



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA

July 9, 2018 – 7:30 P.M.

Meeting called 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 June 11, 2018

Public Comment

HEARING The Lofts at Hightstown

Continuation of the Planning Board Hearing which began on June 11, 2018

RBG Hightstown, LLC and RBG Hightstown II, LLC for Preliminary and Final Major Site Plan, Subdivision and Bulk Variance Phase 1 - approvals for property located at Bank Street and designated as Lots 1-14, 20 & 26 in Block 21, and Lots 1-7 & 10-13 in Block 30.

1) Approvals for "Phase 1" of the Lofts at Hightstown, which involves the redevelopment of an existing building as a 76-unit apartment building and the construction of 34 townhome units within 3 buildings, along with associated parking areas and other site improvements, on that portion of the Property designated as Lots 1-14, 20 & 26 in Block 21.

Applicant also requests the Approvals in order to consolidate the various lots comprising the Property, vacant rights-of-way, and subdivide a portion of the Property for an access driveway and parking area for the Hightstown Co., #1 Firehouse, with the remainder of the Property for the development of the Lofts at Hightstown project.

2) Applicant requests the following bulk variances from the Redevelopment Plan for the Bank Street Sub-Area Redevelopment District ("Redevelopment Plan"):

- a. a variance to permit a building height greater than the maximum permitted building height;
- b. a variance to permit elevated walkways/ramps and walls with no setback where a minimum setback of 10 feet is otherwise required;
- c. a variance to provide relief from the requirements that one tree for every 20 parking spaces be provided for parking lots.

Adjournment

Hightstown Planning Board
Planning Board Meeting
June 11, 2018, 7:30 p.m.

OPEN SESSION

Joshua Jackson, Vice 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. Cicalese	X		
Mr. Jackson	X		
Mr. Balcewicz, Alt. #1	X		
Mr. Cabot, Alt. #2	X		

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

APPROVAL OF AGENDA

Amend the Agenda to show that Mr. Jackson will chair the meeting at this time.

Mr. Jackson asked for a motion to approve the June 11, 2018 Agenda as amended.

Motion made by Mr. Misiura and seconded by Mr. Searing to approve the June 11th Agenda as amended.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Cicalese, Mr. Balcewicz and Mr. Cabot voted yes.
Mr. Montferrat was absent. Vote: 10-0

APPROVAL OF MINUTES:

Mr. Jackson asked if there were any corrections or comments to the minutes of the May 14, 2018 Regular Meeting. Motion made by Mayor Quattrone and seconded by Mr. Cabot to approve the minutes.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Searing, Mr. Jackson, Mr. Cicalese, Mr. Balcewicz and Mr. Cabot voted yes. Ms. Colavecchio and Mr. Hansen abstained. Mr. Montferrat was absent. Vote: 8-0, two abstentions.

PUBLIC COMMENT:

Mr. Jackson opened the Public Comment portion of the meeting for comments on any items not on the agenda. There being no public comments, Mr. Jackson closed the public comment portion.

At this time, Vice Chairman Jackson recused himself from the hearing since he lives within 200 feet of the redevelopment area.

Ms. Maziarz asked for a recommendation as to who will serve as Chairman for the hearing. Ms. Colavecchio is the Board's longest serving Class IV member.

Motion made by Mr. Misiura and seconded Mayor Quattrone to have Ms. Colavecchio serve as Chairman during this application.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Jackson, Mr. Cicalese, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Montferrat was absent. Vote: 10-0

The Lofts at Hightstown

- 1) Determination of Completeness - Preliminary and Final Major Site Plan – Phase I – submitted March 14, 2018
- 2) Determination of Completeness - Preliminary and Final Major Site Plan – Phase 1 Minor Subdivision – submitted June 1, 2018

Chairman Colavecchio announced that this meeting will conclude at 10:00 p.m.

Mr. Slaugh – Completeness has been reviewed by both the Planner and Borough Engineer related to this application. There are also some threshold items related to two legal items. Discussed these matters with the Board Attorney and redevelopment council and felt that the application can now go forward this evening. Payment of taxes and liens have been paid and ownership disclosure has been determined as far back as the law requires. At this time the application can move forward from a threshold standpoint.

Mr. Balcewicz – Noted that the taxes, utilities and interest have been paid. However, do not have a statement from the tax collector concerning payment. I would like a condition of this hearing that checks should be cleared and received into Borough accounts and notification provided by the Tax Collector.

Ms. Maziarz – Any of the checklist items and completeness items that cannot be addressed prior to the application being heard will become conditions of any approval that is granted.

Mr. Slaugh, Planning Board Planner, reviewed the Completeness Status:

Site Plan Checklist:

June 11, 2018

Planning Board 2

Final project Market Study has not been submitted. The applicant has requested a waiver of this requirement.

- Community Impact Statement has not been submitted. The applicant has requested a waiver of this requirement.
- Proof of payment of taxes, utilities and liens. Received notification this afternoon that taxes and liens have been received.
- NJDEP environmental remediation documents, which relates to the cleanup of the site have not been submitted.
- Ownership Disclosures. Additional information submitted this afternoon which would indicate that the ownership disclosure has been addressed.

Mr. Slauch's Comments:

Interested in the demographic information related to the anticipated population of the development. This is also something that plays into a Market Study and often would be included as part of a Market Study because you are designing units for a segment of the rental/for sale market. Recommend that a final market study be submitted, but not necessarily for today, but before final vote is taken by the Board.

NJDEP Clean Up – It is my understanding that the prior owner is doing the cleanup, not this applicant or his professionals. Indication at pre-application meetings that this information would be supplied from a licenses site remediation professional. Phillips Lighting oversees the cleanup of the site. However, that information has not been submitted and I would recommend that it be submitted prior to any final vote taken on this application, but not delay tonight's proceedings.

Variance Checklist:

- Proof of payment of taxes, utilities and liens.

Subdivision Application:

- Minor – the subdivision does not indicate enough area outside the track to meet the checklist requirement, but that is a de minimis necessity. Both the Borough Engineer and I indicate that there is sufficient information submitted that the Minor Subdivision could be considered complete by the Board.

Ms. Roberts, Borough Engineer, reviewed the completeness status:

Ms. Roberts is also in agreement with the completeness items for the Minor Subdivision. It is a matter of whether 200 feet surrounding the subdivision was shown on the drawing and the applicant has shown slightly less than the 200. I have no concerns about a waiver being granted for this.

NJDEP Environmental Remediation documents for the site plan and reiterate that I think it is very important that prior to a vote on this application, the Borough should have documentation from a professional indicating that the cleanup has gotten to the point that residential facilities can be put on this site and the residents will have no concerns about living in those locations.

At this time, Mr. Peter Flannery, attorney for the applicant asked to respond to the items discussed by the Borough Planner and Engineer. In terms of the market study, the applicant is requesting a waiver. There

was an extensive process during the development plan and agreement. Internal market studies were done on behalf of the applicant and community input.

Applicant believes that a market study is not necessary at this point and time. We will also provide testimony regarding some of the internal analysis that the applicant has done with respect to the marketing of this development.

NJDEP – The applicant is working with a consultant (Wood Environmental Infrastructure Solutions), DEP and previous owner (Philips Lighting) with respect to the DEP process. Letter dated May 23, 2018 submission to DEP notice of the property regarding arsenic levels. Also, there was a prior submission in March requesting a change of ownership from the previous owner to the current owner (applicant). We will provide testimony during the hearing regarding the DEP process for remediation.

Ms. Maziarz informed the Board with regards to those items the Board has heard the applicant's attorney's position, and the Board has heard the professionals' opinion regarding the waiver. It will be up to the applicant during testimony to demonstrate whether those items might be waived, and if the Board finds good cause why they should be waived. If not, the Board might require that the applicant submit them as testimony. If the Board feels they are necessary to make its decision, you can ask the applicant to submit them before a final decision.

Motion made by Mr. Misiura that we deem the application complete subject to receipt and/or waiver of the items listed above by the Borough Planner and Engineer. Motion seconded by Mayor Quattrone.

Mr. Slauch noted that the Board is not requiring the information at this time but may find these items are necessary during the hearing.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Hansen, Mr. Searing, Mr. Cicalese, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Montferrat was absent. Vote: 9-0

Chairman Colavecchio opened the Hearing Portion of the meeting:

RBG Hightstown, LLC and RBG Hightstown II, LLC for Preliminary and Final Major Site Plan, Subdivision and Bulk Variance Phase 1 - approvals for property located at Bank Street and designated as Lots 1-14, 20 & 26 in Block 21, and Lots 1-7 & 10-13 in Block 30.

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- c) variance to provide relief from the requirements that one tree for every 20 parking spaces be provided for parking lots.

Peter Flannery, Bisgaier Hoff, LLC – on behalf of the applicant RBG Hightstown, LLC and RBG Hightstown II, LLC. Mr. Flannery gave an overview of the property designated at Lots 1-14, 20 & 26 in Block 21, and Lots 1-7 & 10-13 in Block 30 on the Hightstown tax maps and approximately 9 acres in area. I know that many members of the Board and people in the audience know this property better than I do. This property was the site of the historic Rug Mill Industrial complex. For most of the 20th Century the Hightstown Rug Company manufactured rugs and later parachutes. In its hay day during World War I and II, it was a major employer in town. In 2004 the Borough designated the area as an area in need of redevelopment. The Redevelopment Agreement was amended several times throughout the years. Recently the applicant approached the Borough with a redevelopment project (mixed use project-residential and commercial) which would preserve and reuse portions of the existing buildings, especially the signature brick Rug Mill building. The Applicant and Borough entered into a redevelopment agreement, July 2016, revised March 2017 providing for a large project in phases on the property up to 266 residential units, large commercial component as well as public walkway along Rocky Brook and the purchase of the former Municipal Building as well as ancillary portion of the firehouse property to access driveways and parking.

The applicant is proposing to develop Phase 1 of the Lofts of Hightstown - Preliminary and Final Major Site Plan application for 76-unit apartment building which will be selectively demolished and repurposed for the Mill Building and boiler building and 34 townhome units in three buildings. Each building will be built over a fireproof parking garage area, as well as lighting, landscaping and parking areas.

There is also a request for a Minor Subdivision for the entire property not just Phase I – to primarily provide for the purchase of the municipal building and portion of the firehouse.

Applicant is requesting several bulk variances and design waivers. Bulk variances for building lights for some of the townhomes along Bank St., setback for elevated walkways, ramps and design exceptions which the witnesses will testify to later.

Daniel Busch, Professional Engineer, Maser Consulting PA – Ms. Maziarz swore in Mr. Busch. Credentials – licensed professional engineer in New Jersey, practicing for almost 25 years, plans were prepared under my direct supervision. I have testified before numerous Boards throughout the State of New Jersey. Planning Board accepts Mr. Busch as a Civil Engineer expert witness.

Mr. Busch presented the following Exhibits:

- 1) Exhibit A-1 – Aerial Overview map The Lofts at Hightstown – Minor Subdivision Exhibit, prepared by Maser Consulting, dated June 11, 2018

Mr. Busch stated that the subdivision application is the simpler component of the application and therefore I will start with the subdivision. Mr. Busch gave a brief overview of the area (Exhibit A-1) This subdivision is simply to create three lots:

- a. Phase 1 – which is identified as Lot A (4.37 acres)

- b. Phase 11 – which is identified at Lot B (3.382 acres, which includes the .21 piece for right of way dedication)
- c. Lot C – Firehouse lot

For Lot B it will be necessary to vacate a portion of Mechanic Street that extends south to the site and will be sliced off for Lot C (approximately an acre which will include an area that will have 20 parking stalls for the Firehouse).

Mr. Slauch asked about the right-of-way dedication – Is this for the corner of Bank Street and North Academy?

Mr. Busch – The right-of-way dedication for the existing curb line curves there and the property line comes to a point. To clean that up we are seeking right-of-way dedication.

- 2) Exhibit A-2 – Aerial map The Lofts at Hightstown – Landscape Exhibit, prepared by Maser Consulting, dated June 11, 2018

Mr. Busch – This is the landscape aerial rendering like the subdivision exhibit. This is the portion of the site located at North Academy and Bank Streets. Development consists of three townhomes consisting of 34 units; renovation of the existing Mill Building which will contain 76 apartments with a connecting lobby on the south side. The three townhomes located on the northern side: Townhouse A will front Bank Street and contain 14 units; Townhouse B will be the middle unit and front North Academy Street and contain 8 units and Townhouse C will front North Academy Street and contain 12 units. Our access point is on North Academy Street – exit/entrance with a mounted curb in between. In the southeast corner there will be gated access for emergency egress and ingress. We need to provide documentation to the Board that we have the easement compliance equalized to the Board's satisfaction.

Mr. Flannery – We did provide to the Board today a copy of what I believe to be that access easement. It is an over easement attached to a deed from 1953. We believe that easement does provide us access to lot 27. We will continue to research further. If that access easement does not work, we will negotiate with the owner for conditional approval.

Ms. Roberts commented – We looked at the easement which was submitted this afternoon. Our director of surveying reviewed the document, and at this point we do not see that the easement provided is to the benefit of this Rug Mill site. In my opinion this remains a condition of approval to provide the easement, and I agree with what Mr. Busch has said, that it remains to be provided.

Mr. Busch – One other area regarding easement, there is an existing guiderail along the southern portion adjacent to the townhouse area and south of Phase 1. There is an existing guiderail in there that may or may not be easement placement for us to make use of that guiderail. We are doing title research on that so there will be an easement in place or we will obtain an easement.

Mr. Flannery – Once the matter is resolved and title search, we will provide the information to the consultants. We do need to obtain easements from the property owners. We are required to obtain those as a condition of any proof.

Parking – Total of 190 spaces, 68 under the townhomes, balance located in parking field on the west side of Building 1, four dedicated visitors' parking spaces east of the lobby area.

Mr. Busch reviewed the two-way circulation throughout except for the area between the townhomes and Building 1. There is a dead-end area (K-turns at the end). It is a relatively small portion of the site; the larger parking area will be in the lower lanes and this area for visitor parking is a dead end.

Mr. Busch reviewed the fire truck circulation plan – shows how a fire truck would circulate throughout the site. A fire truck would enter the area between the townhomes and Building 1. The truck would have to back out to exit. Fire hydrant adjacent to Townhouse C, which is most likely what the fire trucks will utilize, not necessarily up through the tighter area. Comments were provided by the Fire Marshal and they did not have any issues.

Lighting – Site has LED fixtures. Initially a non-decorative fixture was suggested for the site, that has subsequently changed to a more decorative acorn-type fixture which is located within the parking lots. LED's are more energy efficient with respect to the way the light is thrown – more consistent, uniform and controllable. Shields will be mounted along most of the fixtures in the southern portion of the site.

