



AGENDA

PLANNING BOARD REGULAR VIRTUAL MEETING

MARCH 8, 2021 7:30 P.M.

Join Zoom Meeting

<https://zoom.us/j/7470887920?pwd=UkluZStlalJJVXJ1dHlvV2FXSk0wZz09>

Meeting ID: 747 088 7920

Passcode: 0Gz8yg

One tap mobile

+16468769923,,7470887920#,,,,*228069# US (New York)

+13017158592,,7470887920#,,,,*228069# US (Washington D.C)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 747 088 7920

Passcode: 228069

Find your local number: <https://zoom.us/u/aegB4WX1JC>

Meeting called to order by Chairman Fred Montferrat

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

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

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Approval of Minutes February 8, 2021 Regular Meeting

Public Comment

Discussion

- 1) Affordable Housing – Mr. Slaugh
- 2) Cannabis & Zoning – Mr. Slaugh

New Business

- 1) DVRPC grant project - the Redevelopment Area Circulation Plan – Ms. Asselstine & Mr. Misiura

Committee and Professional Reports

Chairman and Board Member Comments

Adjourn

**Hightstown Planning Board Regular Meeting – Virtual
February 8, 2021, 7:30 p.m.**

<https://zoom.us/j/7470887920?pwd=UkluZStlalJlVXJlZHlV2FXSk0wZz09>

Meeting ID: 747 088 7920

Passcode: 0Gz8yg

One tap mobile

+16468769923,,7470887920#,,,,*228069# US (New York)

+13017158592,,7470887920#,,,,*228069# US (Washington D.C)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 747 088 7920

Passcode: 228069

Find your local number: <https://zoom.us/u/aegB4WX1JC>

OPEN SESSION

Beverly Asselstine, Vice Chairman, called the meeting to order at 7:32 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 on the Borough’s website. Due to Covid-19 and self-distancing protocols, this meeting was held remotely through www.zoom.com.

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. 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

Ms. Asselstine asked that the February 8, 2021 agenda be approved.

Motion made by Mr. Misiura and seconded by Mr. Cabot to approve the February 8, 2021 agenda.

Roll Call Vote: Mr. Misiura, Ms. Asselstine, Ms. Watkins, Mr. Searing, Mr. Laudenberg, Mr. Balcewicz and Mr. Cabot. Mr. Montferrat, Mayor Quattrone and Ms. Jackson were absent. Motion passed 7-0.

APPROVAL OF MINUTES

Ms. Asselstine asked if there were any changes to the January 11, 2021 Meeting Minutes.

Mr. Cabot noted a correction on page 7 – story should be changed to storage.

Ms. Asselstine asked for a motion to approve the January 11, 2021 minutes as amended.

Motion made by Mr. Balcewicz and seconded by Mr. Misiura to approve the January 11, 2021 minutes as amended. Ms. Jackson arrived.

Roll Call Vote: Mr. Misiura, Ms. Asselstine, Ms. Jackson, Ms. Watkins, Mr. Searing, Mr. Laudenberg, Mr. Balcewicz and Mr. Cabot. Mr. Montferrat and Mayor Quattrone were absent. Motion passed 8-0.

PUBLIC COMMENT

Ms. Asselstine opened the floor for any public comments.

There being no comments, Ms. Asselstine closed the public comment.

NEW BUSINESS

- 1) Update 2021 Capital Projects – Ms. Roberts reviewed in detail her memorandum dated February 1, 2021 Capital Improvements (attached).
 - a) Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive and Schuyler Avenue
 - b) Improvements to Railroad Avenue and Dey Street
 - c) Improvements to Bennet Place, Hausser Avenue and Prospect Drive
 - d) Water Treatment Plant Lagoon Liner Replacement – used in the backwash treatment process; liner has been in place for 20 years. Quotes received last week.
 - e) Water Treatment Plant Emergency Generator and Flood Gates – Project funded completely by FEMA funds. Will install generator behind the building to reduce visibility and noise. Generator will be elevated four feet and flood gates for prevent flooding. Generator should be installed by December.
 - f) Elevated Water Tank Rehabilitation – upgrades and improvements
 - g) Peddie Lake Dam Stone Face Repairs – Borough works with a specific consultant who specializes in dams. Requirements required per DEP.

A yearly list is compiled, in conjunction with Public Works and Complete Streets Committee, to determine the roadway conditions.

Update on Complete Streets – Bids received in January; recommending contract award later this week; work would begin in the spring.

Peddie Lake – Ms. Roberts reviewed dam inspections/maintenance:

Every two years there is a basic inspection; every six years there is a structural review and every ten years DEP inspection is done (do not require divers). The lake can be lowered two feet per Fish & Wildlife to examine the lake area.

Concerned about the cracks in the cap stone and crack on Municipal parking lot side. The engineers are looking at the exterior and interior of the entire dam.

2) Proposed Changes to the Generator Ordinance, Chapter 28-10-19 – Permanently Installed Standby Generators

George Chin, Zoning Officer – The office has received several requests to install generators in the side yard. Under the current ordinance they are only permitted in the rear yard. Properties in the R-4 and AA Active Adult Age-Restricted Housing (Enchantment). The houses are narrow which restricts the location for the generator along the back of the house. Property line is only five feet. Minimize noise by installing fencing around the generator.

