



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA

August 13, 2018 – 7:30 P.M.

Meeting called to order by Dodie Colavecchio, Acting Chairperson

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 July 9, 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
July 9, 2018, 7:30 p.m.

OPEN SESSION

Dodie Colavecchio, Acting Chairman, called the meeting to order at 7:36 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. Cicalese	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

Agenda amended to reflect that Ms. Colavecchio will be Acting Chairman for this meeting and hearing.

Ms. Colavecchio asked for a motion to approve the July 9, 2018 Agenda as amended.

Motion made by Mr. Cicalese and seconded by Mr. Searing to approve the July 9th agenda as amended.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Searing, Mr. Jackson and Mr. Cicalese voted yes. Mr. Montferrat, Mr. Hansen, Mr. Balcewicz and Mr. Cabot were not present. Vote: 7-0

APPROVAL OF MINUTES

Ms. Colavecchio asked if there were any corrections or comments to the minutes of the June 11, 2018, Regular Meeting. Motion made by Mayor Quattrone and seconded by Mr. Misiura to approve the minutes.

ROLL CALL VOTE: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Colavecchio, Mr. Searing, Mr. Jackson and Mr. Cicalese voted yes. Mr. Montferrat, Mr. Hansen, Mr. Balcewicz and Mr. Cabot were not present. Vote: 7-0

Ms. Colavecchio opened the Public Comment portion of the meeting.

Richard Pratt, 114 W. Ward St. and 207 Grant Ave. – Mr. Pratt is a local architect, former Planning Board Member, certified in Historic Preservation and author of the “Guide to the Architecture of Hightstown Houses.” Previously served on the 2014 Master Plan Subcommittee. I have some topics that might be interesting and informative to the newer Planning Board members and the public.

In the redevelopment area the Planning Board can set the unique design rather than reacting to what is presented. Hightstown is a “Preserve America,” one of six in New Jersey, and we have worked hard to achieve this recognition. Preserve America recognizes and designates municipalities to protect and celebrate their heritage, use their historic assets for economic development and community revitalization and encourage people to experience and appreciate local historic resources. That said, more architecture should take this into account.

Hightstown’s period of significance was from 1830-1915. More architecture should be immersed in the visual language that already exists throughout our town. Trying to design houses to try to fit in with the established neighborhood isn’t always easy. One example of something done well are the two houses being built by Habitat for Humanity on South Academy Street, done well and not the same. As another example Mr. Pratt showed a drawing on Architects Studio Builders Website as an example of what new architecture might look like to tie in with existing architecture, various styles and different shapes along the street. There are many architects throughout the nation who have done new housing without modernizing the look of things like windows. As a community we should be looking for architecture that is authentic to Hightstown. This includes double-hung windows with divided lights, dormers, porches and street edge houses that are different from each other to address the sidewalk and people walking by. We have a wonderful community with parks and a gazebo that fits our period. We should strive to remain true to our heritage.

Mr. Pratt reviewed four objectives from the Hightstown Borough 2014 Master Plan:

- 1) Objective 3.1 – Maintain and enhance quaint, family oriented residential neighborhoods.
- 2) Objective 3.2 – Promote less intense land use development in the more expansive residential neighborhoods and intensify development in the small business core.
- 3) Objective 3.3 – Maintain and enhance the housing diversity in terms of housing types and styles. Housing diversity if it is consistent with the architectural style of the adjacent established neighborhood continues to be an important part of Hightstown’s character.
- 4) Objective 3.8 – Promote historic restoration of old homes and historically appropriate architectural design of new or rehabilitated homes to help restore the Borough’s historic visual image.

Mr. Pratt hopes that the Planning Board members will review the Master Plan which contains a lot of information.

There being no further public comments, Ms. Colavecchio closed the public comment portion of the meeting.

At this point, Vice Chairman Jackson recused himself from the Hearing since he resides within 200 feet of the redevelopment area.

At this time Ms. Colavecchio opened the Hearing which is a continuation of the June 11, 2018, Planning Board Meeting.

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Peter Flannery, Bisgaier Hoff, LLC on behalf of the applicant RBG and RBG II. Previously appeared before the Board on June 11 at which time we completed the principal testimony of the following professionals:

Dan Busch, Site Civil Engineer, Maser Consulting
Michelle Briehof, Traffic Engineer
Bob Hillier, Architect Hillier Studio

Tonight's witnesses are: Joseph Layton, Planner, Christopher Otteau, real estate expert and Michael Mahnkopf, environmental expert.

Mr. Flannery reviewed some of the open issues from the June 11th Hearing and noted that Maser Consulting did resubmit the following revised materials on June 22:

- 1) Details for a green wall have been added to the landscape plans. The green wall will consist of ivy planted 12" on center. Mr. Layton will testify further on this.
- 2) Added landscaping at mountable island at North Academy St.;
- 3) Provided 2' wide grass strip with 5' sidewalk;
- 4) Provided revised Traffic Study dated June 21, 2018;

- 5) Previously submitted the fire truck circulation plan to the Fire Department as requested at the June 11th Meeting. This was submitted prior to our official resubmission to the Planning Board. To date we have not heard from the Fire Department. We will continue to monitor.

EASEMENT

Emergency access easement through Lot 27, CCL. Maser did investigate the easement and determined that without the easement or access through Lot 27, is not clearly defined. They put a notation on the survey and subdivision plan. We are in the process of reaching out to CCL legal to obtain an amended restated easement agreement which will provide a more defined access route and will be limited to emergency vehicle access only. This is still a process which we will welcome as any condition of approval. We do not actually have the amended easement yet.

Regarding the guardrail along properties adjacent to Lot 27, our search is ongoing on this matter. We have discovered some utility easements in favor of the Rug Mill Property. We are still in the process of determining whether those guardrails even exist. This would also be a condition of site plan approval in terms of obtaining easements on this property.

ENVIRONMENTAL

May 23, 2018 letter from Wood Environment requesting the lifting of the Deed Restriction. We have recently received a response from the DEP dated June 14, 2018, which was forwarded to the Planning Board Secretary and the Planning Board Professionals. It has not been submitted as part of a formal submission. The June 14 letter from DEP indicated that the Deed Restriction request was granted and is in the process of being recorded. Mr. Flannery asked that the letter from DEP dated June 14, 2018, to N. American Philips Lighting Corp. from the Department of Environmental Protection, be entered into the minutes.

Michael Mahnkopf, project manager, Wood Environmental & Infrastructure Solutions, Inc. is available tonight to respond to any questions.

OPERATIONS

There was testimony at the last hearing regarding snow and trash removal. A third party contractor will handle those aspects of the operations for the project. We can have additional testimony regarding this if necessary.

SIGNAGE

There are still some current issues being worked on. The signs will be period appropriate, and we would agree to a condition whereby we would work with the Board's professionals for acceptable signage design. We do not have final proposed signage at this point.

PEDESTRIAN BRIDGE

Hillier Studio provided a detailing for a 42-inch solid glass railing for the bridge. Mr. Hillier is available to testify further on this matter.

Tonight's first witness:

Michelle Briehof, Traffic Expert was previously sworn in. Ms. Briehof informed the Board that they submitted a Revised Traffic Impact Study dated June 21, 2018. Under the revised study, separated Phase 1 and Phase 2 analysis to give the Board an idea of what will happen during each phase.

Phase 2 is meant to provide a snapshot of what will happen down the road.