Storm Water Management – This is a unique situation in that we are reducing the impervious runoff. When you are reducing the impervious space, you are not required to do recharge, water quality or any site takeaway because you are reducing the amount of runoff. In this case because Rocky Brook is under the jurisdiction of the Delaware and Raritan Canal Commission, we are required to treat 80% total suspended solids (TSS). All the roof and lawn areas will be treated separate from paved areas. By law, roofs and lawns are considered clean water so it is separated from the paved areas (driveways and parking areas). Runoff will be collected separately and run through two large filter systems that are in the eastern portion of the site. They will discharge into an existing 36-inch pipe and through the site. The applicant has provided calculations to demonstrate the 36-inch pipe has the capacity for both the existing and proposed addition. We meet not only DEP criteria but also provide and meet the Federal Emergency Management Agency (FEMA).

Discussion as to the need for a flood hazard permit associated with this portion of the application. Phase 1 does not require a flood hazard permit application. It is noted that there is grading, and landscaping being installed in the riparian zone. The riparian zone is a DEP regulated feature which regulates vegetation in that zone. You cannot clear vegetation without getting a permit. If we go in there and plant under a "permit by rule," we don't have to get a permit. Comments related to providing document showing that you can use a "permit by rule." The applicant will provide documentation.

Ms. Roberts – I included this in my letter because the DEP had some rule changes in December and recently my office has been required to get just this sort of permit that I am asking the developer to obtain. I believe you are in a situation where you need it. I have asked the applicant to provide the permit or provide the evidence that you really don't need it.

Mr. Busch – Applicant will provide this information.

Mr. Busch – Discussion about Wetlands Letter of Interpretation (LOI) – previously a Letter of Interpretation was issued for this site which expired in 2009. The applicant will obtain a new Letter of Interpretation (LOI). We reestablished what was previously delineated by the DEP. Our wetlands expert confirmed that nothing has changed. The wetlands are in the same location as previously shown. We provided documentation indicating that we did this review to reestablish the wetlands, and we will be obtaining a new LOI.

Sewer & Water Utilities - We were able to change to plans to include the recommendations from the Board's professionals. Effectively it is connecting to existing manhole on Bank Street and rerouting it on North Academy Street. Water connections will go out to Bank Street and North Academy as well.

Landscaping – We have mixed 40 indigenous and flowering trees. We have enhanced the buffer area adjacent to Rocky Brook. The only fencing will be located on the eastern side, adjacent to the parking lot that slopes down to Rocky Brook. We want to prevent people from going down that slope, and it is also adjacent to our pedestrian access to the pedestrian bridge that currently crosses Rocky Brook. One other unique feature on the plans is a “green wall” on the northern side of townhouse A to gain access to the units.

Acorn Light Fixtures – Acorn type switches were of some concern to the Environmental Commission. The nature of the acorn type switches has more of an exposed light source, though with LED the light source is recessed up into the top. It is not dark-sky compliant, it meets for the most part in keeping the light below the 91 level.

Mr. Balcewicz asked if there would be further discussion about the circulation plan and the lighting choices later? Are there other fixtures other the ones chosen, that would provide dark sky compliant?

Mr. Busch – There are two types of fixtures on the site: 1) LED fixture seen at shopping centers (very flat low-profile type of light fixture). Those are 100% dark sky compliant. The mere nature of an ornamental fixture like that, it cannot physically cut the light off. The nature of LED fixtures versus the metal-halide fixture, an acorn type fixture that metal-halide the light sources is blinding, where the LED it is recessed.

I have seen this type of fixture installed on a project recently and it is the best lighting I have seen. It has metal-halide fixtures adjacent to a street light. The onsite acorn style fixture that is LED works.

Mr. Balcewicz asked about the fire truck circulation plan. Stated it was designed so that a fire truck could navigate around, both fixed and articulated trucks. Hightstown has a rather large articulated fire truck, is that included in the radius.

Mr. Busch -The single unit truck is generally the most extreme, longest articulated wheel base -- used 46-1/2 wheel base.

Mr. Balcewicz asked if the Fire Company has provided any information about the circulation plan.

Mr. Busch – We did receive an April 2, 2018, comments from the Fire Official.

Planning Board requested that the Fire Company review the fire circulation plan and submit a written response. Mr. Slaugh noted this is also a condition recommended in our review.

Mr. Balcewicz – Is only the center dividing curb mountable or whether the other curbs can also be driven over by a large vehicle?

Mr. Busch – There is room to make the turn to the north. I am confident in testifying that he can make the turn.

Mr. Balcewicz – There is only one access point for the parking – ingress as well as egress. Is that acceptable or are there some standards that say you need two-ways – in and out for everyday traffic?

Mr. Busch – There has been a lot of discussion back and forth interpreting a section in the Residential Site Improvement Standards that says a parking lot this size needs two means of ingress and egress. There are two different positions with respect to that. Our position is that providing the emergency secondary means of ingress/egress meets that standard. I know the Board's engineer has a different interpretation. Certainly, with the boulevard having one lane extend 100 feet into the second that could change things. There is a debate as to whether that emergency access ingress/egress meets that criteria. Rather than argue the merits of whose right and whose wrong, whether it meets the criteria or not, we would submit that the Board should grant a de minimus exception. We will acquiesce that for the sake of argument it doesn't technically meet the criteria. The reality is that it will function as a service exit for every day tenants coming on the site. It was a concern from an emergency prospective and there does need to be a means for emergency vehicles other than just the one driveway. Whatever additional documentation is necessary to demonstrate that, we will provide.

