

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

<https://zoom.us/j/7470887920?pwd=UkluZStlalJJVXJldHIvV2FXSk0wZz09>

Meeting ID: 747 088 7920

Passcode: 0Gz8yg

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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. 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 Slauch, 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. Slauch – 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.

Greater Mercer TMA is applying on behalf of Hightstown Borough for a Safe Routes to School Award.

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.



February 1, 2021

Sandy Belan, Planning Board Secretary
 Hightstown Planning Board
 Borough of Hightstown
 156 Bank Street
 Hightstown, New Jersey 08520

Re: 2021 Capital Improvements
 Borough of Hightstown, Mercer County, New Jersey
 Our File No.: H1759

Dear Sandy:

I am writing this letter to provide the Planning Board with a list of capital improvements anticipated by the Borough in 2021. The anticipated improvements are as follows:

1. Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive, and Schuyler Avenue:
 Estimated Cost: \$1,450,000.00
 Funding: \$600,000.00 NJDOT Grant
 Scope and Status:
 This contract is designed and will be advertised for bid by mid-February. We anticipate a contract award before March 25, 2021. Construction will start in Spring 2021.
 Springcrest Drive - Replace curbs as needed, provide new sidewalk on north side of road, milling paving of pavement, replacement of sanitary sewer and laterals, decommissioning of existing sanitary lift station.
 Taylor Avenue - Provide new curbs on both sides of road, provide new sidewalk on west side of road, milling paving of pavement, replacement of existing water main.
 Spruce Court - Replace existing curb and sidewalk as needed, milling paving of pavement.
 Glen Drive - Replace existing curb and sidewalk as needed, milling paving of pavement.
 Schuyler Avenue - Replace existing water main and water service.

2. Improvements to Railroad Avenue and Dey Street:
 Estimated Cost: \$500,000.00
 Funding: \$529,632.00 NJDOT Grant
 Scope and Status:
 This contract has been awarded funding through the NJDOT for construction and inspection. We anticipate authorization to design by the end of 2021.
 The improvements include new curbs and sidewalks as well as a driveway entrance to the new Borough Hall facility that is planned at the old YMCA site.

3. Improvements to Bennet Place, Hausser Avenue, and Prospect Drive:
 Estimated Cost: \$950,000.00
 Funding: \$500,000.00 NJDOT Grant
 Scope and Status:
 This contract has been awarded funding through the NJDOT for construction and inspection. We anticipate authorization to design by the end of 2021.
 The improvements include new sidewalks, curb replacement as necessary, and replacement of water mains.

4. Water Treatment Plant Lagoon Liner Replacement:

Estimated Cost: \$39,900.00
Funding: Borough Funds
Scope and Status:

Quotes have been revised and an award will be made by mid-February.
These improvements include replacement of the liner within the Water Treatment Plant lagoon.
This is the lagoon that sits adjacent to and is visible from Purdy Street.

5. Water Treatment Plant Emergency Generator and Flood Gates:

Estimated Cost: \$440,000.00
Funding: FEMA
Scope and Status:

This contract is in the design phase and is anticipated to be advertised for bid in Spring 2021 with construction completion before the end of 2021.
The improvements include a new elevated emergency generator at the Water Treatment Plant and flood gates at all doorways. This project is a result of flooding at the site during Hurricane Irene and is being funded by FEMA as a flood mitigation contract.

6. Elevated Water Tank Rehabilitation:

Estimated Cost: \$810,500.00
Funding: NJ IBank or USDEA
Scope and Status:

We received authorization to begin design in Spring 2021 with advertisement soon thereafter.
The improvements include cleaning and rehabilitation to the three (3) water storage tanks in the Borough; 400,000 gallons at Leshin Lane, 300,000 gallons at First Avenue, and 500,000s gallon at Cranbury Station Road.

7. Peddie Lake Dam Stone Face Repairs:

Estimated Cost: Not yet known.
Funding: Borough Funds
Scope and Status:

We anticipate design to begin in early 2021 with construction completion in Summer 2021.
The improvements include repairs and repointing of the dam's stone face.

