



The Borough of Hightstown Planning Board

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

PLANNING BOARD MEETING AGENDA

October 15, 2019 – 7:30 P.M.

Meeting called to order by Chairman Fred Montferrat

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

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

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Approval of Minutes August 12, 2019 and September 9, 2019 Regular Meetings

Public Comment

- Hearing:
- 1) Application #2019-03 -Minor Subdivision with Variances, 421 N. Main Street, Block 12, Lot 8
 - 2) Application #2019-06 – Preliminary & Final Major Site Plan Approval, with Variances and Waivers, Peddie School, Swig Arts Center Addition, South Main St., Block 53, Lot 1.02

Memorialize Resolution: Resolution #2019-09 at Meadow Lakes, Inc., 200 Etra Rd., Block 63.01, Lot 45, Application for Preliminary and Final Site Plan with Variances

Resolution #2019-10 – Preliminary & Final Site Plan Application, Block 56, Lots 36, 37, 38 & 39, 123 West Ward Street
Construction of New Building by Wilson Property Management
For use by Old Hights Brewing Company, LLC

Discussion Item: Road Project Update - Lincoln Avenue, Hagemount Avenue and Rocky Brook Court – Ms. Roberts

Old Business

New Business

Committee and Professional Reports

Chairman and Board Member Comments

Adjournment

Hightstown Planning Board
Regular Meeting
August 12, 2019, 7:30 p.m.

OPEN SESSION

Chairman, Fred Montferrat 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		
Ms. Jackson	X		
Mr. Rosenberg		X	
Mr. Searing	X		
Mr. Cicalese	X		
Mr. Balcewicz, Alt. #1		X	
Mr. Cabot, Alt. #2		X	

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

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the agenda. Motion made by Mayor Quattrone and seconded by Mr. Misiura to approve the agenda.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Colavecchio, Ms. Jackson, Mr. Searing and Mr. Cicalese voted yes. Ms. Asselstine, Mr. Rosenberg, Mr. Cabot and Mr. Balcewicz were absent. Motion passed 7-0.

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments to the minutes of the July 8, 2019, Regular Meeting.

Motion made by Ms. Colavecchio and seconded by Mr. Cicalese to approve the July 8, 2019, Planning Board minutes as amended by the Board attorney.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Ms. Colavecchio, Mr. Searing and Mr. Cicalese voted yes. Mr. Misiura and Ms. Jackson abstained. Ms. Asselstine, Mr. Rosenberg, Mr. Cabot and Mr. Balcewicz were absent. Motion passed 5-0 and two abstentions.

PUBLIC COMMENT

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

There being no public comment. Mr. Montferrat closed the public comments portion of the meeting.

HEARING

Springpoint at Meadow Lakes, Inc., 200 Etra Road, Block 63.01, Lot 45 – Application for Amended Preliminary and Final Site Plan with Variances

Kenneth Pape, Attorney, Heilbrunn & Pape representing the applicant.

Mr. Montferrat confirmed the receipt of notices and that jurisdiction has been established. At this time Councilman Steve Misiura recused himself.

Mr. Pape gave an overview of the property. This is an age-restricted planned residential retirement community. Property is Zoned R-PE – (planned residential elderly zoning district) – provision in that zone for the number of units to be constructed in any given building. Question posed to the Planning Board – is the Board sitting tonight as a Planning Board or a Zoning Board of Adjustment. We are prepared either way. We believe that it should be acting as a Planning Board, and the use is one that is contemplated in the zone. The only elements that are not met are the number of units in the building, which I would characterize as a Bulk Variance, not a D-1 Use Variance. Mr. Pape asked that the Board discuss this prior to the beginning of testimony. The notices prepared are inclusive.

Ms. Maziarz – The Planning Board will make this interpretation in order to determine if you are sitting as the Planning Board or the Zoning Board of Adjustment. I do not believe what Mr. Pape is asking for an interpretation because that is a function of the Zoning Board only. However, the Planning Board does have the power to interpret ordinances on applications before the Planning Board. The Board must make a determination as to whether this Zoning Ordinance requires that those attributes are included in the principal permitted uses. I tend to agree. The way the ordinances are written those attributes are permissive and constructive, but they are not mandatory. From a legal standpoint, I would recommend that it is permissible and not mandatory, and therefore, not a substantial attribute of that physical permitted use.

Subsection 28-3-10 – R-PE Planned Residential – Elderly District.

1. Permitted Uses:

(a) Residences for the elderly; retirement communities.

- i. (1) Residences for the elderly or retirement communities, subject to site plan approval by the Planning Board, which **may** take the form of:
 - (i) Townhouses, provided that a maximum of three (3) houses **may** be in a single row.
 - (ii) Multifamily dwellings, provided that a maximum of four (4) units **may** be in a single building.

If the Board agrees that this is the way the Borough intended this to be read and applied, then you may sit as a Planning Board and not Zoning Board.

Mr. Slauch noted as a Planner I tend to take a more conservative course. The type of principal use – “single building” would be permitted. The D-1 variance on principal structure side. From a practical aspect it is easier to determine as a C-variance.

The Board recommended it be treated as a C-Variance rather than a D-1 Variance.

Mr. Pape introduced the professionals who are present and may testify.

Heather Hill-Falkoff, Director, Development Services, Springpoint at Meadow Lakes, Inc.
Brenden Garozzo, Executive Director – Meadow Lakes
Kevin Webb, PE, LEED, AP, Applicant's Engineer, Langan Engineering & Environmental Services
Sean Moronski, PP, Applicant's Planner, Langan Engineering & Environmental Services
Karl Pehnke, P.E., PTOE, Traffic Engineer, Langan Engineering & Environmental Services
Michael Allen-Hall, AIA, Architect, Noelker and Hull Associates, Inc.
Joe Greipp, Arborist, Arboretum Director, Meadow Lakes

Ms. Maziarz – The Application will be heard as a Preliminary & Final Site Plan with Variances, not Amended Preliminary & Final Site Plan with Variances.

Kevin Webb, Engineer – Mr. Webb was sworn in by Ms. Maziarz. Credentials: Professional Engineer licensed in New Jersey since 1997. Bachelor of Science from Bucknell University 1992. Presented before numerous planning and zoning boards throughout the state. I am responsible for the plans being presented tonight. The Board accepts Mr. Webb as an expert witness.

Following Exhibits will be presented:

- A-1 – Meadow Lakes New Independent Living Building – Overall Conditions Plan, August 12, 2019
- A-2 – Meadow Lakes New Independent Living Building – Existing Condition Plan, August 12, 2019
- A-3 – Meadow Lakes New Independent Living Building – Conceptual Plan Rendering, August 12, 2019
- A-4 – Meadow Lakes I. L. Apartments, Springpoint Senior Living, Exterior Elevations (1A, 1B, 2 and 3), August 12, 2019
- A-5 – Meadow Lakes I. L. Apartments, Springpoint Senior Living, Exterior Elevations (4, 5, & 6), August 12, 2019
- A-6 – Meadow Lakes I. L. Apartments, Springpoint Senior Living, Existing Elevations, August 12, 2019
- A-7 – Meadow Lakes I. L. Apartments, Springpoint Senior Living, Exterior Rendering, August 12, 2019

Exhibit A-1 – Aerial photo of Meadow Lakes campus. Mr. Webb gave an overview of Exhibit A-1.

Exhibit A-2 – Enlargement of A-1 version to show the Hightstown Borough portion. Mr. Webb gave an overview of Exhibit A-2.

Exhibit A-3 – Meadow Lakes – Conceptual Plan Rendering - Buildings 0, 1, 2 & 3 in the central portion of the lot will be demolished and replaced by a new two-story building with 40 units. Proposing surface parking lot to serve the new building and adjacent builds. Reviewed the statutes they will address regarding Site Plan:

1. Grading
2. Drainage
3. Lighting
4. Landscaping
5. Parking
6. Circulation
7. Signage

Mr. Webb acknowledged receipt of the Borough's professional reports from the planner and engineer. The reports have been reviewed and met with the professionals to discuss.

Mr. Webb testified to the following:

- 1) Grading – Relatively minor changes to the grading, but grading is an important aspect to the plans and relates somewhat to some of the more subtle changes to the project. The existing conditions (Exhibit A-2) – some of these independent buildings that I mentioned are one and two story buildings throughout the campus; on some (Building 5) there are one story exposed on the west side, but actually two stories exposed on the east side. The corridor that connects Building 6 & 5 acts as a retaining wall. The area in the courtyard that is north is 6-7 feet higher than the courtyard on the interior of the building. Around building 2, which will be demolished, there are also some retaining walls with several grading changes. There are also several existing trees within this area as well. The factor in our design is understanding where we can place the building and ways we can grade around the building to minimize the overall disturbance, particularly in the areas of those existing trees that have been identified as valuable and worth saving. We have worked extensively with the Arboretum Director to identify and prioritize the existing trees.

Exhibit A-3 – We have lost that physical connection to Building 5, where there is separation. We still have an area to maintain the grading (surface parking lot and the connection to perimeter road), that is a relatively higher elevation and make connections for the fire lane as proposed between the new building and building 5 and 6 into the interior courtyard. We have a sloping portion of the fire lane. We want to ensure that we preserve these existing trees, including the one tree (Willow Oak). We have found a way architecturally to minimize the amount of grading in this area, minimize both the horizontal and vertical changes in grading to protect these trees. This building the north wing is pointing to the west wing. Southern portion of the west wing, the

western portion of the southern wing and to a similar degree on the eastern face. We have kept the ground low and the building higher. Areas of patios where you can walk out of the unit and higher elevated areas will have a railing. Height varies from 2 to 2.5 feet up to 3 to 6. More extreme on the eastern face of the southern wing, constraints of the DRCC Conservation Easement.

Previously, there was a connection with Building 5. This will allow connection to Building 21 and 23. This is critical to the functionality of this building because it is through that building connection that residents will have covered walkway and access to all the campus amenities.