Mr. Balcewicz – I have not absorbed the traffic study, does it give the wait time to access the development during morning and evening peak times?

Mr. Busch – The Traffic Engineer will testify on this matter.

Mr. Roberts – I have spent a lot of time writing about the ingress and egress for the Board's understanding. The RSIS (Residential Site Improvement Standards) which you operate under as a Board in addition to your redevelopment ordinance, you are still subject to the State's regulations. They do state that for a parking lot with more than 100 parking spaces, which you have, you need two means of ingress and egress. It has been many months that we have been working on this with the engineers and with the Department of Community Affairs, which has jurisdiction over the residential site improvement standards. Without having two solid ingress and egress points, the applicant has proposed the one on North Academy and an emergency ingress/egress out to Stockton St. We are anticipating that they are going to provide the easement to get to Stockton St.

For the Board to approve this, you do have to come to the determination that not having two full ingress/egress points, that having one, that is a divided entrance partially, not for the whole length, and having an emergency exit on the other side provides enough access to this parking lot so that you can grant what is known as a de minimus exception. Without coming to that determination, you can't grant this. It is important to understand and it's important to know what they have provided for and how what they provided for allows you to approve the de minimus exception.

Ms. Asselstine asked Mr. Slaugh if he felt the proposed lighting plan was consistent with the other lighting concerns the Board has discussed?

Mr. Slaugh informed the Board that he and Ms. Roberts split up what they were reviewing to avoid overlapping.

Ms. Roberts – We spent quite a bit of time looking at lighting and the intensity levels which they have designed their parking area for. There are limits that come through the Illuminating Engineer Society. The initial submission was not in full conformance with that, but they have revised their plans, and they do meet the minimum required and the maximum. It is important that there not be a large difference between the minimum and maximum. When you go through dark and light spots, which makes it hard to see and to get the full view of what you should be getting as you go through the parking areas. At this point the presentation and design is in conformance with the Standards.

Mr. Cabot asked why a second entrance is not offered?

Mr. Busch – physically we are very constrained and limited by access. There was some discussion as to placing a driveway between townhouse A (Building 1) which is right up on the street and there is a significant drop (8% slope). For any access coming in and out of there you would be blind and entering you would have an 8% slope, which is completely unsafe. In lieu of that, we had the ability to provide emergency access, both ingress and egress, out the back to Stockton St. We will provide testimony that the driveway functions at a very high level of service.

Mr. Slaugh – Asked the applicant to respond to the requirement in the Redevelopment Plan for a second pedestrian bridge and why it is feasible or not feasible?

Mr. Busch – I personally did not attend those meetings with NJDEP. I have spoken with the project manager and understand the nature of the way they operate and review applications. They had significant concerns with maintaining the existing hydraulics. They were concerned with the removal of the existing bridge. They would want these put back to maintain the foundations within the footwork. Placing another bridge elsewhere in the span would affect those hydraulics and the DEP would not be willing to approve.

Mr. Slaugh – have you determined how much right-of-way dedication at the corner of N. Academy and Bank St. and what that area is?

Mr. Busch – It is 109 square feet.

Mr. Slaugh – That should not terribly affect the lot sizes to develop the property as proposed. Could you discuss the “green wall” in more detail?

Mr. Busch – Mr. Layton will provide testimony concerning the green wall.

Mr. Slaugh asked if there were other portions of walkways and staircases that will not have a green wall. Will those also be discussed during the architectural testimony. Mr. Busch stated that additional testimony will be provided.

Mr. Slaugh asked if Mr. Busch could discuss what is intended for the overhead utility lines that are particularly prominent on North Academy St.?

Mr. Busch responded the existing overhead utilities that are adjacent to the site are intended to remain. There are some internal overhead existing owned by (JCP&L) which to date we have not been successful in getting information from them indicating what can and cannot be done. There may be a need for some of the existing overhead electrical utilities within the site to remain overhead. The balance of our utilities will be underground. There may be some overhead electrical associated with the existing current site.

Mr. Slaugh – Are you anticipating that the electrical needs for the proposed development will be less than the electrical needs for the industrial process?

Mr. Busch – That is beyond my expertise.

Mr. Slaugh – Would we see a reduction in cable because the electrical needs would be less with the proposed development.

Mr. Busch – Certainly it would be fair to say that the service would be less, not certain about the overhead transmission.

Mr. Slaugh – Other question regarding telephone lines on south side of Bank St. and whether that could be relocated to the opposite side of the street and remove the poles since it appears to be the only thing those are carrying.

Mr. Busch – These poles and lines will remain. We have not been directed to remove them.

Mr. Slaugh – Waiver for privacy fencing along the guiderail. Will Mr. Layton testify on the exception for this.

Mr. Busch – We will be providing testimony on this.

