



AGENDA PLANNING BOARD REGULAR VIRTUAL MEETING

MAY 10, 2021 7:30 P.M.

Join Zoom Meeting

<https://zoom.us/j/97431826163?pwd=T1FTQ3hGWFNydhdlOEJUMTRvK0tJQT09>

Meeting ID: 974 3182 6163

Passcode: 58k39V

One tap mobile

+13126266799,,97431826163#,,,,*366373# US (Chicago)

+16468769923,,97431826163#,,,,*366373# US (New York)

Meeting ID: 974 3182 6163

Passcode: 366373

Find your local number: <https://zoom.us/u/aljFU8CPt>

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 on the Hightstown Borough website.

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Approval of Minutes April 12, 2021 Regular Meeting

Public Comment

Old Business

- 1) Affordable Housing Plan

New Business

- 1) Concepts – Railroad Avenue and Dey Street Sidewalk Improvement – Ms. Roberts
- 2) Cannabis Opt Out Ordinance 2021-06

Committee and Professional Reports

Chairman and Board Member Comments

Adjourn

Hightstown Planning Board Regular Meeting – Zoom Meeting
April 12, 2021, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:36 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 Slaugh, Planner.

APPROVAL OF AGENDA

Mr. Montferrat asked that the April 12, 2021 agenda be approved.

Motion made by Mr. Cabot and seconded by Mr. Balcewicz to approve the April 12, 2021 Planning Board Agenda.

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

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any changes to the March 8, 2021 Meeting Minutes. Motion made by Mr. Misiura and seconded Ms. Asselstine to approve the March 8, 2021 Minutes.

Roll Call Vote: Mr. Montferrat, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Ms. Watkins and Mr. Balcewicz. Mr. Cabot abstained. Mayor Quattrone, Mr. Searing and Mr. Laudenberg were absent. Motion passed 6-0 one abstention.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

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

Old Business

- 1) Affordable Housing – Mr. Slaugh informed the Board that the Affordable Housing Subcommittee (Mr. Montferrat, Mr. Misiura and Mr. Slaugh) has not had an opportunity to meet. Plan to schedule meeting within the next month.

Committee and Professional Reports

- 1) Complete Streets Committee – Mobility Plan Implementation – Ms. Asselstine reviewed the Mobility Plan Implementation Strategies dated April 4, 2021, which was emailed to the Planning Board for review (attached). Document is a matrix for selecting and prioritizing projects for implementation under the Mobility Plan.

Mobility Plan contained several recommendations:

- a) Key next steps
- b) Complete bicycle and pedestrian network
- c) Specific engineering recommendations (8 key locations)
- d) General recommendations for programmatic – community education, opportunities to encourage awareness of bicycles and pedestrians, community events, enforcement, evaluation and planning recommendations.

Seeking input and discussion from various Board and Commissions (Board of Health, Cultural Arts Commission, Environmental, Historic Preservation, Parks & Recreation and Planning Board.

Board Discussion

- a) Mr. Slaugh recommended that a more specific statement would be more beneficial to the State and DOT.
- b) Borough should provide a list of projects and move forward with the DOT (schedule meetings with suggested improvements). Begin open dialogue on these projects. Demonstrate to the DOT your continued interest and commitment (supportive Borough Council and Planning Board). Continue to make these connections using NV5.
- c) Ms. Roberts gave an update on the Peddie Bridge – still in early review process.
- d) DOT has liaison for each municipality to schedule any meeting. Currently most offices are still working remotely.
- e) Rocky Brook Park – right of ways/pedestrian access: Reed St. (has direct access to the Park); Glenn Brook Place (steep slope and wetlands in the area); Greeley St. & Hutchinson St. (steep slope; would require a large bridge).
- f) Educational Opportunities: community events (Harvest Fair); education for cyclists, pedestrians and motorists. Bike event is scheduled at the Brewery in May.

