

RESOLUTION No. 2020-09

**HIGHTSTOWN PLANNING BOARD
MERCER COUNTY, NEW JERSEY**

3 PRC, LLC

N. Academy Street and 101 Bank Street

BLOCK 8, LOT 12; BLOCK 21, LOTS 1-14, 20 & 26;

BLOCK 30, LOTS 1-7 & 10-13

File No. 2020-01

Hearing Dates:	September 14, 2020
	September 15, 2020
	September 16, 2020
Board Action:	September 16, 2020
Adoption:	November 9, 2020

**RESOLUTION GRANTING PRELIMINARY AND FINAL
MAJOR SITE PLAN AND MINOR SUBDIVISION APPROVAL**

WHEREAS, 3 PRC, LLC was designated as the redeveloper of certain property in the Borough of Hightstown, described herein, by the Borough Council of the Borough of Hightstown (“Borough Council”) in Resolution 2020-37; and

WHEREAS, 3 PRC, LLC (the “Applicant”) has submitted an Application for the redevelopment of a portion of the Bank Street Redevelopment Area known as Sub Area 1 of the Main Street Redevelopment Plan, specifically on land known as Block 8, Lot 12; Block 21, Lots 1-14, 20 and 26; and Block 30, Lots 1-7 and 10-13 on the Hightstown Tax Map (the “Property”); and

WHEREAS, a portion of the Property, as identified in Borough Council Resolution 2003-19, qualified as an Area in Need of Redevelopment as defined under the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A and was designated as such on December 1, 2003, subsequently the Borough Council expanded the Area in Need of Redevelopment designation in Borough Council Resolution 2019-224 to include Block 8, Lots 12-14, and Block 18, Lots 8-12; and

WHEREAS, previously, the Borough Council adopted several iterations of plans and entered into several agreements with other entities for the redevelopment of the Property but the redevelopment had not come to fruition; and

WHEREAS, a new redevelopment plan prepared by the Borough’s Planner, Clarke, Caton, Hintz and dated July 20, 2020 (“Redevelopment Plan”), attached hereto, was prepared for the Property and adopted by the Borough Council in Ordinance 2020-04; and

WHEREAS, in accordance with the Redevelopment Ordinance, and the Redevelopment Plan, the Applicant has applied to the Planning Board of the Borough of Hightstown (“Board”) to

develop the Property in accordance with the Redevelopment Plan and is proposing to construct a total of 387 residential dwellings in multiple residential buildings and a mixed residential-commercial building on three of the four tract areas within the Bank Street Redevelopment Area, as described more fully on Applicant's Plan, attached hereto and made a part hereof; and

WHEREAS, the Applicant is further proposing to rehabilitate two of the existing historic mill buildings and to construct associated parking facilities, including 616 off-street parking spaces, and other improvements; and

WHEREAS, the Applicant has applied to the Board for minor subdivision approval in accordance with N.J.S.A. 40:55D-47 in order to consolidate all of the lots of the redevelopment area into one lot and then to subdivide into three lots, preliminary and final major site plan approval in accordance with N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 and exceptions and waivers (the "Relief Requested"); and

WHEREAS, the Applicant has applied for the following design exceptions as part of the Relief Requested:

Design Exceptions from certain sections of the Redevelopment Ordinance, as follows:

Design exception for a retaining wall that exceeds the permitted 8' in height; and

WHEREAS, the Applicant complied with the notification and publication requirements of the Municipal Land Use Law and the Borough's Ordinances and the Board assumed jurisdiction of the Applicant's request; and

WHEREAS, the Applicant submitted the following documents in support of the Relief Requested:

Application dated August 14, 2020, with associated documents;
Preliminary and Final Major Site Plan for PRC Hightstown, prepared by Yosef Portnoy, PE, Maser Consulting, dated August 14, 2020, consisting of 30 sheets;
Minor Subdivision Plan, prepared by Maser Consulting, consisting of 2 sheets, dated August 10, 2020;
Fire Truck and Circulation Plan, prepared by Maser Consulting, sheet 1 of 1, dated August 14, 2020;
ALTA Survey, prepared by Maser Consulting, sheet 1 of 1, dated January 19, 2017, last revised August 19, 2020;
B&T Survey, prepared by Maser Consulting, Sheet 1 of 1, dated April 25, 2019, last revised June 3, 2020;
Architectural plans, prepared by Feinberg and Associate, PC; and

WHEREAS, the Board considered the following reports from the Borough's experts and other Borough bodies:

Memorandum from the Board Planner, Brian Slaugh, P.P., AICP, dated September 12, 2020;
Memoranda from the Board Engineer, Carmela Roberts, P.E., dated September 11, 2020 and September 14, 2020;
Memorandum from the Hightstown Historic Preservation Commission, dated September 10, 2020;
Memorandum from the Borough Zoning Officer, George Chin, dated September 14, 2020;
and

WHEREAS, public hearings were held by the Board on the Hearing Dates, at which time the Applicants, represented by attorney Michael Floyd, Esq. were given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, the following documents were marked into evidence as the Applicants' exhibits during the hearing:

Exhibit A-1 Planning Overview dated September 14, 2020 containing 34 slides;
Exhibit A-2 Color rendering of site plan;
Exhibit A-3 Overall layout of project dated August 14, 2020;
Exhibit A-4 Layout of Tract A;
Exhibit A-5 Tract A Utility Plan;
Exhibit A-6 Layout of Tract B;
Exhibit A-7 Tract B Utilities;
Exhibit A-8 Layout of Tract C;
Exhibit A-9 Tract C Utilities;
Exhibit A-10 Architectural Elevations, Floor plans, and Renderings dated August 14, 2020;
Exhibit A-11 Basement Plan Bank Street Multifamily - Revised parking/egress stair layout;
and

WHEREAS, members of the public appeared to ask questions and to speak with regard to the Application, as more fully set forth on the record; and

WHEREAS, the Applicant presented testimony to the Board as more fully set forth on the record from James Constantine, P.P., Applicant's Planner; and

WHEREAS, Mr. Constantine testified before the Board, as follows:

Mr. Constantine, was sworn, provided his qualifications and was accepted by the Board as a licensed professional planner. Mr. Constantine reviewed the history of the Property and testified with regard to its size, shape and location. The Property's history is that of a working waterfront, mills, warehouses, and commerce that took place along Main Street next to Peddie Lake and along the Rocky Brook. The Property is a 10.88-acre site which extends from North Main Street and connects downtown to neighborhoods spanning the Rocky Brook. The site is within a five-minute walk of downtown. Mr. Constantine testified that the site will be broken into three tracts that will each have their own unique characteristics. The site will provide an opportunity to re-anchor N. Main St. between

the firehouse and the historic society by removing the former Borough Hall and reclaiming some of the surface parking lots into a new mixed-use building. In the middle portion of the site, the restoration and adaptive reuse of the mills along Bank Street and spanning the Rocky Brook will be the historic centerpiece. Mr. Constantine indicated that the blue storage building on N. Academy St. is proposed to be removed and stated that there is an opportunity on N. Academy St. to create a transition that is compatible with the scale of the surrounding homes and that allows a pedestrian friendly connection to downtown.

Mr. Constantine indicated that there will be two primary points of vehicular access to the new uses. The first, is the continuation of Mechanic Street off of Bank St. and off of N. Academy St. The firehouse will retain its existing access off of Main Street and there will be a small parking area off of N. Academy St. in the lower right portion. Mr. Constantine opined that the applicant is not increasing traffic to a level that would necessitate any traffic improvements. Mr. Constantine also noted that the area will be bicycle friendly and will contain bike racks, protected bike storage, and a bike repair facility. In order to attract residents who are less auto dependent, the Applicant proposes to provide a jitney service that shuttles people door to door to the Princeton Junction train station and the park and ride facility at exit 8.

Mr. Constantine testified that N. Main St. will be utilized by residents and visitors walking to and from the downtown area and will contribute to a pedestrian friendly downtown lifestyle. Mr. Constantine indicated that the entire streetscape on Bank Street will be improved in accordance with the Borough's downtown design standards with the addition of historic streetlights, new shade trees where necessary, brick edge sidewalks, and the replacement of worn crosswalks which will be safer and more visible, and striping as recommended by the Borough Engineer. Mr. Constantine referenced a rendering provided by the Applicant and indicated that the building composition along Bank Street is deliberately broken down into a series of smaller elements that will be interconnected. Mr. Constantine described the two brick mercantile style buildings that will be separated by a small garden courtyard. Further, Mr. Constantine described a cream-colored masonry building that is designed to be evocative of a factory type building that will connect to the concrete mill. Mr. Constantine indicated that the lighter colored connecting elements will be constructed of corrugated metal and stepped back to provide depth and shadow and the movement of the different components along the streetscape in order to make an interesting, varied pattern. Mr. Constantine testified describing the proposed inner courtyard where mechanic Street extends in through the mixed-use building into a completely enclosed courtyard.

Mr. Constantine stated that there are 30 public parking spaces on the ground floor of the parking garage to support downtown customers and employees, six spaces reserved for the fire department, and upper level parking reserved for residents. Mr. Constantine testified that the Mechanic Street right-of-way will be vacated but will remain a fully publicly accessible driveway for vehicles in order to reach the parking structure. The fire department will have a secured and controlled access to the parking lot at the rear of the firehouse and then back toward Bank Street.

With regard to the concrete mill, Mr. Constantine indicated that it will be restored, repaired, and adaptively reuse for loft style apartments. A new canopy along Bank Street will define the entry and landscaping will be used to soften the streetscape. The Applicant will utilize native species that are

tolerant of drought and urban conditions in the proposed landscaping. Mr. Constantine testified that a new pool and patio is proposed behind the patio facing the Rocky Brook, on top of the building. Mr. Constantine went on to testify that this building also interconnects with the mixed-use building to its left and along the restored bridge across the Rocky Brook to the brick mill building to its right.

Mr. Constantine indicated that the proposed townhomes will maintain the architectural integrity of the historic mills as required by the redevelopment plan but will also provide a transition and scale to the surrounding neighborhood. The townhouses will face one another across a narrow courtyard. Along and around the townhouses the Applicant proposes to install textured walkways, low masonry walls, tiered landscaping, a small fountain, a pavilion with benches and movable chairs and tables, and a courtyard.

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record from Stanley J. Koreyva; and

Stanley J. Koreyva, Jr. was sworn and testified on behalf of the Applicant as a fact witness. Mr. Koreyva testified that the PRC management company was established 60 years ago. Mr. Koreyva detailed the companies experience in real estate management.