Nothing really changed as far as the results from the original submission. We did provide additional information that Ms. Roberts and our traffic consultant were looking for. I spoke with Ms. Roberts and their traffic consultant on Friday, July 6. What we agreed to do as part of Phase 1, which was originally discussed as part of Phase 2 (improve signal timing along North Main St. to optimize the coordination between the signals to relieve some of the downtown congestion). This can be a lengthy process with the Department of Transportation, we have agreed to make the submission for the timing mitigation and the timing optimization under Phase 1, instead of waiting for Phase 2 of the project.

Ms. Briehof gave a brief review of her previous testimony regarding the Traffic Study. Phase 1 will generate approximately 63 trips during a Saturday Peak Hour, which is the maximum.

Ms. Roberts added that your report gives a clear look into Phase 1 and Phase 2. Phase 1 itself will have less of an impact than Phase 2. However, it will still impact the downtown, specifically with the two closely spaced traffic signals. We have asked, and Maser has agreed, to submit a request for a Signal Timing Change to the DOT. It is a request to DOT outlining the situation – “today in Hightstown there is going to be an impact and the Borough would like the DOT to review this and to approve a change to the signal timing.” If they approve, this is simply a maintenance item for the DOT. They will change the timing to make traffic move easier through the downtown.

Once Phase 2 begins, we can take another look at timing and the amount of traffic, and update Phase 2 so that it is actual for when that day arrives. During Phase 2 there will be a noticeable amount of traffic in the Borough. Bank St. and N. Main St. are going to be impacted. There will be a noticeable change in time that one must wait at that intersection.

Brian Slauch – Question to Ms. Briehof - The Saturday peak hour being the highest peak hour in your study, is that attributable to retail redevelopment in Phase 2? Ms. Briehof – The Saturday peak hour with the 63 trips is just the apartments and townhouses for Phase 1. Phase 1 does not have a retail component. Under Phase 2 the Saturday component is also higher because of the retail. It is not significantly higher, only five trips.

Mr. Cicalese – How can we be sure that the data collected is accurate? Ms. Briehof – The data is collected using camera equipment at the intersections to capture the data within the intersection. One way we do check is that we have data that was collected at each of these intersections (Bank & N. Main Streets) and can calculate back and forth the volume balance and that we aren't missing hundreds of trips between intersections. Additionally, we also placed the black tubes along the streets. They are usually placed for seven days and they are continuous counts, which is another way we check the data to make sure it is within an average range, and there are no crazy spikes or drops in the data. Helps us to double check that what we counted is reasonable based on the area.

Mr. Flannery introduced next witness, Christopher Otteau, real estate expert, Otteau Group, who will be discussing the marketing study, which the applicant is requesting a waiver. Ms. Maziarz swore in Mr. Otteau. Principal at Otteau Group which is a real estate evaluation consulting firm. Graduated from Rutgers, Cornell and the Appraisal Institute; hold multiple degrees including MAI designation;

professor of real estate, graduate and undergraduate at Monmouth University. I represented the Borough during the redevelopment process. The Board accepts Mr. Otteau as an expert witness.

I was involved in this project during the beginning when it was a Redevelopment Committee providing guidance and background to the Borough Council. Once my work concluded with the Borough, the developer brought me on to assist him with some guidance as to demand, unit sizing and mix. We performed multiple analyses for the developer and was asked to testify regarding unit mix, unit size and marketability of the Phase 1 portion of this project.

Mr. Slaugh asked Mr. Otteau his views on the market demand for the apartments and townhomes being proposed?

Mr. Otteau – When we were involved with the project we went through what the ideal unit mix would be. Obviously considering the adaptive reuse of the structure, there is always limitations regarding sizing. Ultimately project will have 41 (1-bedroom and studio units average 802 sq. ft.) and 33 (2 - bedroom 1,016 sq. ft.), total of 74 units in the brick building. We found this unit to be well suited to the area. There is extremely high demand for apartments in New Jersey, especially in this corridor. There are multiple apartment projects that were involved. It is consistent with the demand that we are seeing in the same type of unit mix. Very large demand for “renters by choice” and “low net worth” households (people who are saving to buy their first-time house). This fits nicely into the one-bedrooms, which are larger one bedroom. Also, trade-down renters, those who have under-funded retirement. They sell their house and rent for a period. Also have “start new household” (use this as a stepping stone until they buy their first house, not necessarily low-income).

In looking at the demographics there is more than an ample supply of demographic analysis which I can email. It shows the actual percentage of affordability within the radius area and the rents proposed. I am not going to testify as to the rents now, but they are in the very affordable range.

Mr. Slaugh asked if the marketing rents were discussed with the client? Do you consider the townhouses differently from the apartments in the Mill? Mr. Otteau – yes, we did. The townhouses are a premium – to be able to have a two-story living design, 2-bedroom, 2-1/2 baths and well-designed structure will be a premium and will attract a higher net worth household. There is a very high demand not just for townhouses for purchase but for rent in this market. In a lot of communities we are currently doing evaluations and appraisals, we are seeing developers choosing to hold them as rentals because the market place is very generous to rentals now, from both a finance and demand standpoint. The affordability for purchasing new homes has become very challenging with the income requirements. A lot of first time home buyers are hesitant to buy because they are not sure of where the market is going and if it is a good investment. Previously, first-time home buyers could put down their money and easily be able to trade out of that purchase in 3-4 years. That is not the case anymore. We are involved in several case studies (Aberdeen) project that was built, first-time home buyers sold out and in the next cycle none of the home buyers could get out because the market took a turn. There will be a huge demand for the townhouse rentals.

Mr. Slaugh – One of the differences between rental development and condominium ownership is the professional management? Mr. Otteau – yes, this is only proposed as rentals. There will be a professional management company and on-site leasing office. Condominium owners tend to be more self-sufficient than renters.

Mr. Misiura asked if they were expecting many school-age children?

Mr. Otteau – A school projection was not requested on this project. From my experience, we are seeing a very low amount of new child births. School enrollment is down. New statistics 70% of all households in the State of New Jersey have no children. Overall most of the counties are showing a reduction in school enrollment. I recently testified on two other projects – bus company provided figures on number of students picked up at the new complexes. If someone can afford the townhouse rent, they usually go to a standalone home.

Mr. Slaugh added that he could corroborate this. The latest figures from the Census Bureau replacement number of children is 2:1 and has not increased since the recession. We are below replacement level with births.

Mr. Otteau, we have been involved in condensing and closing schools from Robbinsville to Long Branch and Asbury Park where you are seeing reductions in school age children. This is occurring nationwide. Overall, I don't project this project will have an influx of school age children. If the Board requests, I can run some basic numbers, but I don't think it will yield anything outrageous.

Joseph Layton, Professional Planner. Ms. Maziarz swore in Mr. Layton. Graduate Rutgers College, professional planner licensed for 44 years, Charter Member of the American Institute of Certified Planners. I have testified before approximately 200 municipalities throughout New Jersey. Currently a Senior Principal at Maser Consulting. The Board accepts Mr. Layton as a professional planner expert witness.

Mr. Layton reviewed the variances and design exceptions for this application. Maser Consulting, Ms. Roberts and Mr. Slaugh have identified additional variances and design exceptions.

VARIANCES

1) Two Variances - Front Yard Setback and Building Height:

- a) Front Yard Setback is along Bank Street – Actually, from wall to townhouse the townhouse is setback 16.5 feet, where 10 feet is required. However, because of the slope of Bank St. and the walkway that is even with the grade of the townhouses to the front doors. That wall has a setback of 0 feet from the front yard. 10 feet is required; 0 feet is provided.
- b) Building Height on Bank Street also effected by the slope of Bank St. (slopes 6.5 feet from the corner down to the edge of the townhouses). The average, which is 37.25 feet, is below the required height for North Academy and below for the townhouses on Bank St.

