



## THE BOROUGH OF HIGHTSTOWN PLANNING BOARD

156 Bank Street, Hightstown, NJ 08520  
Phone: 609-490-5100 x617 Fax: 609-371-0267

### **PLANNING BOARD REGULAR VIRTUAL MEETING AGENDA** **MONDAY, DECEMBER 13, 2021 - 7:30 P.M.**

Join Zoom Meeting: <https://us06web.zoom.us/j/86089092616?pwd=SlhXNkI4aEJWVWkZBL2o2NUhkV1EzQT09>  
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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.

#### **Meeting called to order by Chair Beverly Asselstine**

**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**                      October 12, 2021 - Regular Virtual Meeting

**Resolutions**                              East Windsor Regional School District, Hightstown High School parking lot

#### **Public Comment**

**Public Hearing**                              Adopting amendment to the Master Plan - Redevelopment Area Circulation Plan

**Old Business**                              Affordable Housing Plan – Mr. Slauch, subcommittee updates

**New Business**                              Application #2021-02 – Americana Hospitality Group



**THE BOROUGH OF HIGHTSTOWN  
PLANNING BOARD**

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**PLANNING BOARD REGULAR VIRTUAL MEETING AGENDA**  
**MONDAY, DECEMBER 13, 2021 - 7:30 P.M.**

Planning Board Professional R.F.P. for 2022 – Sub-committee updates

**Committee and Professional Reports**

**Chairman and Board Member Comments**

**Adjourn**

**HIGHTSTOWN PLANNING BOARD  
REGULAR VIRTUAL MEETING MINUTES  
OCTOBER 12, 2021, 7:30 P.M.**

<b>OPEN SESSION</b>
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Bev Asselstine, Chairperson, 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](http://www.zoom.com)."

**Flag Salute**, led by Mr. Misiura.

**Roll Call – Planning Board**

	PRESENT	ABSENT	LATE ARRIVAL
Mayor Quattrone	X		
Councilman Misiura	X		
Ms. Asselstine, Chair	X		
Ms. Jackson, Vice-Chair	X		
Mr. Laudenberger	X		
Mr. Searing		X	
Ms. Watkins	X		
Mr. Balcewicz, Alt. #1	X		
Mr. Cabot, Alt. #2		X	

Also in attendance: Jane Davis – Planning Board Secretary, Scott Miccio – Attorney, Carmela Roberts – Engineer, Elaine Clisham – Planner (stand-in), George Chin, Construction/Zoning Official, Bill Edwards – District Engineer, Paul Todd – EWRSD Business Administrator.

**Approval of Agenda**

Ms. Asselstine asked for any comments on the October 12, 2021 agenda or a motion to approve it.

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

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Ms. Watkins, and Mr. Balcewicz. Mr. Searing and Mr. Cabot were absent. Motion passed 7-0, 2 absences.

**Approval of Minutes**

Ms. Asselstine asked the Board if there were any comments or revisions on the minutes from September 13, 2021. Ms. Asselstine had one comment to be revise an ordinance subcode number referenced on page 35 of the packet.

**HIGHTSTOWN PLANNING BOARD  
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OCTOBER 12, 2021, 7:30 P.M.**

With no other comments or revisions, Ms. Asselstine asks for a motion to approve the minutes.

Motion made by Mr. Balcewicz and seconded by Mr. Misiura.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Ms. Watkins, and Mr. Balcewicz. Mr. Searing and Mr. Cabot were absent.  
Motion passed 7-0, 2 absences.

**Public Comment**

Ms. Asselstine opened the floor for any public. There being no comments, Ms. Asselstine closed the public comment.

**Resolution                      Application #2021-01 – Community Action Service Center, Inc. dba RISE  
114 Rogers Ave., - Sign Variance**

Ms. Asselstine states that this resolution memorializes the discussion had last week. Mr. Miccio states that this resolution encapsulates the discussion that was had and the decision that was made and asks for any questions or suggested changes. There being no comments, Ms. Asselstine asks for a motion to approve the Resolution.

Motion made by Mayor and seconded by Mr. Balcewicz.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Ms. Watkins, and Mr. Balcewicz. Mr. Laudenberger abstained, Mr. Searing and Mr. Cabot were absent. Motion passed 6-0, 1 Abstention, 2 absences.

**Capital Improvement Review**

Ms. Asselstine announces a presentation to review the Capital Improvement project with the East Windsor Regional School District. Ms. Asselstine asks Mr. Todd to introduce the discussion.

Mr. Todd thanks the Board for the opportunity to present the latest of 3 consecutive summer projects at the Hightstown High School. This past summer a new tennis court facility was installed. This upcoming project will be to convert the existing tennis courts to a new parking lot. This is to accommodate the amount of overflow parking that is needed for school event.

Mr. Miccio interjects to swear in the speakers. Ms. Carmela Roberts, Mr. Paul Todd, and Mr. Bill Edwards are all sworn in.

