



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, JANUARY 10, 2022 - 7:30 P.M.**

www.zoom.com

Meeting ID: 860 8909 2616

Passcode: nynE2L

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

Please press CTRL and then click the Link below to go directly to Zoom. Put in Meeting ID and Passcode

By Phone:

(929) 205-6099

Meeting ID: 860 8909 2616#

Passcode: 818561#

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 Chairperson 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

Nominations Chairperson and Vice Chairperson

Oath of Office	Steve Misiura (Class III)	1 year	December 31, 2022
	Bill Searing (Class II)	1 year	December 31, 2022
	John Laudenberg, III	4 years	December 31, 2025
	Joseph Balcewicz (Alt. #1)	2 years	December 31, 2023
	Chris Yandoli	Ux 4 year	December 31, 2023
	Nathaniel Gainey	Ux 4 year	December 31, 2024

Approval of Minutes December 13, 2021 - Regular Virtual Meeting

Public Comment

Resolutions 2022-01 – Meeting Schedule 2022 2022-02 – Newspaper Designation



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2022-03 – Appointing Planning Board Secretary
2022-04 – Appointing Planning Board Engineer
2022-05 – Appointing Planning Board Attorney
2022-06 – Appointing Planning Board Planner

Public Comment

Subcommittee Appointments

Architectural Review Committee

Affordable Housing Subcommittee

Bicycle Planning Subcommittee

Liaisons – Historic Preservation Commission

– Environmental Commission

Old Business

Affordable Housing Plan – Mr. Slaugh, subcommittee updates

New Business

Cannabis Subcommittee – comments to Council

Committee and Professional Reports

Chairman and Board Member Comments

Adjourn

**HIGHTSTOWN PLANNING BOARD
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DECEMBER 13, 2021, 7:30 P.M.**

OPEN SESSION

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."

Flag Salute, led by John Laudenberger

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, Donna Miller & Elaine Clisham – Planner (stand-in), George Chin, Construction/Zoning Official, Joe Fishinger – Bright View Engineering, Rachana Sheth – NV5, Carey Tajfel – TFE Properties, Amanda Calabrese, Michele Demak Epstein, Mark A & "Storm"

Approval of Agenda

Ms. Asselstine announces there is a change to the Agenda. A cannabis memo from is to be added under New Business. Ms. Asselstine asked for any comments on the December 13, 2021 Agenda. With no comments Ms. Asselstine asks for a motion to approve it.

Motion made by Mr. Misiura and seconded by Mayor Quattrone to approve the amended agenda for the December 13, 2021 Planning Board Agenda.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Ms. Jackson was absent. Motion passed 8-0, 1 absence.

Approval of Minutes

Ms. Asselstine presents the meeting minutes from the regular virtual meeting on October 12, 2021, and has a couple of minor typos to be amended on pages 6 & 7. Ms. Asselstine then asks the Board if there are any additional revisions. There being no additional comments or

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revisions, Ms. Asselstine asks for a motion to approve the minutes.

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

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudenberg, Ms. Watkins & Mr. Balcewicz. Mr. Searing & Mr. Cabot abstained. Ms. Jackson was absent.

Motion passed 8-0, 2 abstentions, 1 absence.

Resolution **#2021-02 – Capital Project Review – East Windsor Regional School District; Hightstown High School parking lot & bus lane**

Ms. Asselstine states that this resolution memorializes the Capital review of the Hightstown High School Parking lot & bus lane pursuant to NJSA 40:55D-31. Ms. Asselstine asks for a motion or any questions pertaining to the Resolution. Mr. Balcewicz raises a question regarding the difference in wording of being inconsistent vs. not being inconsistent with the Master Plan. Mr. Miccio agrees that a motion can be made the wording can remain as is.

There being no further comments, a motion is made by Mayor Quattrone and seconded by Mr. Misiura.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudenberg, Ms. Watkins, and Mr. Balcewicz. Mr. Searing and Mr. Cabot abstained; Ms. Jackson was absent.

Motion passed 6-0, 2 Abstention, 1 absence.

Public Comment

Ms. Asselstine invites members of the public to comment on items not on the Agenda.