Should you have questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E.
Borough Engineer

cc: Hightstown Planning Board Members
Debra Sopronyi, RMC, CMR, QPA, Borough Administrator/Clerk
Jolanta Maziarz, Esquire, Planning Board Attorney
Brian Slaugh, PP, AICP, Clark, Canton, Hintz, Planning Board Planner
Cameron Corini, PE, CME, Roberts Engineering Group, LLC



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George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP

MEMORANDUM

To: Affordable Housing Subcommittee
Hightstown Planning Board

From: Brian Slaugh, PP, AICP, Borough Planner
Elaine Clisham, MCP

Re: Hightstown Borough Affordable Housing Opportunities

Date: February 7, 2021

This memorandum provides our analysis of the current status of the housing issues in Hightstown Borough, calculates a potential affordable housing obligation using the methodology set forth in 2018 by the Hon. Mary C. Jacobson, and then looks at available and potential mechanisms for meeting that obligation.

As Sub-Committee members are aware, the Borough sought to address its third round housing obligation beginning in 2015 following an important affordable housing decision by the NJ Supreme Court, now commonly known as the *Mount Laurel IV* decision. The process of determining the municipal housing obligations for affordable housing was returned to the court system. While the Borough began the process, it found it unable to afford to continue with it and withdrew in late 2016. Since that time, the Borough has continued to assess its situation and incrementally address its obligation by, for example, deed restricting a boarding home and creating a mandatory affordable housing overlay ordinance.

Affordable Housing Obligation

There are three components to a municipality's affordable housing obligation. These are the Present Need, or Rehabilitation Share, Prior Round Obligation and Third Round Obligation. The Rehabilitation Share is a number derived from statistical analysis of U.S. Census surveys that identifies housing that is substandard and occupied by a low or moderate income household. The Prior Round Obligation, confusingly means the combined first and second rounds, or past obligation, that should have been addressed by this point. The Third Round, originally intended to be six years, has been stretched to 26 years and consists of two parts, the Gap Present Need from 1999-2015 and the Prospective Need from 2015-2025. In contrast to the Rehabilitation Share, the Prior Round and third Round numbers represent the new construction of affordable dwellings.



At this point in the Third Round, it appears as if Judge Jacobson’s decision with regard to affordable housing numbers is final for Mercer County. Assuming that remains the case, Hightstown has the following obligations:

Table 1. Hightstown’s Affordable Housing Allocation, Third Round Summary

| Affordable Housing Component | Number |
|-----------------------------------|------------|
| Rehabilitation Share | 39 |
| Prior Round Obligation* | 38 |
| Third Round Obligation (68 total) | |
| Gap Present Need (1999-2015) | 39 |
| Prospective Need (2015-2025) | 29 |
| Total Obligation | 145 |

Source: Statewide and Municipal Obligations Under Jacobson Opinion, Econsult Solutions, Inc., March 28, 2018.

*-Note: Hightstown has an employment adjustment of 7 units not reflected in COAH’s numbers, which lowers the Prior Round Obligation from 45 to 38 units.

The 2016 draft Housing Element and Fair Share Plan was prepared before the 2018 decision by Judge Jacobson, so these numbers somewhat differ from that document.

Vacant Land Analysis and RDP

The Borough has been looking at its affordable housing obligations through the lens of what is called a Vacant Land Adjustment (VLA). That means that a municipality lacks sufficient land resources to address its full new construction obligation from the Prior Round and the Third Round. When that occurs, the number of units it can address is called the Realistic Development Potential (RDP) and the remaining units which cannot be addressed (at least fully) are called Unmet Need.

In February 2016 as part of its original response to its court filing, the Borough commenced a Vacant Land Analysis. As the Borough interacted with the special court master assigned to the case, this analysis was revised that October to add potential yield from the anticipated Rug Mill redevelopment. This increased the RDP to 47 units for the Third Round. However, more recent developments have increased the RDP because as additional sites become available or increase in density, the RDP increases and the Unmet Need decreases.