2. Drainage – Mr. Webb – The system is entirely privately owned, and the applicant will be responsible for the maintenance. System is designed to be consistent with DEP and Borough regulations.

Ms. Roberts confirmed in her report dated July 25, 2019, that the Stormwater Management Report submitted is in compliance with the Borough's stormwater standard for water quantity and quality.

3. Lighting – The lighting plan consists of 12 pole mounted lights entirely within the parking area and bollard style lights along the pedestrian walkways that provide access to the apartments. These lights match the current fixtures throughout the campus. There is no light overflow beyond the parking lot, and no impact to adjacent residential properties. Light fixture design incorporates a dawn to dusk photocell.
4. Landscaping – No additional buffering plants have been added to the site's perimeter. We feel the site is adequately buffered. We have identified and proposed plantings along the perimeter – street trees in parking of our redevelopment area – Perimeter Road so we can create a microenvironment. Working around consistent trees and augmenting those. We have proposed a certain number of street trees within the parking lot. Proposed significant amount of foundation planting on the buildings themselves. We have tried to leave some flexibility at the request of the Arboretum Director. We want to see how the new plantings grow throughout this microenvironment to insure what is working. This is consistent with the way the campus is managed, to control what works well and to identify, protect those species that are unique and to manage the entire campus area. What we have done goes beyond the bare minimum. I believe we have adequate landscaping that will certainly be augmented over time as the community continues to grow.

Mr. Webb reviewed some of the proposed landscaping planned:

15 trees (half street/half ornamental)
400 shrubs
1200 planting perennials and ornamental grasses

5. Parking – Mr. Pape stated that the client has identified their parking needs for the residents, visitors, personal service contractors and medical providers. The applicant has maintained detailed records over the years which were used to determine the parking needs. The proposed parking is not necessarily to a standard that is published. There is a reasonable amount of parking that is intended to be commensurate with our client's directions.

Mr. Webb testified that new parking adjacent to the building will have 50 spaces (44 regular and 6 handicap). This number meets the Borough ordinance standard of one per unit, which is inclusive of visitors and support service. From Meadow Lakes prospective, they feel that the 50 (1.25 spaces) per unit is more appropriate. The demand of individual units and individual residents' changes over time (some may currently have a car but may transition out of that as they age in place). There is always a demand for visitors and guests, also people that provide services to the individual residents that go above and beyond what they provide to the entire campus - medical personnel (nurses, home health aides and therapists) are there daily. We feel the 1.25 parking spaces is more appropriate to accommodate the daily demand. We know we will be safe and be able to accommodate the residents and the services, but also balance what is an appropriate number. This is one of the significant changes we have made from the original application, at the request of your Board professionals. We reevaluated and feel this is a more accurate number and will reduce impervious coverage overall. Also allows us to have a more efficient and appropriate design within the space (several cramped spaces toward Perimeter Road, which were less than ideal in terms of design). All spaces provided are 9' X 20'.

Residential Site Improvement Standards (RSIS) demand for senior living apartments would be as high at 74 spaces. We do not think we are anywhere near that number. I believe the testimony given supports our request for a de minimis exception from the requirements of the RSIS.

Circulation Pattern - Mr. Webb reviewed the current property conditions – Perimeter Road provides access to Etra Road – two driveways on Etra Road Main Site driveway and secondary driveway within Hightstown Borough, which is connected by Perimeter Road to the rest of the campus. The existing area being redeveloped does have the surface parking lot, turnaround in front of the guest houses and some adjacent spaces.

Exhibit A-3 – We are not making any changes to the Perimeter Road (site circulation will be unchanged). We have a larger parking lot, but feel it is a safer and more efficient operation based on the circular driveway. This design provides additional parking closer to the units.

Per the request of the Borough Fire Chief and other professionals, the fire lane has been revised to provide access to the interior courtyard. A 20-foot wide fire lane has been provided which was a critical part of the design element. The proposed fire lane is comprised of a 12-foot wide reinforced concrete center section flanked on both sides by 4-foot wide strip of grass pavers that would accommodate the outrigger fire truck. We have stabilized the area for the fire trucks.

The fire lane has been designed in conjunction with the architect to provide access to the new building but also to the existing buildings.

6. Signage – Mr. Webb testified that there will be no new signage.

Mr. Webb stated that he is familiar with the Board's professional reports and will address the open technical requirements to the satisfaction of the Board's professionals.

Mr. Slaugh asked Mr. Webb regarding railings for proposed retaining walls.

Mr. Webb – northern courtyard sloping toward Building 5 has a low-level retaining wall. Will agree to add railing as requested by Board professionals.

Mr. Slaugh asked how the parking lot size was determined?

Mr. Webb – At the direction of the client to provide parking for residents, visitors, contractors who come to the site, medical staff. It was based on careful records maintained by the client over the years.

Mr. Searing asked if the Fire Chief reviewed the plans and is satisfied? Mr. Webb – Yes, they Fire Chief is satisfied with the plan. Fire hydrants will be added as necessary per the fire chief's recommendations.

Joseph Greipp, Arboretum Director, Resident Meadow Lakes Arborist – Mr. Greipp was sworn in by Ms. Maziarz. Credentials – Rutgers University Bachelor of Science in Environmental Planning & Design. Board certified master arborist, member of the National Society of Horticulture, licensed tree expert and served on several boards. Board accepts Mr. Greipp as an expert witness.

Mr. Greipp – I have worked at Meadow Lakes for 12 years. Responsible for the management of the campus, primarily living materials. Actively involved in the tree maintenance and preservation throughout the site. Reviewed and discussed the site plan with the Meadow Lakes professionals, and I am comfortable that my guidance was followed. We provide minimal landscaping in order to offer flexibility to the new residents – design based on personal likes. This allows more flexibility to add additional plants as needed.

Meadow Lake Arboretum is an accredited Level 2 Arboretum, which is an international accreditation. Started with 170 unique species and now have over 5,000 total and 400 unique species. We offer training and outreach education. Private arboretum which is open to the public by appointment. Provide tours to local clubs and schools.

Mr. Greipp stated that he was comfortable with Mr. Webb's comments regarding the grading and landscaping and was comfortable with the design for the site.

Mr. Slauch is there was an overall theme for the arboretum?

Mr. Greipp – It is a mature landscaping design featuring a hierarchy of plants and materials old and rare and unique trees. Specialize in oak trees (test disease resistance).

Mr. Webb – We are removing more trees than we are replacing in order to provide a blank canvas to work with.

Mayor Quattrone – Can you give a percentage of the canopy coverage? Mr. Greipp will provide that information.

Ms. Jackson asked if the Environmental Commission has reviewed the Plans? Ms. Belan confirmed that the Environmental Commission did receive the plans and provided comments.

Mr. Pape noted that Mr. Greipp has a family obligation and asked the chairman to open public comment on this topic.

Mr. Montferrat opened the meeting for any public comment on the landscaping portion of the project.

There being no public comment, Mr. Montferrat closed this portion of the public comment.

Sean Moronski, PP, Langan Engineering & Environmental Services was sworn in by Ms. Maziarz. Credentials – Master's Degree Urban Planning from New York University, member of the American Institute of Certified Planners since 1999, New Jersey Licensed Professional Planner since 2000; testified before 100 Planning and Zoning Board and Municipalities throughout New Jersey. This is the first time testifying in Hightstown. Also served as a municipal planner for several municipalities in northern and central New Jersey. The Board accepts Mr. Moronski as an expert witness.

Mr. Moronski – In preparation to testify, I reviewed the application package which included the site and architectural plans and other documentation that accompanied the application. Also reviewed the Board's professional responses. Reviewed the relevant portion of the zoning ordinance, Master Plan and Residential Site Improvements Standards Guide. I also visited the site and the surrounding area twice. Consulted with the client and other professionals in preparation for this meeting.

Applicant also shared the goals for this project: Update existing Continuing Care Retirement Community (CCRC). To replace independent units that are currently vacant with new modern independent living units at the same scale (two-story building height). To improve interior connections within the complex, so tenants have more efficient access to the central part of the CCRC where the core services are (dining, community meeting areas and health care). Add additional parking spaces where there are currently not enough and make them more convenient to potential residents, improve site circulation, not just in terms of vehicular drop off (coming and going at the front door), but also the pedestrian circulation within the complex.

Mr. Moronski gave an overview of the improvements proposed: Currently 21 vacant units which will be removed. The proposal is to replace them with one independent living building that will contain 40 units and be connected to the other buildings. The purpose is to provide newer independent living uses. This will increase the number of units by 19 overall. The 19 units added will increase the density approximately 5.1 units per acre; maximum density in this zone is 14 units per acre. Proposing 50 parking spaces; 1.25 spaces per unit (residents, visitors, contractors and vendors). This number was reduced after consultations with the Board's professionals as stated by Mr. Webb. The ground disturbance for the most part is limited to an area where there has already been a substantial degree of development, primarily the buildings that are being removed from the site.

Zoning Analysis – Three C Variances which can be granted under the C2 criteria – granting the variance outweigh any detriments.

- 1) Number of Units in the Building – ordinance talks about a maximum of four may be in the building. Proposing 40 units within one building. Three buildings with units are being replaced.
- 2) Variance for Maximum Coverage – 25% is the maximum; 24.1% exists and 27% is proposed on the site

- 3) Parking Requirements – Borough requires 50 spaces for the 78 independent units; we are providing 50 spaces for the 78 independent living uses that are within the Hightstown portion of the project. We are required to provide one space per unit per Borough ordinance.
- 4) Residential Site Improvement Standards (RSIS) - Requesting a de minimis exception Residential Site Improvement Standards (RSIS) - RSIS requirements are 74 spaces, whereas 50 spaces are being proposed.