Mr. Carey Tajfel of TFE Properties is purchasing 105 Main Street (the previous Wells Fargo building) states that he met with Mr. Dimitri Musing & Mr. George Chin proposing TFE Properties' intended plans for the building. They intend to transform the Wells Fargo site into an apartment complex and would like to get feedback from the Planning Board to ensure their visions are in line with the Borough's aesthetic. Ms. Asselstine refers to Mr. Misiura about the correct procedure to for a preliminary concept plan review. Mr. Misiura explains their needs to be caution while reviewing preliminary plans as the Board will be voting on it. He defers to Mr. Miccio for ordinance guidance. Mr. Miccio states this review will be further in touch with the future applicant. Ms. Asselstine explains that Mr. Tajfel can reach out to Ms. Davis for further information. Mr. Tajfel thanks the Board for their time.

Ms. Asselstine asks for any additional comments. There being no further comments, public comment is closed.

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Public Hearing

Adopting Amendment to the Master Plan

Redevelopment Area Circulation Plan

Ms. Asselstine opens the public hearing and explains this is proposed to be a technical appendix to the transportation element to the Borough Master Plan. Ms. Asselstine asks that Mr. Miccio swears in the speakers beginning with the consultants, Mr. Fishinger & Ms. Sheth, as well as the Borough's Zoning Official, Mr. Chin. She briefly explains the order in which the proceedings will occur.

Mr. Miccio swears in both Mr. Fishinger of Bright View Engineering & Ms. Sheth of NV5. Mr. Miccio also noted for record, that this is a review of a potential amendment to the Master Plan, and it has been noticed appropriately in accordance with the municipal land use law.

Ms. Sheth gives a brief overview of the Redevelopment Area Circulation study that was conducted to identify issues and constraints related to circulation because of the Rug Mill development. The initial purpose was to investigate constructing a roundabout at the Main Street & Franklin Street intersection. Furthermore, 4 options in addition to the roundabout were noted.

Mr. Fishinger explains the primary recommendation is to redo the main intersection and adding crosswalks. In lieu of a roundabout, a traditional traffic signal works the best. The intersection will be widened and add in a dedicated pedestrian phase. There are several other pedestrian options added in.

Ms. Asselstine opens comments from the Board members. Mr. Misiura asks how the proposed recommendations will be affected should the information used to create the study change (i.e. additional new developments, etc).

Mr. Fishinger explains that they used the best guess they could based on information provided. He recommends that when a development comes in, that they compare the numbers they expect versus what the study was based on. Most likely, their numbers will be lower than what the study was based on.

Mr. Misiura asks if a right turn lane is warranted even without additional development capacity. Mr. Fishinger explains that with or without the development, the right turn lane will help with traffic and allow pedestrian improvements.

Ms. Asselstine asks if the appendix provided will give future developers enough information based on assumptions used in study. Mr. Fishinger states that there should be enough information provided but would provide any additional information needed by future developers if the Borough grants permission to do so.

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Ms. Asselstine asks for any other questions. She then refers to Mr. George Chin regarding the impact to the strip mall at the corner of Main Street & Franklin Street. After being sworn in by Mr. Miccio, Mr. Chin explains that he did a parking analysis of what is required versus what is existing. The current number of parking spaces is less than what is currently required, but the lot never appears to be at capacity. Ms. Asselstine asks Mr. Chin based on the year the strip mall was built, would the existing parking be grandfathered in? He agrees that it would be and that it was most likely not based on restaurant parking calculations, but rather retail calculations. Ms. Asselstine questions if we (the Board) should have investigated parking when Dunkin originally sat before the Planning Board when they submitted for their initial sign variance.

Ms. Miller (sitting in for Mr. Slauch) explains that there was a parking analysis done with the original Planning Board submission the number of parking spaces would not have varied based on use group. She continues that there is a possibility of reconfiguring the parking lot better utilizing the side and rear yard area.

Mr. Miccio interjects to swear in Ms. Donna Miller of Clarke Caton Hintz.

Ms. Asselstine explains that with the installation of the right turn lane and van accessible handicapped space that there will be a loss of about 6-7 parking spaces.

Mr. Misiura states that based on previous discussions, the Borough's parking Ordinance may not accurately represent what Hightstown realistically needs. This may need to be revisited in the future. Mr. Chin agrees and that we are trying to encourage walking & cycling and suggest they may install a bike rack as well.

Mr. Laudenberger adds that even when there were 3 restaurants in the strip mall, parking was never an issue. Mr. Chin then states that Dunkin is not supposed to have table seating.

Ms. Asselstine explains that should we move forward with the plan in the future, there will be land taken from the property owner and that in turn can be used by the owner to redesign the existing lot to accommodate more parking.

Mr. Misiura believes that the benefits outweigh the loss of parking spaces as he has never experienced lack of parking but maintains from a pedestrian standpoint the intersection (Main Street & Franklin Street) is unsafe. Mr. Cabot agrees with Mr. Misiura.

Ms. Sheth adds that reconfiguring the parking spaces in the future may regain some of spaces lost.

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Ms. Asselstine notes that there will be a new parking garage constructed across the street with dedicated public parking. She then moves on to professional comments. Ms. Miller, Ms. Roberts & Mr. Miccio have nothing further to add. Ms. Asselstine opens the comments up to the public. With no comments to be made, public comment is closed. Mr. Misiura states he believes that this was a very worthwhile study and thanks the consulting professionals. Ms. Asselstine asks for a motion to adopt the Redevelopment Circulation Plan as a technical appendix to the transportation element of the Borough Master Plan.

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

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudemberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot; Ms. Jackson was absent.

Motion passed 6-0, 1 absence.

Old Business

Affordable Housing Plan – Ms. Asselstine introduces Ms. Clisham. Ms. Clisham gets a brief update from Mr. Chin about the possibility of the Borough's rehabilitation obligation through an exterior conditions survey. Ms. Clisham and Mr. Chin discuss the survey and decide there. After giving a summary of what was discussed at the last Board meeting in October, she then shares the report prepared for the Board by the Affordable Housing Committee. The committee discussed locations that could qualify as inclusionary zoning, including but not limited to Monmouth Street, Tornquist Garage and Westerlea Apartments. In creating this inclusionary zoning in addition to overlay zoning & rezoning, the rehabilitation obligation would be satisfied. Discussion ensues regarding the various locations mentioned in the report. More information is needed on contamination remediation at several referenced sites (i.e. Lucas Electric & Tornquist) and prior Planning Board approvals for Academy Street property.

Ms. Asselstine asks for additional comments from the Board members. Mr. Laudemberger asks should this plan gets adopted, would the selected properties be bound to include that number of affordable units? Ms. Clisham explains that the zoning itself would require any future development of that property to follow zoning requirements for affordable units, but a commitment from the current owners, while helpful, is not required. The Board agreed to further review the report provided by Ms. Clisham and it will be revisited at the January meeting.

New Business

Application #2021-02 – Americana Hospitality Group – Ms. Asselstine introduces this topic and asks Ms. Roberts to go into more detail on the memo explaining that the application was deemed incomplete.

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Ms. Roberts explains that this application was for an amended site plan approval. The application submission was lacking significant information to show was approved in previous years versus what was built. She spoke with the applicant's engineer, and they understand what is needed to resubmit for further application review.

Ms. Asselstine asks Ms. Roberts to confirm the applicant's submission timeline to be deemed complete 30 days prior to the Planning Board meeting date and publicize the hearing at least 10 days prior to said meeting date. Ms. Roberts confirms that that is correct. Mr. Miccio states that he will ensure that the applicant's attorney is aware of the timeline going forward.

Cannabis Memo from Council

Ms. Asselstine refers to a memo received from Council asking the Planning Board's input on Cannabis. At the Council's last meeting, it was recommended that Hightstown should allow retail licensing for Cannabis with a maximum of 2 licenses. Mr. Misiura explains that Planning Board would likely determine zoning locations and parking. Mr. Miccio responds and agrees with Mr. Misiura including even adding overlay zones for Cannabis retail locations. Discussion ensues.