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record from Yosef Portnoy, P.E., Applicants' Engineer; and

WHEREAS, Mr. Portnoy testified before the Board, in part, as follows:

Mr. Portnoy provided his qualifications and was accepted by the Board as a licensed professional engineer. Mr. Portnoy testified describing the redevelopment site. The site is located on the former Hightstown mill site, it is primarily located on Bank Street between North Academy and North Main streets. The Rocky Brook bisects the site which is approximately 10.8 acres. The surrounding area contains a mix of uses comprised of residential, municipal facilities, and business uses. The Applicant seeks preliminary and final site plan and minor subdivision approval to construct a total of 343 apartments, 43 townhomes, and management building with an additional manager's apartment, parking structures, parking lot, and associated site improvements.

The overall site is divided into three tracts. Mr. Portnoy indicated that Tract A includes block 21, lots 1 through 14, and lots 20 and 26. Tract A is 4.37 acres. Tract B is located between the Rocky Brook and N. Main St. and includes block 30, lots 1 through 7 and 10 through 13, and a portion of the Mechanic Street right-of-way which is will be vacated as part of the development. Tract B contains approximately 4.57 acres. Tract C includes block 8, lot 12 and contains approximately 1.86 acres. Mr. Portnoy indicated that due to the site's proximity to the Rocky Brook, there are portions of the site that are within the flood hazard area. The Applicant obtained flood hazard verification for all of the tracts and has verified the flood hazard areas and the riparian zones. There are also freshwater wetlands along Rocky Brook. Mr. Portnoy indicated that a letter of interpretation will be obtained from the New Jersey Department of Environmental Protection. Mr. Portnoy indicated that the site is also within the jurisdiction of the Delaware Raritan Canal Commission and will be subject to its review and approval as well.

Mr. Portnoy described the layout of the site. With regard to tract A, Mr. Portnoy testified that it currently contains a vacant brick mill building, asphalt and gravel parking lots, and the steel industrial building on the corner of Academy and Bank Street. Several structures have had been previously demolished on Tract A. Mr. Portnoy described the bridge over the Rocky Brook connecting the brick mill building and the concrete mill building on Tract B. All existing improvements on Tract A are to be removed other than the brick building and the bridge over the Rocky Brook. Mr. Portnoy indicated that the proposed development on Tract A will consist of renovating the existing brick mill building into a three-story apartment building with 91 apartments and an amenity space. In addition, Tract A will contain six townhome buildings containing a total of 35 units. The townhome buildings will have one and two car garages and a two-level parking structure. The parking structure entrance is proposed to be in the north to the lower level while the upper level of the garage is roughly at grade of the adjacent property to the south. Mr. Portnoy testified that Tract A complies with the redevelopment plan in terms of setbacks, building heights, coverages etc. as noted on the zoning table on the plan. Mr. Portnoy testified that the proposed parking garage was very close to the adjacent property to the south and agreed and stipulated that the applicant will revise the plan in order to shift the parking garage to the north. The shifting of the parking garage will result in the reduction of at least eight parking spaces but it will provide additional clearance between the adjacent building to the south and provide easier access to the building.

Mr. Portnoy indicated that North Academy Street is located along the west side of the tract and contains an existing 26 foot wide cart way. The Applicant proposes to widen the street in the proximity of the redevelopment area to 28 feet and place on street parking on the east side of the street. Mr. Portnoy further testified that the widening of the street will have no impact on any of the existing parking on the street. Tract A will contain a total of 234 parking spaces which is a reduction from the 242 shown on the plan resulting from the removal of the eight spaces and the reconfiguration of the parking garage to the north. The townhome garages will provide for 41 parking spaces. The proposed parking garage will contain 139 parking spaces and 44 surface parking spaces will be provided as opposed to the 52 shown on the site plan. Mr. Portnoy stated that the Applicant will install four electric vehicle charging spaces where three are required. Mr. Portnoy testified that both the trash and recycling will be picked up by a private company. Later in the hearing, the Applicant stipulated that the Applicant will provide and pay for services such as trash and recycling removal, onsite street lighting, and snowplowing. The Applicant proposes to construct two trash enclosures.

With regard to access, Mr. Portnoy testified that access to the site will be via a driveway off of N. Academy St. Emergency access is proposed from Stockton Street along a proposed access easement through private property. The Applicant is negotiating an access easement with the private property owner and Mr. Portnoy testified and stipulated that the Applicant will accept the requirement that it obtain this easement as a condition of any approval. Mr. Portnoy indicated that the fire department will have access through this easement but that it will not be used by residents. The access will be controlled and will only be accessible by fire and emergency vehicles. Mr. Portnoy testified that the applicant has adequately demonstrated that a fire truck can access and circulate through the site.

Mr. Portnoy indicated that the lots that comprise Tract A are to be consolidated into one lot that will contain approximately 4.37 acres as shown on the subdivision plan that was submitted to the Board. Mr. Portnoy indicated that the subdivision plan also shows sidewalk access easements and construction easements.

With regard to the flood hazard area, Mr. Portnoy testified that the flood hazard exists primarily along the Rocky Brook and does not encroach onto the site. Mr. Portnoy further testified that the first floor of all of the buildings are going to be elevated at a minimum of 1 foot above the flood hazard area. The grades along the street and the townhomes all front along the public street and will all have steps along the front. The grades drop behind the townhomes in order to provide the aforesaid garages and lower levels.

With regard to stormwater management, Mr. Portnoy testified that runoff is collected by two sets of storm sewers. One storm sewer collects clean runoff from the roofs and a separate storm sewer collects the runoff from the pavement. The pavement runoff will be treated to 80% TSS removal and there and then will be discharged to an existing 36 inch culvert running through the tracts at Rocky Brook. Mr. Portnoy testified that due to poor soils and groundwater contamination, infiltration and recharge are not possible. Mr. Portnoy agreed and stipulated that the Applicant would work with the Borough Engineer in order to address her concerns regarding stormwater management.