Mr. Moronski testified that the buildings being removed have eight to twelve units which is consistent with the other independent living units on site which have a range of eight to twelve units as well. The proposed building is two-stories per height requirement and is designed to be consistent with the building design of the overall CCRC site and the same scale. The internal connections to the core services for the CCRC are being improved and will be more efficient for residents to more easily access the daily aspect of life – dining, community center, health and other services needed. The net increase in units is about 19 units – density would be 5.1 units per acre.

Mr. Moronski testified regarding maximum coverage – net increase for coverage is approximately 22,864 sq. ft. (a little over half an acre of the 18.1-acre site). The additional coverage helps to add more parking spaces which address the need to provide more convenient easily accessible spaces for the units that are proposed, not only in terms of the residents but visitors and professional and contractors who are providing services to the residents. The additional coverage is in the general area where the existing buildings are being removed. Currently there are 12 parking spaces with the existing buildings.

With regards to parking requirements – we are improving an existing condition. The current parking at the building is 12 units, we are increasing that to 50. We are also adjusting the drop off area to be safer and more efficient with two egress and ingress driveways. Additional spaces for professional consultants, which accommodates one per unit, but also accommodates other visitors to the site. As part of the parking lot design, when you enter through the south driveway, there is a portion that provides access to the new fire road, which is going to improve emergency access to the site.

We must prove several purposes: zoning:

- | | |
|-------------|---|
| Purpose (a) | Appropriate use of the lands contributing to the general welfare – more independent and modern units contribute to the additional housing. Additional coverage improves the parking and provides emergency access. |
| Purpose (b) | Secure from flood, fire and panic – proposed design includes fire road and parking lot which improves emergency access to the surrounding multi-family buildings |
| Purpose (g) | Providing enough space for a variety of housing types – The CCRC already provides a range of housing types. The site area with the multi-family development is proposed. It will be modernized and additionally used to address current demands for the senior population, will improve the flow of traffic, additional parking spaces available to residents and visitors as well as improved circulation and drop off for the new parking area. |
| Purpose (i) | Encourage senior center housing construction be independent – this contributes to that as well. |

Address the negative:

1. No substantial detriment to the public good. The development occurs already in an area that is developed. Provide more independent living units to the benefit of the overall site as well as additional parking spaces to address those units. The building design is of the same scale as other independent living buildings in the CCRC (two-story building). As Mr. Webb testified it was designed to address the stormwater requirements in terms of the impact of the additional impervious coverage.
2. No substantial detriment to the Zoning Ordinance or the Master Plan – independent living, as part of the CCRC, is a permitted use. We meet the density requirement – maximum residential density of 14 dwelling units per acre. Based upon an approximate lot area of 18 acres, a total of 252 dwelling units are permitted on this tract. Proposing additional 40 units which would bring the total to 292 units (15 single-family detached dwellings and 39 apartment units for a total of 54 current units). The proposed gross density is approximately 3 dwelling units per acre.

There are several objectives listed in the Master Plan Reexamination Report:

Objective #3.5 – Provide a reasonable mix of housing of all ages and income levels – The CCRC is providing a range of senior citizen housing options, enhancing the independent living.

Objective #3.9 – Encourage housing design and site plans that promote social, family friendly community behavior. The design is integrated into the CCRC, preserves open space connections and is developed at the same scale as the development.

Objective #3.14 – Promote well landscaped lots that create an appealing residential streetscape appearance. The building and site design will be consistent with the plan for the landscaping in the CCRC.

The required off-street parking for the proposed apartments is 74 spaces, resulting in a deficiency of at least 24 spaces. Under the statute, the Board may grant a de minimis exception from the requirements of RSIS only if the literal enforcement of the standards is impracticable or will exact undue hardship due to peculiar conditions pertaining to the development in question.

The exception is what impact granting the exception will cause by not granting those number of spaces. Retirement communities refer to what's considered an analogies housing choice and they use garden apartments. One bedroom is 1.8 spaces; two bedrooms is 2 spaces which is well above the ordinance requirements for Hightstown. It is also well above what we are proposing.

Board criteria we must show that granting of the de minimis exception would be consistent with the Site Improvement Act:

Purpose #6 – "To provide the widest possible range of design freedom and promote diversity through performance-oriented site improvement standards." The proposal improves the existing condition, it adds more spaces in an area that will be appropriately used by the residents of that building. It does not adversely impact any environmental sensitive areas and does not have a substantial detriment on the surrounding development.

Second Criteria – "It's reasonable, limited, and not unduly burdensome." – The proposed spaces improve the existing parking conditions on that part of the site. What we are proposing exceeds the Borough's standard for the new units. Meets the needs of public health and safety. Site design will improve access with two ingress/egress driveways as well as access to improved fire road and considers existing infrastructure and possible surrounding development. The proposed building and the parking area developed on this portion of the site already has buildings and parking driveways. Future development is limited by the state constraints as well as any environmental restraints. I believe we have met the four criteria required to meet the RSIS de minimis exception.

Board and Professional Questions:

Mr. Slauch – Asked how the age of the residents have changed over the years?

Mr. Moronski - In a meeting with Heather Hill-Falk we discussed this: average age is 80's, some residents as young as 60 and a few in their 100's. Eighty is a median age. The residents' ages did help to formulate the number of parking spaces. Many residents are still living independently and still active and may certainly have one or more cars. There are also outside service providers – health care and personal care professionals who come to assist the residents. The current parking lot has 12 spaces, which fills up very quickly and is not conveniently located. The other parking is far from the site. From a functional prospective what is being proposed is an improvement in terms of parking and drop off.

Mr. Moronski reviewed - Impervious Coverage – Exhibit A-3 – fire lane.

Mr. Pape asked for a five-minute break prior to the additional testimony.

After a five-minute break Mr. Pape called Michael Allen-Hall, AIA, Noelker and Hull, Associates, Inc.

Michael Allen-Hall, AIA, Noelker and Hull, Associates, Inc. was sworn in by Ms. Maziarz. Credentials and qualifications: Principal architect in charge of senior living for Noelker and Hull since 1996 and a principal since 1998. Licensed for 34 years in the State of New Jersey plus 14 other states. Bachelor and Master's Degree in Architecture from Oklahoma State University. I have been working for Springpoint since 2012 including Meadow Lakes. Started working on this site in 2015. I have testified before other boards. Board accepts Mr. Allen-Hall as a Licensed Architect to testify as an expert witness.

Mr. Allen-Hall testified that an integral part of the process was to integrate the new building into the existing campus at Meadow Lakes. Buildings 0, 1, 2 and 3 were built in the early 1960's. The independent living market is now somewhat different. Primarily seniors now look for larger and open plan concept with accessibility throughout the entire site. Exhibit A-1 – everything is connected by corridors. The new design shortens the connection. One of the differences between the early 1960's and now is the average age of seniors has increased. Their ability to walk further is not the same as it was in the 1960's.

Mr. Pape asked Mr. Allen-Hall to discuss the tools used to create this building in a manner that was harmonious with the existing community.

Mr. Allen-Hall – Exhibit A-1 – all the residential buildings on the campus are oriented north/south with connected walkways and common spaces. Exhibit A-6 – photos of existing buildings on the campus. We wanted to be true to the planning module and character of the buildings (mid-century modern; horizontal, low roofs). Building colors mostly brick stained with siding and large windows throughout.

Mr. Allen-Hall reviewed Exhibit A-4 Exterior Elevation of the buildings – maintain the character of the existing buildings. Exhibit A-7 Exterior Rendering – this is an actual placement of building on the site. The architecture of the new building creates a harmonious character with the current site.

Mr. Allen-Hall testified to the firefighting methodology incorporated into this design – building totally sprinklered as per NFPA 13, in addition there is a full fire alarm system and smoke detectors in the building. The building is separated into two areas by a two-hour firewall, one in the middle of the building and the other is separating the new building from the existing Building #23.

Sprinkler system has been added in addition to the two-hour firewall. Between the parking lot and the fire lane it covers over 2/3 accessibility to the building, which is a specific element of the site plan.

Mr. Allen-Hall testified regarding the lighting mounted on the buildings (purpose and intensity). There are three types of lighting. On each of the residential balconies there are downlights in the soffit of the balcony over the first floor and in the roof that overhangs the second balcony. These are downlights that bring the lighting directly down. Outdoor sconces in the stairwell by the doors and outdoor sconces pointed down certified to be dark skies.

Mr. Slauch asked what the exterior finish on the foundation would be? Mr. Allen-Hall – Exhibit A-4 – reviewed Exhibit A-4. There will be no horizontal change and will maintain the existing character throughout the site.

Branden Garozzo, Executive Director, Meadow Lakes was sworn in by Ms. Maziarz. Credentials. – Mr. Garozzo has been in the industry for 25 years and with Springpoint for 21 years. Started in 1963. Mr. Garozzo testified that Meadow Lakes has been an asset to the community, employee numerous people, especially younger students in high school and college. Benefactors of a large scholarship fund. The enhancement of the campus – numerous residents take advantage of the overall grounds and the economic development. The age requirements – 62 is the move in age; average age is 83 and majority of residents are female. Provide every amenity to the residents. The original buildings (guest house and building 1, 2, & 3) were closed in 2012.

Residents were having difficulty moving around the campus (long distance) to the core (fitness center, indoor pool, café, dining room, bank, library and auditorium). This redesign allows easier access to the core facilities and amenities. In turn this has attracted more interest, which is a win for everyone. More importantly it will help the incoming clients to have new amenities and new building they can show off. The gardens and arboretum are a great asset to the overall campus. Our goal is to revitalize the campus with new initiatives, amenities and provide a more attractive setting that also takes advantage of the lake view.

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

There being no public comment, Mr. Montferrat closed the public comment portion of the meeting.