Ms. Asselstine reinstates the previous Cannabis subcommittee, comprised of Ms. Jackson, Mr. Balcewicz, Mr. Laudenberger & Ms. Watkins, to discuss these considerations the Planning Board will need to determine, including zoning locations, distance from schools & places of worship. Mr. Misiura asks that the Planner and Attorney create some guidelines for the committee to discuss

Mr. Laudenberger asks if there is any distance retail cannabis would need to be from a church?

Mr. Miccio states that there are no state regulatory obligations, and that the township would be responsible for setting guidelines, as well as with schools.

Mr. Balcewicz believes we need more information from the Council and suggests the subcommittee from Planning Board & Council Committee meet to discuss additional information. He comments that he thinks the Borough missed out on an opportunity to opt-in for a growers' license. Ms. Watkins agrees with the missed opportunity in growing and other licensing.

Ms. Asselstine asks that the committee meet prior to the next Planning Board meeting and get input from the professionals as well as, the Council's subcommittee (Ms. Cristina Fowler & Mr. Joshua Jackson).

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Committee and Professional Reports

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

Mr. Miccio – Nothing new to report.

Ms. Roberts – Ms. Roberts informs the Board that when completing the construction on Spring Crest Drive they forgot to add in bike striping. She also reports that there is a proposed project to complete the sidewalks from Leshin Lane to Orchard Avenue through the Borough's border.

Mr. Slauch – Absent. Ms. Clisham & Ms. Miller have nothing new to report.

Chairman and Board Member Comments

Ms. Asselstine reminds that the Planning Board attorney search committee will be holding a Zoom meeting immediately following the Planning Board Meeting.

Mr. Misiura has an update on the Rug Mill developer, 3PRC LLC, obtained DEP approvals and are looking at a January start date. He continues, that at the next Council meeting there should be a presentation on the new Borough Hall and encourages everyone to attend. Mr. Misiura also gives a friendly reminder to keep in mind what is being shared on social media as it could impact future Board voting recusals.

There being no further business, Ms. Asselstine asks for a motion to adjourn. Motion made by Mr. Balcewicz, seconded by Ms. Watkins. All ayes. Meeting adjourned at 9:16 PM.

Submitted by:

Jane Davis, Planning Board Secretary

Resolution 2022-01

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

APPROVING THE PLANNING BOARD MEETING SCHEDULE FOR THE YEAR 2022

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the meetings of the Planning Board for 2022 and for the first meeting in 2023 will begin at 7:30 p.m. and will be held virtually via www.zoom.com. Members of the public may attend and participate during the public portion of the meeting by phone or computer as follows: www.zoom.com Meeting ID: 860 8909 2616; Passcode: nynE2L or by phone (929) 205-6099; Meeting ID: 860 8909 2616#; Participant Code #; Passcode: 818561#. All relevant documents for scheduled meetings will be made available prior to the meeting at www.hightstownborough.com.

2022 SCHEDULED MEETING DATES

MONDAY	February 14
MONDAY	March 14
MONDAY	April 11
MONDAY	May 9
MONDAY	June 13
MONDAY	July 11
MONDAY	August 8
MONDAY	September 12
TUESDAY	October 11
MONDAY	November 14
MONDAY	December 12

2023 REORGANIZATION MEETING

MONDAY	January 9
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CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary

Resolution 2022-02

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

DESIGNATING OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the *Trenton Times* and *Cranbury Press Windsor-Hights Herald* are hereby designated as the official newspapers for the year 2022.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary

Resolution 2022-03

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

APPOINTING PLANNING BOARD SECRETARY

WHEREAS, there exists a need for a Planning Board Secretary for the Borough of Hightstown Planning Board; and

WHEREAS, it is the desire of the Planning Board to appoint Jane Davis to this position; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Jane Davis is hereby appointed as Planning Board Secretary for the year 2022 at the rate of \$21.00 per hour. After completion of Planning Board Secretary Certification, rate will be increased to \$24.00 per hour.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2022 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary

Resolution 2022-04

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

APPOINTING PLANNING BOARD ENGINEER

WHEREAS, there exists a need for engineering services for the Planning Board of the Borough of Hightstown, and

WHEREAS, Carmela Roberts, Roberts Engineering Group, LLC has served in the previous years as both the Borough Engineer and the Planning Board Engineer, and

WHEREAS, the Planning Board desires the continued services of Ms. Roberts for the 2022 year as the Planning Board Engineer as stated in her "Hourly Fee Schedule" previously approved by Borough Council.