**HIGHTSTOWN PLANNING BOARD  
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Mr. Edwards starts presenting. (SEE ATTACHED) There are 10 existing tennis courts on the Hightstown High School property in need of repair. The cost of repair is too high for refurbishment and 10 courts are more than what is needed. The new tennis courts were constructed in a much more accessible area and much closer to the roadway and athletic facilities. The existing court location will be converted to a parking lot that will be utilized by parents, staff, and students for overflow parking, as well as used for the bus drivers who will be able to park and walk to access a secured entrance to the back of the bus depot. The bus drivers will utilize the parking during the day, freeing up the lot at night for special events. Currently, there is a gravel driveway between the courts and the school. The gravel is in constant need of upkeep and deterioration of the driveway conditions wreaks havoc on the buses. The idea is to pave the existing gravel drive from the High School to the back of the gated bus lot. This will provide a nice, paved path for the buses. The lot will be regraded, bioretention swales required by DEP. The project has received approvals from the DNR Canal for stormwater management and the Mercer County Soil Conservation District. The fact that the lot was already paved, except the new driveway made it an easier transition. New LED lighting will be installed for both early morning and nighttime access. Plantings will be installed around the proposed parking lot. Mr. Edwards asks if there are any questions.

Ms. Asselstine asks Ms. Roberts to make her comments at this time.

Mr. Laudenberger asks how many parking spaces will be provided.

Mr. Edwards states there will be about 80 parking spaces. All brand new, additional, not displaced parking.

Mr. Balcewicz inquires about the construction schedule from start to completion.

Mr. Todd states that most construction runs over the summer. EWRSD tries to appoint or award a contract around December/January to allow time to plan efficiently and start work the day after school lets out with the plan to finish prior to school beginning in September.

Ms. Asselstine asks if there are any other questions from the Board.

Ms. Watkins asks if paving the current gravel drive will increase extra bus traffic along that route.

Mr. Todd explains that that existing access road is used by the buses in the afternoon to line up along the athletic fields for dismissal. During the day it is also used by the EWRSD maintenance team. The amount of traffic currently using the access road does create craters in the surface making it difficult to maintain.

Mr. Misiura asks if there are any sidewalks along the edges of the parking lot.

**HIGHTSTOWN PLANNING BOARD  
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Mr. Edwards says there is a sidewalk provided in front of the new handicapped parking stalls with a crosswalk connecting to an existing sidewalk that will be improved to meet barrier free standards. Otherwise it is an open parking lot as you would see at a larger shopping plaza.

Ms. Jackson asks if the new parking will be limited to overflow parking for parents and visitors or if it will include students.

Mr. Todd explains student parking is limited to Senior parking and now it will only be for staff, specifically bus drivers who do not have designated parking and currently park off-site or in the bus yard. This new drive would also free up space in the bus yard for maintenance vehicles during the day.

Ms. Asselstine asks for clarification if the back door of the High School will be an unlocked handicapped entrance for events.

Mr. Todd explains there is a handicapped route

Ms. Asselstine asks Ms. Roberts to go over her comments.

Ms. Roberts states that Mr. Edwards gave a great overview of the project. She has nothing additional to add.

Ms. Clisham states that she has nothing to add on behalf of Mr. Slaugh in addition to the memo that Mr. Slaugh emailed to the Board.

Ms. Asselstine clarifies to the speakers that, in short, the plan is consistent with the land use for the school.

Ms. Asselstine asks Mr. Miccio for any comments and to give an overview on our role in this project.

Mr. Miccio explains that our role comes from Land Use Law, and further explains provision 40:55b-31. He continues, the Board's role today is to review what Mr. Todd & Mr. Edwards presented and first and foremost confirm that it conforms with the Master Plan. As Mr. Slaugh has already confirmed this. If the Board has any additional recommendations for the school board, Mr. Miccio will write it up in a Resolution and send it over to the School Board.

Ms. Asselstine asks for any Board recommendations that would like to be included.

Mr. Miccio states he notated that Mr. Misiura would like them to investigate an additional sidewalk.

Mr. Misiura confirms he would like that to be investigated further.

Mr. Laudemberger seconds Mr. Misiura's sentiments.

Ms. Asselstine asks Scott if we need to make a formal motion for approval.

**HIGHTSTOWN PLANNING BOARD  
REGULAR VIRTUAL MEETING MINUTES  
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Mr. Miccio confirms that we will make a motion that the project does conform with the Master Plan and Planning Board approves of the design recommendation seen today and the Planning Board suggests that the School Board investigates adding a sidewalk near the parking lot.

Ms. Asselstine asks for a motion. Motion made by Mr. Misiura and seconded by Mr. Balcewicz.

**Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Ms. Watkins, and Mr. Balcewicz. Mr. Searing and Mr. Cabot were absent. Motion passed 7-0, 2 absences.**

Ms. Asselstine thanks the professionals for their time.