With regard to utilities, Mr. Portnoy testified that existing connections exist along the rights-of-way of all of the streets. The Applicant proposes a water main loop through the site that will connect the water main at Bank Street and N. Academy St. Mr. Portnoy stated that there is an existing fire hydrant located near the intersection of Bank and North Academy streets. In addition, the Applicant proposes an additional four fire hydrants on site and an additional fire hydrant on Bank Street. Mr. Portnoy testified that there is a proposed sewer connection to the existing main at Bank Street. Mr. Portnoy also stated that there are existing utility poles along the south side of Bank Street which will be removed in order to install the proposed parking.

With regard to Tract B, Mr. Portnoy described the proposed multi-mixed-use building. Mr. Portnoy indicated that this building wraps around a proposed parking garage. The existing access from N. Main St. to the rear of the firehouse will be maintained and there will be an additional access through the garage from the driveway off of N. Main St. The additional access will be restricted to emergency use only. Mr. Portnoy testified that the Applicant also proposes reconstruction of the Rocky Brook trail along the Brook that will connect into the driveway and run along the driveway to the former Mechanic Street and to reconnect the trail with new signage. The Applicant also proposes to construct a new swimming pool in the rear along the Brook along with two courtyards and amenity spaces. Mr. Portnoy indicated that Tract B complies with all bulk setbacks and area requirements in the redevelopment plan. Mr. Portnoy testified that the Applicant will install grass pavers to the swimming pool between the new mixed-use buildings and the Brook in order to permit the fire department to reach the pool. Mr. Portnoy indicated that all of the lots in Tract B will be consolidated, Mechanic Street will be vacated, and the lot line for the firehouse lot will be adjusted in order to conform with the new development. In addition, Mr. Portnoy indicated that there will be several new cross access easements both on the development lot and the fire department lot allowing access through the lot for public access, utilities, and emergency access.

With regard to utilities, Mr. Portnoy indicated that water connections will be made for the concrete building to existing mains on North N. Main St. A water loop is proposed through former Mechanic Street and the firehouse lot in order to provide water connection from Bank Street to N. Main St. Mr. Portnoy also stated that an existing sewer line will be adjusted to accommodate the development. With regard to electric power, Mr. Portnoy indicated that a power line that runs along Mechanic Street will be placed underground and will run under the proposed new building. Mr. Portnoy stated that the relocation of the power line will be accomplished without obstructing service to adjacent businesses, uses and the firehouse. With regard to stormwater management, Mr. Portnoy testified that the runoff on track to be will be treated in the same manner as the runoff on Tract A.

With regard to Tract C, Mr. Portnoy indicated that an existing building known as the Willis house is proposed to be removed. In place of the Willis house, the applicant proposes one row of townhouses fronting on Bank Street. Behind the proposed townhomes, the Applicant will construct a structure that will mimic the Willis house. That structure will function as amenity space, leasing space, management space, and will include an apartment for the manager. Access to the rear garages of the townhomes will be constructed via a driveway off of N. Academy St.

With regard to utilities, the Applicant proposes connections to existing mains in North Academy and Bank streets. The stormwater runoff will be treated or will be collected through porous pavement in the parking stalls and will be detained in an underground detention system. The runoff will then be discharged toward the Brook. Mr. Portnoy indicated that the Tract C meets all setback and bulk standards as required by the redevelopment plan.

Mr. Portnoy addressed the Borough Planner's comments regarding the location of shade trees and stipulated that the Applicant will work with the Planner to locate the shade trees within the right-of-way or the Applicant will provide easements for the trees that are not located within the right of way. With regard to landscaping, Mr. Portnoy stated that the Applicant proposes predominantly native vegetation but that the Applicant will coordinate with the Board Planner in finalizing the landscape plan. The Applicant agreed and stipulated that the lighting located on the west side of N. Academy St. would be moved to the east side; and

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record from Maurice Rached, P.E., Applicants' Traffic Engineer; and

WHEREAS, Mr. Rached testified before the Board, as follows:

Mr. Rached provided his qualifications and was accepted by the Board as a licensed professional engineer specializing in traffic study. Mr. Rached reviewed the Applicant's traffic study that had been submitted to the Board in conjunction with the Applications. In terms of traffic impact, Mr. Rached analyzed nine intersections: along N. Main St., the intersection with Bank, Mechanic, Franklin, Stockton, and Mercer were analyzed. Along Stockton, the intersections at North Academy and Old Dutch Neck and along Bank Street, and the intersection with Mechanic and with North Academy Streets were also analyzed. In conducting the traffic study, Mr. Rached analyzed the average daily vehicle trips as they exist today, as they will exist in the future without the development and as they will exist in the future with the development. Mr. Rached indicated that he then compared the future with and without development in terms of delay and that the analysis showed, for most of the

intersections, that the introduction of the new development will not have an impact on traffic. The increase in any delays will be a fraction of a second. Mr. Rached did however identify that at the intersection of N. Main St. and Franklin Street heavy delays already exist. Mr. Rached indicated that in the p.m. peak the overall delay at that intersection is 115 seconds per vehicle but after the Applicant implements the improvement optimizing the traffic signal, the delay will be reduced from 115 seconds to about 89 seconds. Mr. Rached also indicated that a warrant analysis was conducted for two intersections to determine if a signal is needed but found that signals were already warranted predevelopment. The two locations are North Academy and Stockton and Main St. in Bank Street. However, Mr. Rached concluded that although traffic signals may be warranted, they are not optimal for the location as they increase rear end accidents. In his opinion, the two traffic signals are not needed at this time. With regard to parking Mr. Rashad stated that the parking complies with the redevelopment plan. The plan requires approximately 567 parking spaces and the Applicant is providing 683.

