

Hightstown Borough Planning Board Meeting - Virtual

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SEPTEMBER 14, 2020, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:44 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		
Ms. Watkins	X		
Mr. Searing	X		
Mr. Laudenberg	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. Court Reporter Deanna Wizbicki with Richard A. Merlino & Associates.

APPROVAL OF AGENDA

Mr. Montferrat asked that the agenda be amended to include appointment of a subcommittee to oversee the implementation of a grant the Borough has received from DVRPC under the Transportation and Community Development Initiative under New Business.

Mr. Montferrat asked for motion to approve the amended agenda. Motion made by Ms. Asselstine and seconded by Mr. Balcewicz to approve the September 14, 2020 agenda as amended.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Searing, Mr. Laudenberg, Ms. Watkins, Mr. Balcewicz, and Mr. Cabot. Ms. Jackson abstained. Motion passed 9-0, one abstention.

OATH OF OFFICE

Mayor Quattrone swore in Beth Watkins new Planning Board member (replaces Dodie Colavecchio).

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the August 10, 2020 minutes. Motion made by Mayor Quattrone and seconded by Mr. Laudenberger to approve the August 10, 2020 Planning Board Minutes.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Ms. Asselstine, Mr. Searing, Mr. Laudenberger, Mr. Balcewicz and Mr. Cabot. Mr. Misiura, Ms. Jackson, and Ms. Watkins abstained. Motion passed 7-0, three abstention.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments on anything not pertaining to tonight's agenda.

Gene Sarafin, 628 South Main St. – Would like to know what information the Planning Board has received about financial standing of the applicant; economics of the project, funding, PILOT, and length of time to complete the project.

Mr. Montferrat responded that this is a question regarding tonight's applicant.

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

HEARING - Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown

Mr. Montferrat gave a brief over of the procedures for the hearing: Hearing will conclude at 10:00 p.m., if necessary, there may be a continuation. Board Members and the public will have opportunity to ask questions of the applicant and their professionals.

At this time, Ms. Jackson recused herself from the hearing (lives within 200 feet of the proposed project).

Ms. Maziarz provided the following overview of this redevelopment area. Began in 2003 when Borough Council first determined this area being discussed this evening qualified as an area in need of redevelopment under New Jersey's Redevelopment and Housing Law. Borough adopted Redevelopment plan 2004 and amended in 2006. Original plan divided the area into three subareas. This area being discussed this evening is one of those (Bank Street) subareas, part of the original. Two different developers were designated to redevelop the site. However, neither developer undertook any of the redevelopment activities that were proposed in the adopted and amended redevelopment plan. In 2019 the redevelopment area was expanded to include lots on the north side of Bank St. Planning Board conducted an area in need of redevelopment hearing recommending that this was an area in need of redevelopment. Recommendation sent to the Borough Council,

and Council subsequently designated those lots as an Area In Need of Redevelopment. This is a larger area in need of redevelopment. Expansion of the 2003 redevelopment plan.

Local Redevelopment and Housing Law requires Borough Council adopt an ordinance which lays out the redevelopment area that has previously been designated. Borough Council formal designation as an area in need of redevelopment and Council prepares a redevelopment Plan. Becomes the standards by which the redevelopment area is going to be developed.

The Redevelopment Plan dated July 20, 2020 is on the Borough website and was adopted August 3, 2020 after a public hearing.

A Redeveloper has submitted a redevelopment plan for the property designated as the area in need of redevelopment. In accordance with the latest redevelopment plan, this redeveloper is required to comply with that redevelopment plan adopted by Council in August.

The purpose of the redevelopment plan is to provide a framework for the improvements and redevelopment of this property. That is the subject of this application tonight.

Therefore, the zoning criteria and design standards as outlined in that Redevelopment Plan dated July 2020, takes precedence over the Borough's current ordinances. This redevelopment plan is the official zoning for the property. The zoning and design details: permitted such as: uses, density, ratio, vehicular, pedestrian access, design, layout standards are not up for debate. These standards have been approved by the Redevelopment Plan. These are the standards the redeveloper used and was guided by when the site plan was prepared for submission to the Planning Board.

The Planning Board's job this evening is to compare the Plan submitted by the redeveloper against the Redevelopment Plan that was adopted by Council August 2020. The Planning Board professionals have reviewed the submission and issued comprehensive reports comparing the plans to the Redevelopment Plan to guide the discussion and the Board's consideration of the application.

