreation
- g) Environmental Commission
- h) Planning Board

Outreach to outside community organizations: RISE, non-profit organizations and churches. Potential areas for local participation – Planning Assistance grant requires that the local community contribute: Bike education program for the community, Street & Sidewalk Committee, implementation of complete streets policy.

Grant funds would assist in creating the plan – community outreach, gathering information, looking at records of safety issues, coordinating with other jurisdictions and creating standards. The plan would create standards for bicycle usage on different types of streets. Both Princeton and East Windsor have received this grant. Hightstown is the only municipality in Mercer County that does not have a bike plan.

Mr. Slauch - This grant is pass through money from the Federal Government – proposal based with rolling deadline. Local Planning Assistance grant, the DOT solicits proposals and builds a team to assist municipalities facilitate the plan (meetings, task force, create a plan).

The Grant would require a letter from the Mayor and a Resolution from the Borough Council. The Planning Board approved the Bicycle Subcommittee to proceed with this grant proposal.

Architectural Review Committee – Ms. Colavecchio reviewed the revised architectural plans for 111 Orchard Avenue. Also, will be meeting with the potential owner of 421 N. Main Street regarding design, character and location for this property.

Environmental Commission – Mr. Jackson - April 21 Annual Arbor Day tree planting, shredding and stream clean up from 10:00 a.m. to 12:00, location to be determined.

There being no further business Mr. Jackson asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Mayor Quattrone. All ayes. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

Hightstown Planning Board
Special Meeting
March 26, 2018, 7:30 p.m.

OPEN SESSION

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

Flag Salute

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Montferrat, Chairman	X		
Mayor Quattrone		X	
Councilman Misiura		X	
Ms. Asselstine	X		
Ms. Colavecchio	X		
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, Attorney and Brian Slaugh, Planning Board Planner.

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the Special Meeting Agenda for March 26, 2018.

Motion made by Mr. Cabot and seconded by Mr. Balcewicz to approve the March 26, 2018 agenda.

ROLL CALL VOTE: Mr. Montferrat, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone and Mr. Misiura were not present. Vote: 8-0

Mr. Montferrat opened the Public Comment portion of the meeting. There being no public present, Mr. Montferrat closed the public comment portion.

Ordinance 2018-07 – Ordinance of the Borough of Hightstown, in the County of Mercer, Approving an Amendment to Redevelopment Plan for Main Street Redevelopment Area.

Ms. Maziarz – This Ordinance has been forwarded by the Borough Council after introduction. Planning Board will determine whether this ordinance is not inconsistent with the Master Plan.

Ms. Maziarz swore in Brian Slaugh, Planning Board Planner to testify. Mr. Slaugh has reviewed the Master Plan for this area. The Master Plan shows the area where the redevelopment districts are within the Municipality. The Master Plan includes the lot in question in the redevelopment area. However, when the redevelopment area was being designated, this lot was not included. This lot was included in the land use classification for the redevelopment area but was not included in the actual area in need of redevelopment designation by Borough Council originally. This lot is part of the district enhancement.

Motion made by Mr. Searing and seconded by Mr. Hansen that the testimony provided by Mr. Slaugh, Planning Board Planner, that Ordinance 2018-07 of the Borough of Hightstown, in the County of Mercer, Approving an Amendment to Redevelopment Plan for Main Street Redevelopment Area and find the Ordinance is not inconsistent with the Borough of Hightstown's Master Plan.

ROLL CALL: Mr. Montferrat, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Balcewicz and Mr. Cabot voted yes. Mayor Quattrone and Mr. Misiura were not present.

Vote: 8-0

Chairman and Board Member Comments

Ms. Maziarz noted discussion with redeveloper's attorney, Mr. Peter Flannery, he has requested that due to scheduling with the newspaper and giving notice he requested that the April 9th meeting be cancelled, and a special meeting be held on April 16th. This would give the redeveloper additional time to review.

The consensus of the Board was that April 16, 2018, would be a better date and the meeting will conclude at 10:00 p.m. This would be a special meeting for the Rug Mill Redevelopment – Phase 1.

Also include informal presentation for 421 N. Main Street to the April meeting.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Mr. Hansen. All ayes. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary