

Hightstown Planning Board  
Regular Meeting – Virtual  
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August 10, 2020, 7:30 p.m.

OPEN SESSION

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

Flag Salute

Roll Call

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

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

APPROVAL OF AGENDA

Mr. Montferrat asked for motion to approve the agenda. Motion made by Mayor Quattrone and seconded by Mr. Rosenberg to approve the August 10, 2020 agenda.

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

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the July 13, 2020 minutes. Motion made by Mr. Laudenberger and seconded by Mr. Cabot to approve the July 13, 2020 Planning Board Minutes.

**Roll Call Vote:** Mr. Montferrat, Mayor Quattrone, Ms. Asselstine, Mr. Searing, Mr. Laudenberger, Mr. Balcewicz, Mr. Rosenberg and Mr. Cabot. Ms. Jackson abstained. Mr. Misiura was absent. Motion passed 8-0, one abstention.

## PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

Bill de la Peba, 213-215 Morrison Avenue – Asked the Board what was required to subdivide his property. Mr. Montferrat will discuss the matter with George Chin.

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

**HEARING** Application #2016-01 – Windsor Property Associates, LLC – Site Plan Waiver, Block 48, Lot 31, Office Retail Project in Route 33 Corridor Revitalization Zone in East Windsor

Leonard Coates, Attorney, Turp, Coates, Driggers & White – Affidavit and notice was submitted to municipal clerks in adjoining municipalities according to statute. Did comply with the law regarding notice.

Reviewed the application which is Waiver of Site Plan Improvements – no building improvements and no parking within Hightstown. The entire lot (Block 48, Lot 31) consists of .02 acres (686 square feet), located on southeast corner of the property abutting Route 33 adjacent to the Joe Canal Liquor Store.

Presented to the East Windsor Planning Board and received approval, East Windsor Township, Resolution #2020-12, Granting Preliminary and Final Major Site Plan Approval with Bulk Variances: Applicant proposes to construct an 8,872 square foot single-story office/retail building with 45 related parking spaces which is a permitted use in the East Windsor CR Zoning District.

Applicant proposes to consolidate the five lots in East Windsor (Block 53.03, Lot 99, 100, 101, 102 and 103).

Zoning in Hightstown is Highway Commercial; East Windsor Zoning CR – Route 33 Corridor Revitalization Zone. This project will be a positive improvement for the Route 33 Corridor.

Mr. Coates provided some background information to the Board. In 2015 applicant, Windsor Property Associates, purchased three of the existing lots 101, 102 and 103 in East Windsor and the small sliver in Hightstown. The existing two-story brick building will be demolished; additional land (Lots 99 and 100) for parking and stormwater was purchased at East Windsor Auction. Lot 99 dilapidated house will be removed. Fully compliant with East Windsor parking requirements (45 space) and underground stormwater management improvements.

In anticipation of this project, Mr. Coates approached Hightstown in 2016 with a concept review, specifically by Carmela Roberts, Roberts Engineering – suggested joint cross-access easement with Joe Canal Liquor. Richard Wiener, Landscape Architect and Mr. Coates met with the property owner Joe Canal, Ashwin Patel, to discuss benefits of cross-access easement. They were unable to come to any

agreement regarding the cross-access easement. Owner, Mr. Patel did not see any benefit to his property and negotiations completely broke down.

The existing buildings on this property are serviced by Hightstown for water and sewer. Water and sewer service in East Windsor are not close to this project. Therefore, the applicant requests to continue water and sewer service with Hightstown Borough. Crest Engineering Associates has provided an Engineer's Report for Existing and Proposed Water Demand & Sewage Generation Analysis, dated May 22, 2020. The report documents that the increase or decrease in water demand and sewage generation is small.

Matter will be referred to the Borough Council for their approval.

Ms. Donna M. Bullock P.E. Crest Engineering Associates, Inc. was sworn and was accepted by the Board as a licensed professional engineer.