The 2020 Rug Mill redevelopment project, which now anticipates a maximum of 392 new housing units, increases the RDP from that project from 46 units to 77 units, a higher number than the Borough's 68-unit Third Round obligation as calculated according to the Jacobson methodology. The Rug Mill project's current approvals specify 362 housing units, which would generate an RDP of 73 units. Since both of these are higher than the figure in Table 1, we recommend that the Borough abandon the effort to continue the VLA and subsequent RDP. This is preferable because in an RDP situation, any new development keeps adding units to the total as sites that were previously not available become available and generate a requirement that 20% of the units be earmarked for low and moderate income households. This upward self-ratcheting effect is inherent in the use of the RDP option and at this point is not providing any benefit to the Borough.

Satisfaction of the Rehabilitation Obligation: 39 units

The 39-unit rehabilitation share has generally been the easiest one for municipalities to address. Settlement agreements that have been struck with Fair Share Housing Center have allowed a starting point of April 1, 2010 (municipalities' preference) or sometimes July 2015 (FSHC's preference) because under COAH rules that are still in place, rehabilitation numbers were based on U.S. Decennial Census data and reset every ten years. It was also based on the long form census which has been replaced by the American Community Survey (ACS). See the Appendix for relevant demographic information.

If any units have been rehabilitated since April 1, 2010 via either the County program or a Borough program, they are creditable against the Rehabilitation obligation as long as the County/Borough can provide documentation of major systems repaired or replaced, evidence of a deed restriction or lien, income qualification of the occupant of the unit, and a minimum average of \$10,000 per rehabilitated unit expended on hard costs. The draft 2016 Housing Element and Fair Share Plan indicates the Borough had rehabilitated seven units via a Small Cities grant program and a flyer on the Mercer County website for the Housing Rehabilitation Program indicates Hightstown is a participant in the program. It is not clear when the Small Cities grant was utilized. The Borough's contract affordable housing administrative agent runs the program; we have not yet reviewed the program to determine how many units may be creditable.

One interesting item to think about is that the ACS indicates a substantially lower number of substandard units in the Borough than would be expected to create a demand for the rehabilitation of 39 units. The Borough has the option to conduct its own conditions survey, which is typically undertaken by the construction code official's office. There is a set of criteria in which to evaluate units from an exterior visual inspection. This number is then adjusted by the percentage of low and moderate income households that could be



expected to be living in substandard units. The possibility of undertaking a study should be discussed with Borough Administration for feasibility, both in terms of personnel and cost.

**Satisfaction of the New Construction Obligation (both Prior Round and Third Round):
106 units**

The draft 2016 Housing Element and Fair Share Plan discussed various mechanisms the Borough might have available to satisfy its Prior Round and Third Round obligations, including:

- Three affordable rental units in a small development at 132 William Street;
- Up to four, or possibly five, affordable for-sale units from Habitat for Humanity, all on South Academy Street;
- Three bedrooms in a group home at 114 Spring Crest Drive (available as unit credit for the Prior Round, and also for Third Round compliance via extension of affordability controls on the property; COAH documentation was provided as part of the February 2016 Court submission; funds have been disbursed from the affordable housing trust fund);
- 10 units at the Holly House former boarding home. Twenty-year deed restrictions were put in place in 1992 that expired in December 2012. While the 2016 plan indicated the affordability controls on these units had been extended, that does not seem to be the case. The Holly House website advertises the place as an assisted living facility; however, the latest inspection report from 2019 indicates it remains a boarding house. The 20-year deed-restriction makes the units eligible for Prior Round credit at 10 units;
- Nine units in the Randolph Boarding Home, a Class A boarding home at 278 South Academy Street. The deed restriction on these units was filed in 2017 which makes it eligible for either Prior Round or Third Round credit;
- Rental bonus credits (10 Prior Round, 17 Third Round).