Chairman and Board Member Comments

- 1) Environmental Commission – Stream Clean Up scheduled for April 17, 2021, 9:00 to 11:00 a.m. and Document Shredding Truck will be at the Tavern.
- 2) Historic Preservation Commission – Mr. Cabot informed the Board that HPC is working with PRC (developer) to salvage items from the Willis House. Grant Opportunity – Funding for Urban Parks and Historic Projects. HPC completed brick work along Stockton St. and the monument.
- 3) Ms. Roberts – Rug Mill Development – documents regarding two permits being processed. She has not received any plans for resolution compliance to date.

- 4) At the May Meeting Ms. Roberts will review the basic concepts for the Railroad Avenue and Dey Street sidewalk improvements. This is a DOT grant which needs to be awarded in November 2021.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Balcewicz and seconded by Ms. Asselstine. All ayes. Meeting adjourned at 8:32 p.m.

Submitted by:

Sandra Belan
Planning Board Secretary



Roberts

ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
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May 3, 2021

Mayor and Council
Borough of Hightstown
156 Bank Street
Hightstown, New Jersey 08520

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

Environmental Commission
Borough of Hightstown
156 Bank Street
Hightstown, New Jersey 08520

Complete Streets Committee
Borough of Hightstown
156 Bank Street
Hightstown, New Jersey 08520

Re: Improvements to Railroad Avenue and Dey Street
Borough of Hightstown, Mercer County, New Jersey
Our File No.: H1801

Dear Mayor, Council, Planning Board and Environmental Commission:

Enclosed with this letter, please find the following:

1. Five (5) partial sets of plans entitled, "Improvements to Railroad Avenue and Dey Street, Borough of Hightstown, Mercer County, New Jersey, dated April 30, 2021". These sets show conceptual layouts for Railroad Avenue, Dey Street, Center Street, and the crosswalk at Mercer Street.

The enclosed plans are to be distributed to the Council, Planning Board, Environmental Commission, and Complete Streets Committee.

As you know, the Borough has received a grant from the NJDOT in the amount of \$529,632.00 in November 2019. This office is in the process of preparing formal bid plans and specifications for advertisement and award prior to the grant deadline of November 21, 2021.

The enclosed plans show the proposed improvements as follows:

Railroad Avenue (Dey Street to Morrison Avenue)

1. Provide a new paved roadway in place of the existing stone roadway.
2. Provide concrete curb on both sides of road.
3. Provide 30-ft. wide driveway entrance to the future Borough Hall site.
4. Maintain the existing Greenway.
5. Provide a 3-way STOP at the intersection with Dey Street and Center Street.
6. Provide a new crosswalk at the new Borough Hall Driveway with concrete ramps, detectable warning surfaces, and bollards.

Concept No. 1

- Provide a 24-ft. wide road.
- Allow for 2-way traffic with no on-street parking.
- Utilize existing Greenway for pedestrian access route.
- Approximately 10 existing trees must be removed.

Concept No. 2

- Provide a 15-ft. wide road.
- Allow for 1-way traffic with no on-street parking.
- Approximately 10 existing trees must be removed.

Concept No. 3

- Provide a 15-ft. wide road.
- Allow for 1-way traffic with no on-street parking.
- Provide new 4-ft. wide concrete sidewalk along north side of roadway.
Provide a new crosswalk across Center Street.
- Approximately 9 existing trees must be removed.

Dey Street (Summit Street to Railroad Avenue)

1. Construct concrete curb on both sides of road where none exist.
2. Replace existing curbs as needed.
3. Extend 4-ft. wide sidewalk for entire length along north side of roadway.
4. Mill and pave roadway.
5. 8 existing trees to be removed.

Center Street (Dey Street to Morrison Avenue)

1. Construct concrete curb on west side where none exists.
2. Extend 4-ft. wide sidewalk for entire length along west side of roadway.
3. Approximately 4 trees to be removed.
4. If budget allows, milling and paving could be added to the contract.

South Academy Street (Morrison Avenue to Mercer Street)

1. Replace concrete curb and sidewalk as needed.
2. Reconstruct/realign curb ramps and crosswalks at the intersection with Mercer Street.
3. If budget allows, milling and paving of South Academy could be added to the contract.