Ms. Bullock described the site plan – properties are on Route 33/Mercer St, northern portion of the site; comprised of 52,474 square feet part of which overlaps 686 square feet in Hightstown Borough. Applicant proposes to consolidate the lots comprising the property and to demolish the existing structures. The applicant proposes to develop a new single-story, 8,872 square foot mixed office and retail development on the property. The proposed building is to be divided into four separate retail/office spaces. The site plan improvements include three proposed access and egress points on to Route 33, sidewalks, 45 parking spaces (including handicap), one loading area, streetscape and landscape improvements, stormwater management facilities, utilities and related site improvements.

Underground storage system and outlet control structure will be placed within the westerly parking lot and discharged to a low point at the westerly end of the property. This addresses our water quality issue. Various inlets, manholes, French drains and roof leaders will all connect the sites runoff directly into the underground storm system after passing through three water quality devices. Due to the current soil types, the system does not rely on infiltration and groundwater recharge analysis is not required.

The site is flat and the northern half drains to the vacant lot and the front of the property drains to Route 33. The low point is on the western end of the property. Ms. Bullock testified that the applicant is proposing an underground detention system in the western parking lot. The runoff will be picked up from the parking lot, the access drive and the building and be directed to the underground system.

Sanitary sewer and water utility systems the service the existing residential lots on the north side Route 33 also service the West Windsor Board of Education property directly across the street from the property we are developing.

Those are an extension of the Hightstown utilities into West Windsor. As part of the application additional service connection to any properties demolished will be property disconnected. We will provide utility plans which will show existing sanitary sewer pipes, sizes, inverts and slopes and the existing water main and laterals will also be shown.

Ms. Bullock reviewed Crest Engineering Associates Engineer's Report for Existing and Proposed Water Demand & Sewage Generation Analysis, dated May 22, 2020:

Conclusion:

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- 1) The average daily water demand has increased from 637.5 gallons per day (gpd) to 1109 gpd, resulting in a 471.5 gpd increase in the water demand.
- 2) The average daily sewage generation has increased from 665 gpd to 887.2 gpd, resulting in a 222.2 gpd increase in sewage generation.

Ms. Bullock testified they will comply with Carmela Roberts, Roberts Engineering Group comments in her report dated June 25, 2020.

Crest Engineering will create a comprehensive plan for Hightstown review and approval.

Mr. Searing – The capacity for the sewer will not be a problem. Request for fire hydrants from the East Windsor Fire Official which were also requested by the Hightstown Fire Chief.

Ms. Bullock we will review the fire department issues with the Fire Chief. This was dealt with during the East Windsor Hearing.

Mr. Coates noted an error in the Crest Engineering Associates Engineer's Report for Existing and Proposed Water Demand & Sewage Generation Analysis, dated May 22, 2020: Conclusion page – **increase** (not decrease) in sewage generation.

Ms. Roberts – This application will have to go to the Borough Council for their approval since they are requesting service outside the Borough, and they are requesting additional flow. Sewer increase is 30% more the water request is almost doubled. Before we determine that these are inconsequently increases, it will go before the Borough Council.

- 1) Hightstown Fire Chief was in full agreement with the East Windsor Fire Chief concerning hydrants. Would like to know eventually if there will be a fire connection or if the building will be sprinklered.
- 2) Size of water service for the new building. Ms. Bullock – this information will be provided.

Ms. Roberts will follow up with a letter to Council once the Applicant's Engineer provides the additional information requested (specifically need details for fire and size of the water service).

Mr. Coates – Crest Engineering will provide a utility plan, fire connection/sprinkler, hydrants and comply with all the comments in Ms. Roberts letter dated June 25, 2020.

Mr. Montferrat asked Board members if they had any questions for Ms. Bullock? There were no questions from the Board Members.

Mr. Jay S. Troutman, Jr. P.E., Licensed Traffic Engineer, McDonough & Rea Associates, Inc., Westfield, NJ, was sworn in and was accepted by the Board as an expert witness.

Jay Troutman, P.E., Traffic Engineer testified concerning the traffic analysis that was conducted – report from McDonough & Rea Associates, Inc., dated November 22, 2019.

The narrow shape of the site to be developed dictates the location of the building and parking layout. Building was placed on the eastern portion of the site and parking proposed on either side of the building.