The plan also listed the “Ordonez” site on Block 40, Lot 20 (236-238 South Academy Street) which does not appear to have moved forward. This was slated for a single unit.

Without the property still in question, and assuming all crediting documentation can be provided, the list above totals 32 or 33 existing affordable units available toward satisfaction of both rounds, plus 25 of 27 possible rental bonuses, for a total of 57 or 58 units and bonuses. The Borough will still need to provide a realistic opportunity for 49 or 50 new



affordable units and bonuses. Table 2 examines the units and bonuses for which it is likely to gain credit.

Table 2. Likely Crediting Opportunities with Existing Development.

| | Round | Rental | For-Sale | Bonus | Total |
|-------------------------------------|-------|-----------|----------|--------------------------|-----------------|
| Holly House | Prior | 10 | 0 | 10; maximum permitted | 20 |
| Spring Crest Group Home | Prior | 3 | 0 | | 3 |
| Total Prior Round | | 13 | | 10 | 23 |
| To Be Satisfied | | | | | 16 units |
| William Street | Third | 3 | 0 | 3 | 6 |
| Spring Crest Group Home | Third | 3 | 0 | 3 | 6 |
| Randolph Street Home | Third | 9 | 0 | 9 | 18 |
| Habitat for Humanity | Third | | 4 | | 4 |
| Total Third Round | | 15 | | 15 | 34 |
| Total Prior and Third Rounds | | 28 | | 25 | 57 |
| To Be Satisfied | | | | 2 more allowed | 49 |

The Borough has no age-restricted units. There are various formulas that apply to different aspects of crediting. These are calculated below for Table 2.

Prior Round:

- **Minimum Rental Units:** 25% of total obligation = 25% x 39 = 10. The Borough has satisfied this with 13 rental units.



- **Minimum Low-Income Units:** 50% of total obligation = $50\% \times 39 = 20$ (rounding up). *The Borough must provide at least seven additional low-income units to satisfy this requirement.*
- **Maximum Age-Restricted Units:** 25% of total obligation = $25\% \times 39 = 9$ (rounding down). The Borough is currently proposing no age-restricted units.
- **Maximum Rental Bonuses:** Equal to minimum rental requirement = 10. The Borough is claiming the maximum to which it is entitled.

Third Round:

- **Minimum Rental Units:** 25% of total obligation – $25\% \times 68 = 17$. *The Borough must provide at least two additional rental units to satisfy this requirement.*
- **Minimum Very Low-Income Units:** 13% of all units approved or constructed after 2008 = 13% of seven units = 1 unit. The Borough is providing three very low-income units.
- **Minimum Very Low-Income Family Units:** 50% of required very low-income units = $50\% \times 1 = .5$, round up to 1. *The Borough must provide at least one family very low-income unit to meet this requirement.*
- **Minimum Family Units:** 50% of (obligation less bonuses) = $50\% \times (68-17) = 26$ units. *The Borough must provide 19 additional family units, either for rent or for sale, to meet this requirement.*
- **Minimum Family Rental Units:** 50% of minimum rental requirement = $50\% \times 17 = 9$. *The Borough must provide six additional family affordable rental units in order to meet this requirement.*
- **Maximum Age-Restricted Units:** 25% of total obligation = $25\% \times 68 = 17$. The Borough is proposing no age-restricted units.
- **Maximum Rental Bonuses:** Equal to minimum rental obligation = 17. The Borough is currently able to claim 15 of these bonuses.

Types of Affordable Housing Development

There are three main means of developing affordable housing. The first is one that the Borough is familiar with – the 100% affordable housing development epitomized by the housing authority's development. Typically for family households and senior households, this requires a substantial governmental or charitable subsidy. Such subsidies are difficult to get and in some circumstances require ongoing subsidies. For credit in the affordable housing world, the municipality must show evidence that it owns or controls a suitable site, adequately demonstrates the capability to develop it, must adopt a development schedule indicating completion by mid-2025 and must financially backstop the development in order to gain credit. These are typically rental developments. The same



lack of land found in the earlier housing plan, time and costs likely render this type infeasible for Hightstown, except perhaps for Habitat for Humanity projects, which sometimes are all affordable and sometimes only a portion of a project. Habitat projects are typically for-sale.