2) Design Exceptions

- a) Privacy Fencing requirement along the rear facing Stockton St. Those three dwellings are setback from the applicant's property line 150 feet, 160 feet and 170 feet. The dwellings cannot be seen from the property due to dense deciduous vegetation and drainage swale along the side of the property by the guardrail. Do not feel a privacy fence is needed because the dwellings are such a great distance away and there is natural screening.
- b) Sidewalk Materials – addressed this at the June Meeting – Decided on a sidewalk design that was approved by the Board.
- c) Minimum of one tree for every twenty parking spaces – Mr. Layton referred to Exhibit A-2 parking area between building 1 and townhouse B.
- d) Rocky Brook Buffer Exception – 10 feet is required, the closest we are to Rocky Brook is 11 feet (sidewalk leading to the pedestrian bridge). I do believe that we meet that design requirement.
- e) Pedestrian Interconnection Exception – We do not meet that currently

- f) Design from Driveway Width Exception – The one-way driveways that provide access are required to be at least 12 feet wide; proposing 11 feet width. Do not meet that currently.
- g) RSIS De Minimis Parking Exception – RSIS requires 217 spaces where the applicant proposes 190 spaces proposed. The redevelopment plan requires 173 spaces.

The Plan strives to meet the design standards as much as practical. For design exceptions the Board needs to find that the proposed design is satisfactory and meets the intent of the Redevelopment Plan. Design exceptions are somewhat similar to a C-2, flexible C variance – 2 variances for the front yard setback and height. Basically, for a C-2 variance the purpose of the Municipal Land Use Law “should be advanced by the deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.” I believe the purposes of the Redevelopment Plan would be advanced and there is no real detriment to the granting of these variance exceptions.

The sole purpose of the Municipal Land Law would be advanced (N.J.S.A. 40:55D-2, a, c, e, and g):

Purpose A - To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; General welfare is promoted because this site is ideally suitable for this use.

Purpose C - To provide adequate light, air and open space; There are adequate setbacks and the site is not over crowded.

Purpose E - To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; The densities in this plan are consistent with the vision in the Redevelopment Plan.

Purpose G - To provide sufficient space in appropriate locations for a variety of residential uses; Believe we meet this criterion.

Green Wall along Bank St. that supports the walkway that goes to the townhouses – we are proposing English Ivy at 12 inches on center. English Ivy grows well in shade and is overly aggressive.

Mr. Slaugh asked for some additional testimony related to the building height. I heard you testify that the building has an average height of 37.25 feet, or are some of townhouses over that height?

Mr. Layton – The highest point on the townhouses is 37.25 feet.

Mr. Slaugh – If you wanted the townhouses to meet the standard, you could have a lower roof pitch. Mr. Slaugh asked if Mr. Layton had heard the testimony of the architect regarding the roof pitch. Would you then conclude from what he said and your own analysis of the situation that the roof pitch is actually appropriate for the design of the townhouses?

Mr. Layton – Yes, I think it is. The lower the roof pitch, the less aesthetic the design. The roof pitch is also being used to hide HVAC equipment.

Mr. Slaugh – If the roof pitch were lowered, it may no longer hide the HVAC equipment. Mr. Layton confirmed that was possible.

Mr. Slaugh – It is effectively a better design, C-2 kind of variance for the building height. Mr. Layton confirmed.

Mr. Slaugh – regarding the wall with the zero setback and encroaches over a small portion on Bank St. Is the purpose of that wall to create a level area in front of all the townhouse entrances? Mr. Layton – yes – there is a walkway that is level with the townhouse entrances. Mr. Slaugh – that would be preferable to having steps to each townhouse? Would that also facilitate barrier-free accessibility to those townhouses? Mr. Layton responded yes to both questions.

Mr. Slaugh – From those standpoints, it would be your testimony that it also promotes the public health, safety and welfare for those reasons. Mr. Layton responded yes.

Stream Buffer Encroachment – Mr. Slaugh interpretation was there are encroachments related to the stormwater system with head walls that are in the buffer. In my view that is required based on my analysis. My understanding is that the headwall areas related to the stormwater management system are not changing in their location, and they will be tying into the existing systems. Is that your understanding? Mr. Layton responded yes, it is.

Mr. Slaugh - If you move them, they may no longer function as discharge points for the stormwater management system?

Mr. Layton responded that he could not speak to that since he is not a stormwater management engineer. Basically, I looked at the new construction we were proposing.

Mr. Slaugh - Does your testimony change related to the privacy fencing adjacent to the lots that front on Stockton St. with the fact that there will be a proposed guiderail easement in that same area? Does having to reinstall the guiderail effect your concern about the vegetative screen there that might necessitate the privacy fencing?

Mr. Layton – No – the guiderail is at the top of the bank and the vegetation is mostly at the bottom of the bank or on the opposite side.

Mr. Slaugh - Would the applicant be willing to accept a condition that upon completion of construction for Phase 1, it is determined in the field that the buffer no longer provides adequate opaque screening, the applicant would agree to install privacy fencing. Mr. Layton responded yes.

Mr. Slaugh recommended that the Board make that a condition, since you are never quite sure how it will end up once the project is completed.

Mr. Slaugh asked to hear testimony at the Board's discretion from the environmental consultant for Phillips.

Michael Mahnkopf, Wood Environmental & Infrastructure Solutions, Inc. Ms. Maziarz swore in Mr. Mahnkopf as an expert witness. I have over 30 years' experience in environmental and 20 years in the environmental consulting. Currently a licensed New Jersey Site Remediation Professional. The Board accepts Mr. Mahnkopf as qualified environmental expert witness.

Mr. Mahnkopf is currently employed by Wood Environmental and is undertaking the environmental remediation on this site on behalf of N. American Phillips Lighting Corp., the previous property owner.

Mr. Flannery noted that two pieces of correspondence, 1) As part of the June 22 submission, May 23, 2018, letter to DEP regarding Deed Notice Termination Request; 2) Recently received letter June 14, 2018, letter from DEP regarding acceptance of our request to Terminate Deed Notice.

Mr. Mahnkopf briefly described what that entails. We prepared an application to the DEP on behalf of Philips Lighting to terminate the existing deed notice on the property. The documents were submitted to the DEP and it was approved. At this point the process dictates that we finalize the termination deed notice document and file it with Mercer County, which is currently in the process and should be completed within two weeks.

Mr. Mahnkopf described the process going forward concerning the environmental remediation. The soil issues on the site have been addressed, and currently there is still impacted groundwater on the property that we are currently monitoring. Conducting quarterly sampling and monitoring to keep an eye on the concentrations, and hopefully we will see a decreasing trend.

Mr. Flannery – At this point do you don't see any problems with the proposed residential development. Mr. Mahnkopf responded that there should not be any issues.

Mr. Slaugh – Was arsenic the only compound found on the site? Mr. Mahnkopf responded that arsenic was the only compound that required the deed notice. Mr. Slaugh – did the deed notice encompass the entire property in Phase 1 and 2? Mr. Mahnkopf - I'm not familiar with the proposed redevelopment of the property. It did not encompass the entire property. Mr. Slaugh – there are two areas next to several additions that were demolished to do the soil remediation. Will there be some types of capping in those areas?

Mr. Mahnkopf – when we remove the deed notice, there will be no more engineering controls or additional costs required in those two areas. Mr. Slaugh referred to the diagram in the application which indicates two types of capping of the sites. Because of the work done by Mr. Mahnkopf, that type of capping is no longer required.