Mr. Slaugh asked about existing walkway – outer cover has been removed and it is exposed to steel truss work. Is there a reason why that covering would go back on that walkway, either historical or for flood mitigation purposes or some other reason?

Mr. Busch – The DEP has concerns with respect to that and the changing of the hydraulics. There was some indication that it be put back or replaced with something similar.

Mr. Slaugh – Do you have any sense as to what they are talking about? At what point would that be determined? Is it something that would be determined and discussed prior to a vote?

Mr. Busch – I don't know whether it is part of a subsequent hazard application, that would be my guess as to where that would be determined. I will respond back to the Board when that has been determined.

Mr. Slaugh – From my standpoint you have essentially a miniature steel truss bridge used to move material between two mill buildings which was covered for obvious reasons because there were openings on the sides of the buildings and the material could go through. It kept materials protected and maintained heat in the building. At this stage there is no proposed main entrance to the building at the end like it is today. At least not that I can tell with the Rug Mill Building itself. It will be closed off and become apartment ways. There is no access that goes that way for ingress or egress from the building. Effectively you have a U-shaped pathway which will go along the Brook and you can hook around the bridge and come back up to the parking lot of the apartment buildings.

They are also proposing at some point, but not shown on the plan, that the greenway paths in Phase II would connect with Bank St. There appears to be a way to do that there. In my view not having cladding on the truss work would be preferable because you have open views from Bank St., which probably get a larger majority of pedestrians perhaps that can view the creek looking upstream and provide a more attractive prospective than having the view closed off by recladding the bridge.

My view is that the Board should encourage it to remain as it currently is, unless there is some historic reason that it needed to be covered, which I have not heard. Even then, we are going to be altering the historic character by certain pieces being demolished and certain pieces reused. There is some change regardless.

Mr. Slaugh – We have heard testimony about the second bridge which is called for in the redevelopment agreement as another means of getting pedestrians back and forth and the infeasibility of that, which I imagine it all relates to the flooding which damaged the municipal building at that time and the flood waters rapidly filled up from the lake.

Mr. Slaugh asked Mr. Busch to discuss the consistency of the proposed sidewalks with the sidewalks in the downtown area and whether they will match those or not match, and if not in what way will they not match.

Mr. Busch – The sidewalks are proposed to be 6 feet of concrete, so they do not exactly match the downtown.

Ms. Roberts asked how the crosswalks will match, two white strips? They are proposing 6 feet wide sidewalk on both Academy and Bank St. that will butt right up against the curb. You will have 6 feet of concrete walk without a grass strip. It is the Board's determination on whether you want a 4-foot sidewalk with a grass strip or a 6-foot concrete, or maybe you want it like downtown where we have a 2-foot brick edging/ribbon between the curb and the sidewalk.

Mr. Busch consulted with the applicant a 5-foot sidewalk with approximately 2-foot grass strip is acceptable. Crosswalks are 6-foot-wide across as shown on the Preliminary and Final Site Plan.

Mr. Slaugh – In front of the townhouses on Bank St. with the walkway wall coming out to the 45-foot right-of-way, how much distance is there between the wall and the curb in that area?

Mr. Busch – There is about 6 or 7 feet.

Mr. Slaugh – Are the plants on the green wall plants going over and growing up from the bottom? Mr. Busch basically a lattice from the bottom. There will be further testimony with respect to the "green wall."

Ms. Asselstine asked to go back to the crosswalks – Are you talking about the brick treatment look at the exit on Academy St. Mr. Busch responded yes.

Ms. Asselstine - The other ones are all interior to the site – lobby, drive to townhouse parking. Bank and Academy there is wide strip high visibility crosswalk which will match. Will there be any crosswalk or curb cut at Grant Ave. Mr. Busch responded yes.

Mr. Slaugh – We had indicated that we still felt the bifurcated driveway instead of being concrete mountable curb around the entire thing, that at lease up toward N. Academy St. there actually could be some landscape planting. What is your rationale for wanting that entire median to be mountable?

Mr. Busch – It is purely to provide a means of ingress/egress and to provide as wide an area as possible. It is something we could do.

Mr. Slaugh – would you be the person to describe the sites signage? Mr. Busch – Mr. Hillier will testify regarding the proposed signage for the site.

Ms. Roberts response:

Board members we are recommending a Developer's Construction Agreement, Performance Guarantees and inspection fees be required. I am particularly recommending a Developer's Agreement because the Municipal Land Use Law has changed this year and without having this agreement in place it would be difficult to request a performance guarantee. This will allow you to determine exactly which items you would like to have in that guarantee.

The minor subdivision plan is set up for filing by map. We like that, even though it is a minor subdivision I prefer to see it filed by map, everything will have to be in accordance with the Map Filing Law. It also means that all the outbound monuments must be set.

I would like to repeat for the Board and audience that the storm water management plan was nicely done. There is less impervious on the site than there is today, and the way the site was analyzed was very conservative so the required reductions in runoff were reduced even more than they could have been had they held to the letter of the law. There is no ground water recharge on the site. There are two things: 1) the Borough is a Designated Center and according to the storm water management plan you do not require ground water recharge. When the state set up storm water management plans and addressed town centers and urban areas like this, they did that on purpose to make redevelopment of sites easier. In addition, in this case, we don't want or recharge groundwater. 2) The site is an industrial site which contains contaminated groundwater, which is still being pumped to the sanitary sewer system and the treatment plant.