Please note that we have not shown new tree plantings on the plan sheets. However, we will make accommodations in the bid documents to provide at least one new tree for every tree removed. We request that the Borough Shade Tree Commission provide a tree planting plan with proposed species and locations to this office for inclusion in the bid documents.

The NJDOT grant being used to fund this work requires that the contract be awarded to a contractor no later than November 21, 2021. In order to meet this deadline, I request that your comments be provided no later than June 4, 2021.

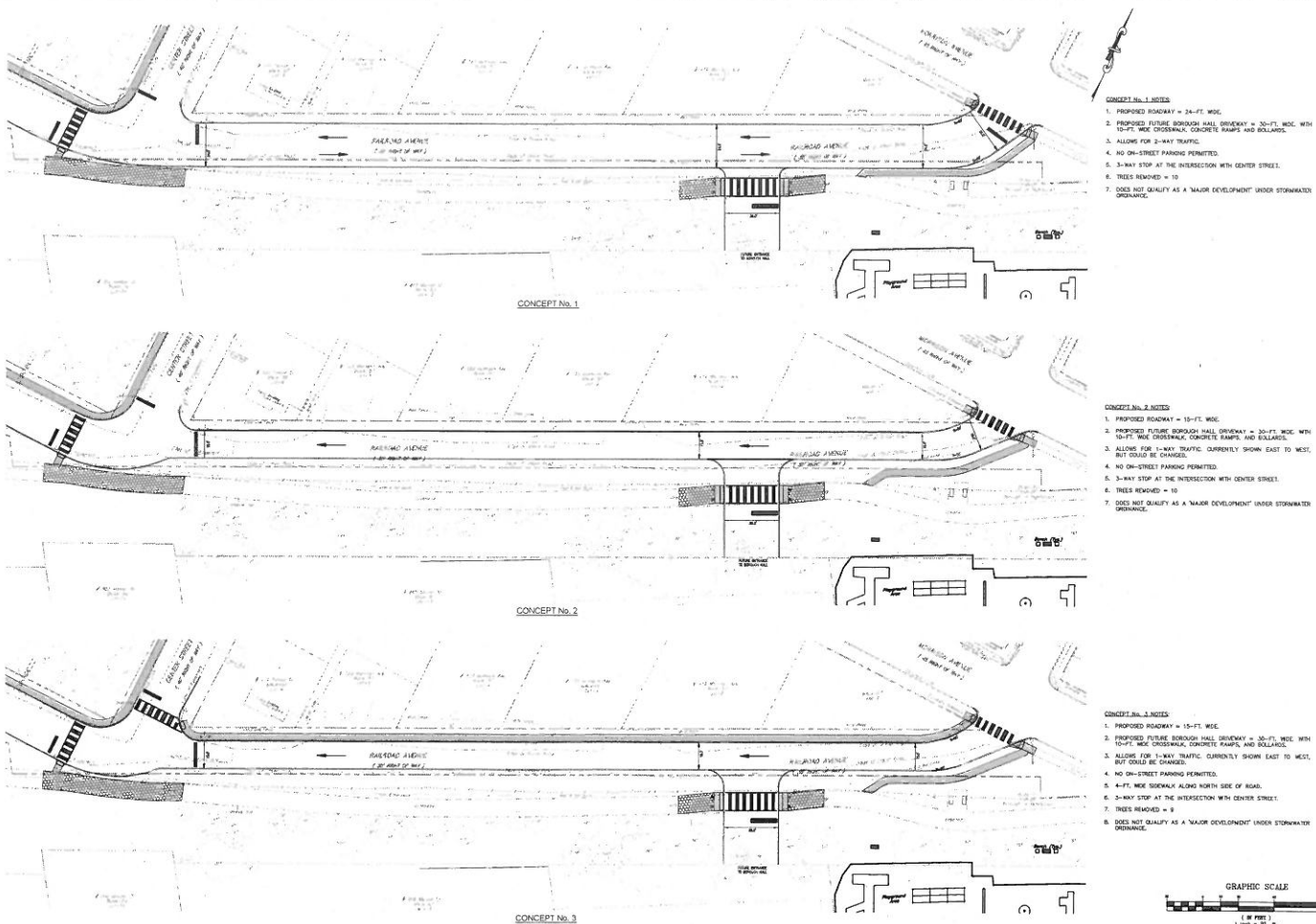
If you would like to meet with us or ask questions directly, please feel free to contact me.