Mr. Slaugh - There is nothing as you have indicated in your testimony that would prevent the site from being reused for residential purposes. Mr. Mahnkopf – Yes that is correct.

Ms. Roberts - Groundwater

Ms. Roberts asked are seeing a reduction trend with the groundwater? Mr. Mahnkopf responded not as of this testimony.

The groundwater is captured and sent to the Borough's waste water treatment plant, because it is underground it will pose no concern or harm to anyone living on the site.

Mr. Mahnkopf – As far as I can tell no one in that immediate area is using the groundwater for potable purposes.

Ms. Roberts asked if you are only concerned about the groundwater for potable purposes? Are there any gases or vapors that are volatilize? Is there anything that is a concern if you don't drink the water?

Mr. Mahnkopf - right now there are no vapor intrusion concerns. We did a vapor intrusion investigation in 2010 or 2011, and we received a "no further action" determination from the DEP.

Ms. Roberts – Do you any guess how long the groundwater pumping might continue? Mr. Mahnkopf – No not at this testimony.

Ms. Roberts – There are certain items in my letter of July 5, 2018, that asks for information or asks that you do certain things as part of the approval. Are you agreeable to all Ms. Roberts comments contained in her letter dated July 5, 2018 letter?

Mr. Busch reviewed Ms. Roberts' July 5th letter:

Ms. Roberts asked the applicant if they will be getting the LOI. Mr. Busch said they would be getting a temporary waiver request.

Site Plan and Minor Subdivision Comments:

- 1) Ms. Roberts – We see you are in the Riparian Zone, 25 feet from the bank. I am making an issue of this because we have run into this permitting at other sites. You are going to get a letter from DEP, a permit or change of plan and address it?

Mr. Busch – I believe my testimony at the last meeting stated at a minimum we need to provide the “permit by rule” documentation. That is what we believe we are and I understand your concern. One way or the other we will provide that document.

Ms. Roberts – I do not agree. I do not see it as a “permit by rule” and I do not want “permit by rule” documentation. I need someone from DEP agreeing with that or grade out of the Riparian Zone or get a flood hazard permit.

Mr. Busch – I don't want to argue semantics, if it is a permit by rule, it's a permit by rule, we will provide the documentation. If it's not a permit by rule, we obtain the necessary permits.

- 2) Recommend the Board require a Developer's Agreement for the proposed construction. Ms. Roberts' added that this is an important item because the law changed recently. To obtain Performance Guarantee's you must ask for a Developer's Agreement. A project of this size you would want that as a condition.
- 3) Performance Guarantees and inspection fees will be required to be submitted.
- 4) We note that the Mercer County Clerk's Office filing information has been shown on the Minor Subdivision Plan and we agree that the lots will be perfected by the filing of the map in the County Clerk's Office, therefore the map must meet the Map Filing Law.
- 5) All outbound monuments shall be set and noted as such on the plan.
- 6) The “Summary of Proposed Lots” shall refer to the Mechanic Street Right-of-Way shall state that the vacated Right-of-Way shall be “combined” with proposed Lot B, not “dedicated.”
- 7) The note on the plan for the Mechanic Street Right-of-Way shall state that the vacated Right-of-Way shall be “combined” with proposed Lot B, not “dedicated.”

- 8) The plan shall show the NJDEP verified Flood Hazard Area limit with metes and bounds, and the NJDEP verified Riparian Zone limit (Also see Stormwater Comment No. 1).
- 9) The overall Minor Subdivision Plan shall be reviewed for clarity and readability since there is a lot of background line work. Perhaps the background existing conditions linework can be screened or shaded to make the plan easier to read.
- 10) New lot numbers shall be determined by the Tax Assessor.
- 11) We reserve further comments on the plan based on compliance with the above conditions.

Mr. Busch testified that they agree to comply with the conditions referred to in Roberts Engineering Group letter of July 5, 2018.

STORMWATER MANAGEMENT

The manufactured treatment devices being installed, you must submit a stormwater management maintenance program and your stormwater system must be protected by an easement or deed restriction. Mr. Busch agreed.

TRAFFIC

Ms. Roberts noted for the Board's benefit that the divided entrance on North Academy St. and the emergency access as two means of ingress and egress is a situation that requires the Board to determine that this is a de minimis exception and therefore you can approve that variance.

WATER

Roberts Engineering Group Letter dated July 5, 2018, Page 15 – Items 3-6

Pay connection fees: road open permits, safe drinking water permit, utility easements given to the Borough, mechanical/plumbing engineer should confirm that you have one domestic and one fire coming into the building. Mr. Busch, we concur on all those items.

SANITARY SEWER

Connection fees: NJDEP Treatment Works Approval permit; requests on how to make your sanitation connection on both Bank and North Academy. Mr. Busch that was consistent with my testimony.

LIGHTING

No additional comments. You have made several changes. Light now is very similar to the Downtown. The lighting that was proposed has the large bulb on top. The proposed fixture has a decorative frame around it. If you would like the lighting to be more like the Downtown fixtures, they would have to add that decorative element.

Roberts Engineering Group Letter dated July 5, 2018, Page 18 – Comments

Ms. Roberts – I did hear your attorney say that regarding the emergency access easement through the CCL Label, Inc. site, you are asking CCL Label, Inc. to restate the easement. We did ask for your title

company to endorse that also. Mr. Busch – Yes, we are looking into that. It can be prohibitively expensive to do.

Mayor asked about the condition of the road once the project is completed.

Ms. Roberts – Once the project is completed, any pavement repairs on both Bank St and N. Academy, which are not specifically in my letter. Both roads should be milled and over-layed once the project is complete. After all the improvements are made (curbing, sidewalk, driveways, water and sewer) on Bank St. and N. Academy, would you agree to the roads being milled and paved curb to curb. During a project of this size, the roads may get damaged just from the construction equipment. We would like you to agree to this if we see it is necessary and the roads are damaged. We can certainly do a video of the before road condition and after.

Mr. Busch – If it is determined that the roads have been damaged during construction, we are agreeable to make the necessary repairs.

Mr. Slauch – In my review and the Architectural Review Committee, the townhouses need an exception from the requirements of the Redevelopment Plan, which the Board can grant because it does not meet the character of the neighborhood on the North Academy Street. This is the same as the other exceptions discussed. The design of the townhouses and their relationship to the other houses on Stockton and Academy Streets. The Architectural Review Committee has indicated in their review that the design is not consistent with the design elements found in those neighborhoods. I also agree with the assessment that a design exception from the Redevelopment Plan.

Mr. Hillier (previously qualified before the Board) Reviewed the architectural design of the townhouses – in terms of the context of Academy St. I think it is in scale with the existing houses. The houses on Stockton St. are very elaborate Victorian Houses, are not the intension of this design and frankly would be unaffordable to build and rent. We are trying to create something that is contemporary, and we have adjusted based on the Architectural Review Committee's opinions. We changed the elevations, so we don't have cantilevers, everything has posts and beams. We have added decorative vents at the top gable ends to give it more scale and break it down. We have maintained the white walls with grey breaks in order to break down the scale of the building. Changed the siding in the grey areas so that it is a board and batten, so that you don't have too much clapper. The issue with the zoning and the height issue – we had to lower the pitch of the roof to meet the zoning height, which is one thing that the design lost a more Victorian feel. In terms of the scale, they are very much in scale with the houses across the street and the windows are the same proportion and the same size as Academy St. Windows on Academy St. do not have small panes of glass. We are consistent with the fenestration, consistent with the size of the windows and consistent with the colors and clappers on those houses, which are all aluminum siding. We will be using a similar product to hearty pine.