Mr. Laudenberger asks if pickleball lines had been added to the tennis courts as per discussion at the previous meetings

Mr. Todd responds that after an in-house discussion about adding pickle ball lines to the new courts. They decided against adding the pickle ball lines to avoid confusion with tennis tournaments.

Mr. Todd thanks everyone for their time.

**Old Business**

**Affordable Housing** – Ms. Asselstine asks the Affordable Housing Committee (Mr. Misiura, Ms. Jackson & Ms. Clisham) for any updates. Ms. Jackson thanks Ms. Clisham for all her professional advice. Ms. Clisham explains that the committee met last week. To better understand what was discussed, she gives a brief history of how affordable housing obligations are determined today using the Jacobson calculation. This was born out of a lack of state-wide mandates, and bases it's result on a combination of determining factors including rehabilitation prior round (1986-1999) & third round (1999-2025) Hightstown had previously considered pursuing a vacant land adjustment which would determine the realistic affordable housing development obligation. This methodology determined Hightstown is only responsible for 2 units in the Third Round. Once the impending Rug Mill Redevelopment was calculated in, the realistic number jumps to 77 Third Round units, which is higher than the 68-unit Third Round obligation as calculated using the Jacobson methodology. Hence it is the affordable housing committee's recommendation that the Borough stipulate to the Jacobson-calculated obligation rather than continue to pursue a vacant land adjustment. Ms. Clisham asks, "How do we get there?" Hightstown doesn't need to generate the units themselves but needs to create the realistic opportunity for them to be provided. This can be through group home providers, Habitat for Humanity, market to affordable programs, accessory apartments, and what is called inclusionary development. The Borough's biggest opportunity is inclusionary development which involves no financial burden on the municipality.

**HIGHTSTOWN PLANNING BOARD  
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The affordable housing committee identified several sites within the Borough that are candidates for rezoning or overlay zoning which allows for the development of housing at a sufficient density that affordable units could be part of that.

This includes, the Empire Antique site, Tournquist Garage, the Lucas Electric property, Westerlea Apartments. Overlay zoning on the Westerlea property would allow the landlord to build additional units, some units would be deed-restricted as affordable. More sites are to be investigated in the near future.

Mr. Misiura says they will be meeting again

Ms. Clisham says the final list will become what the affordable housing committee recommends including in a Hightstown Housing Element & Fair Share Plan.

Ms. Asselstine asks the Boroughs obligation for an inclusionary development is basically to rezone or do we need to negotiate with the owners to offer affordable units.

Ms. Clisham explains, yes we will need to rezone, but it's favorable to have the landowner write a letter committing to taking advantage of the rezoning and providing the affordable units.

Mr. Laudemberger asks what the incentive is to create these units?

Ms. Clisham explains that an inclusionary zoning allows a higher density of units which will still produce additional income even if it is not full value.

Ms. Asselstine asks if there is a time restriction on the deed.

Ms. Clisham explains that there is a deed restriction of 30 years before the owner is able to sell at market rate with the municipality's approval. The restriction will stay with the property regardless of owner during that time period.

Ms. Asselstine asks what the timeline looks like. Is this something we (the Planning Board) wants to accomplish in 2022?

Mr. Misiura agrees that, yes, we would like to get this handled next year.

Mayor Quattrone asks Ms. Clisham to further explain the overlay zone.

Ms. Clisham explains that the contemplated additional development permitted in an overlay zone is not a requirement, but permission for the developer to create and add additional units, with the requirement that if those additional units are built, a certain number of them be deed-restricted as affordable. And the landlord can rent the older units at a lower rate and the new units at the higher market rates.



**HIGHTSTOWN PLANNING BOARD  
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Mr. Misiura explains that there was discussion of turning the Housing Authority into a privatized development. It could be rezoned as affordable in case in the future it is no longer HUD housing. As of now, those units are not counted towards our affordable housing requirements.

Ms. Clisham explains that another option is that the Housing Authority has the option to purchase a property and rent out them out as affordable units.

Mr. Quattrone concludes that it seems as if we have several options going forward.

Affordable Housing Committee will be on the Agenda going forward to give updates at the Regular Planning Board meetings.

**Application 2019-05 – Americana Diner Site Plan agreement**

Ms. Asselstine announces that Mr. Miccio has an update for the Board on the Americana.

Mr. Miccio says the Americana is intending on applying for an amended site plan approval with the Planning Board and may have it on the November Agenda. The plans will need to be reviewed. The Township Attorney and Mr. Chin have been in discussion with the Americana for temporary site improvements until the Planning Board can oversee an application and approval process.

Ms. Asselstine thanks Mr. Miccio. for his update.

**New Business**

There is no new business to report at this time.

**Committee and Professional Reports**

Ms. Asselstine asks if there are any new committee or professional reports.

**Mr. Miccio** – A new law was adopted regarding virtual Planning Board hearings. Specifically relating to CoVid, a virtual meeting is not considered a basis to appeal a decision.

**Ms. Roberts** – Nothing new to report.

**Mr. Slauch** – Absent, nothing new to report.

**Chairman and Board Member Comments**

Ms. Asselstine updates that the there was a staffing change at NV5 and cost estimates and updates for the DVRPC are to be expected later this month. This will be up for consideration for adoption at the November meeting, if not the December meeting.

Ms. Asselstine asks if there are any additional comments.

Mr. Miccio thanks Ms. Clisham for her thorough explanation of the affordable housing requirements.

**HIGHTSTOWN PLANNING BOARD  
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OCTOBER 12, 2021, 7:30 P.M.**

There being no further business, Ms. Asselstine asks for a motion to adjourn. Motion made by Mr. Laudenberger, seconded by Ms. Jackson. All ayes. Meeting adjourned at 8:36 PM.

Submitted by:



Jane Davis, Planning Board Secretary

**HIGHTSTOWN BOROUGH PLANNING BOARD  
RESOLUTION: 2021-02**

**RESOLUTION MEMORIALIZING CAPITAL PROJECT REVIEW PURSUANT TO  
N.J.S.A. 40:55D-31 REGARDING THE PROPOSED PARKING LOT AND BUS LANE  
AT HIGHTSTOWN HIGH SCHOOL**

**WHEREAS**, the East Windsor Regional School District requested a capital project review pursuant to N.J.S.A. 40:55D-31 for the proposed improvements to Hightstown High School, which includes the conversion of ten tennis courts to a vehicle parking area and the paving of an existing gravel bus driveway; and

**WHEREAS**, Hightstown High School is located at Block 61.01, Lot 47; Block 62.01, Lot 7; and Block 48, Lot 14 on the Borough Tax Maps, with a common address of 25 Leshin Lane, Hightstown, NJ 08520; and

**WHEREAS**, the proposed improvements are bisected by the municipal boundary between Hightstown Borough and East Windsor Township; and

**WHEREAS**, N.J.S.A. 40:55D-31 requires that a governmental entity or other public agency, such as a school district, that proposes a capital improvement project involving the expenditure of public funds refer the project to the Planning Board of the municipality wherein the property is located for review and recommendation in conjunction with the municipality's Master Plan; and

**WHEREAS**, the referral came before the Planning Board for capital improvement review at the Board's meeting on October 12, 2021; and

**WHEREAS**, a report entitled "Stormwater Management Design for Parking Lot & Bus Lane at Hightstown High School, Block 61.01, Lot 47; Block 62.01, Lot 7; Block 48, Lot 14, 25

Leshin Lane, Borough of Hightstown, Mercer County, New Jersey” prepared by Edwards Engineering Group, Inc., dated July 20, 2021, was submitted and made part of the record; and

**WHEREAS**, a partial set of plans entitle “Parking Lot Re-Development & New High School Bus lane at Hightstown High School, Borough of Hightstown,” last revised September 29, 2021, was submitted and made part of the record; and

**WHEREAS**, Borough Engineer, Carmela Roberts, of Roberts Engineering Group LLC prepared a report dated October 5, 2021, and, concluded in pertinent part that the proposed improvements “qualify as a Major Improvement under the Borough’s Stormwater Control Ordinance” and that the plan “complies with the Stormwater requirements for stormwater runoff quality standards”; and

**WHEREAS**, Borough Planner, Brian Slaugh, PP, AICP, reviewed the proposed plan and concluded that the project is consistent with the Borough’s Master Plan and recommended that the Planning Board find the same; and

**WHEREAS**, Paul Todd, the East Windsor Regional School District Business Administrator, and William Edwards, of Edwards Engineering Group, Inc., appeared before the Board at the October 12, 2021, to present the plan; and

**WHEREAS**, the members of the Planning Board received the plan favorably and determined that the plan is consistent with the Borough’s Master Plan; and

**WHEREAS**, the members of the Planning Board reviewed the materials, considered the testimony, and recommend that the school district investigate and consider adding a sidewalk on the side of the proposed parking lot opposite the bus lane to help ensure student and pedestrian safety.

**NOW, THEREFORE**, based upon the foregoing findings, determinations and conclusions, **BE IT RESOLVED** by a vote of seven (7) in favor and none (0) opposed that the Planning Board of the Borough of Hightstown finds and determines that the proposed capital improvement project is consistent with the Borough of Hightstown Master Plan.

**ROLL CALL VOTE ON MOTION TO DECLARE HIGHTSTOWN HIGH SCHOOL  
CAPITAL IMPROVEMENT PROJECT TO BE CONSISTENT WITH THE BOROUGH  
MASTER PLAN  
October 12, 2021**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Chairwoman Beverly Asselstine	<b>X</b>			
Mayor Lawrence Quattrone	<b>X</b>			
Councilman Steve Misiura	<b>X</b>			
John Laudenberger, III	<b>X</b>			
Joanna Jackson	<b>X</b>			
Bill Searing				<b>X</b>
Beth Watkins	<b>X</b>			
Joseph Balcewicz	<b>X</b>			
Raymond Cabot				<b>X</b>

**ROLL CALL VOTE ON MOTION TO APPROVE RESOLUTION OF  
MEMORIALIZATION ON  
December 13, 2021**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Chairwoman Beverly Asselstine				
Mayor Lawrence Quattrone				
Councilman Steve Misiura				
John Laudenberger, III				
Joanna Jackson				
Bill Searing				
Beth Watkins				
Joseph Balcewicz				

**CERTIFICATION**

I do hereby certify that the foregoing resolution was adopted by the Hightstown Borough Planning Board at its regular meeting held on December 13, 2021. The Resolution memorializes the formal action taken by the Board at this regular meeting held on October 12, 2021.