Professional Comments

Mr. Slauch commented that he met with the arborist at the site and reviewed the current and proposed landscaping. The concept of involving the new residents in landscaping is unique. I am satisfied that the landscaping will progress, and they have a specific plan to save and replace the trees as needed. Architectural elements – I walked the distances and understand the need to have access to the core facilities. A significant portion of my report relates to D-Variance which is no longer relevant. Testimony on the C-variances have been addressed.

Ms. Roberts – The majority of the items in my letter dated July 25, 2019, have been addressed very well. Water and sewer connection fees are required for new units. Permits from DEP required for water portion and from Mercer County and possibly ask Architectural Review Committee to review. Applicant made a nice presentation and made beautiful changes to the plan.

Board Members Comments

Board consensus is that the project was well presented – nice design, breaking up the buildings, roof lines and materials. Created a welcoming atmosphere for both residents and surrounding neighbors.

Mayor Quattrone – Meadow Lakes should be commended on the way they maintain their campus. Architectural design is beautiful and fits nicely in the area. The Mayor also suggested to draft water from the lake, which would benefit fire prevention. In the future water may be scarce. Commended Meadow Lakes for working with the professionals and the Planning Board.

Mayor would like to still know how many trees will be lost and how much coverage there is.

Mr. Montferrat – Excellent presentation – testimony presented very well and covered everything, which makes the decision making easier.

Ms. Maziarz reviewed the conditions:

Applicant agreed to address the technical comments in all the professional reports (Roberts Engineering Group LLC – dated November 30, 2018 and July 25, 2019 and Clarke Caton Hintz dated December 12, 2018 and July 26, 2019);
Comply with the Fire Chief's comments, which are also part of the engineer's reports;
Applicant agree to place a railing on the retaining wall;
Prepare estimates and make contribution (bond) in accordance with the Municipal Land Use Law

Mr. Pape informed that Board that he did not have a copy of the Fire Chief's letter. Earlier there was discussion by the fire chief to have an additional fire lane around the other side of the building. That is not something that we are prepared to do.

Ms. Roberts – The new layout addresses the fire chief's concerns.

Motion made by Mayor Quattrone and seconded by Mr. Searing to approve Springpoint Meadow Lakes, Inc., 200 Etra Road, Block 63.01, Lot 45, Application for Preliminary and Final Site Plan with Variances with the above referenced conditions.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Ms. Colavecchio, Ms. Jackson, Mr. Searing and Mr. Cicalese. Mr. Misiura recused himself. Ms. Asselstine, Mr. Rosenberg, Mr. Balcewicz and Mr. Cabot were absent. Motion passed 6-0, one abstention.

Memorialize Resolution

Resolution #2019-08 Reversing Zoning Officer Determination -- JKAMQSR, LLC
Dunkin' Donuts, 119 Franklin Street, Block 26, Lot 22.01
Appeal of the Zoning Officer's Decision dated April 29, 2019

Motion made by Ms. Colavecchio and seconded by Mr. Searing to approve Resolution #2019-08 Reversing Zoning Officer Determination – Appeal of the Zoning Officer's Decision.

Brief discussion on the proposed signage – any changes from the original site plan will require an Amended Site Plan, which includes signage.

Roll Call Vote – Mr. Montferrat, Ms. Colavecchio and Mr. Searing. Mayor Quattrone, Councilman Misiura, Ms. Jackson and Mr. Cicalese were not eligible to vote; Ms. Asselstine, Mr. Rosenberg, Mr. Balcewicz and Mr. Cabot were absent. Motion passed 3-0.

OLD BUSINESS – None

NEW BUSINESS

Mayor Quattrone appointed a subcommittee to review the undersized lots and make recommendations to revise the ordinance. Subcommittee: Mr. Musing, Ms. Bluth, Mr. Montferrat, Mr. Searing and George Chin. Mr. Slauch will also send some suggestions on this topic to Mr. Montferrat.

Mr. Cicalese – Environmental Commission and the Complete Streets Committee did not meet last month. Attended a meeting in Trenton with Delaware Valley Regional Planning Commission – Master Plan review. County Planner would like to be involved with the Technical Assistant Mobility Plan.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Cicalese and seconded by Ms. Jackson. All ayes. Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

Hightstown Planning Board
Regular Meeting
September 9, 2019, 7:30 p.m.

OPEN SESSION

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

Flag Salute

Roll Call

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

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

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the agenda. Motion made by Mr. Cicalese and seconded by Ms. Jackson to approve the agenda.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Ms. Asselstine, Ms. Colavecchio, Ms. Jackson, Mr. Rosenberg, Mr. Searing, Mr. Cicalese, Mr. Balcewicz and Mr. Cabot voted yes. Mr. Misiura was not present. Motion passed 10-0.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

Gene Sarafin, 628 South Main – Speaking tonight on PRC 340 rental units in Hightstown; 300 cars, 600 people, additional police. There is this myth that people can't afford homes and need apartments. Totally ignoring the fact that college students are in debt and cannot afford the 10% down payment. Want to make the town into a megapolis with 340 units. Do a wonderful job and revive Bank St and Rug Mill Factory. Hope the Planning Board would consider the impact this will have on the community.

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

HEARING

Preliminary & Final Site Plan Application, Block 56, Lots 36, 37, 38 & 39, 123 West Ward Street,
Construction of New Building by Wilson Property Management for use by Old Hights Brewing Company, LLC

At this time Mr. Rosenberg and Mayor Quattrone recused themselves.

Ms. Maziarz informed the Board that the Planning Board is now functioning as a Zoning Board – seven members alternate #2 (Raymond Cabot) will not vote.

Frank Brennan, Attorney, Brennan Law Firm, Cranbury. Board takes jurisdiction and deems the application complete by virtue of Ms. Roberts' letter dated August 26, 2019, with waiver.

Mr. Brennan reviewed the application – Property - 123 West Ward St., owned by Scott Wilson, Block 56, lots 36, 37, 38 & 39 consisting of 2-1/2 acres. Proposing to reconstruct a two-story pole barn building on the property. Property was recently demolished and rebuilt - Zoned CC-2.

New building will have total size of 3,200 sq. ft. with approximately 2,500 sq. ft. on the first floor and 700 sq. ft. on the mezzanine. Also proposing additional parking spaces added, new utilities run to the building, drainage, lighting and landscape improvements. Building is located immediately adjacent to the rear of the building which is the home décor store. Applicant proposes to lease the building to Old Hights Brewing Company which will be used as a microbrewery. The beer brewing system will be on the first floor and will occupy 1200 sq. ft. The balance of the space will be used as a tap room and will install 900 sq. ft. outdoor seating area which will be tightly regulated. The brewery will operate under the New Jersey ABC regulations as a limited brewery. Patrons will be permitted to bring or have food delivered from the outside. No food will be cooked on the premises.

Application is being heard for Site Plan Approval and a Use Variance – allow the property to be used for a microbrewery. Brewing, under New Jersey classification of businesses is seen as a manufacturing use. Although it is not usually thought of as a manufacturing operation, however it will brew beer. Because of that classification, this application necessitates a use variance. As part of the application we will also be requiring site plan approval.

Ms. Maziarz swore in the following witnesses.

David Puskar, O'Neill's Brewing Company
 Alex Constantino, O'Neill's Brewing Company
 Lorali Totten, Engineer and Planner, Crest Engineering Associates, Inc.
 Paul Syzmanski, Planner

Bulk Variance requested. The Board will not hear any testimony on the Bulk Variances.

1. Relief from any other Sections of the Land Development Ordinance for the Borough of Hightstown to which the conditions or uses currently existing at the property do not conform.
2. Relief from any other variance, exception or waiver which the Board may deem necessary to permit the applicant to construct the improvements and use the property as proposed on the Plans and/or in the Application and/or related submittals.

Mr. Slauch - We have existing conditions which have been in place for a long time, that do not meet the present ordinance. In my view you are not required to seek a variance from the ordinance as it currently exists. This would also be the same for the design conception.

Ms. Maziarz noted she sees this a little different. Unless you can prove that it pre-exists the ordinance or you obtained it at some point in the past, I think it is safer to ask the Board to ratify those existing conditions and to grant whatever relief to avoid any questions in the future.

Scott Wilson, President, Wilson Property Management, 26 Camelia Court, Lawrenceville, NJ – Reviewed the following exhibits:

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Exhibit A-1 – Aerial Photo, 9/9/19
 Exhibit A-2 – Site Photos 1 of 2, 9/9/19
 Exhibit A-3 – Site Photos 2 of 2, 9/9/19
 Exhibit A-4 – Existing Conditions and Proposed Conditions

Family operated business in Hightstown since 1935, originally operating out of 145 W. Ward Street, initially as a tenant and then as an owner (Lot 34). In 1944 purchased the adjacent building (Lot 36 which also contained lot 38 and 39). Continued to operate the plumbing supply business out of that location until 2006. In 1965 we acquired the buildings on Lot 37, which is where the new building is being constructed. That lot was previously occupied by Charles R. Field & Son Lumber, which dates to the 1800's when it was Chamberlin Lumber. Lot 37 was operating as a lumber yard until 1965. We utilized most of the buildings over time as part of the plumbing and heating supply company. As economy changed, I found other businesses to operate some of the business space to try to grow the town, aided by the large parking lot in the center. This opportunity was presented to me this past year to remove one of the old lumber sheds and create a new building.

Mr. Wilson reviewed Exhibit A-1 for the Board – location of the new building and current shared parking with current tenants (Perennial Homes, Four-Seasons Café, Grove Supplies and Cranbury Design Center). Exhibit A-4 – Existing and Proposed Impervious Calculation Plan – colored in version of the above referenced property. The lumber yard was located on Lot 37, which is the proposed location for the new building.

Board Questions

Mr. Balcewicz – What business relationship do you have with Old Hights Brewing? Mr. Wilson – Initially a 10-year lease with option to renew for second ten years. I have no ownership in the brewery, only the landlord.