Mr. Slauch – Your first comment was a “contemporary version.” My comments do not relate to its internal design. The Board can accept or not accept the design.

Mr. Hillier – You have Academy St. with small single-family houses, then you have the townhouses and the large brick building. There is a decent transition from Academy St. to the Mill Building. I think it works well. The other alternative would have been to do more of a “mill type” building. However, we wanted to make it residential, so it would work with Academy St.

Mr. Misiura – The Architectural Review Committee did issue a letter, which is a requirement of the Redevelopment Plan. The Redevelopment Plan states “residential townhomes and duplexes shall match

the character and style of the North Academy/Stockton Street neighborhood.” I think you have addressed some of the concerns in their letter. Asked Mr. Hiller to comment on two things: 1) vertical siding, 2) metal windows changed to wood (casement vs double hung window).

Mr. Hillier – The casement windows are the same size as the double hung and are more energy efficient than double hung windows, better sealing and less cracks. Historical Society building on N. Main St. has board and batten. The siding can be changed to clapper. We were trying to give it some relief. We looked at changing it to shingles and that doesn’t work well.

Mr. Misiura noted that the Historical Society Building is on N. Main St. It is not Academy or Stockton and that is the point. The Architectural Review Committee and the Redevelopment Plan are both very specific and refer to North Academy and Stockton Street.

Ms. Asselstine asked Mr. Hillier why shingles would not work well?

Mr. Hillier – It can be changed to clapper. We were trying to give it some relief. We looked at shingles, which does not work very well. Mr. Hillier explained why it did not work well. We were trying to keep the gable end form of the houses and you lost that as the wall came along you went to board and batten. It’s going from horizontal to vertical. The problem is the shingles they would be in the same scale.

Ms. Colavecchio opened the Public Questions portion of the meeting for any of the expert witnesses who have testified.

PUBLIC QUESTIONS

Chris Falco, 219 Mercer St. – Traffic – how was the estimates for 58 trips peak hours calculated? In my estimation there are at least two cars per unit and minimal parking spots. How are there only 58 trips and where is everyone going to park?

Response - Ms. Briehof – When we talk about peak hour trips we estimate again what the maximum trips per development will be in the absolute hopes peak hour, understanding there are people who will leave and return at different times. That is why it doesn’t correlate to two trips per unit.

Response - Mr. Busch – Parking – We do meet the ordinance and RSIS requirements. We are providing 190 spaces for the development, which meets the Redevelopment Plan requirement.

Tammy Sands, The Watershed Institute – Asked for further explanation of how the soil issues were addressed and specifically how the anticipated groundwater will be addressed?

Response - Mr. Mahnkopf – Current soil issues have been addressed via excavation and offsite disposal. We hope to see a decrease in trend in the groundwater contaminates and concentration. We would hope that nature and its natural processes degrade the contaminates to one point below current New Jersey standards.

Response - Ms. Roberts – There are no longer any soil contaminants on the site. Whatever needed to be cleaned has been removed and addressed. Groundwater has been intercepted underground for over 20 years. The Borough has been working with Philips. Installed a collection system that intercepts the groundwater and it gets transferred to the Borough sanitary and sewer system and goes to the Wastewater Treatment Plant to be treated. This has been going on for at least 20 years. Several years ago, there was some reductions in the amount of contaminants that were monitored. Recently

there has been no reduction and you do not know how long the natural attenuation will take. The Borough is still pumping and there is no contact above ground with that water. It goes to the Waste Water Treatment Plan. There is no danger for anyone who is living on that site since the groundwater is intercepted and sent to the sewer plant. Mr. Mahnkopf – That is correct.

Mr. Slauch – It is my understanding that the arsenic probably has a natural source as opposed to a point source discharge. It is possible you will not see an attenuation. You will not see an attenuation if it is naturally occurring unless there is an erosion of the underground soils.

Response - Mr. Mahnkopf – There are various areas within the State where elevated arsenic concentrations are naturally occurring, and this may be one of those.

Dimitri Musing, 137 Stockton St. – Sidewalks with grass strip. Is there a reason the grass strip is being included? I see them as a nuisance.

Response - Ms. Roberts – This is typically the style throughout the Borough - grass strip and then sidewalk.

Dimitri Musing - Will the telephone posts on Bank Street be removed?

Response - Mr. Busch – They will not be removed.

Ms. Roberts – There are several crossing and nasty utility poles on your side of the road. Are you going to talk with the utility company about this?

Response - Mr. Busch – Right now it is our intention to leave those poles. We do not want to incur the obligation to remove the poles. They are in public right-of-way.

Dimitri Musing – Will the group give a Performance Bond for Phase 2 and will the Planning Board ask it as a condition of acceptance?

Response - Mr. Flannery – This project is treated as a phase development/redevelopment agreement. Phase 2 involves some transfer of property and other unique issues, that is one of the reasons we are not moving forward with Phase 2 currently. In terms of performance bond, we will comply with all the statutory requirements for posting performance bond under the MLUL for Phase 2 just as we will for Phase 1.

Dimitri Musing – You originally showed the Borough residents a complete redevelopment of the entire area. Now you are only requesting Phase 1.

Response - Mr. Flannery – This will be redeveloped, but it will need to be in phases. There are other considerations: transfer of property from the municipality to the developer, vacation and some rights-of-way, which is one of the reasons we need subdivision approval. A more complicated project. We will, of course, come back to the Board for site plan approval for Phase 2, witnesses, plans and materials.

Dimitri Musing – Expressed his appreciation that they were here and going to develop the site, which is not an easy site to develop. The brick building design is great. Concerned with the townhouse design. Why was it settled on this particular look? Did Mr. Hillier suggest designing the townhouses like the

mill brick building? I think that would have been great. Were there any architectural drawings done for this concept.

Response - Mr. Hillier – We never looked at the Brick Mill Concept because thought people on Academy St., would not want more brick.

Response - Ryan Cowell – A similar project was previously submitted by another contractor and rejected by the Borough. There is no comparison to what Mr. Hillier has designed.

Response - Mr. Otteau – New Jersey is one of the most cost prohibitive states nationwide to develop, and you have to be able to achieve a certain density. Certain designs will increase the density.

Response - Mr. Hillier – The parking is under the townhouses. We could have done apartment buildings and had asphalt parking lot. This will benefit more residential and not have a lot of cars on a sea of asphalt.

Dimitri Musing – What is the reason for the park in the front?

Response - Mr. Hillier – The park adds a nice break with the number of buildings. Adds additional green.

Keith LePrevost, 213 Greeley St. – Chair of the Hightstown Environmental Commission. Over the last few months, the Environmental Commission has reviewed this project several times. We wrote an extensive review of the project and submitted the comments and the developer did respond to our comments. We wrote an extensive list of passive stormwater management techniques or ideas that we would like to developer to consider. We received a universal response: “It is not possible due to soil contamination and very high-water table.” If the soil is that contaminated that we can’t put any water into the soil, is it safe for people to be living on the site? We would like to see the DEP clearance letter and the reports on that site. Secondly, if the groundwater table is so high that we can’t have any pervious sidewalks or passive stormwater management, what is being done about the sub-terraria parking spaces and the underground resident storage spaces?