WHEREAS, this contract is awarded as a "non-fair and open contract" pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Carmela Roberts is hereby appointed Planning Board Engineer for the 2022 year.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2022 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary

Resolution 2022-05

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL LEGAL SERVICES – PARKER MCCAY P.A.

WHEREAS, there exists the need for specialized legal services for the Planning Board during 2022; and

WHEREAS, it is the desire of Planning Board to appoint **Scott T. Miccio, Parker McCay P.A., Hamilton, New Jersey**, as Planning Board Attorney for the year 2022; and

WHEREAS, the cost for the proposed services shall be as stated in the “2022 Hourly Fee Schedule” as approved by the Planning Board; and

WHEREAS, funds for this purpose will be made available in the 2022 budget; and,

WHEREAS, the anticipated term of this contract is for the 2022 calendar year, and it may only be renewed upon further action of the Planning Board; and

WHEREAS, this contract is awarded as a “fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Planning Board of the Borough of Hightstown that the Planning Board Chairman is authorized to execute and the Planning Board Secretary to attest an agreement between the Borough of Hightstown and Parker McCay P.A., for professional legal services for the year 2022.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. The Chairman and Secretary are hereby authorized and directed to execute an Agreement with Scott T. Miccio, Esq., Parker McCay P.A., 3840 Quakerbridge Road, Suite 200, Hamilton, New Jersey 08619.
2. This Contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law, (N.J.S.A. 40A:11-5(a)) as a contract for services to be performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A copy of this Resolution and Contract shall be placed on file in the Office of the Borough Clerk.
4. Notice of Adoption of this Resolution should be published in an official Borough newspaper.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary

Resolution 2022-06

*BOROUGH OF HIGHTSTOWN PLANNING BOARD
COUNTY OF MERCER, STATE OF NEW JERSEY*

APPOINTING AND AUTHORIZING AN AGREEMENT FOR PROFESSIONAL PLANNING SERVICES – BRIAN M. SLAUGH

WHEREAS, there exists the need for specialized planning services for the Planning Board during 2022; and

WHEREAS, it is the desire of Planning Board to appoint Brian M. Slauch, PP, AICP of the firm Clarke Caton Hintz, 100 Barrack Street, Trenton, New Jersey, as Planning Board Planner for the year 2022; and

WHEREAS, funds for this purpose will be made available in the 2022 budget; and,

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Planning Board; and

WHEREAS, this contract is awarded as a “non fair and open contract” pursuant to and in accordance with the Local Unit Pay-to-Play Law.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Brian M. Slauch is hereby appointed Planning Board Planner for the 2022 year.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough’s 2022 budget, where funds are being made available.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Planning Board at a meeting held on January 10, 2022.

Jane Davis
Planning Board Secretary



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: January 7, 2022

This memorandum updates our previous discussion with the Board on the means of addressing the Third Round of affordable housing obligation in the Borough.

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. Consequently, the plan is designed to meet the following obligation as 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.

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

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



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 had originally 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. 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 a potentially lower number of units to rehab in the Borough than 39 that are occupied by low- or moderate-income household.

Since our previous discussion, however, we have conducted additional research into the requirements for conducting this survey, and have learned the following: 1) The Borough may exclude certain neighborhoods from its survey based on specific criteria in the applicable COAH regulations, but must survey every remaining housing unit; and 2) the multiplier to estimate the number that are occupied by low- and moderate-income households is unexpectedly high at 63.42% and it may not be advantageous after all to expend the resources necessary to conduct the survey. Using this number, the Borough would need to find fewer than 62 total units in need of rehabilitation to lower its Rehabilitation Obligation below 39. The construction code office is evaluating this new information.

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:



Table 2. Likely Crediting Opportunities with Existing Development.