Parking lot containing 21 spaces east of the building and adjacent to the Joe Canal Liquor Store lot -- 90-degree parking stalls with two-way driveway with ingress and egress. West of the building there will be another parking lot with 24 spaces, with one-way system to access parking. One-way circulation into and out. The two parking areas will connect in the back of the building for service/delivery/truck circulation.

Mr. Troutman testified that the access configuration was reviewed by New Jersey Department of Transportation (DOT). Typically, DOT would only want to see one driveway for this site. A pre-application meeting was held with NJDOT to review the proposed driveway design. Mr. Troutman testified that DOT reviewed their plans and agreed that we would qualify for a waiver to get the number of curb cuts we are proposing. We got a level of assurance from DOT that we could proceed with this access arrangement. We have since filed a formal application with NJDOT for this plan which is currently under review. We have an expectation that this driveway system will be approved by the DOT.

The proposed site driveways have been designed to comply with NJDOT design standards and NJDOT approval of the proposed driveway system is expected, based on the pre-application meeting.

Traffic Impact – This is a small building so impact is low, does not rise to the level of a significant traffic issue. The existing building and residential unit(s) will be removed.

Mayor asked how many trucks they were expecting?

Mr. Troutman response: We currently do not have any tenants for the site; based on the size of the building it will not have a significant amount of truck traffic, possibly one or two a day.

Mr. Coates added currently have no tenants, uses are for office/retail, which will depend on the end user.

Board Questions:

Mr. Balcewicz – Is there a limitation on size/weight of trucks?

Mr. Troutman noted that tractor trailer deliveries will not be permitted. Does provide for fire truck and box truck.

Richard Wiener, LLA, Licensed Landscape Architect, Crest Engineering Associates, Inc. was sworn in and accepted by the Board as an expert witness.

Mr. Wiener reviewed the landscaping proposed for the Hightstown portion (Block 48, Lot 31) of this property. Applicant is proposing to add 14-foot wide landscape strip that will include shade trees and evergreen shrub. The same trees will continue along the front of the building where we have created a streetscape. Because of the shallowness of the property, we moved the building to the front to allow for circulation in the back. Received a variance for front setback from East Windsor for walkway and sitting area and landscaping in the front. We will add one tree and shrubs to the property located in Hightstown.

Mr. Coates asked Mr. Wiener with respect to factual testimony, you were present with me at Joe Canal Liquor Store on two occasions when you presented Ashwin Patel a prepared plan for cross-access easement which would have been equally divided between the Hightstown Real Estate LLC and Windsor Property Associates, LLC.

Mr. Wiener confirmed that he prepared and presented the cross-access easement plan on both occasions to Ashwin Patel, Hightstown Real Estate LLC. Mr. Patel did not see any reason for a cross access easement on the property saw no benefit. At this point, discussions regarding cross access easement were concluded.

Mr. Coates – I believe my client, Windsor Property Associates, LLC, made a good faith effort to address this issue. Unfortunately, an agreement was not reached with Hightstown Real Estate, LLC.

Mr. Coates noted that the whole idea of the Route 33 Corridor Revitalization program is to encourage this type of development/revitalization along Route 33. We will address all Ms. Roberts requests as noted in her memorandum dated June 25, 2020 and prepare a utility plan that she deems appropriate for approval by the Borough Council.

Mr. Montferrat opened comments from Planning Board.

Mayor Quattrone commented that he was glad this property is being cleaned up, brick building an “eye sore” in the community. Question – what will become of the billboard next to the building? Concerned about the potential of adding lights to the billboard.

Mr. Coates – The billboard encroaches onto Lot 99. As part of the East Windsor application, it was made clear that the billboard had to be moved. We have made efforts to have the billboard removed. East Windsor Zoning Office is aware of this matter. Apparently, no permits were ever issued. Billboard must be moved off Lot 99. Billboards are not a permitted use in the East Windsor CR Zone. We are hopeful they will remove the billboard on Lot 99.

Mr. Montferrat opened for public comment.

There being no comments, Mr. Montferrat closed public comment.

Mr. Montferrat open comments from the Planning Board.