Response - Mr. Busch – For the record I am going to go back to my previous testimony. We meet all the stormwater requirements related to groundwater recharge, which is why we are not providing groundwater recharge because of the shallow ground water. We are providing 80% TSS requirement that is required per the DRCC, which is over and above what we would otherwise have to do per the standard NJDEP regulations. The character of the stormwater management on this site is of a caliber that is higher than you would otherwise see if we were outside the DRCC jurisdiction. We would not be providing anywhere near the water quality that is being provided. It is meeting a fairly high standard.

Keith LePrevost -- The stormwater management system that is being installed is very good system. The problem is the maintenance of those systems. Maintenance needs to be serviced by professional company at least biannually. It is a very extensive process. Is the developer prepared for this long-term maintenance and is the Borough going to request a bond on this system? If the system is not maintained all the junk goes into the stream.

Response - Mr. Busch – There was brief testimony and Ms. Roberts has required a maintenance schedule, deed restriction and conservation easement.

Ms. Roberts – Per Borough Ordinance, there are legal documents that must be prepared because of what they are proposing. They must provide Operation and Maintenance Manual; maintenance schedule and it will become part of the legal document.

Keith LePrevost – Are you going to be pursuing LEED Certification (Leadership in Energy and Environmental Design) on this property? In today's marketplace it is a very marketable attribute to have on the community, especially for the younger generation. The response was they were going to be striving towards silver certification. Why not get certified?

Response - Mr. Otteau – From a marketing prospective for purchasing standpoint yes for renters, no. Those renters are not concerned whether the building is recertified. This project is pretty cost prohibitive. Every new item we add, will raise the cost of construction. Some of the buildings are ecologically friendly. These are not high-price rental buildings. There is not a marketability standpoint where tenants would be concerned with LEED certification.

Keith LePrevost – In today's marketing EV (electric vehicle) charging stations are almost an essential part of any new development. I do not see any EV charging stations in this plan and are they proposed?

Response - Mr. Otteau – We did a survey on every possible amenity that every new project is offering. Our firm is involved in 90% of the new projects built in New Jersey and EV charging stations are the least requested item that we find in apartment complexes. They are more requested in the condominium and purchase market, not rentals. In the surrounding area, we did not find one project that had charging stations.

Matthew Hittesdorf, 198 Stockton St. – Property line between the Stockton properties and the development is currently owned by the Borough. Will you be taking ownership of that property?

Response - Mr. Flannery – Lot 20 unknown owner and the Borough is seeking ownership. At some point that will be transferred to the developer.

Matthew Hittesdorf – screen 160 feet away. Do not believe that is true. Who will decide whether that view has been distributed or not?

Response - Mr. Slaugh – Typically the Borough Planner would make that decision.

Matthew Hittesdorf - Currently I can't see the building and I would like it to remain that way.

Scott Caster – As much as I respect and desire the project, I have this hesitation or ignorance about the process of renting units? Is there a restriction on occupancy and the number of parking spaces per unit?

Response - Mr. Flannery – The leases will contain restrictions on occupancy and number of parking spaces per unit.

Scott Caster – The number of cars continues to increase and tenants per unit seems to climb. Concerns about the number of cars per unit.

Response - Mr. Flannery – Number tenants and cars will be managed by the property manager.

Response - Mr. Otteau – We looked at overall parking ratio of all the surrounding projects, what they are using. Parking ratio adheres to standards. If there is an issue it will be controlled immediately.

Scott Caster – When you refer to ethnic demographics and compare them to projects outside Hightstown, I don't think they relate to the demographics within the Borough of Hightstown, regardless of the price point. I think the demographics in Hightstown are one of a kind in the immediate area. I don't interpret your results the way you have stated them.

Response - Mr. Otteau – When we look at small towns like Hightstown we don't just look at the impact of putting a new apartment in East Windsor. We looked at the demographics of other small towns, sometimes in remote areas or other counties. We will pull demographics from surrounding towns, but we also pull it from other similar towns. This is a new project for Hightstown which will change Hightstown and bring a new element. We are doing our "best guess" through analysis to project parking. There is no way to actually know.

Scott Caster – Profile of a prospective renter and income status – don't think that is the way it is done in Hightstown. You are looking at one income provider to afford one unit. I think there may be several merged to rent one unit.

Response - Mr. Otteau – I respect your opinion. When we poll demographics, we poll postal move cards for every apartment complex in the state. Whenever someone moves they submit that information to the postal service and we track. We see from a small town how many rents within the town and how many come from outside the town. We run those numbers on percentage basis and you will be surprised at how many new residents you will have coming into Hightstown. You will have a lot of new people coming from outside town.

Mr. Hillier – Are the example you are using a single-family homes?

Scott Caster – My neighbor has six cars in a single family two-story colonial house. I just hope that vehicles do not encroach on to Academy. We have a situation now with parking blocks from residents. I am concerned about fire trucks between the townhouses and apartments.

Response - Mr. Busch – Reviewed the fire truck circulation – the trucks will circulate the parking lot between Building 1 and townhouse B where they would have to back out.

Scott Caster - During construction will Bank Street be closed?

Response - Mr. Busch – Bank Street will not be shut down for any long term.

Doug Albright, 118 Stockton St. – CCL Label, Inc., Vice President Facilities – You referenced that an easement was discovered, and CCL would be contacted. To date no one from CCL has been contacted.

Response - Mr. Flannery – We previously sent information to your general council. We will reach out and contact CCL directly.

Doug Albright – Emergency access easement and means used to control access? Intercept between commercial and industrial businesses being on this building lot (27, Block 20) which is used for garage. This fence provides security for several business and offers security for the property. There is truck traffic and employees leaving various hours. Will the fence be rebuilt and how will it operate?

Response - Mr. Busch – With respect to the emergency access, the control for the emergency ingress and egress will be coordinated with the fire department. The mechanism of how that physically gets done will be per agreement with the Borough.

Doug Albright – Access gate – is it a swinging gate?

Response - Mr. Busch – All those specifics will be taken into consideration, in addition to the fire department access.

Doug Albright – Entry way from Stockton St. with trucks – bricks were damaged. We need to make sure contractors do not use our site for access during construction.

Response - Mr. Busch – These are all good points and we will incorporate them in our discussions with the Borough.

Buck Stella, 156 Stockton St. – Hights Electric – Phase 1 parking lot vehicle idling permeates exhaust into our facility. Will you post “No Idling” signs along the property which state the law and fines will be issued?

Response - Mr. Busch – Yes signs will be posted.

Buck Stella, 156 Stockton St. – I concur with Mr. Albright. Removal of the fence allow people access that enter our property and walk through. This is a major concern that creates an uncontrolled environment, a liability risk for slipping and falling, safety issues with trucks loading and unloading and overhead crane activity. Safety for our customers and employees is a must. If you intend to remove the fence, I would want some type of barrier that would not allow entry into our property through the existing fence line. What type of barrier would be provided?

Response - Ryan Cowell, Applicant – The idea with Hightstown was to connect the downtown through this property with the greenway, which originally was accessed across the bridge and walk down both sides. Removal of the fence is part of the Redevelopment Plan. I would not object to discussing the matter.

Ms. Roberts – Greenway, in its final configuration, will run from the firehouse at the traffic signal comes around the far side and runs down the water’s edge and goes across Bank St and into the Rocky Brook Park. I would have to disagree that we would be expecting pedestrians to be going into the CCL or Hights Electric. What the Borough is envisioning as the site develops the greenway will take them out to the downtown by way of passing through the firehouse and not passing into other private areas. I do not expect to see a physical connection between the parking area and these businesses, because this is only for emergencies and because the Borough would not want to see pedestrians walking in this area, which is not safe with the size and volume of the trucks. We did consider this a possible right-of-way, but there is no possibility of that due to the narrow width and the size of the tractor trailers that go through. The area is dangerous for several reasons, the least being tractor trailers that drive on both sides of the road just to get to CCL.