The second is partnering with an operator to create one of more group homes for special needs persons. This is a small group setting of up to five bedrooms in a single family house in the neighborhood. The benefit for the municipality is that there is operating money available from the state and it can be developed from the existing housing stock. Each bedroom can count towards the affordable housing number.

The third major means is through the use of inclusionary zoning at a certain minimum density – 6-12 units per acre depending on unit type. “Inclusionary” means that a portion of the project is set aside for low and moderate income households, either for-sale or rental. When not using a vacant land adjustment to lower one’s number, the setaside is minimally 15% for rental projects and 20% for for-sale projects. This is accomplished through rezoning of property for vacant sites, sites that are underutilized where the density could be increased, or for sites that are likely to redevelop. The Borough does not otherwise need to subsidize the affordable development (though we have recently seen a trend of developers seeking subsidy for inclusionary projects). For the Borough which has limited land resources and limited financial resources, this may prove to be the best means to address the larger component of its municipal obligation.

Affordable Housing Options

Small Scale Development

A 2011 Habitat for Humanity presentation included in the February 2016 court submission shows the organization intended to provide as many as eight affordable units along South Academy Street. A map included in the presentation indicated Habitat had acquired the Ordonez lot, although current property information indicates retention by Ordonez. The presentation also indicated Habitat was targeting several other lots for acquisition. Property data show Habitat now owns Lots 22.01, 22.02, 22.03 and 22.04. Lots 19, 27 and 28, all privately owned, were also shown in the Habitat presentation as being targets for acquisition and construction of affordable units.

132 Maxwell Avenue (Block 27, Lot 38) is a vacant 25,800 sf. lot next to St. Anthony’s church’s parking lot. The lot is currently zoned R-3, which only permits single-family residential development. Rezoning to permit townhouse development with a residential setaside would generate a single affordable unit. Conversely, it might also be a location for a group home.



Inclusionary Development

Because of the lack of land, inclusionary development must necessarily target already developed properties. These properties have the requisite size and potential for redevelopment:

- Empire Antiques, Block 24, lot 9. This is a 4.18-acre property on Monmouth Street, near the border with East Windsor.
- Broad and Monmouth Streets: This area includes Block 11, Lots 17.01, 17.02 and 19.01, on the north side of Monmouth Street where Broad Street dead-ends, and Block 26, Lots 27.01, 28, 29.01 and 30.01, along the west side of Broad Street, all of which lots total five acres. There are auto-oriented commercial uses on these lots, but they are surrounded by residential uses and are close to both the center of the Borough and the Rug Mill redevelopment project. These properties have recently been rezoned Downtown Gateway, which permits detached single-family dwellings and duplexes, and apartments above commercial uses.
- Tornquist Garage: This 1.5-acre site – Block 61.01, Lot 25 – is located toward the southwestern edge of the Borough, at the intersection of Route 33 and Grape Run Road. There is an existing building on it, but the business appears not to be operational. The site abuts the cemetery, and is otherwise surrounded by residential uses. It has a small common boundary with the Deerfield apartment complex. There appears to be some interest in the cemetery association selling a point of land that would square off the lot and make it more developable.
- Former Lucas Electric: This property, formerly home to Lucas Electric, Block 61.01, Lots 44 and 45, sits at the southwestern edge of the Borough adjacent to the high school. It is currently occupied by the Hightstown Police Department and an auto-related service business. Much of the rear of the site is vacant. It is also zoned Highway Commercial, and is primarily surrounded by other commercial uses. The property was included in a 2012 Route 33 Revitalization Plan for both East Windsor Township and Hightstown Borough. The plan recommended it be designated for Main Street Retail, which the plan described as “a small scale walkable area, with a ‘Main Street’ appearance.” However, the need for retail uses has likely diminished and the police may be headed to back to the new municipal building.
- Former Minute Maid/Bruckner South: As most Board members are aware, the former Minute Maid site is the subject of a 2014 settlement agreement that permits a wide range of light industrial and warehousing uses. It does, however,



have the greatest potential for redevelopment in the Borough. This is Block 48, Lot 32. For the site to achieve the level of being a realistic opportunity for affordable housing, the owner would have to be re-engaged since they have the right under the settlement to easily challenge a rezoning.