David Puskar, Old Hights Brewery – 268 Dutch Neck Rd., East Windsor – One of the members of the Old Hights Brewing Team. My focus is on business development and financial management. The other three members are: Lee Stults, business development and facility management; Alex Constantino, master brewer (brewing operations and product development); Bryan Woodward, master brewer (brewing operations and product development).

Mr. Puskar reviewed the credential of the Team:

Mr. Puskar - worked at Bloomberg, financial research firm for 26 years held several senior level positions which focused on business development, strategic management and product development support. Bachelor's degree from The College of New Jersey, Masters from Rider and Doctorate with concentration in finance and economics from Pace University. Believe my background, regarding management and strategic planning, will help guide and be a racehorse for the Old Hights Brewing operation.

Lee Stults – fifth generation resident with a passion to continuing to promote and grow Hightstown. He is an architect and partner in a local firm. Graduate of Roger Williams University with degree in architecture. His background will be well suited with his business expertise as a small business owner in the Borough.

Alex Constantino is a passionate, hard-working home brewer. He is a music educator with degrees from The College of New Jersey, Masters and Doctorate degrees from North Texas University.

Bryan Woodward – over twenty years of home brewing experience. He is a music educator with a degree from The College of New Jersey. He continues to refine and grow his understanding of the brewing process. Beyond being home brewers and looking at new and different ways to brew, they have taken upon themselves to get hands on experience. We have worked with other manufacturers of brewing systems that we plan to use. They have brewed alongside those manufactures. This gives them real world hands-on experience with systems that we are planning to purchase.

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History of Old Hights Brewery – Original idea came from Alex in 2017. Like other home brewers, who want to expand and get into the business, he thought it would be a great opportunity to open a brewery in Hightstown. To help validate that assertion, he and his wife, Lisa, produced a survey to determine the interest and overall demand for a brewery. The results affirmed that there is an interest in having a brewery in Hightstown. Over 500 responded to the survey saying they would visit the brewery once a month and over 1/3 said they would frequent it more than once a month. In early 2018 a team (Alex, Bryan, Lee and myself) began to more formally develop plans to bring Hightstown its hometown brewery. The idea turned into a formal business plan and more formal research continued throughout 2018-2019. We visited over 20 breweries to gain more information about brewing operations. We established and maintained formal contacts with many of these breweries who have been extremely instrumental in making sure that we put in the appropriate plans and policies to make the brewery successful. Recently we began the process of submitting our Federal and State Agency licensing which are required for microbreweries.

Why Hightstown: (1) Two of the members live in Hightstown, one in East Windsor and one West Windsor, it's our hometown. We want to have it nearby. We want to help the area to continue to grow Hightstown into becoming a destination for people to enjoy a night out. (2) There is no brewery near Hightstown. Closest brewery is in Bordentown. Interest in having a local brewery. (3) Community support. (4) Local financial investors.

What are the benefits to Hightstown: (1) Complements existing establishments: We have had initial discussions with the local restaurants who have been very receptive and feel our business will not be a competitor but will complement their business. (2) Continue to help make Hightstown a destination, which is an area of growth and opportunity for the town. (3) Property values – recent study done by researchers at the University of Toledo in North Carolina, compared the property values before a local microbrewery was opened and after. It showed nearly 10% increase in property values. (4) Community – place for local organizations to hold functions and events and family oriented.

Licensing Required – 2 licenses: Federal license TTB and State license governed by the ABC (Alcohol Beverage Control). We have submitted the necessary paperwork. Some of the details for the State license are predicated on some open items in terms of the building itself.

Operation:

- 1) Exhibit A-5 – First Flood Plan – overview of the building layout. Seating – 42 inside and 24 additional seats outside. The outside area will be secured, fences and compliant with Borough and ABC requirements regarding outside seating. Brewing system will be in the back as well as all deliveries in the back. Deliveries to the brewery will occur a few times a week. Middle area walk-in cooler with bar tap area, seating on the first floor and two restrooms. Staircase goes up to the mezzanine.
- 2) Exhibit A-6 – Mezzanine Plan – staircase from first floor up to the mezzanine for addition seating – overflow seating and private events.
- 3) Proposed Hours of Operation

Monday – Friday 9:00 a.m. to 5:00 p.m. (brew day employees only)	Monday – Friday 5:00 to 11:00 p.m. Open to patrons	Saturday 8:00 a.m. to 2:00 p.m. Employees only	Saturday 2:00 – 11:00 p.m. Open to patrons	Sunday 11:00 a.m. to 7:00 p.m. Open for patrons
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Brewing will generally be done in the off hours. Total number of employees nine.

- 4) NJ ABC Licensing does not permit breweries to sell food. However, it does allow the brewery to partner with and have menus available to allow food to be brought on site or delivered on site. We are not a bar or a food establishment. We have had conversations with the local restaurants, and it will be beneficial for everyone.
- 5) Smoking not permitted within the building. There will be an outside area permitted for smoking.
- 6) Trash – normal operations – share dumpster with Four-Seasons Deli, who currently have idle capacity. No additional dumpster needed.

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- 7) Noise – Follow Borough ordinance. Live Music - outside music will end at 9:00 p.m.; indoor music will be light music, acoustic guitar, family friendly.
- 8) Outdoor Seating – State requirements – only access outdoor seating through the main brewery. Outside area will be fenced with barriers.

Board members asked the following questions/comments:

Will televisions be available to watch sporting events? Mr. Puskar – It is something we have discussed, may have a television on a limited basis.

Will beverages be served in plastic or glass? Glassware will be provided.

Doors leading from the outside to the inside concerned about second-hand smoke into the enclosed building. Suggest smoking area should be well separated from the main building. Mr. Puskar – that is an excellent point and we will definitely do that.

Barrier that surrounds outdoor area (3-foot fence). Concerned that under-aged children could walk over the fence. Mr. Puskar noted that there were a lot of things the ABC Board requires. The point is valid, and they will look into it.

Provide snack foods – pre-bagged complementary snacks.

Are patrons permitted to take beer away from the premises? Mr. Puskar – yes growlers (big jugs) and crawlers (fill cans) are available to take off premises.

Wait Staff – bar area serving beer, one focused on the tour and one on clean up. This will not be our full-time job.

No admission charge for the brewery or the tours.

Outdoor seating will be seasonal/weather permitted (24 seats).

Outdoor seating - Exits to the building one main entrance and two doors to the outdoor seating. There should be some type of emergency gate to get to the outdoor seating.

Any change in the future to the license, would that require Planning Board approval? Mr. Slaugh that would require a use variance for property expansion.

How close is the outside seating to the residential area? Mr. Puskar – outdoor seating diagonal with deli seating. Mr. Puskar reviewed Exhibit A-4. Entrance to lot between the Home Décor and the deli plan to block it off and become one-way to make the area secure.

Alexander Constantino, music education teacher, 360 South Main St. Included within the application is a detailed report from Bill Reeves, O'Neill's Brewing Company, dated July 28, 2019. Mr. Reeves could not attend due to family illness. O'Neill's Brewing Company will be the designer and provider of the brewing system for Old Hights Brewery.

Brewing Process:

- 1) 4 basic ingredients:
 - a. Water
 - b. Malted barley and grains (sugar and enzymes for yeast)
 - c. Hops (used two ways: "hot side" – adds desired bitterness to the beer; "cold side" – dry hopping – aroma and flavor from the hops)
 - d. Yeast (gives alcohol and carbonation)

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Reviewed the brewing process.

Brewing Trash/Waste – We are trying to save as much product as possible. Reuse a lot of ingredients. Reuse yeast – it will be harvested for reuse in other batches. Largest waste will be “spent grains.” Currently have local farm which is interested in using the grains as farm feed for their livestock. Grain will be stored daily and picked up by the farmer or delivered to the farmer daily. Spent grain on daily basis – 500-600 pounds of grain. All waste products from the brewing process will either be reused or stored within the building and then removed from the property.

Board Questions:

If you don't establish a relationship with farms to reuse the grain, would it be put in the Borough trash? No, we would haul it away or have outside company dispose of it.

One brew day per week. Will there be a smell when brewing? Mr. Constantino – have worked with Bill Reeves who will be manufacturing the equipment. A return stack (top of the kettle will go into big steel tube) and decapitate into liquid. It will stay contained.

Safety concerns – very hot liquids. Safety platforms, everything is jacketed (outside will not be hot to the touch) and manhole covers to close everything up during the process. No high pressure. All employees will be trained in the process and safety issues.

Harvesting the yeast – A sanitation company that works with microbreweries will provide the sanitation equipment. We will have a stainless-steel yeast sink that will be sanitizing and making sure it is all cleaned. Essentially when it is done eating, it goes to sleep and drops down. That is why fermenters are in a cone shape which allows us to collect as much yeast as possible. The cone-shape on the bottom is to aid in the process of pooling the yeast from the bottom and leaving all the beer on top. We are trying to save as much product as possible. Essentially just pulling yeast from the bottom until we just start to see beer. Then we shut it off and are saving as much to reuse on the next batch.

We plan to brew a variety of beers – seasonal flavors. Plan to eventually develop 13 beers.

Health Inspection – Met with Jill Swanson from the Health Department. Regulated by ABC and Board of Health.

The equipment is built with CIP (clean in place) ball valves – everything is basically set up to be cleaned in place, can also be taken apart as well. Will also have cart which contains cleaning equipment. As part of the green process most of the cleaning is done on loops and cycles – will be cleaning simultaneously.

Mr. Brennan noted that this process is like a dairy farm – stainless-steel vats, equipment that you can pull apart and clean all the valves.

Once the cleaning is completed, how do you dispose of the waste? Yeast will be neutralized with baking soda then sent through sewer system.

Deliveries will be twice a week (hops and grain) delivered in box trucks.

What is the spent grain stored in and how large are the containers? Usually spent grain is stored in buckets, estimate 55 gallons.