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Jane Davis  
Hightstown Planning Board  
Administrative Assistant

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Beverly Asselstine  
Hightstown Planning Board  
Chairwoman



## MEMORANDUM

### Clarke Caton Hintz

Architecture  
Planning  
Landscape Architecture

100 Barrack Street  
Trenton NJ 08608  
clarkecatonhintz.com  
Tel: 609 883 8383  
Fax: 609 883 4044

**To:** Hightstown Planning Board

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

**Re:** Update on Hightstown Borough Affordable Housing Opportunities

**Date:** December 7, 2021

This memorandum summarizes our discussions with Affordable Housing Subcommittee regarding ways the Borough can provide a realistic opportunity for the development of additional affordable housing obligation.

Planning Board members will recall our recommendation to meet the obligation produced by use of the methodology issued by Judge Jacobson since it is specific to Mercer County. Further, we also recommended, unlike earlier advice, not to pursue a Vacant Land Adjustment, since, with the addition of the residential units from the Rug Mill redevelopment, the Vacant Land Adjustment risks producing a higher obligation than does the Jacobson calculation and makes it harder to solve. The obligation for Hightstown is listed in Table 1.

**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 seven units not reflected in COAH's numbers, which lowers the Prior Round Obligation from 45 to 38 units.

We will discuss these components in turn on the following sections.

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



## MEMORANDUM

Clarke Caton Hintz

### **Rehabilitation Obligation: 39 units**

Any units that have been rehabilitated since April 1, 2010 via either the Mercer County Housing Rehabilitation Program or a Borough program 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. Since our involvement with the Borough, it has operated a rehabilitation program and the 2016 plan indicates seven units were rehabilitated by that time, and we assume there have been more since that time.

Pursuant to our previous discussion, the Borough has chosen to conduct its own conditions survey, which is a systematic evaluation of the condition of residential units based on a visual inspection of specific external criteria. The number of units appearing to require rehabilitation to bring them up to code is tallied and, if the survey does not cover every unit in the municipality, is extrapolated in order to estimate the total number of below-code units Borough-wide. 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 Borough is conducting this evaluation because it may indicate that a potentially lower number of units in the Borough than 39 that are occupied by low- or moderate-income households need rehabilitation. The Borough Administrator has directed the construction code department to undertake the survey.

### **New Construction Obligation (both Prior Round and Third Round): 106 units**

As previously discussed, of the Borough's 106-unit new construction obligation across both rounds, the Borough already has 32 existing affordable units, of which 25 are eligible for rental bonuses, for a total of 57 credits. This leaves a 49-credit shortfall. Two credits could be obtained as rental bonuses as soon as a firm commitment for affordable rental units can be made (the commitment is required by the rules that pertain to crediting). Table 2 indicates the credits that we believe are available for the Borough's existing affordable housing:



**MEMORANDUM**

Clarke Caton Hintz

**Table 2. Likely Crediting Opportunities with Existing Development.**

<b>Housing Mechanism</b>	<b>Round</b>	<b>Rental</b>	<b>For-Sale</b>	<b>Bonus</b>	<b>Total</b>
Holly House	Prior	10	0	10; maximum permitted	20
Spring Crest Group Home	Prior	3	0	0	3
<b>Total Prior Round: 38-unit Obligation</b>		<b>13</b>	<b>0</b>	<b>10</b>	<b>23</b>
<b>To Be Satisfied</b>					<b>15 units</b>
William Street	Third	3	0	3	6
Spring Crest Group Home	Third	3	0	3	6
Randolph Street Boarding Home	Third	9	0	9	18
Habitat for Humanity	Third		4	0	4
<b>Total Third Round: 68-unit Obligation</b>		<b>15</b>	<b>4</b>	<b>15</b>	<b>34</b>
<b>To Be Satisfied</b>					<b>34 units</b>
<b>Total Prior and Third Rounds</b>		<b>28</b>	<b>4</b>	<b>25</b>	<b>57</b>
<b>To Be Satisfied</b>				<b>2 more allowed</b>	<b>49 units</b>

The Borough has no age-restricted units (i.e., senior units) in either round.

To remind the Board, there are various formulas that apply to different aspects of crediting that the Borough will need to meet as it moves forward in satisfying its obligation. These are calculated below based on Table 2, with a note as to the Borough's current status in satisfying them. The shortfalls should be kept in mind as the Borough works to create future opportunities for the creation of affordable housing units.