Housing Mechanism	Round	Rental	For-Sale	Bonus	Total
Holly House	Prior	10	0	10; maximum permitted	20
Spring Crest Group Home	Prior	3	0	0	3
Total Prior Round: 38-unit Obligation		13	0	10	23
To Be Satisfied					15 units
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
Total Third Round: 68-unit Obligation		15	4	15	34
To Be Satisfied					34 units
Total Prior and Third Rounds		28	4	25	57
To Be Satisfied				2 more allowed	49 units

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 count towards 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

From the Affordable Housing Subcommittee's recommendations from November 2021 and the Planning Board discussion at the December 2021 meeting, various sites have been



proposed and analyzed for inclusionary affordable housing potential, or in some instances possible partnership with an affordable housing provider such as Habitat for Humanity. Following is a list of the sites contemplated for rezoning that if developed or redeveloped would produce affordable housing. 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. However, it was pointed out at the Planning Board’s December 13, 2021 meeting that the existing approval for this property requires that one affordable unit be provided. The approval remains valid.

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.) 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.

Wells Fargo Bank site (Block 28, Lots 51, 52, and 53): This 1.33-acre Main Street site, which includes the Wells Fargo Bank building and drive-through kiosks and adjacent parking, was not included in the Subcommittee's initial review of potential affordable housing sites. A developer has approached the Borough about developing the site with 54 apartments. A 20% set-aside would require that 11 units be deed-restricted as affordable. However, the property is within a redevelopment area, so the size of the affordable housing set-aside would be part of a negotiated redeveloper's agreement. The Planning Board agreed at its December 13, 2021 meeting that the affordable units must be provided on-site, rather than via a payment in lieu of construction.

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. At its December 13, 2021 meeting, the Planning Board expressed its desire that commercial development be permitted along Route 33, with residential development either above or behind commercial development to be consistent with the Master Plan vision for the corridor.

Former Lucas Electric site (Block 61.01, Lots 44 and 45): This five-acre property sits at the southwestern edge of the Borough is in front of 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. A Phase I Environmental Study may be required to verify that the groundwater contamination would not affect the possibility of residential development on



the property. Commercial development in front with residential development in the rear or potentially above new commercial buildings on Rt. 33 would be consistent with the Master Plan vision for the corridor.

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 previously, it matches the set-asides contemplated for other properties discussed here. The deed-restricted units could be dispersed among the existing older units, allowing the owner to charge higher market-rate rents for all of the new units.

Empire Antiques/Townhouse Apartments/Comisky Greenhouse (Block 24, Lots 4, 6, 7, 9, 15, and 17): The Planning Board requested that Lots 7 and 15 be added to the properties included in the original discussion. These lots on the eastern edge of the Borough now total 11.42 acres. Lot 7 is a single-family rental residence, and the remaining lots are either vacant, occupied by various commercial uses, or occupied by the Townhouse Apartments complex. The Subcommittee had originally 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 was 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.

At its December 13, 2021 meeting, members of the Planning Board inquired whether, with the inclusion of Lots 7 and 15, this area was suitable for a redevelopment designation and redevelopment plan, rather than a rezoning, and that is something that could be further pursued.

Summary

With the addition of the Wells Fargo property, the unit from the Ordonez property, and the two additional lots from Block 24, the total potential new affordable units that could be generated from these recommended rezonings, overlay zoning, or redevelopment plan has risen to 63, thus more than satisfying the Borough's full obligation as calculated. In addition, 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. And finally, 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

Since, with the exception of the recommendation regarding the Rehabilitation Obligation, the Planning Board has concurred with the recommendations in this memo as updated, the next steps would be:

- Determine the advisability of continuing with the external conditions survey vs. stipulating to the Jacobson-calculated 39-unit Rehabilitation obligation.
- Secure a concept plan from the potential developers of the Wells Fargo site to verify the number of affordable units the site will produce.
- Determine whether the Planning Board wants to commission a redevelopment study for the Block 24 lots, with the goal of declaring the area in need of redevelopment and creating a redevelopment plan that would make inclusionary residential development a required use. (Should the board decide not to pursue a redevelopment designation, the lots would be rezoned.)
- Formalize these recommendations as updated 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 all rezoning and overlay ordinances, any redevelopment plans for sites that would produce affordable units, and the spending plan for the affordable housing trust fund, would follow.