Lorali Totten, Engineer and Planner, Crest Engineering Associates, Inc., 100 Write Dr., Millstone Township, NJ – Credentials graduated Lehigh University 1977, professional Engineer License in 1983; Planning License in 1986. Worked at six firms, the last firm Crest Engineer for 25 years. Ms. Totten has testified before this Planning Board and other Boards throughout the State. The Board accept Ms. Totten as an expert witness.

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Exhibit A-4 Existing Conditions – (these were my calculations sheets and were not submitted to the Board) because it is colored in think it will be easier to see. Total of four lots is 2.7 acres, located on West Ward Street between South Main and Mercer Streets. Consists of four lots with several buildings (deli, Perennial Homes, insurance, Grove Supply). Lot 34 is not included because it not affected by this project.

Ingress and egress consist of coming down West Ward St., entrance and exit between the deli and Perennial Homes. Entrance and exist further down in front of Grove Supplies Warehouse. Existing sidewalk that goes along West Ward St. No handicap accessible ramp on one side of the eastern entrance – too steep – does not meet ADA requirements.

Ms. Totten reviewed Exhibit A-4 – layout, gravel parking lot, minimal landscaping, landscaping in front around Perennial Homes. There is not a lot of landscaping on this property. The old lumber building is no longer there.

Ms. Totten reviewed the site topography – site slopes mostly northeast to southwest. Very low highpoint in the rear slopes. There is a 36-inch storm sewer that crosses through Lot 36 and exits under West Ward St. That is the only drainage on the site. Residential properties along the east side and garages and barns that back up to the site. There is a fence along the rear (Lot 10 and 11) although there are some gaps which you can see through. Most of the site is covered by buildings. The actual changes are occurring around the building that is no longer there.

Exhibit A-4 – Proposed Plan with green representing the building and concrete sidewalks. There is an existing handicap parking space located at the end of the deli. Two handicap spaces are required. We are proposing to extend the pavement. This pole barn building has already been built. The staircase going to the second story of the front building has been relocated from the back to the side. A concrete pad with a roof will be part of the outdoor area. Additionally, to improve the appearance some of the pavement and gravel will be removed.

The original proposal submitted included a rain garden. No suitable location for a rain garden. Proposing more landscaping and slightly increase the impervious cover, less than a quarter acre. Most of the increase is removal of gravel and replacement with either concrete or roof. Overall between building, concrete and asphalt there is under 2,000 sq. ft. of increase in impervious cover that is reflected in the percentage in the chart on the cover sheet.

Therefore, less than ¼ acre impervious increase and less than an acre in disturbance. Therefore, it is not considered a major stormwater site, so it does not have to meet the water quality requirements, infiltration requirements or the cutbacks. Soil erosion and sediment control standards still apply. Those are the four criteria of the major application. With the slight increase in impervious coverage, we are still fully compliant with the Borough's ordinance and are not seeking any relief.

We are meeting some of the requirements for water quality, because roof runoff is clean. Therefore, you are replacing some of asphalt and stone with room runoff.

Rain garden and landscaping – Egress and ingress previously testified to is proposed to add large planters to block access and make pedestrian access. Make the entrance more visible adding sidewalk to allow pedestrian access and meet ADA requirements. Sidewalk will be 5-feet wide. Proposing to provide handicap access ramp on the side of the other entrance. Expand the handicap accessibility in the rear and organize the parking that is needed for the site by restriping the section that is paved and providing wheel stops to organize the part that is not paved.

Shared Parking Analysis – CS Cover Sheet of the Site Plan was developed by looking at all the entities that occupy the buildings within these four lots and allocating spaces based upon their actual business hours. Two timeframes (6:00 a.m. to 5:00 p.m. and 5:00 to 10:00 p.m.). It takes all the uses, except for the Deli which has dedicated parking from the handicap accessible parking down to where it ends. Shared parking analysis looks at what businesses are open when. As was testified to earlier, during the days when the brewery is open it is only for brewing, only employees, no patrons. Ms. Totten reviewed the Shared Parking Analysis.

Brewery peak hours Monday-Friday, 5:00 to 11:00 p.m.; Saturday 2:00 to 11:00 p.m. and Sunday 11:00 a.m. to 7:00 p.m.

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This analysis assumes that everyone is driving.

The parking for Grove Supply is located behind their building and the only way to access it is through Lot 37 to get to Lot 36. Borough professionals have requested that an easement be granted to allow Lot 36 to have access through the other lots. Existing drainage line is on Lot 36. Easement would also allow access for the drainage.

Landscaping and Lighting Plan –Site Plan C2 – Currently, there are a lot of lights throughout the site - each one of the buildings must have lights over the doors. We did consider some of existing lights on the ends of the building for Grove Supply.

We are proposing some building mounted lights on the new building. The biggest area in need of additional lighting was the rear parking area – two fixtures proposed there (sky darkening and shielded so they don't extend off the property, .3 lumens at the fence line to the east). They shed light over the buildings on the west, but they remain on Lot 36. Believe this lighting is going to give enough illumination for the brewery through 10:00 p.m. These lights will be turned off when the brewery is closed.

Landscaping – New bed located along the western side of the property and on the corner of the building in front of the proposed brewery. This is an industrially commercial zone and has been for years. The proposed building is an industrial looking building (pole barn). They are trying to be green. Considered using rain barrels to collect the roof water. Spoke with the Board Engineer and client, the difficulty is controlling the water when it is running into the barrel and the overflow. Rain barrels are not a practical solution for a building this size. However, they do want to utilize the water coming off the roof. Need to collect the roof drains in order to eliminate sheet flow (icing) across the parking lot. We are going to collect the roof drains and bring them around, where they go through gardens, put in a perforated pipe. Inlet located near (1/4 or 1/3 up building from Main St.) Grove Supply building take a 10-inch pipe across and connect it. put a Anything that doesn't have the ability to soak into the ground, will be taken around and put into the storm sewer to it won't be going over land. That is what we are proposing, that is not on the plans now, subject to the Board Engineer's approval. This seems to be the most practical.

Planning Board Professional

Ms. Roberts – Did you look at the circulation and how the commercial business are going to move during the time that people are going to the deli or the brewery? Or if you don't see there is a problem?

Ms. Totten – I have no concerns about the circulation. I was there around 9:00 a.m. and there were some truck deliveries. The areas where the parking is going to be in the middle, the truck came around through and pumped out the grease trap at the deli. There is plenty of room near the dumpsters are proposed for trash truck removal to pick up and dumpster and back around and leave.

Improvement planned for the pavement – The gravel area in the back does get disrupted in the winter. Advantage it does let some water soak through. The disadvantage it is tough on snowplows. Every spring the owner of the property needs to regrade out and reset the wheel stops. The potholes have been filled with stone temporarily because there is construction going on. The owner does plan to repair the potholes and repair the openings made by installing utilities at the end of the project – blacktop repair only. He will be repairing the bad spots once construction is completed.

Ms. Roberts - Discuss main driveway entrance – not sidewalk there now and no delineated apron.

Ms. Totten – At this time we are not proposing to replace the asphalt driveway apron. It is my understanding that there are some street plans for this area. Ms. Roberts there are no plans for any improvements on that portion of the street.

Ms. Totten – Because the apron area is a little steeper, it is not practical to continue the sidewalk straight across. What we would propose is to connect to the area of the sidewalk in front of Grove Supply and bring it across where it can be made to meet the ADA requirements of no more than 5% longitude and latitude and 2% crosswise. Proposing to install 50 feet of sidewalk inside the property line, not in the right of way. It is a better location in this case with the least amount of disruption. If there are no plans to redo this road, maybe a portion should get a concrete apron when you are doing the sidewalk, that was

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the reason we hadn't proposed it. That would also help better delineate a driveway, because there is a depressed curb that goes across the front of the other store.

Mr. Brennan if the Board were to grant approval tonight, we would certainly accept as a condition of approval working with the Borough Engineer to come up with a mutually acceptable plan to address those concerns with regards to an apron and the sidewalk on the street frontage of the property.

Ms. Roberts – no further questions.

Mr. Slauch – I take your testimony on the shared parking as your rationale for no parking variance?

Mr. Brennan – There really isn't a parking variance required or triggered, because under the shared parking analysis involving all the lots that are part of this plan, we are consistent with the Board's requirements with respect to parking.

Mr. Slauch – I don't believe that is how parking is calculated. I understood the shared parking was your justification for not having enough spaces. That is not what you intended?

Mr. Brennan – If the Board or professionals believe a variance is required, then we would be seeking a parking variance relief as part of this application this evening.

Mr. Slauch – Your justification is the shared nature of the uses. Uses can change. There may be different peak hours that either lessen or increase the impact for meeting the parking demands. That is why I think a variance is involved. If the Board is comfortable with the reasons you stated on the record, then the bases for granting variance would be met in my view. The ordinance does not specifically have a shared parking section. It might be something to look at in the future, as more application like this come before the Board as the Borough rejuvenates. From my standpoint I am satisfied with that part.

I agree with the Borough Engineer that addresses the driveway apron particularly because part of the circulation system will be changed. I think the one-way drive benefits the pedestrian aspect with relationship with the deli.

Question - When the building was being laid out the outdoor seating is on the side closest to the residents. Was there any thought given to reversing the building where the seating area is on the other side?

Mr. Brennan – There was some consideration as a group looking at the other side. The benefits of locating it where it was, consolidates the outdoor seating with the outdoor seating at the deli. The deli is currently open weekdays until 7:00 p.m., but they are anticipating a change. There is an existing fence along the entire border of the properties on South St. Most of those residential properties have large out buildings barns, which are significant buffers. From a safety prospective keeping the outdoor away from the large parking on the opposite side of the building made sense.

Mr. Slauch – Do you have a witness to affirm that?

Mr. Puskar confirmed that what Mr. Brennan said is correct. When we were considering the outdoor seating, we thought it would be a nice compliment to the deli outdoor seating. Mr. Wilson also mentioned as well. From discussions with the deli owner, he plans to revise his hours to create a nice environment between the two properties. We were also trying to avoid two outside seating. Thought that would be more of a risk to have the outside seating near the parking area.