The redeveloper has submitted an Application for Preliminary and Final Major Site Plan Approval and minor subdivision approval to consolidate some lots and adjust lot lines. The redevelopers plan appears to conform to all the zoning standards in the redevelopment plan. Therefore, no variances have been requested.

In a case where site plan application is submitted without variances, the application is an "as of right" application. The MLUL provides that the Planning Board shall (mandate) approve the site plan if the proposed plan satisfies all the applicable sight design requirements. It already appears to conform to the zoning requirements. If the applicant can satisfy the Board that it also conforms with the site planning aspect of the Redevelopment Plan, then the application must be approved.

In the absence of any Variance request, the board does not engage in any weighing of the positive and negative criteria. The Board does not engage in reconciling the plan against the Master Plan or Zoning Ordinance, because there are no deviations being requested from zoning. Zoning as enacted by the Borough Council in the Redevelopment Plan, is what will drive this development. That is what the Planning Board will be looking at and that is what the redeveloper is required to comply with.

The Board will go through each of the plans, and the redeveloper will provide testimony and explanation.

Point of order: Members of the public are attempting to send communications to Board Members. This redevelopment hearing must occur here during a public hearing that is recorded. Anything the board considers must be placed on the records. The Board is not entitled to look at any communication that comes privately to the Planning Board members. There should not be any expatriate communications with anyone trying to influence a Board member or a Board member speaking with anyone about this application.

Any member of the public who has any objections, comments, criticism, or praise for this application should please appear during the Hearing and put your comments on the record.

Do not send anything to Board members. If you would like to send something, we will consider a tentative exhibit sent to the Board Secretary. However, Planning Board members will never see such exhibits, if the individual sending the exhibits to the Planning Board Secretary does not appear at the Public Hearing, is not sworn and does not lay a foundation for those exhibits and enter them into the record.

We are trying to keep a clean record and a clean hearing, so we have everything in one place. Members of the public should understand if there are sidebar conversations going on about this application, that is not fair to the applicant, the board and other members of the public that are not aware of these conversations or documents are being distributed to others.

All questions must be asked on the record. If there are questions Board members and applicant will be happy to entertain them. The Board will be asking for questions first of the public. Any questions of any testimony that was given on the record by the applicant's professionals may be asked. Thereafter, the Board will afford the members of the public the opportunity to put their testimony and any comments on the record.

That will come after the applicant has put its case on the record. So that everyone has the opportunity to see what it is the applicant is bringing to the Board, and the opportunity to view the plans and educate themselves on exactly what plan is here before the Board, and to hear the Board's comments and potential concessions by the applicant to perhaps change things.

It is important to view these meetings and important to pay attention so when we get to the Public portion you understand how this applicant is planning to redevelop this site and how these plans are evolving as the process continues.

Mr. Searing – What is the status of the Phase 1 approval that was given last year for this development?

Ms. Maziarz - This is a brand-new application. The only thing the Board should be considering is what the applicant is going to be presenting to the Board. What the applicant presents is in conforms with the July 2020 Redevelopment Plan adopted by the Borough Council.

At this time, the 3PRC Group began their testimony. The court reporter will transcribe all testimony, discussions, and comments regarding the application.

Testimony concluded at 10:00 p.m. Mr. Montferrat informed the applicant, Board members and the public that there will be a continuation of this hearing on Tuesday, September 15, 2020, 7:30 p.m. Virtually.

At this time, the Planning Board proceeded with the 3PRC, LLC, testimony: Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown

All Hearing Proceedings were transcribed by a Court Reporter. Transcripts will be available on the Hightstown Borough website.

NEW BUSINESS

Ms. Asselstine - Appointment of a subcommittee to oversee the implementation of a grant the Borough has received from DVRPC under the Transportation and Community Development Initiative. Received a grant in the process of developing the RFP to bring in a planner to develop the circulation plan for the redevelopment. During the project development phase there will be a monthly meeting of the subcommittee of the Planning Board where the plan will be discussed and developed. At a minimum, the subcommittee will consist of the selected consultant, a code official, a Planning Board member, and a representative of the Borough Council. The Board member and the Councilperson may be the same individual.

Subcommittee will begin meeting later in the year. This subcommittee will make regular reports to the Planning Board.

Subcommittee will consist of the following – will meet once a month; project completed in eight months:

Bev Asselstine – Planning Board Member

Steve Misiura – Borough Council Representative

Committee & Professional Reports

Mr. Cabot – Historical Preservation Commission submitted report on 3PRC application.