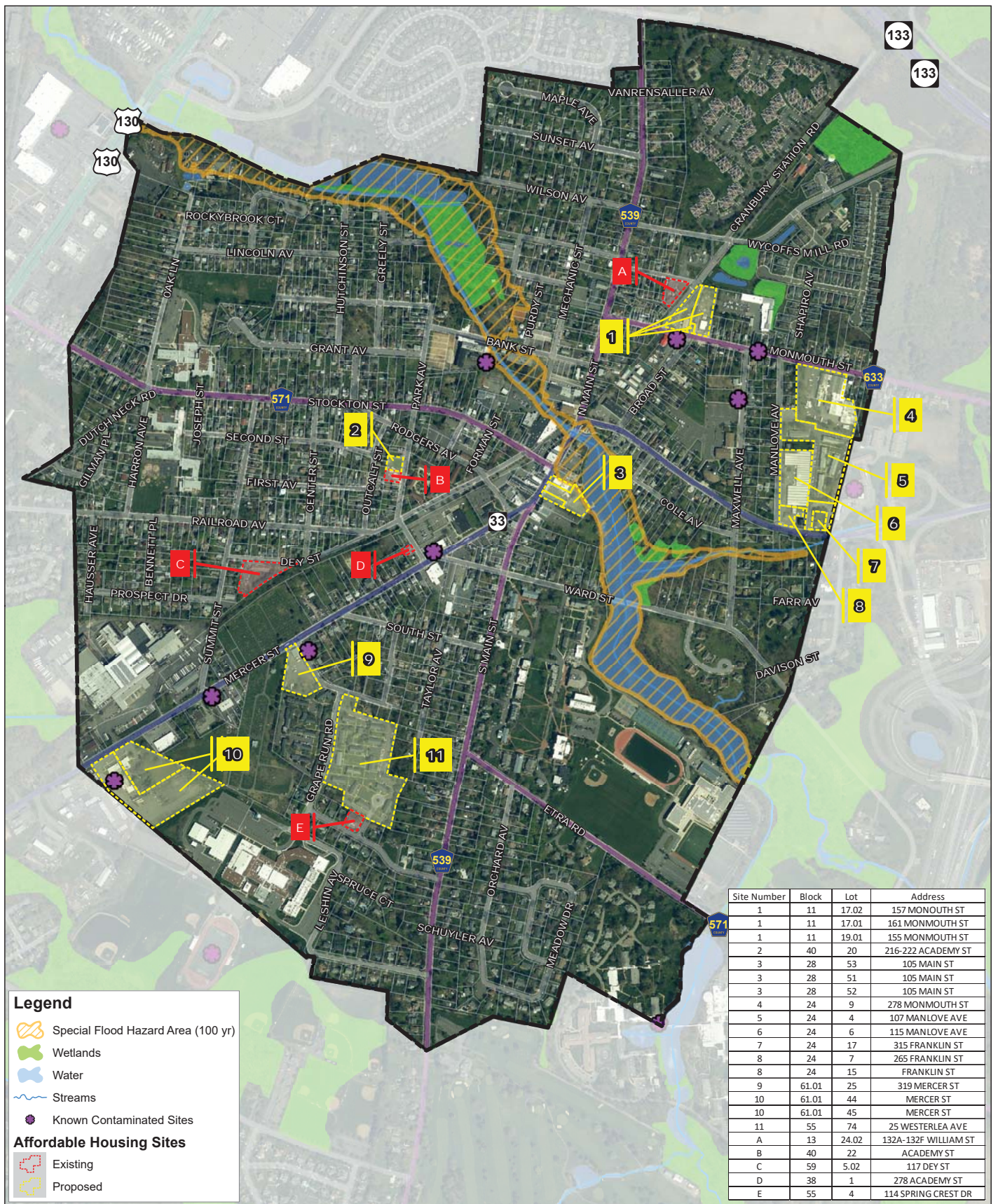
We look forward to discussing next steps with you at the January 2022 Planning Board meeting.