Mr. Slauch – Could someone seated in the outdoor deli area buy a growler and consuming it on the deli premises?

Mr. Puskar – not familiar enough with the deli's licensing. They could certainly buy it from us. We envision that the people would buy the food from the deli and bring it into the brewery, not buy the beer and take it to the deli, unless they have the appropriate licenses.

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Mr. Brennan – You cannot buy a glass of beer at the brewery and take it off the property? Mr. Puskar – the only thing you can take away from the property are self-contained packaged growlers or crawlers. Not familiar with the rules at the deli regarding BYOB

Mr. Montferrat asked if anyone know if the deli is BYOB?

Mr. Brennan noted that should the deli increase their hours, their additional parking needs are not part of this application. They have their own dedicated parking.

Mr. Slaugh – Proposed lighting at the outdoor seating area.

Ms. Totten – In addition to the light over the door, there will be strings of lights over the outdoor seating area when the area is open. I would consider this adequate lighting for outdoor seating area.

Mr. Slaugh – Landscaping – made some recommendations in potential changes of plant material.

Ms. Totten – We would like to discuss that further. We would like to maintain the low maintenance portion.

Mr. Slaugh would certainly be willing to discuss this matter further with the applicant.

Mr. Brennan – On behalf of the applicant we would be willing to accept this as a condition of approval – come up with any necessary changes in terms of plant material for the landscaping plan, through discussion with the Board's Planner.

Mr. Slaugh – will the dumpsters be enclosed?

Ms. Totten – Mr. Wilson has requested that they not be placed in enclosures. Currently are not enclosed. Enclosures do have their own problems.

Mr. Slaugh – What is the land use to the south of the property? Ms. Totten responded residential.

Mr. Brennan – To the rear of the property where the dumpsters are on the Wilson Property it is largely undeveloped. The properties immediately adjacent to the Wilson property on the other side are residential.

Mr. Slaugh - Is there existing vegetation and growth shielding the Wilson property from those residential properties?

Ms. Totten – Yes, if you look at the aerial map, Exhibit A-1, lot 10, 11 and 12 are across the back, there is more vegetation and a fence there and the dumpster locations are outside the vegetated area.

Mr. Slaugh – Is it your testimony that they cannot be seen from the public right of way?

Ms. Totten – I did not look to see if they could be seen from the public right of way. They may not be able to be seen. You may be able to see the ones along Cranbury Design on the road if you stand in the driveway and look.

Mr. Slaugh - I still recommend that all refuse storage facilities be enclosed with solid fencing. Mr. Syzmanski has referred to the report you prepared on the statement of negligible environmental impact.

Ms. Totten – I had prepared an email; it was not added to the Environmental Impact Statement. Calculated the water use based upon the number of seats at the brewery.

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Border between Lot 37 and the residents on South Street. Are there any plans to redo any of the landscaping along that fence line to further ensure buffering? Ms. Totten – No, not currently. The actual buildings are mostly solid and there is a wooden 6-foot fence. The parking spots come close to the edge of the property border.

Board member expressed concern about the noise projecting from the outdoor seating area to those residents. Not sure what vegetation would provide any noise barrier.

How do you access the brewery from the handicap parking area?

Ms. Totten – You would walk along the end of the spaces, which now are in a pedestrian area because it is blocked off at West Ward along the sidewalk. Wide paved pedestrian access way. We are proposing guide signs to help organize the area and tell people where to park for certain businesses.

Concerned about the shared parking analysis – you make certain assumptions about when businesses are open. Concerned if these businesses should change their operating hours.

Ms. Totten – One of the nice features of this property is that with the gravel parking is flexible to a certain degree. I believe if there were a problem with the parking Mr. Wilson could, without changing the impervious coverage, reorganize the parking (additional concrete wheel stops and create spaces going the other way).

Question regarding signage? Ms. Totten – no sign is needed for the brew house. We are proposing to put a directory on the side of the Grove Supply Store.

Mr. Pulsar – There are plans to put an Old Hights Brewery sign on the parking side of the building.

Mr. Cicalese noted that the Environmental Commission was very disappointed about the rain garden. Has the Environmental Commission reviewed the new proposal? Ms. Totten – No, they have not because this came up after the comments were received. Ms. Maziarz noted that procedurally it was a recommendation made in the Board's Engineer's report.

Mr. Montferrat concerned about plantings on the rear of the property line along South St.?

Mr. Brennan – We have received informal comments and feedback from the residents on South Street properties. Collaborative with Old Hights Brewery and Mr. Wilson nothing formally to propose currently. Subject to a condition as part of the approval, we would work with the Borough Planner and Engineer to come up with a landscaping plan along the border of those South St. properties to create evergreen, not a deciduous, landscape buffer. There is plenty of room there for additional border area and landscaping to create a visual and sound buffer. We have no details currently. We would work with the Borough's professionals to develop a plan that is acceptable. We would also welcome input from the neighbors.

Ms. Asselstine – How many dumpsters are currently on the property? Ms. Totten – There will be only one roll off dumpster.

Ms. Maziarz – Previous question regarding taking the beer from the brewery and walking over to the deli. The Board does not have any prohibition against BYOB. It is governed at the municipal level. If the municipality wants to ban it, they would have to pass an ordinance that prohibits it. Otherwise it is largely regulated by the restaurants themselves. If the deli doesn't allow any beer on its premises, which it probably would not unless they were seating. More than likely they are not going to allow someone to walk over with beer.

Mr. Brennan - Paul Syzmanski, Planner, 28 Norton Ave., has prepared a Community Impact Statement dated July 2019 and a report on the Use Variance as part of the application. Mr. Montferrat noted that Mr. Syzmanski has testified previously before the Board and accepts his credentials as an expert witness.

Mr. Syzmanski gave an overview of the Planner's Report to justify the Use Variance aspect of the application. Brewing is usually classified as a manufacturing process. No manufacturing use is permitted in any zones in the Borough. Mr. Syzmanski reviewed the previous uses of this property. It is my opinion that the brewery aspect of the proposed use is an "unanticipated" element of a permitted "bar or places to eat or drink" use for Hightstown Borough.

Criteria for a Use Variance includes showing "special reasons" that purposes of the Municipal Land Use Law are promoted based on the proposed use and showing that an approval can be granted (1) without substantial detriment to the public good, and (2) will not substantially impair the intent and purpose of the zone plan or zone ordinance.

The Medici Case must also be addressed to show that the use proposed would serve the general welfare because the proposed site is particularly suitable for the proposed use.

Positive Criteria – Special Reasons – Promotes the purposes of the Zoning:

Purpose a. "To encourage municipal action to guide the appropriate use or development of all lands in this State a manner which will promote the public health, safety, morals and general welfare."

Purpose g. "To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens."

Purpose i. "To promote a desirable visual environment through creative development techniques and good civic design and arrangement."

Purpose m. "To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land."

Negative Criteria – No substantial impairment of intent and purposes of Hightstown Zone Plan and Zoning Ordinance – No substantial impairment identified. The Borough's planning goals and objectives as set forth in the Borough's 2014 Master Plan Reexamination Report as follows:

Goal #2 – "Revitalize the central downtown business area and improve the economic viability of the Borough" – This proposal will do that.

Objective #2.1 – "Improve the economic viability and appearance of the Borough." This proposal will do that.

Objective #2.5 – "Encourage creative and innovative reuse of the underutilized or abandoned properties." – This proposal is a creative and innovative undertaking which will have a positive effect on this underutilized property.

Objective #2.6 – "Encourage businesses that contribute to the small town character of the Borough and are likely to stay and thrive for a long time" and "For the downtown area, the Planning Board recommended businesses – downtown as a destination, where people plan an outing, therefore restaurants and other businesses that would benefit from operating during evening and nighttime hours should be encouraged through zoning regulations..." This proposed use certainly is consistent with the Borough objective.

In addition to the "special reasons" noted above and based on the goals and objectives of the Borough's 2014 Master Plan Re-Examination report, it is determined that the use variance request for a microbrewery with a tap room is not inconsistent with the Master Plan goals and objectives. In fact, the application is consistent with and will further the states goals and objectives and this provides a basis to reconcile the omission of the proposed manufacturing aspect of the use from the zoning ordinance and provides an "enhanced quality of proof" for the Hightstown Planning Board to approve this application.

Under the Medici Case – Given my testimony and the report, it is my opinion as a professional planner that the general welfare is promoted as the proposed site is particularly suited for the use. If any site in the Borough's business district can accommodate a "manufacturing use" as part of a drinking establishment use, this is certainly an excellent location.

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Conclusion: My professional planning opinion is that the Board can approve this application without any substantial impairment of the intent and purpose of the Borough's Master Plan and Zoning Ordinance.

Mr. Slaugh – I agree with Mr. Szymanski's testimony that the use variance meets the goals and objectives of the Master Plan seeking to create new uses within Hightstown that can attract people. The zoning has not caught up to the Borough's thinking. Does not substantially affecting the Master Plan. In your Impact Statement no police resources are mentioned.

Mr. Szymanski – I spoke with the Police Chief and he indicated he did not have any problem with this type of facility in the Borough. Noted that younger people usually use Uber or taxis. This will influence the need for parking because more people will be using either Uber or taxis as well pedestrians.

Board Comments

Both the Police and Fire Department did receive the application with a comment sheet. The Police had no comments; Fire Chief only comments were installation of a "KNOX Box."

Concern expressed about only one way in and out of the outdoor seating. Mr. Slaugh – Access – egress is set by the Building Code.

Mr. Szymanski – Police, Fire and First Aid will be allowed to inspect and become familiar with the facility.

Mr. Brennan this concludes our testimony. We welcome any further questions from the Board, professionals and public comment.