Ms. Jackson – East Windsor gets a fee for site plan. Does Hightstown get part of that? Ms. Maziarz – no.

Mr. Coates – the applicant has paid the application fee and escrow to Hightstown Borough.

Mr. Searing added that he has reviewed the application and no concerns with the increase in sewer usage and water was referred to the Borough Engineer.

Ms. Jackson expressed concern regarding traffic.

Mr. Troutman responded that this will be a small service or retail type business. Load in terms of deliveries is light, small step van or box truck once or twice a day. There will be no large trucks. A detailed traffic report dated November 22, 2019, was also prepared for the Board’s review.

Mr. Coates noted that the applicant originally submitted an application in 2016 for review by the Borough’s engineer. This application also included application fee and escrow funds. This is a collaborative effort to get this project approved by two municipalities.

Ms. Asselstine added that East Windsor was in discussions with the DOT regarding intersection at Airport Road. Has this matter been resolved?

Mayor Quattrone - DOT said there could be a traffic light. However, nothing has been scheduled at this time. There will be "no passing" permitted on this road.

Ms. Maziarz – The applicant, Windsor Property Associates, LLC, is requesting a waiver for site plan approval.

Motion made by Mayor Quattrone and seconded by Ms. Asselstine to grant Site Plan Waiver for Application #2016-01 Windsor Property Associates, LLC, waiver of Site Plan, Block 48, Lot 31, Office Retail Project in Corridor Revitalization Zone in East Windsor.

Ms. Maziarz noted that the applicant is required to submit their plan to the Borough Council for their approval per Subsection 19-1:

Subsection 19-1-1 Submission of Plan; Decision. Whenever an owner of land in the Borough or partly within the Borough, or land controlled by another governmental entity, desires to improve it by the installation of a water or sewer extension to the existing system, he shall file a detailed and accurate plan of the proposed improvement, in triplicate, with the Borough Council. The plan shall show the street outline and specify the extent of the improvement desired and the proposed location with the grade of the area in question.

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

## NEW BUSINESS

Memorialize Resolution #2020-08 Bank Street Redevelopment Plan

Memorializing the Bank Street Redevelopment Plan which was approved by the Planning Board at the July 13, 2020 Meeting and transmitted to the Borough Council on July 14, 2020 for their action.

Ms. Maziarz - Redevelopment Plan outlines the parameters as to development's appearance. The developer will still be required to get site plan approval from the Planning Board. The applicant will be required demonstrate to the Planning Board that they are compliant with the redevelopment plan. Redevelopment Plan supersedes zoning.

Mr. Slaugh added that the applicant is intending to file Site Plan Approval on August 17, 2020.

Motion made by Ms. Asselstine and seconded by Mr. Balcewicz to adopt Resolution 2020-08, Review and Recommendations Regarding New Redevelopment Plan Introduced in Ordinance 2020-04 for Property Designated as an Area in Need of Redevelopment in Block 8, Lots 12-14, Block 18, Lots 8-12, Block 21, Lots 1-14, Lot 20 and Lot 26, and Block 30, Lots 1-13 Pursuant to the New Jersey Local Redevelopment and Housing Law

**Roll Call Vote:** Mr. Montferrat, Mayor Quattrone, Ms. Asselstine, Mr. Rosenberg Mr. Searing, Mr. Laudenberg, Mr. Balcewicz, and Mr. Cabot. Ms. Jackson not eligible. Mr. Misiura was absent. Motion passed 8-0.

Chairman and Board Member Comments

Mr. Montferrat will talk with George Chin regarding the following matters: signs, subdivision (Morrison Ave.) and generators.

Ms. Roberts – Stockton Street water project update – the project needs to be advertised. Project may start late fall or spring.

Mayor Quattrone noted that this is one of the biggest things to happen in Hightstown Borough in many years. This will make a world of difference in and around Hightstown.

Mr. Montferrat expressed his thanks to all Board members, professionals and staff during these unusual times.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Ms. Jackson and seconded Mr. Rosenberg. All ayes. Meeting adjourned at 9:12 p.m.

Respectfully submitted,



Sandra Belan  
Planning Board Secretary