Milton Matamoros, 135 Purdy St. – What is the average price for the units?

Response - Mr. Flannery – We are still in the process of formulating that data.

Response - Mr. Otteau - Generally the model is set at \$2 a sq. foot. Pricing is usually set up within the affordability range the demographics can support. As the project breaks ground, we will see what happens with the rental market.

Milton Matamoros – will these be luxury high-end units? How many parking spots?

Response - Mr. Otteau – Typically apartment projects have three different classes – A, B, C. This would generally qualify as a Class C, based on the construction type. It will have some modern high-end finishes, it still will be a Class C.

Response - Mr. Flannery – There will be 190 parking spaces.

Response - Mr. Busch – Two standards 1-space per bedroom, 173 bedrooms; 1.4 spaces per 110 unit – meet all the requirements.

Milton Matamoros – What would be the impact on the roads and transportation during the construction phase?

Response - Mr. Busch – We will only be installing utilities. Construction will be contained within the site.

Milton Matamoros – What is the impact of children within Hightstown and impact to the school system?

Response - Mr. Otteau – We did not do an actual projection of school children enrollment. Restrictions on occupancy in each unit? Were comments received from the Fire Chief regarding the fire truck circulation assess.

Response - Mr. Flannery – The restrictions will be bedroom count and parking spaces. Local code regarding housing restrictions. We received a comment from the Fire Department indicating no issues. We have requested the Fire Chief submit his response, but nothing has been received to date.

Ms. Roberts noted that at the last meeting there was a report from the Fire Official, and we have asked the circulation to be reviewed by the Fire Chief. The Fire Chief's comments have not been received as of this Hearing.

Lawrence Jones, 148 Stockton St. – Concerns with access driveway and emergency access.

Response - Mr. Busch – It is only for emergency access (police, fire, EMS). Phase 2 – Mr. Flannery no site plan has been submitted.

Mr. Misiura – The Borough has a Redevelopers Agreement with the applicant and there is a schematic plan for both Phase 1 and 2, which they will adhere to. We know what their plan is. They have not completed the engineering plans.

Lawrence Jones – Concerned that the rentals will turn into slum areas.

Response - Mr. Busch – The property will be maintained by the property manager.

Mr. Misiura noted that we have reached the 10:00 p.m. and suggested the we continue with the Public Comment portion of the meeting and carry deliberations to the August meeting. .

PUBLIC COMMENT

Chris Falco, 219 Mercer St. – Two comments as a resident and realtor – Reviewed the price point being discussed. I'm currently showing a 1500 sq. foot – having problems getting \$2100. The newly constructed property on Church St. is renting for \$2000 month. Most people that I have contacted are working people (mother and father and child) looking for 2-bedroom \$1400-1500. People like Hightstown because it is a real town. I have noticed that from an architectural standpoint the yellow house on Bank Street, which has no aluminum siding and all clappered, is rarely mentioned. How is this design fitting in with the preponderance Hightstown? A lot of the other houses on the other side of Bank St. are not fancy, but they do have a differentiation in façade, which I don't think we are looking at in the present. Looking at a setback or a porch this breaks it up and makes it more of a neighborhood which would be more reminiscent of Hightstown. I may not know every house in Hightstown, but for the past five months I have seen every new listing. From a resident's standpoint, it would be nice to have something that draws people in and says this makes Hightstown different from Twin Rivers. The board and batten are very beautiful Victorian cottages, we don't have any in Hightstown.

Wendy McDade, 125 South St. – I have a two-part presentation with my association Philippe Cardos. We will be speaking from the Lakeside Redevelopment Plan. Ms. Maziarz asked Ms. McDade what type of presentation is this? Ms. McDade replied that it would address the design of the facades of the townhomes.

Ms. Maziarz – Will you be testifying? Ms. McDade – I am a voice for the town people that were asked to participate in a visual study for the future of the Borough under May 29, 2015 open house for the Lakeside Development Plan. I wanted to reinforce and remind the Board. I don't know if the developers had access to this document, but I feel that I am representing the voice of the town regarding the visual façade of the townhouses.

Ms. Maziarz informed Ms. McDade that generally if you are going to be representing others you must be an attorney. The point of Public Comment is to make your voice heard. You cannot represent others. You can only talk about what you want. You can make comments which are your opinion.

Mr. Flannery asked to review the document which was taken from the complete presentation – Visionary planner hired by Downtown Hightstown to create a development plan for the lakeside and town. The presentation that was presented to the Planning Board, Downtown Hightstown and residents.

Ms. Maziarz – If the Planning Board has already seen this document and they are aware of it, your comments should suffice. We cannot add a document that was created by another individual, because he is an expert and is not here to speak. Mr. Flannery noted that it is not a complete presentation, only excerpts from the original document. Both Ms. Maziarz and Mr. Flannery agreed that this document should not be admitted.

Wendy McDade gave a brief background of her career. Currently work as a consultant with a local non-profit. I have lived in an 1862 Victorian in Hightstown for 15 years. I appreciated being part of the public workshop planning session for the Lakefront Redevelopment. One of the goals that the project was based on was how should improvements be designed to reflect our history and act as a catalyst for future reinvestment throughout the downtown. I think that goal is on point for the project under consideration today.

Ms. McDade reviewed the Vision Plan for Downtown & Lakeside Improvements presented September 30, 2015, by Looney, Ricks, Kiss.

I think a useful framework for the façade of the townhomes would be modern amenities and services in an historical setting. As a designer I understand the concepts of contrast and juxtaposition, but I do think the Rug Mill is the hero of this space and great effort and money is being spent to make that the focal point of this development. I do believe that the other buildings as part of this project should compliment the Rug Mill and not juxtaposition it.

Philippe Cardos, 149 S. Main St. – We live here because of the historical character and charm of Hightstown. People like old homes. Overall, I think it's a great project. I must echo what Mr. Pratt said earlier. I urge you to really look at the goals in the Master Plan and the overall vision of the Borough as an historical destination should be the main goal. The industrial look of the Rug Mill really fits. I echo the concerns of many people who expressed concerns with the appearance of the townhomes. I do not think it fits into what we already have in the community. My personal opinion is that the structure should be broken up so that we can see different tones, colors, setbacks, so it doesn't look like a massive structure. Add more character that fits into the current housing in Hightstown. Also expressed concern with the number of units in this project. If we are going to give so many units to financially make the project work for the developer, I think we should also ask the developer to respect the requirements in the Master Plan. The vision that this town has regarding new developments are guided by the Master Plan. This architectural look of this new building is not consistent with the Master Plan.

Tammy Sands – Watershed Institute – The Watershed Institute provided project feedback and recommendations which were forwarded to the developer by the Environmental Commission. The common response received about the project in relation to the Watershed Institutes recommendation was that "Water quality practices and technology involving recharging and infiltration are not feasible due to existing contamination/remediation and shallow seasonal high groundwater." This response is the reason we need for vigorous stormwater management. It was mentioned at the last hearing by several of the Board Planner and Engineer that the DEP documentation was required.

If the soil is remediated, as was stated this evening, why are we not revisiting the ways to recharge and infiltrate. Previous toxins identified were PCE and TCE carcinogens. There is vegetation that will absorb these specific pollutants, toxins and carcinogens and following those well tests, because as we heard they are not decreasing in contamination and the relieve the 20-year old system to pump out the toxins.