Westerlea Affordable Housing Overlay Zone

There are two apartment complexes, Deerfield and Westerlea, in the southern portion of the Borough. Per your memo to the Borough's Affordable Housing Committee dated May 1, 2020, the Westerlea complex currently has 108 rental units on 8.4 acres, for a density of 12.9 units per acre. The suggested overlay zoning would permit the owner of the complex to increase the density on the property to 18 units per acre, but only by adding new units to existing buildings, thus creating a total of 151 new units. Of those units, 23 would need to be deed-restricted as affordable units, a set-aside of 15%, which is standard for inclusionary rental projects. The deed-restricted units could be dispersed among the older units, allowing the owner to charge higher rents for the new market-rate units. The Deerfield complex presents less of an opportunity for an increase in density, as it is already at 16.1 units per acre.

The following two programs require a funding commitment from the Borough:

Market-to-Affordable Program

A municipality is permitted to satisfy up to 10 for-sale units and 10 rental units or a combined 10% of its obligation, whichever is greater, through a market-to-affordable program, through which it purchases suitable units at market prices, rehabilitates them as necessary, applies a deed restriction, and sells them to income-qualified households. Per COAH's Third Round rules, the municipality must dedicate at least \$25,000 to subsidize the purchase of a moderate-income unit and \$30,000 to subsidize the purchase of a low-income unit. In the current housing market, this could yield one to two affordable units.

Accessory Apartments

Affordable housing regulations permit a municipality to satisfy up to 10 units or 10% of its obligation, whichever is greater, with an accessory apartment program. This requires a per-unit municipal expenditure of at least \$20,000 to subsidize the creation of a moderate-income unit and at least \$25,000 to subsidize the creation of a low-income unit. A visual survey of certain areas of the Borough revealed a number of detached garages, some of which may have the potential for addition of or conversion into apartment units.



MEMORANDUM

Clarke Caton Hintz

In addition, the draft 2016 Housing Element and Fair Share Plan indicated that there are some single-family homes in the Borough that have been converted without proper approvals into multi-family properties. While a visual survey did not provide significant evidence of this, if it is the case, the Borough may wish to offer property owners the chance to bring these units into compliance in return for allowing them to be deed-restricted and administered as affordable rentals. No municipal subsidy would be required in this case. A successful Accessory Apartment program could yield a maximum of 10 affordable units toward the Prior Round and 11 affordable units toward the Third Round.

Affordable Housing Trust Fund

We have also requested information on the Borough's affordable housing trust fund, which should shed additional light on the feasibility of some of the potential affordable housing components listed here.



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 Architecture
 Planning
 Landscape Architecture

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Appendix
Housing Statistics – American Community Survey

According to the American Community Survey 2015-2019 estimates, the majority of Hightstown’s housing stock was constructed prior to 1939, with smaller building booms between 1950 and 1969 – post-war housing boom – and between 1980 and 1989, perhaps reflecting construction of the Wyckoff Mills development.