Requesting that the Generator Ordinance be expanded to be allowed in all zones. Local businesses (restaurants and other business) need to protect their inventory in the event of a power outage. All businesses would benefit from allowing the use of a generator to protect inventory and keep the business open during blackouts.

Enchantment is in the AA, Active Adult Age-Restricted Housing Zone. They were not included in the original ordinance. Reasons for generator – medical issues.

R-4 Zone has the smallest lots and houses. This creates a hardship in locating the generators in the rear yard since the rear yards are small and space is limited.

- a) Houses are narrow, which restricts the available location of the generator along the back of the house. Living spaces, such as patios and decks are usually right behind the house.
- b) If there is a play area behind the house, the generator could also be a safety issue.

Requesting fencing due to the possible proximity to a bedroom window and generator noise.

Mr. Slaugh – most generators are scheduled to run once a week for routine testing.

Ms. Asselstine suggested it may be beneficial to educate residents regarding the timeframe for routine maintenance testing of generators.

PUBLIC COMMENT

John Rathouser, 6 Barton Drive – I wanted to install a whole house generator. Checked with Borough regarding generator requirements. Whole house generators are less noisy than freestanding generators. The generator will be placed on the side of the house next to my garage, which would be a natural buffer.

There being no further comments, Ms. Asselstine closed the public comment.

BOARD DISCUSSION

Mr. Slaugh – Master Plan really does not address this issue. This is a piece of equipment. Do not think it is inconsistent with the Master Plan. Consistent with the principal housing use.

Mr. Searing asked suggested changing the Zoning Ordinance regarding the permitted testing, which is part of the current ordinance.

Discussion on routine testing recommended. Mr. Chin would like to discuss the routine testing requirements with the manufacturers.

Mr. Slaugh – Planning Board is looking at land use and impact on Master Plan. The Board is reviewing the concept of generators for the side yards as well as rear yards, and whether that is appropriate approved from a land development standpoint. The issues with the routine testing and fencing only require Council review.

Mr. Misiura – Concerns about fence clearances. Typically, commercial installation fencing around generators is specifically designed with soundproof panels not just ordinary fencing. Requested Mr. Chin also research the required fencing for the generator.

Motion made by Mr. Balcewicz and seconded by Ms. Jackson that the Planning Board finds the Proposed Changes to the Generator Ordinance, Chapter 28-10-19 – Permanently Installed Standby Generators is not inconsistent with the Borough's Master Plan and recommend Borough Council approval with the following recommendations:

- 1) The screening/fencing suggested for the generator.
- 2) Research manufacturers recommendations regarding routine testing of generators, i.e., weekly or monthly?

Roll Call Vote: Mr. Misiura, Ms. Asselstine, Ms. Jackson, Ms. Watkins, Mr. Searing, Mr. Laudenberg, Mr. Balcewicz and Mr. Cabot. Mr. Montferrat and Mayor Quattrone were absent. Motion passed 8-0.

- 3) Affordable Housing Discussion – Mr. Slaugh reviewed Hightstown Borough Affordable Housing Opportunities Memorandum dated February 7, 2021 (attached).

BOARD DISCUSSION

Meet with the Affordable Housing Subcommittee to determine what options are available for the Borough. This creates an outline which may be used to create a Housing Plan. March meeting more substantive discussion and make some decisions regarding the direction to take.

Lucas Property – may have toxic issues/buildability.

Tornquist Garage and auto repair – may have toxic issue.

Two lots – Saint Anthony – may have EPA concerns.

Minute Maid site – settlement done; property is in both East Windsor and Hightstown

Need to meet the units required in the RDP – (Realistic Development Potential) – 20% must be affordable housing.

Mr. Slauch suggested that the Planning Board review the Affordable Housing Opportunities and discuss specifics at the March Planning Board meeting.

COMMITTEE AND PROFESSIONAL REPORTS

Ms. Asselstine gave an update on the DVRPC grant – received three proposals. The Complete Streets Committee has recommended NV5, same vendor who did the Mobility Plan. Council will review next week.

Complete Streets looking at ideas for implementing the Mobility Plan. I have contacted the Borough Administrator regarding the process for implementing the New Jersey Model Complete and Green Streets policy which would enhance our Complete Street policy in the Borough. Waiting to hear back from the Administrator on how we initiate the review and discussion as part of the implementation of the Mobility Plan.

Mercer County has awarded Hightstown Borough a TMA Safe Routes to School Award due to all the work done around the Mobility Plan. This is another recognition by NJDOT.

There being no further business Ms. Asselstine asked for a motion to adjourn. Motion made by Mr. Misiura and seconded by Ms. Jackson. All ayes. Meeting adjourned at 9:10 p.m.

Submitted by:

Sandra Belan
Planning Board Secretary

Subsection 28-10-19 Permanently Installed Standby Generators.