Mr. Misiura – The County has installed a cross walk at Spring Crest. Borough has established a good working relationship/partnership with the County.

Mr. Montferrat asked for a motion to adjourn tonight's meeting and have a continuation of this hearing to Tuesday, September 15, 2020, 7:30 p.m. Motion made by Ms. Asselstine and seconded Mr. Laudenberger. Asselstine. All ayes. Meeting adjourned at 10:01 p.m.

Mr. Montferrat asked for a motion to adjourn tonight's meeting and have a continuation of this hearing on Tuesday, September 15, 2020, 7:30 p.m. Motion made by Mr. Cabot and seconded Ms. Asselstine. All ayes. Meeting adjourned at 10:09 p.m.

PLANNING BOARD MEETING
SEPTEMBER 15, 2020

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."

CONTINUATION OF HEARING

Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown

Roll Call

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

All Hearing Proceedings were transcribed by a Court Reporter. Transcripts will be available on the Hightstown Borough website.

Mr. Montferrat asked for a motion to adjourn tonight's meeting and have a continuation of this hearing on Wednesday, September 16, 2020, 7:30 p.m. Motion made by Ms. Asselstine and seconded Mr. Laudenberg. All ayes. Meeting adjourned at 10:01 p.m.

PLANNING BOARD MEETING
SEPTEMBER 16, 2020

Fred Montferrat, Chairman, called the meeting to order at 7:46 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."

CONTINUATION OF HEARING

Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown

Roll Call

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

All Hearing Proceedings were transcribed by a Court Reporter. Transcripts will be available on the Hightstown Borough website.

After all the testimonies, public comments and Planning Board comments, Mr. Montferrat asked for a motion to approve Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown.

Motion made by Mr. Misiura and seconded by Mr. Cabot to approve Application #2020-01 – City Line at Hightstown – Minor Subdivision and Preliminary and Final Major Site Plan, Block 8, Lot 12; Block 21, Lots 1-14, 20 & 26; Block 30, Lots 1-7 & 10-13, Borough of Hightstown with the following conditions:

- 1) Applicant would obtain an access easement as a condition of approval.
- 2) There is a mistake on the plan with regard to the rooftop amenities, they do not extend beyond the fourth floor. The mistake will be corrected.
- 3) The fire marshal's report will be complied with, for example, connecting the centralized panels and installing Knox boxes.
- 4) Street parking on Academy and Grant Streets – parking is still a subject to fine tuning, as was testified to by the applicant's professionals. As a condition of approval, the applicant's professionals will work with our Borough Engineer in order to fine-tune that parking.

- 5) The developer will provide recycling removal as well as onsite street lighting and snowplowing, and for that, the Borough will not provide reimbursement. The applicant will be required to work out a snow removal plan which will comply with the Department of Environmental Protection regulations.
- 6) The Greenway is proposed to be relocated from its current location on the plans. The applicant's professionals will work with the Borough Engineer to her satisfaction to relocate it.
- 7) The lighting on North Academy – the applicant conceded that the height of the proposed lights on the west side would be lowered and moved to the east side of the road and will work also, today, conceded to work with the Planner and Engineer to relocate these lights.
- 8) With regard to Ms. Roberts' comment #18 – the applicant agreed to perform a traffic study and a post-development study in order to take appropriate corrective action if that is required, and that will be worked out with Ms. Roberts.
- 9) The applicant agrees to pay for the water/sewer connection fees and any performance guarantees, and all those conditions will also be subject to a redeveloper's agreement with the Borough, which the redeveloper has agreed to enter.
- 10) With regard to how many spaces are in the garage, the applicant's professional testified there will be 30, although the plan says 20. The plan will be resolved and corrected.
- 11) With regard to vehicle charging stations in the Tract B garage, they will meet all standards for all of the tracts.
- 12) All mechanical equipment will be screened from public view from the outside of the project.
- 13) The applicant also agreed to work with the Borough Planning in order to disguise or better screen the retaining walls from the public view. No chain link fencing will be installed. All fencing will comply with redevelopment plan criteria.
- 14) The applicant agreed to comply with the recommendations made in both of the Borough Engineer and Planner professional reports subject to what was agreed to on the record before the Board.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Searing, Mr. Laudemberger, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Laudemberger and seconded Ms. Asselstine. All ayes. Meeting adjourned at 11:03 p.m.

Submitted by:



Sandra Belan
Planning Board Secretary