In response to the board traffic engineering consultant's testimony, Mr. Rashad further testified that the difference between a build and no build scenario within the next few years is a 1% increase. Mr. Rashad argued that a traffic light was not necessary. Mr. Rashad reviewed his analysis and the results of his traffic study and explained his conclusions to the Board. Ultimately, Mr. Rashad agreed and stipulated on the record that the Applicant would work with the Borough Engineer and would conduct a predevelopment and post development study to determine what further measures would be implemented in the development in order to improve traffic flow, pedestrian safety, adequate parking, etc.; and

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record from Peter Wersinger, Applicants' Vice President and General Counsel; and

WHEREAS, Mr. Wersinger testified before the Board, as follows:

Peter Wersinger was sworn and testified on behalf of the Applicant as a fact witness. Mr. Wersinger testified that representatives of the Applicant had several conversations with Doug Albrecht of CCL. Mr. Wersinger assured the Board that CCL would be involved with the relocation of the power lines and that service would not be interrupted; and

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record from William Feinberg, Applicants' Architect; and

WHEREAS, Mr. Feinberg testified before the Board, as follows:

Mr. Feinberg provided his qualifications and was accepted by the Board as a licensed professional architect. Mr. Feinberg testified describing the appearance of the proposed buildings. The building that fronts on N. Main St. where the municipal building is located is proposed to be set back. With regard to the proposed apartment building, Mr. Feinberg indicated that the building contains space for a potential boutique hotel. The hotel, if constructed within the building, will contain 16 hotel suites. If the Applicant moves forward with the construction of the boutique hotel, the number of apartment units will be decreased by 10 with the addition of the 16 hotel units which is permitted in the redevelopment

plan.

With regard to trash collection. Mr. Feinberg indicated that a trash room will be located on the ground level of the parking garage. The trash dumpsters will be rolled out from the trash room and will be picked up by a private hauler through the Mechanic Street driveway. Mr. Feinberg indicated that the Applicant will work with the fire department in order to establish a bilateral easement agreement in order for the trash hauler to traverse the easement twice or three times a week. Mr. Feinberg indicated that a modification was made to the lower level of the parking garage to include five more parking spaces. Another modification allows the elevator that services the public and the stair tower to come down to the lower level. The building consists of 193 apartment units. The units range in square footage from approximately 500 to 1100 sq. ft. The apartments are a combination of studios, one-bedroom, one-bedroom plus den, and two-bedroom units. Mr. Feinberg testified with regard to the connections of the buildings and indicated that the new building will be connected to the concrete building and the brick building.

Mr. Feinberg testified describing the elevations that are proposed and stated that those elevations will match and be integrated into existing elevations in the adjacent neighborhoods. Mr. Feinberg testified that the rooftop amenities will not extend beyond the fourth floor of the residential units and agreed to correct a mistake on the plan that appeared to show the amenities to extending beyond the fourth floor. Mr. Feinberg also reviewed the comments in the Borough Engineer's and the Borough Planner's reports and indicated that the Applicant would comply with the comments as they relate to the architectural aspects of the development.

Mr. Feinberg testified that the mill building will be registered with the National Park Service and the National Historic Trust and will contain 59 units that range from 425 to 700 sq. ft. Inside the building, the ceilings on the first floor will be approximately 19 to 20 feet high. The first floor will also be raised by 2 feet due to the flood hazard area. The building will contain a new entrance with a glass canopy onto Bank Street. Mr. Feinberg also noted that a partial fourth floor on the back of the building will be constructed in accordance with State historic preservation guidelines. The exterior of the building will be clad in corrugated metal. A one-story addition to the building will serve as the amenity space and will also contain a bike room. Mr. Feinberg also indicated that the stair tower will be rebuilt. The units in the building will mostly be one-bedroom units, some will be one-bedroom units with dens and a few will be studio apartments.

With regard to the HVAC units, Mr. Feinberg indicated that they will be located on the roof away from any public street and will not be visible. Mr. Feinberg noted that the applicant will work with the Borough professionals in order to add more bicycle racks. Mr. Feinberg also noted that all of the buildings will be sprinklered.

With regard to the brick mill Mr. Feinberg testified that the building will also be registered as an historic building and the applicant will need to re-create the exterior of the building in accordance with applicable requirements. Mr. Feinberg indicated that the exterior of the brick building is in very poor shape and will be completely rehabilitated. Mr. Feinberg described the new main entrance which will be located in the vicinity of the engine room. The building will contain 91 units which will comprise a series of studios, one-bedroom units, one-bedroom units with dens, one-bedroom junior

units, two-bedroom units, and a series of duplex units. The building contains a full basement which will also contain five or six units. Mr. Feinberg also reiterated that the parking garage will be moved further to the north as was testified by other Applicant professionals. With regard to the townhomes, Mr. Feinberg indicated that none of the three-story townhomes will front on a public street in accordance with the redevelopment plan.