Prior Round:

- **Minimum Rental Units:** 25% of total obligation, round up =  $25\% \times 38 = 10$ . The Borough has satisfied this with 13 rental units.
- **Minimum Low-Income Units:** 50% of total obligation =  $50\% \times 38 = 19$ . *Pending verification of income levels of existing units, the Borough must provide at least 11 additional low-income units to satisfy this requirement.*
- **Maximum Age-Restricted Units:** 25% of total obligation, rounded down =  $25\% \times 38 = 9$ . The Borough is currently proposing no age-restricted units.
- **Maximum Rental Bonuses:** Equal to the 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 Low-Income Units:** 50% of total obligation =  $50\% \times 68 = 34$  units. *The Borough must provide 22 additional low-income units to satisfy this requirement.*
- **Minimum Very Low-Income Units:** 13% of all units approved or constructed after 2008 = 13% of seven units, rounded up = 1 unit. The Borough is providing three very low-income units, which are also counted in the total low-income units above.
- **Minimum Very Low-Income Family Units:** 50% of required very low-income units, rounded up =  $50\% \times 1 = 1$ . *The Borough must provide at least one family very low-income unit to meet this requirement.*
- **Minimum Family Units:** 50% of (obligation less bonuses), rounded up =  $50\% \times (68 - 17) = 26$  units. *The Borough must provide 19 additional family units, at least six of which must be for rent (see below), with the balance either for rent or for sale, to meet this requirement.*
- **Minimum Family Rental Units:** 50% of minimum rental requirement, rounded up =  $50\% \times 17 = 9$ . *The Borough must provide six additional family rental units as part of its minimum family obligation 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, and will be able to claim the remaining two as new affordable rental units come online.

**Options for Producing Affordable Housing in Hightstown**

The Affordable Housing Subcommittee met on November 23, 2021, to review the potential for developing affordable housing on the sites listed in our previous memo,



## MEMORANDUM

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and to determine what would be the appropriate residential density for any development on those sites that would yield affordable units. The resulting recommendations, attached to this memo, represent the Subcommittee's suggestions for addressing the 49-unit outstanding obligation in ways that align with other Borough land development goals. Following is a list of the sites contemplated for rezoning to produce affordable housing that were considered for affordable housing purposes. A list of proposed sites, and a map of all existing and proposed sites, may be found at the end of this memo.

**200-202 Academy Street** (Block 40, lot 16). This is a single-family home on 0.13 acres that has gone through the foreclosure process. While the status of its current ownership is unclear, the Subcommittee recognized that this lot is too small to zone for inclusionary development, and so the Subcommittee is currently contemplating no affordable units to be generated by this site. "Inclusionary" meaning that most units are regular market rate housing while some are affordable. However, the Subcommittee recognized that a nonprofit developer, such as Habitat for Humanity or a group home provider, may be interested in acquiring and deed-restricting one or more units (i.e., 100% affordable housing) on the property for either rental or resale, particularly if a municipal subsidy were available. The zoning on the lot would have to be adjusted for either scenario.

**216-222 Academy Street** (Block 40, lot 20): This 0.28-acre property is owned by Ordonez Realty, and was the subject of a previous approval for residential development that was never constructed. The Subcommittee felt that, while a nonprofit developer could develop some affordable units on this lot, as with the property above, it was too small to be considered for inclusionary zoning at a density sufficient to permit a 20% set-aside. Hence no affordable units are currently contemplated from this property.

**132 Maxwell Avenue** (Block 27, Lot 38) is a vacant 0.59-acre lot. The Subcommittee felt that six dwelling units per acre, which is considered the minimum density that can support a 20% affordable housing set-aside, was too high for this part of the Borough, and so this lot is not included as generating any affordable units. However, as with the lots above, the Subcommittee recognized that a nonprofit developer could develop one or more affordable units on the site.

**Broad and Monmouth Streets:** This area includes the 2.15 acres comprising Block 11, Lots 17.01, 17.02 and 19.01, on the north side of Monmouth Street where Broad Street dead-ends. (Originally the Subcommittee considered including Block 26, Lots 27.01, 28, 29.01 and 30.01, along the west side of Broad Street, but has concluded that the potential for residential development on those lots is not realistic enough for inclusion, in addition to which there is contamination on one lot that would need to be remediated.)



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There are auto-oriented commercial uses on the Monmouth Street 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. The Subcommittee considers this an appropriate site for new zoning that permits residential development at a density of 12 units per acre, with a mandatory 20% set-aside, which could generate as many as five affordable units.

**Tornquist Garage** (Block 61.01, Lot 25): This 1.5-acre site 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 Cedar Hill Cemetery and is otherwise surrounded by residential uses. There appears to be some interest on the part of the cemetery association in selling an adjacent point of land it owns, which would square off the front of the Tornquist lot on Route 33 and make it more easily developable. This additional land would add about half an acre to the site. Without the cemetery lot, at a density of 14 dwelling units per acre and a 20% set-aside the property could yield four affordable units. The cemetery lot might generate one additional affordable unit when added to the rest of the property.