Hightstown Borough Proposed Affordable Housing Opportunities December 2021

Block	Lot	Street Address	Owner of Record	Gross Acreage	Developable Acreage	Total Potential New Units	Minimum Set-Aside @ 20%	Number of Feasible Units	Notes From 11/23/21 Subcommittee Meeting, 12/13/21 Planning Board Meeting
40	16	200-202 Academy St.	Bank of America	0.13	0.13	1.56	0.31		Density 12 du/a. Sold to HUD/HMFA 8/10/20; to BoA 1/21/21. Sold since then? Habitat?
40	20	216-222 Academy St.	Ordonez Realty LLC	0.28	0.278	3.34	0.67	1	Existing approvals require one affordable unit. Possible two-up, two-down fourplex, one or more affordable. Habitat?
27	38	132 Maxwell Ave.	Suburban NJ Surplus Property LLC	0.59	0.5923		0.00		Even 6 du/a (minimum for set-aside) too dense for this site, but could build a duplex where one or both are affordable if Borough wanted to incentivize. Habitat?
28	51,52,53	105 Main St.	Wachovia Bank c/o Thomson Reuters	1.33	1.33	54.00	10.80	11	Developer interested in producing 54 apartments above retail on this property. In redevelopment zone so mandatory set-aside does not apply; affordable set-aside to be negotiated in redevelopment agreement. Tentatively calculated at 20%.
11	17.01, 17.02, 19.01	Broad and Monmouth Streets	Various; two owned by Hights Realty	2.15	2.15	25.80	5.16	5	Rezoning; density 12 du/a.
61.01	25	Tornquist Garage/319 Mercer St.	Tornquist Garage, Inc.	1.5	1.5	21.00	4.20	4	Rezoning; density 14 du/a. Cemetery may wish to sell small adjacent parcel; would require subdivision; may yield one more affordable unit
61.01	44,45	Lucas Electric/Mercer Street	Hights Realty (same as two of the Broad and Monmouth Street lots)	5.0	5.0	60.00	12.00	12	Rezoning; density 12 du/a. Contamination on lot 45 may impede development; Phase I study may be required.
55	74	Westerlea Apartments/25 Westerlea Ave.	SJP	8.4	8.4	44.88	8.98	9	Overlay zoning w/20% set-aside; new density 18.2 du/acre.

Hightstown Borough Proposed Affordable Housing Opportunities
December 2021

Block	Lot	Street Address	Owner of Record	Gross Acreage	Developable Acreage	Total Potential New Units	Minimum Set-Aside @ 20%	Number of Feasible Units	Notes From 11/23/21 Subcommittee Meeting, 12/13/21 Planning Board Meeting
24	4	107 Manlove Ave.	Townhouse Apartments/ Nassau Apartments	3.74	3.74	52.36	10.47		Rezoning or redevelopment plan. No affordable units from this site, but could be incentivized for redevelopment in conjunction with other lots from Block 24
24	6	115 Manlove Ave.	Comisky	2.26	2.26	31.64	6.33	6	Rezoning or redevelopment plan; density 14 du/a.
24	7	265 Franklin St.	Reddy Gade	0.34	0.34	4.76	0.95	1	Rezoning or redevelopment plan; density 14 du/a. Retail/ commercial along Franklin Street.
24	15	Franklin Street	Jay Ashkar Realty LLC	0.4	0.4	5.60	1.12	1	Rezoning or redevelopment plan; density 14 du/a. Vacant U-shaped lot around lot 7. Retail/ commercial along Franklin Street.
24	17	315 Franklin St.	Comisky	0.5	0.5	7.00	1.40	1	Rezoning or redevelopment plan; density 14 du/a. Front of Comisky nursery. If combined with above property, could generate 8 affordable units. Retail/ commercial along Franklin Street.
24	9	Empire Antiques/278 Monmouth St.	Eugene D. Pascucci	4.18	4.18	58.52	11.70	12	Rezoning or redevelopment plan; density 14 du/a. Retail/ commercial along Franklin Street.
						Total Potential Affordable Units		63	



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Clarke Caton Hintz ● ● ■
 Architecture
 Planning
 Landscape Architecture

Affordable Housing Sites

LOCATION:
 Hightstown Borough, Mercer County, NJ

DATE:
 December 16, 2021