With regard to the Willis house, Mr. Feinberg testified that the applicant retained a structural engineer to inspect whether it could be rehabilitated. After an inspection, the Applicant decided, in conjunction with its structural engineer, to demolish the residence and construct a new residence in its place that will act as an amenity space for the townhouse residence. Mr. Feinberg then described the new structure that will be constructed to replace the demolished Willis house and indicated that it will mimic the details of the original structure. Mr. Feinberg stated that the Applicant consulted with the historic preservation commission with regard to materials and would comply with the commission's recommendations. In addition, the Applicant will reuse materials and finishes from the interior of the house in the new structure.

In response to the Board Planner's comments, Mr. Feinberg agreed to alter the roof pitch on the townhouses on the south side of Bank Street and the east side of Academy Street to match the 8.5 by 12 pitch that the Applicant has proposed on the north side of Bank Street. Mr. Feinberg further agreed to vary the entryways on the townhouses by retaining some shed roofs, turning the gable to the street, and removing roofs from some of the entryways; and

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. As stated herein, the Property is part of the Bank Street Redevelopment Area located west and south of Rocky Brook, bounded by North Academy Street and Bank Street. The Bank Street Redevelopment Area is a sub-area that has been designated Sub-Area I of the total Main Street Redevelopment Area, an area determined by the Borough Council to be an Area in Need of Redevelopment as defined under the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A. The Property is comprised of several lots that are identified as Block 8, Lot 12; Block 21, Lots 1-14, 20 and 26; and Block 30, Lots 1-7 and 10-13 on the Hightstown Borough Tax Map. The Property is subject to a Redevelopment Ordinance and Redevelopment Plan, referenced herein and made a part of this Resolution.

2. The Applicant has been designated by the Borough Council as redeveloper of the Property and makes this Application before the Board as redeveloper.

3. The Application contemplates the construction of a total of 387 residential dwellings in multiple residential buildings and a mixed residential-commercial building on three tracts, enumerated A, B, and C, within the Bank Street Redevelopment Area, as shown on the Applicant's plan and as follows:

Tract A (Block 21, Lots 1-14, 20 and 26):

Tract A contains the brick mill building, driveways, and parking lots. The Applicant proposes to renovate and repurpose the existing brick mill into a three-story, ninety-one (91) unit apartment building, with a partial basement and interior amenity space for use by occupants only. The

Applicant further proposes to construct thirty-five (35) townhouse units in six buildings, consisting of a mix of two-story, two and one-half-story and three-story units, with each unit having either a one-car or two-car garage. The Tract will also contain a structured parking garage with 139 parking spaces on two levels and forty-four (44) surface parking spaces. The Applicant originally proposed fifty-two (52) surface parking spaces but eliminated eight spaces due to the relocation of the parking garage further to the north. Access to Tract A will be provided by a driveway off of Academy Street with additional emergency access from Stockton Street through a proposed access easement. The lots comprising Tract A will be consolidated into one lot once the Applicant takes ownership of Borough properties with sidewalk easements for portions of the proposed sidewalk that encroach onto the tract.

Tract B (Block 30, Lots 1-7 and 10-13):

Tract B includes a portion of the Mechanic Street right of way to be vacated and contains the concrete mill building, the vacant steel industrial building, the Hightstown Engine Co. No. 1, and the vacant Borough of Hightstown Municipal Building. All existing buildings and improvements on this tract are being removed except for the concrete mill building and the fire house. The Applicant proposes to renovate and repurpose the concrete mill building into a four-story, fifty-nine (59) unit apartment building, with interior amenity space for use by occupants only. The Applicant further proposes to construct a new, four-story building, fronting on Main Street that will include one hundred ninety-three (193) apartment units and interior amenity space for use by occupants only. A six-story structured parking garage, with a below grade lower level, will be attached to the new building. The parking structure will contain 411 parking spaces, six (6) of which shall be dedicated to and reserved for use by the Borough Fire Department located on the ground floor, thirty (30) spaces shall be available for general public use to be located on the ground floor, and the remaining 385 spaces shall be reserved for use by the residents of the development. In accordance with the development regulations of the Bank Street Redevelopment Plan, the Applicant may modify the use of this new, four-story building by incorporating an optional Boutique Hotel into the structure. Such an alternative use will entail the elimination of ten (10) apartment units and the inclusion of sixteen (16) guest suites, together with associated personal and guest services and related accommodations and facilities that are permitted by the development regulations. The Applicant proposes to reconstruct the fire house parking lot to provide 17 surface parking spaces and to reconstruct the greenway path along the Rocky Brook. In addition, the Applicant will construct an in-ground swimming pool.

Access to Tract B will be provided by a new driveway off of Bank Street at the approximate location of Mechanic Street. The driveway will also provide access to the rear of the firehouse with an access control gate. Additional access to the fire house will also be provided off of North Main Street. The North Main Street driveway will also be used for emergency access to the proposed parking garage. The lots comprising Tract B will be consolidated into one lot once the Applicant takes ownership of the Borough properties, at which time, the portion of Mechanic Street within Tract B will be vacated and combined with the lot. The fire house lot line will also be adjusted by way of subdivision to accommodate the proposed development. Sidewalk easements are proposed for portions of the proposed sidewalk that encroach into the tract, as allowed by the redevelopment plan.

Tract C (Block 8, Lot 12):

Tract C contains an existing single-family residential house known as the Willis House which will be removed. The Applicant proposes to construct eight (8) townhouse units in one building, consisting

of three-story units, with each unit having either a one car or two car garages. The Applicant further proposes to construct an amenity center with a fitness center, multi-purpose room, leasing office, and a second-floor, on-site manager's residence. Tract C will contain fourteen (14) surface parking spaces and access will be provided by a driveway off of Academy Street. Sidewalk easements are proposed for portions of the proposed sidewalk that encroach into the tract.