We spoke about the permits, they will need to provide something in writing to the Board. Mr. Busch agreed with Ms. Roberts.

Drinking Water – We calculate there is about 15,600 gallons per day of new water that will be allocated to this site. There are new services that will come into all the townhouses. I would like confirmation that the two water pipes going into the brick building are going to be sufficient. Provide something from the MEP engineer indicating that's all you are going to need, one six-inch fire service and one two-inch water service. That might not be enough, if we need another cut in the road, let's address it. You do need a State Safe Drinking Water permit. There will be water connection fees to be paid and both Street Opening permits.

Sanitary Sewer System – We calculate there will be almost 21,000 gallons per day of sewage generated. Though according to the state regulations there is only 15,000 of water, but those are how the numbers work out, so that's what the state is going to require. The Borough recently made a change to the sewer system on Bank St. We provided a manhole stub to connect to. There will also be sanitary connection fees and Street Opening Permits.

Lighting has already been discussed.

Site Circulation and Parking – Ms. Roberts would like to receive comments from the Fire Company regarding the site circulation at this site.

Easement – obtain an easement for emergency access to Stockton St.

You have a list of approvals that the application will be conditioned upon:

1. Mercer County Planning Board
2. Delaware Raritan Canal Commission (DRCC)
3. NJDEP Wetlands

4. NJDEP Bureau of Safe Drinking Water
5. NJDEP Treatment Works Approval
6. Mercer County Soil Conservation District
7. Borough of Hightstown Fire Department
8. Borough of Hightstown Environmental Commission
9. Borough of Hightstown Architectural Review Committee
10. Borough of Hightstown Historic Preservation Commission
11. NJDEP Environmental Site Remediation Approval

Mayor Quattrone asked how garbage and snow removal will be handled on the site?

Mr. Busch – There will be on-site maintenance personnel for garbage -The trash from the townhomes will be brought to a dumpster/refuse collection area on the east side of the site, where the trash truck will pick up.

Mr. Busch – With respect to snow removal, it will be placed on the most remote part of the parking lot.

Mayor Quattrone – You are separating your rain water from your roof water and your flat top water. If you get 20 inches of snow where are you going to put it? This is a big concern. I believe there are DEP rules and regulations as to where you can put snow and where it can runoff.

Mr. Busch – The snow will need to be treated and filtered. Mayor Quattrone asked if the filters will be maintained by personnel on site? A contractor will manage the snow. There are some open remote areas that can be used. The snow will have to stay somewhere on the site. We will testify further on the method for snow removal.

Mayor Quattrone expressed his concern about snow removal. I have been working with Public Works for sixteen years and snow is always a problem and what do we do with the snow. There have been instances where we had to remove the snow to another location. If you close the entrance residents can't get in or out and if you pile it in the parking lot, residents have no place to park.

Mr. Busch – It will have to be managed within the site. Mayor Quattrone requested documentation regarding the removal of snow.

Mr. Slauch asked Mr. Flannery if there would be any operations testimony about how the apartments will be managed.

Mr. Flannery responded that provide testimony at the next meeting.

Ms. Colavecchio informed the attendees that public comment will be offered after all testimony is completed.

Mr. Balcewicz noted that on some of the drawings you show 100-year flood line. Does any of this effect Phase I of the project?

Mr. Busch – The 100-year flood line is basically contained within the banks of Rocky Brook.

Michelle Briehof, P.E., Maser Consulting, P.A. – traffic engineering. Ms. Maziarz swore in Ms. Briehof as an expert witness. Graduate Northeastern University, bachelor's degree civil and environmental

engineering. I have worked as a traffic engineer for the last ten years; licensed professional engineer in the State of New Jersey. Employed by Maser Consulting, project manager in the transportation planning division. I have testified as an expert witness in front of many local boards in New Jersey – Middlesex, Monmouth and Randolph.

Mr. Slaugh asked Ms. Briehof if she had any specialized credentials in transportation engineering?

Ms. Briehof response was no. Mr. Slaugh noted that your practice has been in traffic engineering.

The Board accepts Ms. Briehof as an expert witness.

Ms. Briehof – We were asked by the Borough to prepare a traffic study for Phase I and Phase II to provide a snapshot of what will eventually take place once the full project is completed. I will present my testimony in two separate phases:

- 1) Phase I will consist of 34 townhouses and 76 apartments and Phase II will consist of 24,500 SF of retail and additional 156 apartments. Access to Phase I of the development is proposed along North Academy. Access to Phase II will be the two driveways along Bank St. and one driveway which will serve as a small parking area along N. Main St.

To determine the existing conditions in the area traffic data was collected during the weekday morning peak hours (7:00 a.m. to 9:00 a.m.); evening peak hours (4:00 to 6:00 p.m.) and Saturday peak hours (11:00 a.m. to 2:00 p.m.) at the following intersections:

- Franklin St. & North Main St.
- North Main St. & Stockton St.
- North Main St. & Bank St.
- Stockton St. & North Academy St.