The shallow seasonal high groundwater triggers concern regarding the proposal for underground parking in the area. As Borough Planner mentioned there is already existing flooding.

As a result, The Watershed Institute recommends the following:

- At a minimum -Establish turbidity meters up and down stream -to provide baseline and continuous measurements thereafter
- This approach would allow for prompt indication and appropriate intervention of harmful effects to the Rocky Brook
- Despite decreasing impervious surfaces by Y4 acre --detriment to the stream may occur because of redevelopment that solely focuses on 80%TSS removal
- The velocity of runoff will not change -since relatively no Green Infrastructure strategies are incorporated to capture and delay runoff

- Consider re-grading areas so runoff would be directed into an area with natural vegetation with an under drain
- Reconsider new vegetation for the riparian buffers as you can replant according to DEP regulations
- Ensure not only snow removal but its runoff is more thoroughly considered in the plan (also mentioned by the Mayor) as well as the "managing contractor" adequately understands the reasons and their importance in proper management
- Provide maintenance, inspections & reporting on the stormwater system as this is a requirement per the MS4 permit
- The testimony regarding the process for remediation should be completely transparent and understandable to the public
- This approach would facilitate and offer Hightstown Borough with appropriate alternatives to consider ensuring a healthy environment for the residents of The Lofts

Consider TMDL (total maximum daily load) to prevent interference with designated uses (such as swimming or fishing), adverse effects to aquatic community, impact drinking water use (cause taste and odor problems and treatment inefficiencies), and may result in an increase in disinfection byproducts such as trihalomethanes

The "millennial" concept of this redevelopment is commendable -and if supporting stormwater management measures beyond the basic requirements are included in the plan-resiliency to flooding and pollution would prove beneficial to Hightstown.

Keith LeProvost, 231 Greeley St. – Environmental Commission has requested that the developer follow what is considered “best practices” when dealing with the stream bank as this new development will impact close to 1,000 linear feet (both sides of the stream) upon completion. The developer has stated that he will not be addressing anything within 25 feet of the waterline.

- (1) Who is going to maintain that 25 feet of property? Currently there is debris, fallen trees and briars. Our waterways are passive recreation areas. They are designed to be enjoyed.
- (2) Is there an approved Riparian Buffer Plan for the development? The Environmental Commission would like to see that in plan.
- (3) The Mayor previously mentioned snow removal. There is very limited parking. Need to have a mechanism in place to make sure that the snow is not pushed to the end of the lot, over the embankment into the stream.
- (4) The 10X20 enclosure proposed on the site for waste removal. That will handle approximately two 2-4-yard dumpsters, one for recycling and one for waste. I have managed real estate for 25 year, with 110 units, you will have to empty those containers every day of the week. Suggest that the waste removal and recycling be readdressed.

Dimitri Musing – In the long run this is a win-win for the Borough of Hightstown. Difficult for a developer to make everyone happy.

Scott Caster – I am eager to see the project to fruition and at the same time I urge the Board to be cautious of parking. I don't see any way that this will not eventually become a problem. Over flow parking will be onto the Borough streets and that will be to the detriment of the properties in the area.

Doug Albright, CCL – Want to make sure the fence issue and the easement will be addressed. Parking issues can be addressed with permit parking and post signs for towing enforcement.

Buck Stella, CCL – Look forward to a redevelopment plan that will revitalize the rug mill and benefit the community. Very concerned with entry through CCL and Hights Electric property. I urge the Board to require some type of fencing for safety issues.

Anne Willis, 158 Academy St. – Several concerns: 1) traffic – believe it will have a huge impact on our streets beyond what the experts say; 2) appearance of the townhouses are not in keeping with the other homes on Academy St. I don't believe that vertical siding or shingles are alternatives. I don't see a problem with having it all clappered. I don't agree that casement windows are appropriate and double hung windows are inefficient; 3) I also know that to do it right and historically accurate is very expensive and unrealistic for a project like this. 3) Density is astounding – difficult hearing “it will cost too much.” I can understand that from a developer's point of view, but it does not always make sense to have it fit into our town. I'm not sure exactly how you do that, but I think Mr. Hillier could make it look less modern and more like Hightstown. There are no modern houses in our one square mile. Personally, I don't think we need to have it look modern. I don't see changing the Rug Mill. Originally, there were houses where the proposed townhouses will be, I don't think the way they are configured really fits in with what is there now.

Ms. Colavecchio closed the public comment portion of the meeting. At this time, it is too late for the Board to deliberate and will be carried over to the August 13 Planning Board Meeting.

Mr. Misiura –A lot of the comments and concerns were focused on architectural details and design of the townhouses. Suggested a meeting of Architectural Review Committee and Mr. Hillier to discuss some of these issues which have been discussed. This would be an informal meeting prior to the August meeting.

Mr. Flannery – The applicant agrees to an informal meeting with the Architectural Review Committee to discuss the design of the townhomes.

Ms. Maziarz no further notice will be required, and the hearing will be carried to the August 13 Planning Board Meeting. I will also work with the Engineer and Planner to develop a list of conditions which will be distributed before the August meeting.

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

Respectfully submitted,

Sandra Belan
Planning Board Secretary



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Site Remediation and Waste Management Program

BUREAU OF REMEDIAL ACTION PERMITTING

401 East State Street

Mail Code 401-05S

P.O. Box 420

Trenton, NJ 08625-0420

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. MCCABE

Commissioner

June 14, 2018

Dianne Adamowitz-Murphy
Philips Lighting Co.
200 Franklin Sq. Dr.
Somerset, NJ 08873

RE: Termination of Deed Notice request dated 5/23/18
Site Name: N. American Philips Lighting Corp.
Address: Bank St.
City: Hightstown
County: Mercer
SRP Program Interest #: 012196
Soil Remedial Action Permit #: RAP150001
Block(s): 21 Lot(s): 2,3 and 4
Book: Page(s)
LSRP: Marlene Lindhardt (Lic# 581173)

Dear Mrs. Adomwitz-Murphy:

The Department of Environmental Protection (Department) has received a request to terminate the Deed Notice referenced above. The Department has determined that the request is in compliance with the Site Remediation Reform Act, 58:10C-1 et seq. and the Administrative Requirements for the Remediation of Contaminated Sites at N.J.A.C. 7:26C-1 et seq. The Department has determined, based on the Report and letter dated 5/23/18 submitted by LSRP Marlene Lindhardt (Lic# 581173), that the conditions that required the execution and recording of the Deed Notice are no longer required. Therefore, the Department hereby approves the Termination of Deed Notice effective the date of this letter.

A copy of the recorded Termination of Deed Notice should be submitted to the Department within 30 days of receipt from the County Clerk. That submittal should be directed to Rob Hoch in an email attachment at rob.hoch@dep.nj.gov. At that time a submittal should be made to terminate the Remedial Action Permit. The Department will issue a Permit Termination letter, and the LSRP may issue a RAO. Financial Assurance may be released through the submission of a Remediation Cost Review and RFS/FA Form.

If you have any questions, please contact Robert Soboleski, Bureau Chief, Bureau of Remedial Action Permitting at 609-984-2990.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. S. Hose', with a stylized flourish at the end.

William S. Hose, Assistant Director
Remediation Review Element

Enclosure: Department Executed Termination of Deed Notice

cc: Robert Soboleski, Bureau Chief, BRAP
Mayor Lawrence Quattrone, Hightstown
Wu Pei, CPTW Hightstown LLC
Marlene Lindhardt, Wood Environmental & Infrastructure Solutions (Enclosure)