4. The Applicant has applied for preliminary and final major site plan approval in accordance with N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, minor subdivision approval in accordance with N.J.S.A. 40:55D-47, and certain design exceptions and waivers, as specified above in the Relief Requested. The purpose of the Main Street Redevelopment Plan is to provide a framework for the improvement and continued revitalization of the Redevelopment Area. As such, the Borough's Land Development Ordinance requirements are superseded by the zoning and design criteria and standards memorialized in the Redevelopment Ordinance and the Redevelopment Plan, as referenced herein and made a part hereof.

5. In evaluating the requests for site plan and minor subdivision approval, the Board is required to consider the development plan provided by the Applicant which is required to be compliant with the zoning and site development standards in the Redevelopment Ordinance and Redevelopment Plan and the Borough's requirements for preliminary and final major site plan and minor subdivision approval. The Board's authority in reviewing this Application is limited to determining whether it conforms to the applicable provisions, in this case, of the plans and specifications relative to the Redevelopment Area.

6. The Board may grant design waivers and exceptions in cases where the facts associated with an Application reasonably warrant such exceptions and waivers. The Board is generally empowered, by N.J.S.A. 40:55D-51b, to "grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question".

7. With regard to overall site considerations related to the request for preliminary and final site plan approval, the Board finds that the Applicant's proposed development is in keeping with the intent of the Redevelopment Ordinance and the Redevelopment Plan. The Board is satisfied that the mill buildings will not only be reused but will be placed on the national historic register and preserved. The Board is further satisfied with the Applicant's commitment to recreate the Willis House and preserve certain original materials from its interior. The Board finds that the plan and facilities are very well designed and appreciates the Applicant's willingness to engage with and take into consideration the comments and opinions of Borough commissions and committees as well as neighboring property owners and members of the public.

8. The Board is satisfied that the minor subdivision will be filed by map and fulfills the requirements of the Redevelopment Plan. The Board further acknowledges that this approval is contingent upon the Applicant's acquisition of Borough properties and the Borough Council's vacation of Mechanic Street.

9. With regard to the exceptions and design waivers, the Board is satisfied that good cause has been shown to allow departures from design standards required by the Redevelopment Ordinance.

10. The Board is satisfied that the Applicant's proposal, overall, complies with the Redevelopment Ordinance and the Redevelopment Plan, subject to certain conditions, and is appropriate to the development of the Property. The Board finds that any potential adverse impact of the development on the Borough and its residents has been mitigated by the Applicants' agreement to modify certain aspects of its plans in accordance with Board recommendations, the Board's professionals' recommendations and its agreement with the conditions that have been imposed herein. The Board finds that good cause has been shown to approve the Applicant's application for preliminary and final site plan approval, minor subdivision approval, and exceptions, as stated above and herein, with the conditions imposed in this approval.

NOW, THEREFORE, BE IT RESOLVED based upon the foregoing findings of fact and conclusions of law, the Planning Board of the Borough of Hightstown does hereby GRANT preliminary and final major site plan approval and minor subdivision approval, for the Relief Requested by the Applicant, as stated above, in accordance with the facts presented and subject to the Applicant's compliance with the following conditions:

1. The Applicant shall comply with Applicant's and Applicant's witness' and professionals' testimony and representations made before the Board and with any conditions and/or restrictions imposed herein and that may be required of or imposed upon the Applicant hereafter and which are necessary and reasonable based on said testimony and representations.
2. The Applicant shall comply with all requirements of the Redevelopment Plan and the Redevelopment Ordinance, except as specifically modified by this Resolution.
3. The Applicant shall secure the approval and permits of all other agencies having jurisdiction over the proposed development, as specified but not limited to those approvals in the Board Engineer's report dated September 12, 2020.
4. The Applicant shall replenish the escrow within three weeks of the final Hearing Date, if required. The grant of this Application is subject to confirmation of payment of current outstanding real property taxes and all professional and escrow fees and supplementation of the escrow account, as needed. No building permit shall issue without the Applicant having paid all outstanding balances for any taxes, professional or escrow fees or other charges related to the Property and the Property's development in accordance with this Resolution.
5. The Applicant shall comply with all statutory requirements in accordance with N.J.S.A. 40:55D-1 et seq. and Borough Ordinances for bonding and guarantees. The grant of this Application is subject to the posting of site improvement performance bonds, maintenance bonds, the payment of water and sewer connection fees and inspection escrow fees in accordance with law. The Applicant shall further enter into a Developer's Agreement and a Redevelopment Agreement with the Borough Council, as required and to the satisfaction of the Borough Attorney.
6. The Applicant shall comply with all recommendations in the Board Planner's report dated September 10, 2020, as applicable and to the extent those recommendations have not yet been satisfied.