**Former Lucas Electric site** (Block 61.01, Lots 44 and 45): This five-acre property 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 currently zoned Highway Commercial, and is primarily surrounded by other commercial uses. Rezoning for inclusionary residential development at a density of 12 units per acre with a 20% set-aside could yield 12 affordable units. It should be noted that the site was originally built as a utility yard, and there is a small area of groundwater contamination on Lot 45 towards the front of the site. However, the intent is that the rear of the site, which would be in view of the high school, would be the location of the housing. The status of the remediation would need to be investigated to ensure that it would not affect the possibility of residential development.

**Westerlea Apartments** (Block 55, Lot 74): The Westerlea apartment complex currently has 108 rental units on 8.4 acres, for a density of 12.9 units per acre. Overlay zoning, which would be an option applied over the current zoning on the site, 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 45 new units. Of those units, nine would be deed-restricted as affordable units, a set-aside of 20%. While this is higher than the 15% set-aside discussed in our previous memo, it matches the set-asides contemplated for other properties discussed here. The deed-restricted units could



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be dispersed among the older units, allowing the owner to charge higher rents for all of the new market-rate units.

**Empire Antiques/Townhouse Apartments/Comisky Greenhouse** (Block 24, lots 4, 5, 9, and 17): These lots on the eastern edge of the Borough total 10.68 acres, and are occupied by various commercial uses plus the Townhouse Apartments complex (the Townhouse Apartments were not included in our initial memo). The Subcommittee discussed rezoning these lots for residential development, with ground-floor commercial permitted along Route 33, at a residential density of 14 units per acre, which is the current density of the Townhouse Apartments complex. The Subcommittee is not anticipating that this will produce any new units on the Townhouse property, but the rezoning with a 20% set-aside could generate 19 affordable units across the other three lots and would create a consistent townhouse district in this part of the municipality.

### Summary

The total potential new affordable units that could be generated from these recommended rezonings or overlay zoning is 49, thus satisfying the Borough's full obligation as calculated. As soon as one development provides a firm commitment to build rental units, two bonuses can be applied to those units, thus reducing by two the total number of new units required. In addition, if the Borough's affordable housing trust fund balance permits, the Borough has the opportunity to work with one or more nonprofit developers to create additional affordable units not included in these calculations, which, if not needed for Third Round compliance, would be available for credit toward a future round obligation.

### Next Steps and Timeline

Should the Planning Board concur with these recommendations, the next step would be to formalize the policy in a housing element and adopt it as part of the master plan. The fair share plan, which creates the implementation documents for the housing element, including the spending plan for the affordable housing trust fund, would follow.

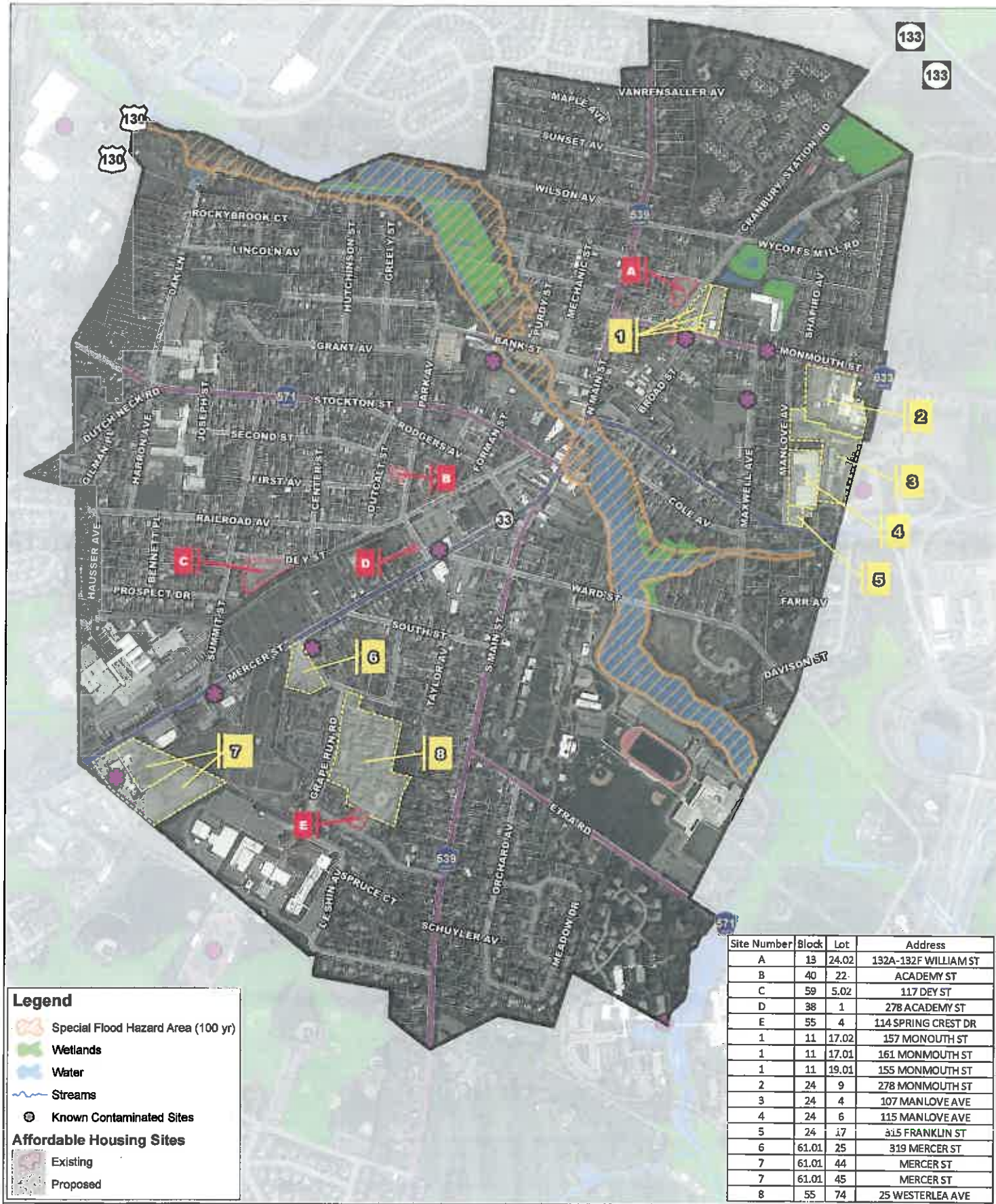
We look forward to discussing this memorandum with you at the next Planning Board meeting.