- a. Standby generators shall be permitted as accessory uses ~~in the following Residential Districts: R-1, R-2, R-3, and R-4,~~ and shall be located in the rear yard **and side yard** only and not project beyond the ~~side~~ **front** building lines of the principal structure. All generators shall be installed on a concrete pad or other pre-formed pad designed to meet the generator's specifications. The generator shall be screened so it is not visible from adjacent properties or from any street or public way. ~~For corner lots, generators may be located in the side yard with approval from the Zoning Officer.~~ Screening shall consist either of plantings or an opaque fence of sufficient size and height to completely screen the generator from adjacent properties or from any street or public way. **Generators located in the side yard require six (6') foot solid fencing to completely enclose the generator. A solid gate shall be required.** Screening shall be maintained by the owner or occupant of the property. **All screening or fencing shall be placed in accordance with the generator manufacturer's installation instruction and clearance requirements. The location of the generator, the type of screening and the size of the screening shall be approved by the Zoning Officer.**

a.

b. 1/29/21- Generator expanded to be allowed in all zones. A local business asked about installing a generator. Restaurants and some businesses need to protect their inventory when there is a blackout. They are required to throw away all products in the refrigerators and freezers when the power goes out. Other businesses could use a generator to allow them to continue to operate and to process transactions. Hightstown appears to experience more blackouts than other areas. This is another way to help protect our businesses from financial losses. If the generator is not allowed, businesses would be required to go before the Planning Board for a variance.

c.

d. Enchantment is located in the AA, Active Adult Age-Restricted Housing, zone. They were not included in the original ordinance. I have heard from many residents who want to install a generator. Some of them have medicine which needs to be refrigerated, so they cannot lose power.

There are at least three residents in the R-4 zone who will need to get a variance in order to install the generator in the side yard.

Some points on why they need to install the generator in the side yard:

- 1. The R-4 zone is the zone with the smallest lots and the smallest houses. This creates a hardship in locating the generators in the rear yard since the rear yards are small and the space is limited.*
- 2. The houses are narrow, which restricts the available location for the generator along the back of the house. The living spaces, such as patios and decks, are usually right behind the house.*
- 3. If there is a play area behind the house, the generator could also be a safety issue.*

The cost of the variance also needs to be considered. There is no set cost for the variance, since an escrow account is required. How can a resident decide if the cost of the variance for

the generator is worth it if they do not know what the total cost would be? Or if it would even be approved?

After the blackout from Hurricane Sandy, people started to install generators or even gas fireplaces as a heat source. I know that there were some generators installed in the R-4 side yard before the generator ordinance restricted them. I had recommended a sound barrier of a fence or planting and told them that a neighbor will not complain about the noise if you give them power during a blackout. I know that you cannot require the owner to give power to the neighbor, but a generator is another way to foster closer bonds between neighbors. It is neighbors helping neighbors. One of the residents who wants to install a generator has an elderly woman, who lives alone, as a neighbor. He says he intends to give her power during a blackout.

The code enforcement office hears many types of complaints. We have yet to receive a complaint concerning generator noise.

- b. Standby generators may only be used when electric power to the property has been interrupted for reasons beyond the control of the property owner or resident, or for routine testing. Routine testing is permitted for a thirty minute period once a month during weekdays between 9:00 a.m. and 4:00 p.m., subject to air quality restrictions. Routine testing shall not take place on days in which the air quality is classified as unhealthy for sensitive groups, unhealthy, very unhealthy, or hazardous in accordance with N.J.A.C. 7:27-19.2(d) as it may be amended from time to time.
- c. Notwithstanding anything to the contrary, generators shall not generate noise levels in excess of 68 dB at twenty-three feet when operating at one hundred percent. Generators shall be operated at all times with a muffler, and any factory-installed enclosure for the generator may not be removed for any reason except for maintenance or repair.
- d. Supplemental diesel and gasoline fuel storage tanks powering generators shall not be permitted in any residential zone. If the generator is powered by propane gas, the propane gas tank shall be completely screened so as not to be visible from adjacent properties or from any street or public way and shall obtain all applicable regulatory approvals.

(Ord. No. 2014-18)

e.



The Borough of Hightstown

Clerk's Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext. 772

Fax – (609) 371-0267

FROM THE DESK OF
DEBRA L. SOPRONYI, RMC/CMC, QPA
BOROUGH ADMINISTRATOR/CLERK

TO: Planning Board (Via e-mail)

DATE: March 2, 2021

RE: Cannabis & Zoning

The Borough Council began their review of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which Governor Murphy signed into law on February 22, 2021 and legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Borough Council requests that the Planning Board work with the Planner to evaluate these establishments and Borough zoning; and provide a summary and recommendation in the matter as soon as possible.

The Act establishes six marketplace classes of licensed businesses. The Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations. The Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality.

However, the Act also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (by August 22, 2021). The failure to act within 180 days shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones. At the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality.

The Borough Council looks forward to receiving your evaluation and comments. If you have any questions, please do not hesitate to contact me.

C: Mayor & Council (via e-mail)
Brian Slaugh, Planner (via e-mail)
Peggy Riggio, Deputy Clerk (via e-mail)
Fred Raffetto, Borough Attorney (via e-mail)
George Chin (via e-mail)