7. The Applicant shall comply with all recommendations in the Board Engineer's reports dated September 11, 2020 and September 14, 2020 as applicable and to the extent those recommendations have not yet been satisfied, to the satisfaction of the Board Engineer.
8. As stipulated on the record, the Applicant has agreed to perform an Alternatives Analysis of recommended improvements to be made at the intersections of North Main and Bank Streets, and North Academy and Stockton Streets rather than installation of traffic signals for improvements to be made by the Applicant prior to the post development study, discussed in Condition 9 below, and after issuance of the first certificate occupancy.
9. With regard to recommendation numbered 18 on page 25 of the September 11, 2020 report, the Applicant shall conduct a post-development study, which shall include traffic and pedestrian counts, during the peak commuter periods at the driveways and nearby intersections to confirm the results of the Traffic Impact Study and to determine if the recommended improvements are adequate to accommodate the increase in area traffic. The traffic counts should occur within six (6) months after full build-out and occupancy of the site and construction of all associated site improvements, once traffic volumes have normalized. If additional improvements are necessary as a result of the post-development monitoring, the Applicant shall be responsible for the full expense of designing and constructing the necessary improvements. The following terms and conditions are assumed by the Applicant as additional obligations:

The study area intersections should include:

- N. Main Street and Bank Street
- N. Main Street and Franklin Street
- N. Main Street and Stockton Street
- Stockton Street and Academy Street

The Applicant agrees to coordinate with the Borough for the resolution to improvements at the unsignalized intersections of North Main/Bank Street and North Main/Stockton Street. The post-development count period should be extended to cover an 11-hour time period (7:00 AM to 6:00 PM) in order to verify traffic control warrants, which will also need to account for pedestrian activity. Potential improvements to mitigate and improve the safety and capacity of the intersections will include:

- All-way stop control.
- Restricting movements during peak commuter hours (7:00 – 9:00 AM and 4:00 – 6:00 PM).
- Overhead flashing beacon to help enhance the visibility of this intersection.
- Raised or textured crosswalks to reduce vehicle speeds and improve motorist yielding.
- Mid-block crossing along Bank Street, at the entrance to Rocky Brook Park.
- Other traffic calming devices.

- Other pedestrian enhancements.

The Applicant shall further retime the system of traffic signals along Main Street and provide any modifications that may be necessary, including advanced phasing and cycle lengths; and investigate the need to lengthen the turn lane storages, to improve vehicle progression.

The post-development analysis shall be provided to the Borough and the Applicant understands and agrees that constructing the needed modifications are subject to review and approval by the Borough.

10. The Applicants shall comply with all recommendations in the Fire Chief's report dated [], as applicable and to the extent those recommendations have not yet been satisfied.
11. The Applicants shall comply with the following conditions:
 - a. As stipulated by the Applicant on the record, the Applicant shall obtain an access easement from neighboring property owner, CCL, for emergency access from Stockton Street, in a form and manner satisfactory to the Borough Attorney and Board Engineer.
 - b. The Applicant's Plans shall be amended to demonstrate that any rooftop amenities do not extend past the fourth floor and to correct the number of parking spaces in the garage from 20 to 30, to the satisfaction of the Board Engineer.
 - c. The Applicant shall amend the on-street parking plan on Academy and Grant Streets, to the satisfaction of the Borough Engineer.
 - d. The Applicant shall provide trash and recycling removal, onsite street lighting, and snowplowing. The Applicant acknowledges that Applicant will be solely responsible for the provision of the foregoing services and that the Borough will not provide or reimburse for said services.
 - e. The Applicant shall provide a snow removal plan that complies with New Jersey Department of Environmental Protection rules and regulations, to the satisfaction of the Board Engineer.
 - f. The Applicant shall relocate the proposed greenway, to the satisfaction of the Board Engineer.
 - g. The Applicant shall lower the heights of the light poles on North Academy Street and move said poles from the west side of the street to the right side, to the satisfaction of the Board Planner and Board Engineer.
 - h. The Applicant shall ensure and demonstrate that vehicle charging stations meet all State requirements and standards, to the satisfaction of the Board Engineer.
 - i. The Applicant shall screen all mechanical equipment and the retaining walls from public view, to the satisfaction of the Board Planner.
 - j. The Applicant shall install a mid-block cross walk, curb cut, and ramp across Bank Street at the entrance to Rocky Brook Park.
 - k. The Applicant shall not install any chain link fencing and acknowledges that any fencing installed will comply with Redevelopment Plan criteria.
 - l. The Applicant shall not install any signage on the Property without prior Board approval.
12. The approval herein memorialized shall not constitute, nor be construed to constitute, any approval, direct or indirect, of any aspect of the submitted application, which is subject to third-party jurisdiction and which require approvals by any third-party agencies, including but not limited to any State or County agencies.

13. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Borough of Hightstown, any Borough Ordinances, or the requirements of any Borough agency, board or authority, except as specifically stated in this Resolution.
14. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
15. In accordance with the adopted ordinance provisions and the current requirements of the Borough, all construction and site improvements shall take place in strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or which may be revised, and all buildings will be constructed in accordance with the renderings shown to the Board. All construction shall comply with all Borough noise and dust control regulations during construction. This requirement shall be included in the Developer's Agreement between the Applicant and the Borough Council.

ROLL CALL VOTE ON MOTION TO APPROVE PRELIMINARY AND FINAL MAJOR SITE PLAN AND MINOR SUBDIVISION.

(September 16, 2020)

Moved By: Mr. Misiura

Seconded By: Mayor Quattrone

Those in Favor: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Searing, Mr. Laudenberger, Ms. Watkins, Mr. Balcewicz and Mr. Cabot.

Those Opposed: None

Those Absent or Recused: Ms. Jackson

ROLL CALL VOTE TO APPROVE RESOLUTION OF MEMORIALIZATION
(November 9, 2020)

Moved By:

Seconded By:

Those in Favor:

Those Absent or
Recused:

Fred Montferrat, Chairman
Hightstown Borough Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Borough of Hightstown, Mercer County, New Jersey at a public meeting held on November 9, 2020.

Sandy Belan, Secretary
Hightstown Borough Planning Board