# Hightstown Borough Proposed Affordable Housing Opportunities

December 2021

Street Address	Owner of Record	Gross Acreage	Developable Acreage	Total Potential New Units	Minimum Set-Aside @ 20%	Number of Feasible Units	Notes From 11/20/21
200-202 Academy St.	Bank of America	0.13	0.13	1.56	0.31		Density 12 du/a. 8/10/20; to BoA then? Habitat un
216-222 Academy St.	Ordonez Realty LLC	0.278	0.278	3.34	0.67		Density 12 du/a. down fourplex, o affordable. Habit
132 Maxwell Ave.	Suburban NJ Surplus Property LLC	0.5923	0.5923		0.00		Even 6 du/a (min too dense for thi a duplex where c affordable if Borc incentivize
Broad and Monmouth Streets	Various; two owned by Hights Realty	2.15	2.15	25.80	5.16	5	Rezoning; densit
Tornquist Garage/319 Mercer St.	Tornquist Garage, Inc.	1.5	1.5	21.00	4.20	4	Rezoning; densit may wish to sell : parcel; would ret may yield one mi
Lucas Electric/Mercer Street	Hights Realty (same as two of the Broad and Monmouth Street lots)	5	5	60.00	12.00	12	Rezoning; densit Contamination o
Westerlea Apartments/25 Westerlea Ave.	SJP	8.4	8.4	44.88	8.98	9	Overlay zoning; r du/acre.
107 Manlove Ave.	Townhouse Apartments/ Nassau Apartments	3.74	3.74	52.36	10.47		Rezoning. No affi this site, but coul redevelopment i
115 Manlove Ave.	Comisky	2.26	2.26	31.64	6.33	6	Empire, Comisky Rezoning; densit
315 Franklin St.	Comisky	0.5	0.5	7.00	1.40	1	Rezoning; densit Comisky nursery above property, i affordable units
Empire Antiques/278 Monmouth St.	Eugene D. Pascucci	4.18	4.18	58.52	11.70	12	Rezoning; densit





**Legend**

- Special Flood Hazard Area (100 yr)
- Wetlands
- Water
- Streams
- Known Contaminated Sites
- Affordable Housing Sites**
  - Existing
  - Proposed

Site Number	Block	Lot	Address
A	13	24.02	132A-132F WILLIAM ST
B	40	22	ACADEMY ST
C	59	5.02	117 DEY ST
D	38	1	278 ACADEMY ST
E	55	4	114 SPRING CREST DR
1	11	17.02	157 MONMOUTH ST
1	11	17.01	161 MONMOUTH ST
1	11	19.01	155 MONMOUTH ST
2	24	9	278 MONMOUTH ST
3	24	4	107 MANLOVE AVE
4	24	6	115 MANLOVE AVE
5	24	17	315 FRANKLIN ST
6	61.01	25	319 MERCER ST
7	61.01	44	MERCER ST
7	61.01	45	MERCER ST
8	55	74	25 WESTERLEA AVE



**Clarke Caton Hintz**

Architecture  
Planning  
Landscape Architecture

# Affordable Housing Sites

LOCATION:  
Hightstown Borough, Mercer County, NJ

DATE:  
December 2021