Very truly yours,



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

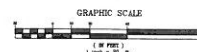
cc: Debra Sopronyi, RMC, CMR, QPA, Borough Administrator/Clerk
Peggy Riggio, RMC, CMR, Deputy Borough Clerk
Sandy Belan, Borough Planning Board Secretary
Ken Lewis, Borough Superintendent of Public Works
Bill Searing, Borough Superintendent of AWWTP
Chief Frank Gendron, Borough Police Department
George Lang, Borough CFO
Cameron Corini, PE, CME, Roberts Engineering Group, LLC
Kelly Pham, Roberts Engineering Group, LLC



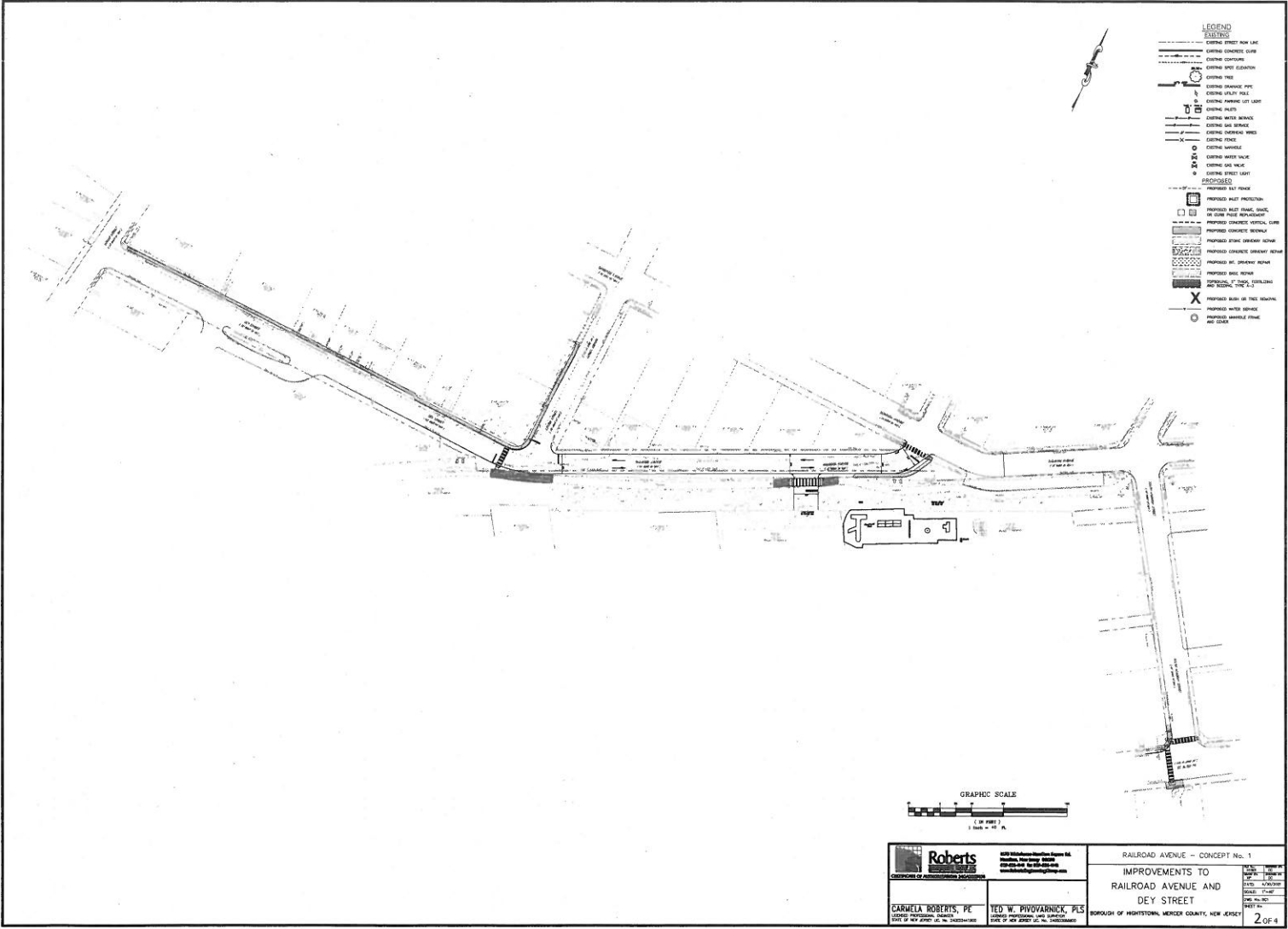
- CONCEPT No. 1 NOTES**
1. PROPOSED ROADWAY = 34'-FT. WIDE.
 2. PROPOSED FUTURE BOROUGH HALL DRIVEWAY = 30'-FT. WIDE WITH 10'-FT. WIDE SIDEWALK, CONCRETE PAVEMENT AND BOLLARDS.
 3. ALLOWED FOR 2-WAY TRAFFIC.
 4. NO ON-STREET PARKING PERMITTED.
 5. 3-WAY STOP AT THE INTERSECTION WITH CENTER STREET.
 6. TREES REMOVED = 10.
 7. DOES NOT QUALIFY AS A MAJOR DEVELOPMENT UNDER STORMWATER ORDINANCE.