Mr. Montferrat opened the public portion of the meeting.

Jason Baseden, 38 Meadow Dr., I have lived in Hightstown for five years. Grew up in Portland, Oregon which is microbrewery culture. Attest that the concept of microbrewers is a place for families to gather. Hightstown does not have a lot to offer families. Hope the Board supports this concept. We hope to stay in Hightstown but hope there is some progress. I have attended several Board meetings over the years about certain projects. It seems that everything gets stalled. A little frustrating.

Gene Sarafin, 628 S. Main St. – Very thorough presentation. No objections to this plan. See a lot of future with this concept. Please pass this application.

Constance Herinxma, 120 South St. – Currently renting our property. Think the brewery is a good idea. However, concerned about the impact to our property. We have been dealing with significant impact for the past ten years, with the parking lot that backs up to our property and dumpster noise. Over the years the noise has increased and with the brewery it will be even more. Concerned about the view from our house which sits higher up. Currently look at a parking lot. Not much of a barrier. No vegetation on the parking lot. Supportive of the idea, but these are some issues I would like addressed because it does impact the quality of our life. According to her renter the dumpster pickup is several times a week early in the morning. If there is anything that can be done to create a visual and sound barrier, it would be appreciated. Parking lot and grading – problem with drainage and runoff on our property. Would like these issues that affect our property to be addressed.

Mr. Brennan commented with respect to landscaping we have offered during testimony that we would work with the Borough's professionals to come up with some landscaping along those properties on South St. In addition, with respect to drainage, we would accept this as a condition of approval. We would also work with professionals to ensure that the drainage from our property does not adversely impact the neighboring properties on South St.

Susannah Hollister, 124 South St. – My property is also behind the lot in question. Landscape border that would buffer our property from commercial current and proposed use as a condition of approval would be greatly appreciated. I would be eager to be part of the discussion.

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Adam Welch, 2 Taylor Ave – Thanked everyone for listening to this presentation and thank you all for putting together such an informative presentation. I am in support of this project. I have been a resident for twelve years, and I think this is a great opportunity for the town economically speaking. This is not only good for the brewery business but also the other businesses in town as well. Impact on parking and traffic, comes with growth. I would like to see a parking lot that was bustling and full, rather than one that was empty. Great place for the community and families can gather.

Jeff Bond, 210 S. Main St. – Own five rental properties in the Borough. This is a great idea. Boom for Hightstown and welcome it. Try to keep the lighting low.

Dimitri Musing, 137 Stockton St. – Home and business owner in town. Thanked the applicant for bringing business to Hightstown. When you look at the Master Plan, it is all about bringing business to Hightstown. Growth is a double edge sword – increase property values. Business willing to come into town and make a serious capital investment. This is a win for Hightstown.

Joe Perovic, 207-209 Mercer St. – Great idea and hope we have more similar projects come into town. Not easy for developer to come into town. I think the community should support this.

Christina Fowler, 139 South St. – Live within walking distance of this brewery. My husband and I are in full support of the brewery and respectfully ask that you approve it. Echo what Mr. Puskar stated earlier, that breweries are proven destination sites and are steadily serving as mechanisms for economic development in our small walkable communities such as Hightstown. Given the thorough presentation and the breweries team's willingness to work with everyone's concerns, this is a tremendous win for our community.

Rick Pratt, 114 W. Ward St. – I have absolutely no issues with the brewery. I think it's fantastic. It will raise property values and great for all restaurants in town. Spend a lot of time in Atlantic Highlands which has a brewery and there are always families there. People search out breweries. Will bring people to Town. Interaction between craft brewery and other Commissions. Applicant has expressed their willingness to work with the neighbors.

Jim McDade, 125 South St. – I am in full support of this project – win-win. Well thought out business plan which will positively impact the community and other business. I can think of no better reason than to recommend the Board support this application.

Bob Von Reigan, 108 Etra Rd and rental property Mercer St. – I am in full support. Extremely well planned. Hightstown needs this. This is a perfect plan. Applicant has been considerate and thoughtful.

Wendy McDade, 125 South St. – Residents for 16 years with two children. Decided to live in Hightstown to be a part of a small and walkable community. This project is why we chose to live in a town like Hightstown. It gives us one more place to meet the great people. Reinforce that we are in full support and hope there will be more like it. Great that we are supporting our own entrepreneurs in this community. It really is a home-grown business that is taking shape and we are glad to be supportive of it and hope the Board will also.

There being no further comment, Mr. Montferrat closed the public comment portion of the meeting.

Motion made by Mr. Cicalese and seconded by Ms. Jackson to approve Preliminary & Final Major Site Plan Application, With Use Variance, Block 56, Lots 36, 37, 38 and 39, 123 West Ward Street, Construction of New Building by Wilson Property Management for use by Old Hights Brewing Company, LLC., with conditions as noted below:

Discussion

Ms. Maziarz reviewed the conditions:

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Variances

- 1) Use Variance – Use Variance - Borough Ordinance Subsection 28-3-14, Permitted Uses. In the CC-2 Central Commercial District, the following uses, and no others, shall be permitted:
 - (a) Any principal use permitted in the CC-1 District.
 - (b) Retailing and distribution facilities related to carpentry, electrical, masonry, and plumbing services with only incidental outdoor operations.
 - (c) Planned commercial developments subject to regulations in subsection 28-10.14.
 - (d) Motor vehicle service stations subject to restrictions of subsection 28-10-11.
 - (e) Additional uses permitted include houses of worship, child-care centers, bars and taverns, restaurants, but not drive-through or fast food type establishments, newspaper and publishing facilities and funeral parlors.
 - (f) Residential dwelling units on the upper floors of buildings containing permitted principal uses are also allowed.

The NJ Division of Alcoholic Beverage Control considers the brewing process a form of manufacturing, and in fact most zoning ordinances place the production of beverages, whether alcoholic or not, as an industrial use.

- 2) Bulk Variance – minor pre-existing bulk variances for existing conditions of buildings currently on the property;
- 3) Parking Variance
- 4) All waivers noted in the Borough Engineer's report

Conditions

- 1) Applicant testified regarding music – any live music will be kept indoors; if outdoors it will end at 9:00 p.m. and will comply with the Borough's Noise Ordinance.
- 2) If the Alcoholic Beverage Control permits an emergency gate on the outdoor seating area, the applicant will install it.
- 3) No cooking or food preparation will be done on the site.
- 4) Waste products will either be reused or removed from the property. It will not be stored outside.
- 5) Cross Access and Blanket Parking Easement required for adjacent property (Grove Supply Lot 36).
- 6) Security lighting plan will be prepared to the satisfaction of the Borough Engineer's and lighting will be turned off at the close of business (11:30 p.m.).
- 7) Proposed rain barrel will not work. Per Borough Engineering report, the applicant is requested to evaluate these concerns and if they cannot be satisfactorily addressed, then a piped connection for the drains is recommended. Item #6, Engineer's report dated August 28, 2019.
- 8) Item #3 – Engineer recommends that a 6-inch thickness sidewalk and concrete driveway apron be constructed across the entire entrance/exit to accommodate automobiles and trucks.
- 9) Landscape – applicant will provide additional landscaping and buffering at South Street.
- 10) Drainage – related to south end of the parking lot – South St.
- 11) Testified regarding pavement being in disrepair; will be repaired with black top.
- 12) Applicant will provide a Knox Box in accordance with the Fire Department's recommendation.
- 13) Applicant agrees to work with the Borough Engineer to reduce the stormwater flow onto the properties on South Street.
- 14) Applicant will comply with all comments in the Borough Engineer's Letter dated August 28, 2019.

ROLL CALL VOTE: Mr. Montferrat, Ms. Asselstine, Ms. Colavecchio, Ms. Jackson, Mr. Searing, Mr. Cicalese and Mr. Balcewicz voted yes. Motion passed 7-0.

Memorialize Resolution: Resolution 2019-09 – Spring Point at Meadow Lakes, Inc., 200 Etra Road, Block 63.01, Lot 45, Application for Preliminary and Final Site Plan with Variances. Tabled to the October 15, 2019, Meeting.

OLD BUSINESS – None

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NEW BUSINESS

- 1) County infrastructure projects on Stockton, Monmouth and North Main Streets – Ms. Asselstine reviewed upcoming projects.
 - a) The County has been very supportive in making additions to projects that are already in progress. Stockton St. project – when they finish the paving work, they will be adding pavement markings for shared roads for bicycles and signage for bicycles may use the full lane. Problem on Stockton St. with significant number of signs that already exist. Someone has been looking at sign clutter throughout the county and make recommendations to consolidate. County signs they will pay and install replacement. Will not pay for any community and local signs.
 - b) Monmouth Street – not wide enough for bike lanes; will have pavement markings for shared road for bicycles may use the full lane.
 - c) Mr. Cicalese's added that his neighbor on Stockton St. is having a portion of his front yard taken by eminent domain for a new crosswalk on the west side of the five-point intersection of the two schools. Crosswalks on both sides of the intersections.
 - d) No new crosswalks on Monmouth St.
 - e) North Main paving project between Borough line and Wyckoff Mills Road. Repaint and give us buffered bike lanes on both sides of North Main St. from the Borough line down to Monmouth St. Shared road pavement markings from Monmouth to Bank Streets. Signage for the bike lanes.
 - f) Two new crosswalks at North Main St. – Monmouth St., just to the north of the intersection; Wyckoff Mills Road just north closer to Wyckoff Mills than Wilson. Redo handicapped ramps and make them ADA compliant and high visibility crosswalks.
 - g) North Main St – resolution to support banning parking when they put in the bike lanes.
 - h) Stockton St. will be paved next year after water main and sidewalks will go to Borough line (spring).

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Cabot seconded by Mr. Rosenberg. All ayes. Meeting adjourned at 11:15 p.m.

Respectfully submitted,

Sandra Belan
Planning Board Secretary

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