To generate the proposed traffic for the site, we consulted the Institute of Transportation Engineers Trip Generation Manual, the latest edition which is the golden standard in the industry for determining future trips to be developed by a development. Based on that and the Trip Distribution that we came up with the incremental changes in the delay and level of service at the intersections between what is called the “No Build” which is a snapshot of five-years from now without the project versus the build which is five years plus our site. There was little to no change in the level of service. Our site driveways operate at levels of service B or better, which equates to delays of 15 seconds or less. The site driveways operate with very good levels of service, safe and efficient for cars to enter and exit the site.

Phase I – based on the Trip Generation for just Phase I, the site will generate a maximum of 58 peak hour trips. ITE and DOT define a significant increase in traffic of more than 100 peak hour trips, so we are well under that threshold. Therefore, we can consider this not a significant increase in traffic for Phase I only.

We did not prepare a separate analysis just showing Phase I because we felt that showing Phase I and II together, which showed good operating levels of service maintained and levels of service within the study area that with just Phase I we were comfortable saying that the operating conditions were good.

Ms. Roberts responded to Ms. Briehof's testimony. This is Hightstown, this isn't a highway this isn't a big township. I think you missed the point of the impact to this Town by saying that since we don't have 100 trips, it's not a significant impact. The increases are going to be felt at all those intersections you mentioned.

I had a traffic expert review what you did. We provided you some updated information today, and I would like you to modify your report as we requested and testify again at the next hearing.

Mr. Misiura asked Ms. Briehof to address the impact on the intersections you studied and the level of service change.

Ms. Briehof stated that they were able to maintain the No Build levels of service, specifically for the signalized intersections (North Main & Stockton and North Main & Franklin). For the No Build for North Main & Stockton there is a level of service E, which is not favorable, but in our Build Condition by optimizing the signal timing and making some changes, we will be able to mitigate it down to a level of service D. We were able to maintain, if not improve, the operating conditions.

Similarly, the same thing for North Main and Franklin – we were able to do the same thing by reallocating traffic signals to maintain or improve the levels of service. The site driveways along Bank, Academy and North Main Streets all operate at a level C service or better.

Ms. Roberts noted that the analysis shows there is barely a level of change, I do not believe the analysis was done accurately. I do not believe these are realistic comments. To say that with all the new residential development coming in, you are barely going to notice that there is any traffic.

What I was trying to say earlier is that we think there are some errors in this traffic report. I believe you when you testified that what you did shows this information, but I don't believe it is accurate and I don't believe it is realistic. I would really prefer to get the right numbers and then discuss at the July meeting.

Mr. Flannery responded that they would revise the report and submit it for the July 9th hearing date.

The applicant will provide all revised reports to the Board's professional at least 15 days prior to the July 9th Hearing Continuation.

Mr. Slauch asked how you allocated trips into and out of the site, and what was the basis of your assumptions. Was there any marketing report?

Ms. Briehof -- 60% out Route 33 to Turnpike; 50/50 out Stockton and Bank Streets; 20% West Route 130, and some traffic down North Main and South Main.

Robert Hillier, R.A., Hillier Architecture was sworn in by Ms. Maziarz. Qualifications – Attended Princeton University, master's Degree in Architecture, undergraduate and graduate. Currently teach architecture at Princeton School of Architecture; I have been practicing for 52 years, licensed in eleven states within driving distance and designed buildings in 27 state and 20 countries around the world. The Board accepts Mr. Hillier as an expert witness.

PowerPoint Presentation – Exhibit A-3, Prepared by Robert Hillier, June 11, 2018

Mr. Hillier reviewed the PowerPoint presentation (description of the two-bedroom apartments and the 34 townhouses) for the Planning Board and audience. A copy of Mr. Hillier's PowerPoint presentation is attached to the minutes.

Mr. Hillier – Reviewed the proposed signage for the site: the only signage will be to identify the buildings. It has been suggested that an historic plaque providing the history of the property be included at the site, either free standing or attached to the building. There will be additional signage for Phase II. Amenities will only be for the apartments. The bricks on the current brick building will be power washed and sprayed with silicone to improve waterproofness.

Mr. Balcewicz asked if the parking level is handicap accessible to the townhouses.

Mr Hillier –The stairs have been designed to accommodate moveable chairs.

Mr. Misiura – Can you describe how the existing bridge will be used and if it will connect with anything.

Mr. Hillier – Reviewed the proposed bridge accessibility on the PowerPoint presentation.

There will be a public comment portion once the applicant has completed all their testimony.

Discussion regarding continuing the hearing to the July meeting.

Applicant stated he will submit all reports to the Board's professionals at least 15 days prior to the July 9th meeting.

The Hearing will be carried to the next Planning Board Meeting scheduled for Monday, July 9th without further notice.

There being no further business Ms. Colavecchio asked for a motion to adjourn. Motion made by Mr. Misiura and seconded by Ms. Asselstine. All ayes. Meeting adjourned at 9:57 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