- CONCEPT No. 2 NOTES**
1. PROPOSED ROADWAY = 15'-FT. WIDE.
 2. PROPOSED FUTURE BOROUGH HALL DRIVEWAY = 30'-FT. WIDE WITH 10'-FT. WIDE SIDEWALK, CONCRETE PAVEMENT AND BOLLARDS.
 3. ALLOWED FOR 1-WAY TRAFFIC, CURRENTLY SHOWN EAST TO WEST, BUT COULD BE CHANGED.
 4. NO ON-STREET PARKING PERMITTED.
 5. 3-WAY STOP AT THE INTERSECTION WITH CENTER STREET.
 6. TREES REMOVED = 10.
 7. DOES NOT QUALIFY AS A MAJOR DEVELOPMENT UNDER STORMWATER ORDINANCE.

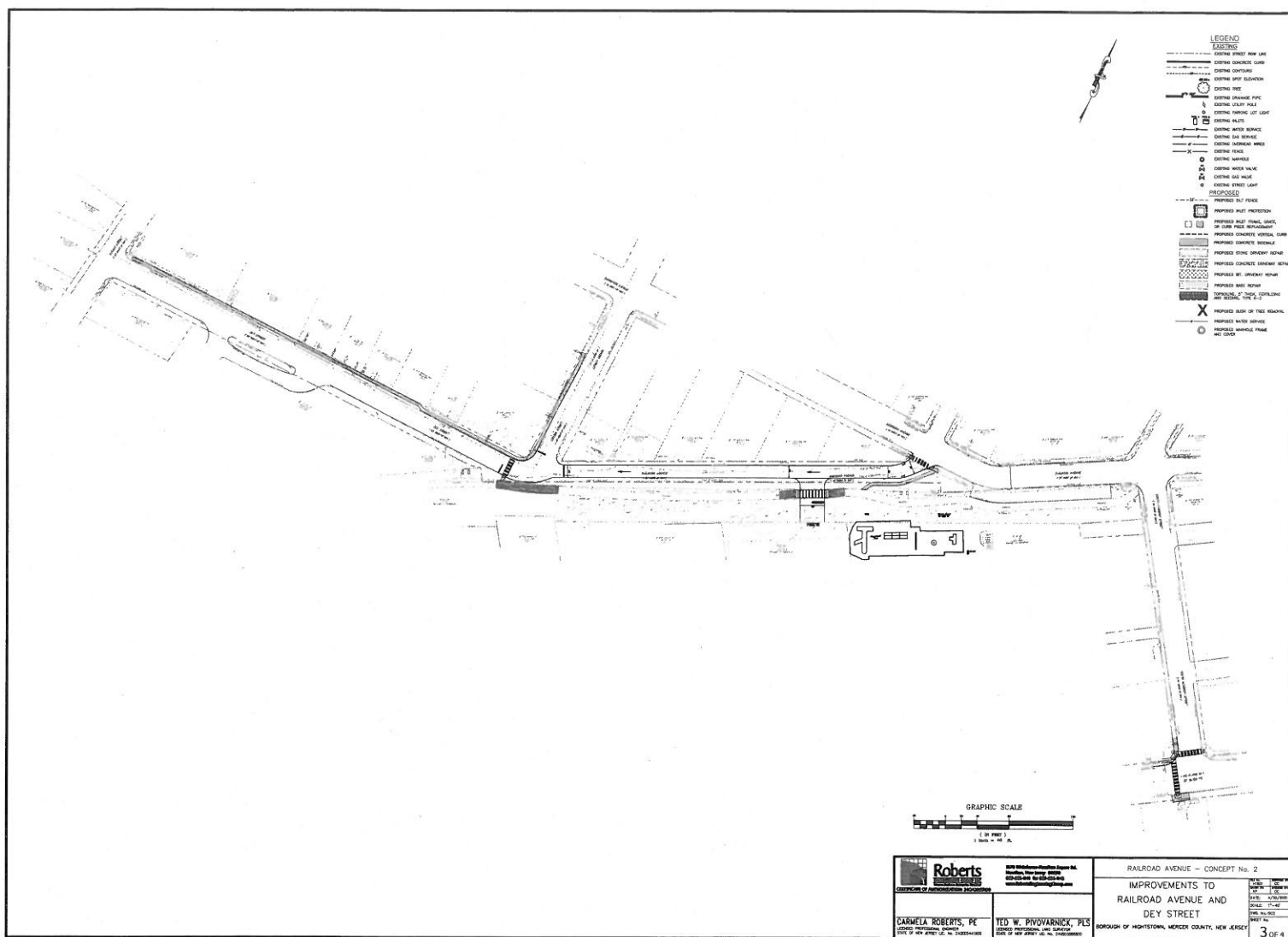
- CONCEPT No. 3 NOTES**
1. PROPOSED ROADWAY = 15'-FT. WIDE.
 2. PROPOSED FUTURE BOROUGH HALL DRIVEWAY = 30'-FT. WIDE WITH 10'-FT. WIDE SIDEWALK, CONCRETE PAVEMENT AND BOLLARDS.
 3. ALLOWED FOR 1-WAY TRAFFIC, CURRENTLY SHOWN EAST TO WEST, BUT COULD BE CHANGED.
 4. NO ON-STREET PARKING PERMITTED.
 5. 4'-FT. WIDE SIDEWALK ALONG NORTH SIDE OF ROAD.
 6. 2-WAY STOP AT THE INTERSECTION WITH CENTER STREET.
 7. TREES REMOVED = 8.
 8. DOES NOT QUALIFY AS A MAJOR DEVELOPMENT UNDER STORMWATER ORDINANCE.



Roberts <small>INCORPORATED</small> 400 West Main Street, Suite 200 Hightstown, NJ 08520 (609) 426-1000 www.robtsinc.com		RAILROAD AVENUE - CONCEPT PLANS IMPROVEMENTS TO RAILROAD AVENUE AND DEY STREET BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY	
CARMELA ROBERTS, PE <small>REGISTERED PROFESSIONAL ENGINEER</small> STATE OF NEW JERSEY LIC. NO. 24806-0001	TED W. PIWOVARNICK, PLS <small>REGISTERED PROFESSIONAL LAND SURVEYOR</small> STATE OF NEW JERSEY LIC. NO. 24806-0001	DATE: 08/11/2011 DRAWN: TWP CHECKED: TWP DESIGNED: TWP PROJECT NO.:	1 OF 6