Table A-1. Age of Housing Units

| Year Built | Number of Units | Percent of Units |
|----------------------------|-----------------|------------------|
| 1939 | 646 | 32.4 |
| 1940 to 1949 | 31 | 1.6 |
| 1950 to 1959 | 292 | 14.6 |
| 1960 to 1969 | 305 | 15.3 |
| 1970 to 1979 | 129 | 6.5 |
| 1980 to 1989 | 353 | 17.7 |
| 1990 to 1999 | 38 | 1.9 |
| 2000 to 2009 | 125 | 6.3 |
| 2010 to 2017 | 76 | 3.9 |
| Total Housing Units | 1,995 | 100.0 |

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Table A-2 on the following page describes the types of housing units found in the Borough. Almost two-third of the Borough’s housing units are single-family, either attached or detached, meaning single family semi-detached dwellings. Two family units are typically one unit above the other, which is often called a duplex (though in some populations the single family semi-detached dwelling is also called a duplex). Most of the remaining dwellings are located in smaller-scale multi-family developments, with fewer than 20 units. Almost 60% of units are owner-occupied, and slightly more than one-third are renter-occupied. Of the 6.4% of units that are vacant, almost two-thirds are in two-unit structures. If accurate, we find this a puzzling statistic - that vacancies would be this concentrated in two-unit houses.

Table A-2. Units in Housing Structure by Tenure

| Units in Structure | Total Units | % | Owner-Occupied | % | Renter-Occupied | % | Vacant | % |
|-------------------------------|--------------|--------------|----------------|--------------|-----------------|--------------|------------|--------------|
| 1-unit, detached | 1,150 | 57.6 | 997 | 85.9 | 153 | 21.7 | 0 | 0.0 |
| 1-unit, attached | 164 | 8.2 | 33 | 2.8 | 131 | 18.6 | 0 | 0.0 |
| 2 units | 98 | 4.9 | 0 | 0.0 | 17 | 2.4 | 81 | 63.3 |
| 3 or 4 units | 92 | 4.6 | 28 | 2.4 | 64 | 9.1 | 0 | 0.0 |
| 5 to 9 units | 210 | 10.5 | 49 | 4.2 | 161 | 22.8 | 0 | 0.0 |
| 10 to 19 units | 211 | 10.6 | 54 | 4.7 | 180 | 25.5 | 47 | 36.8 |
| 20 or more units | 70 | 3.5 | | | | | | |
| Total | 1,995 | 100.0 | 1,161 | 100.0 | 706 | 100.0 | 128 | 100.0 |
| Percent of Total Units | | | | 58.2 | | 35.4 | | 6.4 |

Table A-3 Number of Bedrooms

| Number of Bedrooms | Number of Units | Percent of Units |
|----------------------------|-----------------|------------------|
| No bedroom | 112 | 5.6 |
| 1 bedroom | 273 | 13.7 |
| 2 bedrooms | 621 | 31.1 |
| 3 bedrooms | 636 | 31.9 |
| 4 bedrooms | 345 | 17.3 |
| 5 or more bedrooms | 8 | 0.4 |
| Total Housing Units | 1,995 | 100.0 |

The majority of housing units in the Borough – 63% – have either two or three bedrooms, which tracks with the almost 60% of the households in the Borough comprising two or three people. Thus, Borough residents do not appear to be either significantly over-housed or significantly under-housed, and indeed the ACS estimates that there are only 72 households (3.9% of all occupied units) with between 1.0 and 1.5 occupants per room, and no households with more than 1.5 occupants per room. Likewise, very few units qualify as “substandard;” the ACS estimates there are no units with incomplete plumbing and only 18 units with incomplete kitchen facilities. This may indicate that a survey of the municipality would reduce the required rehabilitation share.



Demand for homes in the Borough is currently matching and perhaps exceeding supply. (This may be a phenomenon associated with the COVID-19 pandemic, which appears to be precipitating increased demand for housing outside major metropolitan areas.) The 6.4% vacancy rate in the Borough is quite a bit lower than that of the county overall, which is 10.3%, and of the state, which is 10.6%. A check of the website Zillow.com shows that there are currently 12 homes for sale in the Borough, including one condominium in the Wyckoff Mills development and one property on Franklin Street listed as “multi-family.” (There was also one undeveloped lot on William Street that has since come under contract.) Realtor.com shows no properties in the Borough currently being sold out of foreclosure, and the website of the Mercer County Sheriff’s office shows no properties in the Borough currently subject to a Sheriff’s Sale.