 <p>Roberts Engineering & Construction, Inc. 1000 Morris Avenue, Suite 200 Morris, NJ 07960 Tel: 908-584-1234 Fax: 908-584-1235 www.robtseng.com</p>		<p>RAILROAD AVENUE - CONCEPT No. 1</p> <p>IMPROVEMENTS TO RAILROAD AVENUE AND DEY STREET</p>	
<p>CARMELA ROBERTS, PE COUNTY OF MORRIS, NEW JERSEY DATE OF NEW JERSEY SEAL: 12/24/2010</p>		<p>TED W. PIWOVARNICK, PLS COUNTY OF MORRIS, NEW JERSEY DATE OF NEW JERSEY SEAL: 12/24/2010</p>	
<p>BOROUGH OF HIGHTSTOWN, MERCER COUNTY, NEW JERSEY</p>		<p>2 OF 4</p>	





The Borough of Hightstown

Clerk's Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext. 628

Fax – (609) 448-2672

deputyclerk@hightstownborough.com

TO: Sandy Belan, Planning Board Secretary
FROM: Peggy Riggio, Deputy Clerk
DATE: May 4, 2021
RE: Planning Board Comments – Ordinance 2021-06

At their meeting last night, Borough Council introduced Ordinance 2021-06 – *An Ordinance Prohibiting the Operation of Any Class of Cannabis Businesses within the Geographical Boundaries of the Borough of Hightstown in Mercer County, New Jersey and Amending and Supplementing Chapter 28, Entitles “Zoning,” of the Revised General Ordinances of the Borough, In order to Establish a New Section thereof to be Known as Section 28-12 entitled “Cannabis”.*

This is now being referred to Planning Board for their review and comments. The ordinance is scheduled for Public Hearing May 17, 2021.

Please let me know if you have any questions.

Thank you.

Ordinance 2021-06

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE PROHIBITING THE OPERATION OF ANY CLASS OF
CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES
OF THE BOROUGH OF HIGHTSTOWN IN MERCER COUNTY,
NEW JERSEY, AND AMENDING AND SUPPLEMENTING
CHAPTER 28, ENTITLED "ZONING," OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH, IN ORDER TO ESTABLISH A
NEW SECTION THEREOF TO BE KNOWN AS
SECTION 28-12, ENTITLED "CANNABIS."**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which 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; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of 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 operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of 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; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so 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; and

WHEREAS, 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; and

WHEREAS, the Borough Council of the Borough of Hightstown (the "Borough"), in the County of Mercer, and State of New Jersey, has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough's residents and members of the public who visit, travel, or conduct business in the Borough, to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough, and to amend the Borough's zoning regulations accordingly; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer, and State of New Jersey, as follows:

Section 1. That, pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (the "Act"), all cannabis establishments, cannabis distributors and/or cannabis delivery services, as those terms are defined in the Act, are hereby prohibited from locating and/or operating anywhere within the geographical boundaries of the Borough, except that the delivery of cannabis items and related supplies by a delivery service within the Borough shall be permitted.

Section 2. That Chapter 28, entitled "Zoning," of the Revised General Ordinances of the Borough of Hightstown (the "Borough Code") is hereby amended and supplemented in order to establish a new Section thereof, to be known as Section 28-12, entitled "Cannabis," as follows:

Section 28-12

CANNABIS

Subsections:

28-12-1 Scope and Purpose; Authority.

28-12-2 Cannabis Operations Prohibited.

Subsection 28-12-1 Scope and Purpose; Authority.

The purpose of this ordinance is to prohibit, within the geographical boundaries of the Borough, the location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace

Modernization Act (P.L. 2021, c. 16) (the "Act"), but not the delivery of cannabis items and related supplies by a delivery service.

This ordinance is adopted pursuant to the authority set forth in section 31b of the Act.

Subsection 28-12-2 Cannabis Operations Prohibited.

The location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services, as said terms are defined in section 3 of the Act, but not the delivery of cannabis items and related supplies by a delivery service, is hereby prohibited within the geographical boundaries of the Borough.

Section 3. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction:

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR