



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, FEBRUARY 14, 2022 - 7:30 P.M.**

www.zoom.com

Meeting ID: 860 8909 2616

Passcode: nynE2L

<https://us06web.zoom.us/j/86089092616?pwd=SlIXNkI4aEJWVkJZBL2o2NUhkV1EzQT09>

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

Approval of Minutes January 10, 2022 – Reorganization Virtual Meeting

Public Comment

Public Hearing Application #PB2022-02 – Peddie School – Preliminary & Final Site Plan
Parking Lot Reconfiguration & Solar Panels

Old Business Cannabis Memo – Comments to Council updates

Affordable Housing Plan – Mr. Slauch, subcommittee updates

New Business Proposed Ordinances from Council for comment

Downtown Redevelopment Phase 3 & Peddie Lake Shoreline

NJDEP lead water service replacement mandate

Consideration of final Resolution memorializing approval of

Application #PB2022-02

Committee and Professional Reports

Chairman and Board Member Comments

Adjourn



THE BOROUGH OF HIGHTSTOWN PLANNING BOARD

REORGANIZATION VIRTUAL MEETING MINUTES JANUARY 10, 2022, 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 Joe Balcewicz

Oath of Office

Ms. Asselstine announces that Mr. Misiura, Mr. Searing, Mr. Laudemberger, Mr. Balcewicz, Mr. Chris Yandoli & Mr. Nathaniel Gainey are to be sworn in by Mayor Quattrone. Mayor Quattrone swears in all new and renewing members of the Planning Board simultaneously. Ms. Asselstine congratulates and welcomes the members.

Roll Call – Planning Board

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

Also in attendance: Jane Davis – Planning Board Secretary, Scott Miccio – Attorney, Carmela Roberts – Engineer, Brian Slauch – Planner, George Chin, Construction/Zoning Official & Michele Demak Epstein

Approval of Agenda

Ms. Asselstine asks for a motion to approve the Agenda with amendments showing the Oath of Office moved up in order.

Motion made to approve Agenda with revisions by Mr. Misiura and seconded by Mr. Cabot to approve the amended agenda for the January 10, 2022 Planning Board Agenda.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudemberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.



THE BOROUGH OF HIGHTSTOWN PLANNING BOARD

REORGANIZATION VIRTUAL MEETING MINUTES JANUARY 10, 2022, 7:30 P.M.

Nominations – Chairperson and Vice Chairperson

Ms. Asselstine opens the floor to nominations for Chairperson of the Planning Board for the year of 2022. Mr. Misiura nominates Ms. Asselstine, seconded by Mayor Quattrone. Mr. Searing moves to close nominations. Ms. Asselstine closes the nomination.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Ms. Asselstine abstained. Motion passed 10-0; 1 abstention.

Ms. Asselstine opens the floor to nominations for Vice Chairperson of the Planning Board for the year of 2022. Mr. Laudenberg nominates Ms. Jackson, seconded by Mr. Balcewicz. Mr. Searing moves to close nominations, being that there are no other nominations. Ms. Asselstine closes the nomination.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Ms. Jackson abstained. Motion passed 10-0; 1 abstention.

Approval of Minutes

Ms. Asselstine presents the meeting minutes from the regular virtual meeting on December 13, 2021 and asks the Board if there are any comments. There being no additional comments or revisions. Motion made by Mr. Balcewicz and seconded by Mr. Misiura. Ms. Asselstine notes that prior to the meeting she corrected a few typographical errors with Ms. Davis.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz & Mr. Cabot. Ms. Jackson, Mr. Gainey & Mr. Yandoli abstained. Motion passed 8-0; 3 abstentions.

Public Comment

Ms. Asselstine invites members of the public to comment on items not on the Agenda. There being no comments, public comment is closed.

Resolution 2022-01 – Meeting Schedule 2022

Moved by Mr. Balcewicz, seconded by Mr. Cabot.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

Resolution 2022-02 – Newspaper Designation

Moved by Mayor Quattrone, seconded by Mr. Laudenberg.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.



THE BOROUGH OF HIGHTSTOWN PLANNING BOARD

REORGANIZATION VIRTUAL MEETING MINUTES JANUARY 10, 2022, 7:30 P.M.

Resolution 2022-03 – Appointing Planning Board Secretary, Jane Davis

Moved by Mayor Quattrone, seconded by Ms. Jackson.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

Resolution 2022-04 – Appointing Planning Board Engineer, Carmela Roberts

Moved by Mr. Misiura, seconded by Ms. Jackson.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

Resolution 2022-05 – Appointing Planning Board Attorney, Scott Miccio

Ms. Asselstine explains that Mr. Miccio joined the Planning Board in September 2021. The Board went out with a formal RFP, securing 3 responses. Two applicants were interviewed, and one applicant failed to respond. It was unanimous among the subcommittee to select Mr. Miccio & his associated firm as the Planning Board Attorney.

Moved by Mr. Laudenberg, seconded by Ms. Watkins.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

Resolution 2022-06 – Appointing Planning Board Planner, Brian Slaugh

Moved by Mr. Cabot, seconded by Mr. Searing.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

Public Comment

Ms. Asselstine invites members of the public to comment on items not on the Agenda. There being no comments, public comment is closed.

Subcommittee Appointments

Architectural Review Committee

Mr. Laudenberg volunteers, as well as Mr. Gainey. Mr. Chin is seated as the Borough staff member, and nominates Ms. Davis, to serve on the subcommittee as well.

Affordable Housing Subcommittee

Mr. Misiura & Ms. Jackson will continue as the committee along with Mr. Slaugh as the consultant.



THE BOROUGH OF HIGHTSTOWN PLANNING BOARD

REORGANIZATION VIRTUAL MEETING MINUTES

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

Bicycle Planning Subcommittee

Ms. Asselstine & Mr. Balcewicz will continue to serve on this committee and will commence updates in early April.

Cannabis Subcommittee

Ms. Jackson, Mr. Laudenberg, Ms. Watkins & Mr. Balcewicz will continue to serve as the subcommittee.

Liaisons - Historic Preservation Commission

Mr. Cabot will continue to serve as the liaison.

Environmental Commission

John Laudenberg will continue to serve as the liaison.

Forming an ordinance committee is discussed and will continue as an Ad-Hoc committee.

Old Business

Affordable Housing Plan – Ms. Asselstine introduces Mr. Slaugh and his updated memo to include comments from the December 13th meeting and some additional sites the Affordable Housing Committee had looked at for potential to include as affordable housing development. The report differentiates various types of rezoning, overlay zones, inclusionary, non-profit housing providers (i.e. Habitat for Humanity), as well as, a possible redevelopment of the Wells Fargo site that could potentially produce 11 affordable units. With all considerations being made, Hightstown would meet their Jacobson Third Round affordable housing requirements of 49 units. There is further explanation of the memo provided. It's noted that including a survey that calculates the amount of rehabilitation needed for existing units would not be beneficial. Discussion continues to clarify future redevelopment areas. The next step would be to move forward with the information provided in the memo and create a draft for the Planning Board to review.

Mr. Misiura clarifies that the Wells Fargo site that is listed in the memo as being part of the redevelopment area, should not have been labeled as such.

Ms. Asselstine states that the objective this year is to get the Housing Plan finished and adopted into the Master Plan. She then asks what else needs to be taken into consideration. Mr. Slaugh states that there is a demographic analysis factor and the Fair Share Plan (which is essentially an expanded version of the memo referenced). Once a draft is reviewed by the Board, it will go through the hearing process to adopt it. Mr. Slaugh thinks we are ready to move on to the next step and create a Housing and Fair Share Plan. The plan so far is not an overly ambitious one and there is no acquisition requirements for the Borough. Mr. Slaugh believes that this proposed plan, once implemented, will put Hightstown in a good position for the end of Round 3 (1999-2025) housing element.



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

Ms. Asselstine asks if there are any additional questions.

Mr. Laudenbergler asks about the information from Mr. Chin regarding the Grant Avenue site being able to provide 5 units. Mr. Slauch states, they would need to be rezoned or apply for a variance as it is within a single-family zone. Mr. Chin clarifies that Habitat for Humanity's 5 units mentioned would also include the 4 existing units on Academy Street, not a multi-family dwelling on a single lot.

Ms. Asselstine states that the recommendations and overlay zones presented will give us more units than are required. Mr. Slauch responds that Hightstown would get credits for the next round. This would allow for built-in "wobble room" should any of the developments not work out. Ms. Asselstine asks if the subcommittee is comfortable moving ahead with the plan including discussion from this meeting. Everyone is in agreement.

There being no further comments, Ms. Asselstine asks for a motion to move forward drafting a plan for the Affordable Housing Element & Fair Share Plan.

Motion made by Mr. Misiura, seconded by Mr. Cabot.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenbergler, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.

New Business

Cannabis Memo from Council

Ms. Asselstine calls on Mr. Balcewicz for updates since the last meeting. The subcommittee, Mr. Laudenbergler, Ms. Jackson, Ms. Watkins and himself, met a couple of times since, as well as referred to Mr. Josh Jackson for the findings of the Council, as well as followed up with Ms. Cristina Fowler & Mr. Dimitri Musing about specifics. There are several areas that were looked at by the subcommittee. Location of possible retail licensee, hours of operation of that retail location, distancing from schools, parks, houses of worship, signage, and several miscellaneous comments. He then asks on how the Board should respond to Council. There is discussion about timing, correspondence, and regulations on the state level. It's determined that Mr. Miccio should draft a memo with comments that should be reviewed at the next meeting.

Mr. Balcewicz starts with locations determined by the subcommittee would be DTC (Downtown Core), DTG (Downtown Gateway) & (HC) Highway Commercial zones would be appropriate places for a retail location to be placed, with the possibility of overlay zoning. There was concern voiced Hightstown may be one of the only retail locations in the surrounding areas, so maybe the location should be on the outskirts of town, but on the flipside, placing the retail location in the center of town may bring in outside business. It is determined that it is not limited to either or of these zones or overlay zone. Mr. Laudenbergler & Ms. Watkins agrees that that is how the discussion went.



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Mr. Balcewicz continues with hours of operation. They (the subcommittee) decided this should not be any different than a liquor store operating hours within the Borough. He refers to the subcommittee for additional comments. Mr. Miccio agrees that whatever is allowed for packaged goods, should also apply to Cannabis. Mr. Laudenberger asks Mr. Miccio knows if the state regulations will include anything about hours of operation. Mr. Miccio states that the state will only regulate deliveries, all else is determined up to the municipality. There is discussion regarding state versus local guidelines.

Mr. Balcewicz states the next discussion topic is specifying distances from schools, daycares, parks, or houses of worships. The problem arises when factorizing the towns size comes into play. Mr. Balcewicz states that the Council spoke with the Superintendent of the EWRSD and Peddie Headmaster and there were no qualms with distance or location. The sub-committee's recommendation is not to restrict location based on proximity to schools, parks, etc. He continues, on a related topic, signage or advertisements are not allowed within so many feet of schools. Mr. Balcewicz mentions that something to consider in relation to the Borough's liquor ordinance stating distance from residential zones. Discussion ensues. Mr. Miccio states that may be why an overlay zone is something to consider in lieu of choosing an entire existing zone as an acceptable Cannabis retail location.

Mr. Balcewicz continues that the subcommittee recommends that Borough signage ordinances should also apply to Cannabis retail locations as well. The only stipulation being the states requirement to limit advertisements within a certain distance of schools.

While investigating possible retail locations, the Cannabis Subcommittee questioned whether Council could or should revisit allowing other types of licensing in the future, such as a growing licensure in the future.

The subcommittee recommends two additional topics to consider: parking/traffic analysis and a security plan. There is further discussion on whether to require applicants to provide on-site parking spaces or further traffic studies. Mr. Miccio confirms that security measures are necessary and a state requirement. One consideration another municipality made was for law enforcement to have 24-hour surveillance camera access.

A final consideration for a retail location that the subcommittee discussed was a consumption area on site. Ms. Watkins relates this to alcohol consumption and asks Mr. Miccio if the State allows consumption on site. Mr. Miccio clarifies that consumption areas are only allowed in retail spaces; no stand-alone consumption locations and it is entirely up to the Borough whether to allow it on site. He continues that this may also impact parking, traffic, etc.

Ms. Asselstine asks if there is anything further to discuss or if anyone else has additional comments.

Ms. Jackson questions if there was a reason why other licenses weren't considered. Mr. Balcewicz refers to a Council meeting in early December, where it was stated that other licenses with an earlier December deadline were not considered. Ms. Asselstine recalls that the ballot question was strictly about retail. Further discussion follows.



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REORGANIZATION VIRTUAL MEETING MINUTES

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

Mr. Laudenberger asks how we respond to Council's memo. Do we give them our discussion topics or a more specific response?

Mayor Quattrone explains that Council was just looking for input and where the Planning Board stand with these issues. Mr. Misiura concurs and believes that formalizing these thoughts that Mr. Balcewicz voiced from the subcommittee will keep Council and Planning Board on the same page.

Ms. Asselstine states that there are differences of opinion on some of these topics. We should outline topics and then list out considerations to make without conclusions being drawn, but rather things to be discussed further. Mayor Quattrone agrees.

Mr. Laudenberger asks if a new zone would need to be created would that need to be done before an ordinance is made?

Ms. Asselstine states that would need to be part of the ordinance and defers to Mr. Miccio. Mr. Miccio explains that eventually someone will need to discuss this with Mr. Slaugh and draw out an overlay zones in certain district, but he believes that we are not at that point yet and defers to Mayor Quattrone and Mr. Misiura. Mayor Quattrone agrees we are not there yet. Mr. Misiura suggest that Council could task the Planning Board with creating the overlay zones, and Mr. Slaugh and the Board could begin to investigate the best locations while Council works on their end of things. Discussion ensues.

Ms. Asselstine recommends that Mr. Miccio & the Cannabis subcommittee, along with Mr. Slaugh, draft a memo for the Board to review at February's Regular Meeting prior to responding to Council. The Board agrees with the direction to discuss further in February.

Committee and Professional Reports

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

Mr. Miccio – Nothing new or additional to report.

Ms. Roberts – Nothing new or additional to report.

Mr. Slaugh – Nothing new or additional to report.

Chairman and Board Member Comments

Ms. Asselstine raises issue with the clarity of the information available to the public on our website to developers and homeowners regarding the instruction and Planning Board Application and asks for thoughts on the topic.

Mr. Misiura & Mr. Miccio agree it should be clarified.



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Ms. Asselstine asks if it should be added to the ordinance or just as an instruction on the website. Mr. Miccio states a revision to the ordinance would be simple and helpful. Ms. Asselstine asks Ms. Davis if she had any additional thoughts on this topic. Ms. Davis agrees more thorough instructions and easy to read guidance for applicants including definitions, process outline and fees. This could help certain applicants determine early on if a Planning Board application is something they want to follow through with financially and otherwise. Also, the checklist could be updated to reflect less paper copies, in addition to, a digital copy of all drawings until an application is deemed complete for the Planning Board's review. Mr. Slauch states that Lawrence Township has brochures available and may be helpful and doesn't require an ordinance change.

Ms. Asselstine agrees that descriptions of types of application and number of paper copies while we are still meeting virtually is a good idea. Mr. Misiura follows up with Ms. Davis, that the Borough is updating the Online Code, and it seems that electronic filings is the direction things are going. Ms. Asselstine states that more research should be done and pull some more information from surrounding municipalities. She asks Mr. Miccio to do some initial redlined recommendations for concept plans, number of copies and digital copies.

Ms. Roberts interjects to reach out to Robbinsville as their filings are completely digital. Ms. Davis plans to investigate that moving forward, but at this time the Borough is not certified to hold only electronic records.

There is additional discussion on certifications for Ms. Davis, as well as, new Board members, Mr. Gainey & Mr. Yandoli.

Ms. Asselstine would like to start with basic incorporations to the Ordinance in lieu of an entire Ordinance change that will be revisited at the next meeting. She asks for any additional comments.

Mr. Misiura welcomes and looks forward to working with the new and returning Board members.

Mr. Gainey thanks Mr. Misiura and Ms. Asselstine and looks forward to working with the Planning Board.

Mayor Quattrone also thanked the Board for the great job they are doing. He states that he believes everything is moving in the right direction.

There being no further business, Ms. Asselstine asks for a motion to adjourn. Motion made by Mayor Quattrone, seconded by Mr. Balcewicz. All ayes. Meeting adjourned at 9:52 PM.

Submitted by:

Jane Davis, Planning Board Secretary



Date: February 15, 2022

To: Hightstown Borough Council

From: Scott T. Miccio, Esq. on behalf of the Hightstown Borough Planning Board

CC: Hightstown Borough Planning Board
Brian Slaugh, PP, AICP, Borough Planner
Jane Davis, Planning Board Administrator
Peggy Riggio, Borough Clerk

Subject: Cannabis Planning Board Review

Background

At the December 6, 2021 Borough Council meeting, Council discussed cannabis licensing. Based in part on a survey of Borough residents, the Borough's cannabis subcommittee recommended permitting one or two Class 5 cannabis retail businesses in the borough. Via a December 10, 2021 memo, Borough Council solicited feedback from the Planning Board, requesting that the Board provide comment on permitting cannabis retailers in the Borough.

The Planning Board established its own cannabis subcommittee, which met several times. At the January 10, 2022 Planning Board meeting, the subcommittee presented its findings and recommendations to the full board. The board's discussion focused on the planning and land use aspects of permitting cannabis retailers in the Borough. I was tasked with creating an outline of the Planning Board's proposed considerations and recommendations, which appears below.

Location

- The State's cannabis statute and regulations give the Borough the power to control where cannabis businesses may be located.
- The Board considered the zones within the Borough that would be ideal for a cannabis retailer. It did not determine a precise location, but rather offers a few different areas in the municipality that may be ideal for cannabis retailers.
- Generally speaking, residential zones should be avoided.
- The Borough's commercial zones should be considered. Council may consider permitting cannabis retail in the Downtown Core and Downtown Gateway zones. One of the main themes of the Borough's 2014 Master Plan Reexamination Report is to make the

downtown area a “destination spot.” Adding a cannabis retailer to the downtown area will bring in patrons that may not otherwise visit Hightstown. The Board notes that most of the Borough’s surrounding municipalities do not permit cannabis retail – in this sense, the Borough may become a destination location for those seeking to purchase cannabis.

- Additionally, Council may consider locating cannabis businesses in zones closer to the edge of the Borough, such as the Highway Commercial zone, if Council would like cannabis businesses to be more discrete, or is concerned about the volume of traffic and parking that locating a business downtown would generate.
- The Board considered whether cannabis retail businesses should be forbidden from locating within a certain distance from schools, parks and places of worship. Given the condensed nature of the Borough, such limitations may be too prohibitive, but the Board welcomes input from the Borough Planner on the effect that such limitations may have.
- The Board notes that the Borough is not tied to the existing zoning – it may create an overlay zone where cannabis retail is permitted (i.e. a zone that includes parts of the Downtown Gateway, Downtown Commercial and Highway Commercial Zones).

Hours of Operation

- The Board believes that the Borough should apply the same hours of operation that it applies to liquor stores that sell package goods, as these businesses are similarly situated. Pursuant to Borough Code Section 6-4.3, the sale of alcoholic packaged goods is permitted between 9 a.m. and 10 p.m. every day of the week.

Consumption Areas

- The cannabis statute permits cannabis “consumption areas,” but the municipality must specifically permit consumption areas by ordinance. Consumption areas must be attached to a cannabis retailer. N.J.S.A. 24:6I-21.
- The Board recognizes that whether to authorize consumption areas is a decision for the governing body to make, however, it notes that Council should account for parking while making this decision – most retail transactions will be quick “in-and-out” experiences, but permitting consumption areas would mean that cannabis consumers are parking and staying at the cannabis retailer for a longer period of time.

Parking

- The Board does not know exactly how many parking spots (on-site and off-site) would be required for a cannabis retailer, however, it recommends that the Borough require a cannabis retail applicant to demonstrate that there would be sufficient parking at its proposed location. This is specifically germane to the downtown area.

Signage

- The Board believes that cannabis retailers should be required to conform to the Borough sign ordinance, and also points out that the State has its own signage requirements. N.J.A.C. 17:30-14.2(d).

Odor

- The odor associated with cannabis (particularly if consumption areas are permitted) can be strong and pungent. Council may consider requiring cannabis applicants to submit an odor elimination plan to ensure that any odors emanating from the business do not infiltrate surrounding properties.
- Council may also consider ensuring that cannabis consumption that takes place on private properties – whether indoors or outdoors – does not infiltrate surrounding properties.

Security

- The State requires cannabis applicants to submit a security plan, but Council may consider requiring applicants to have security plans reviewed and approved by the Borough Police Chief.

Conclusion

Overall, the Planning Board supports permitting Class 5 cannabis retailers in the Borough. Importantly, it would help advance the goals of the Master Plan. As Council continues to consider whether and how to permit cannabis retailers, the Board suggests that the Borough Planner be consulted, particularly to help determine the precise, ideal locations for cannabis retailers.

Additionally, generally speaking, the Planning Board also supports the Borough's consideration of additional license classes, such as Class 1 Cultivation and Class 2 Manufacturing. The Board feels that there are certain locations in the Borough where growing operations may be carried out.



The Borough of Hightstown

Clerk's Office

156 Bank Street, Hightstown, New Jersey 08520

Phone – (609) 490-5100, ext. 628

Fax – (609) 371-0267

priggio@hightstownborough.com

TO: Jane Davis, Planning Board Secretary
FROM: Peggy Riggio, Borough Clerk
DATE: February 3, 2022
RE: Proposed Ordinances for Planning Board Comments

At the January 18, 2022, Borough Council meeting, Council reviewed proposed changes to the following ordinances and is now forwarding to the Planning Board for their comments.

- 1) Proposed Revisions to the Ordinance for Home-Based Occupations or Professional Office in a Detached Garage and Raising the Maximum Height of Detached Garages
 - a. This the change would amend Subsection 28-3-5 of the Borough Code.
- 2) Proposed Revision for a Setback for Tree Houses
 - a. This change would amend Subsection 28-3-5 of the Borough Code.

Please place this on your February 14, 2022, agenda and return the Planning Boards comments following the meeting.

Please let me know if you have any questions.

Thank you.



The Borough of Hightstown
Code Enforcement Office
156 Bank Street
Hightstown, NJ 08520
(609) 490-5100 Ext. 617

**Proposed Revisions to the Ordinance for Home-Based Occupations or Professional Office
in a Detached Garage
and
Raising the Maximum Height of Detached Garages.**

1/12/22

1/27/22

Subsection 28-3-5 R-1 Residential District.

a. Permitted Uses. In the R-1 Residential District, the following uses, and no others, shall be permitted:

1. Principal Uses:

(a) Detached single-family dwellings, which may contain a professional office or private school, subject to the regulations of subsection 28-10.3, or a customary home occupation subject to the regulations of subsection 28-10.6.

(b) Public or private schools, subject to the restrictions set forth in subsection 28-10.1.

(c) Places of worship, subject to the restrictions set forth in subsection 28-10.2.

(d) Public facilities.

(e) Public utility offices and facilities.

(f) Hospitals, sanitariums and nursing homes.

(g) Cemeteries, but not including mausoleums or crematoriums, and further limited to the properties used for cemetery purposes at the time of the adoption of Ordinance No. 93-852. It is not the intent of this subparagraph to prohibit additional grave sites on property used for cemetery purposes at the time of the adoption of the aforesaid ordinance.

(h) Agriculture and horticulture, including sale of farm products on properties where produced.

(i) Community residences for the developmentally disabled, community residences for the mentally ill and community residences for persons with head injuries.

(j) Community shelter for victims of domestic violence, as defined in N.J.S. 40:55D-66.2(b), housing up to six (6) persons, exclusive of staff.

(k) Family day care homes, as defined in N.J.S. 40:55D-66.5 as a home occupation, subject to the regulations set forth in subsection 28-10.6.

2. Accessory Uses:

(a) Carports, accessory garages and/or open parking spaces with necessary driveways for vehicles belonging to residents on the premises and their guests.

(b) Noncommercial solariums and home swimming pools, provided that suitable protective fencing at least four (4') feet high shall surround the pool.

(c) Home-based occupations as defined in Section 28-10-6 and professional offices, provided that the professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted. **The home-based occupations, professional offices, home study, non-commercial gym room or recreation room may be located in a detached garage. A kitchen, full bath or bedrooms are not allowed in the detached garage.**

(d) Signs as provided in subsection 28-3.5b, 12.

(e) Fences and walls.

(f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.

(g) Satellite dishes, subject to the restrictions and requirements set forth in subsection 28-10.18.

(h) Yard structures to include gazebos, pergolas or arbors, subject to the restrictions and requirements set forth in subsection 28-10-20.

(i) Playground equipment, including but not limited to swing sets, non-elevated children's playhouses, etc.; however, no zoning permit shall be required.

3. Conditional Uses. Shelters for victims of domestic violence housing more than six (6) but fewer than sixteen (16) persons excluding staff, developed in accordance with the standards and conditions set forth in subsection 28-10.7.

b. Other Restrictions.

1. Lot Area. A lot of not less than fifteen thousand (15,000) square feet shall be required.

2. Lot Width. A lot width of not less than one hundred (100') feet shall be required.

3. Lot Depth. A lot depth of not less than one hundred fifty (150') feet shall be required.

4. Front Yard. No portion of any building shall be located nearer to any street line than thirty-five (35') feet, except that projections such as windowsills, cornices, cantilevered roofs, open one-story porches, balconies, other roof overhangs, canopies, bay windows and others of the same nature may project not more than five (5') feet into a required front yard. Further, no building erected on any lot need be set back farther from the street line than the average alignment of existing buildings within two hundred (200') feet on each side of the lot and within the same block front and district. Regardless of the alignment of neighboring buildings, however, no building erected between two (2) existing buildings on immediately adjacent lots need be set back farther than that of the two (2) buildings which is farther from the street line. The front yard setback shall be fifty (50') feet for the following uses: Public or private schools, places of worship, public facilities, hospitals, sanitariums and nursing homes.

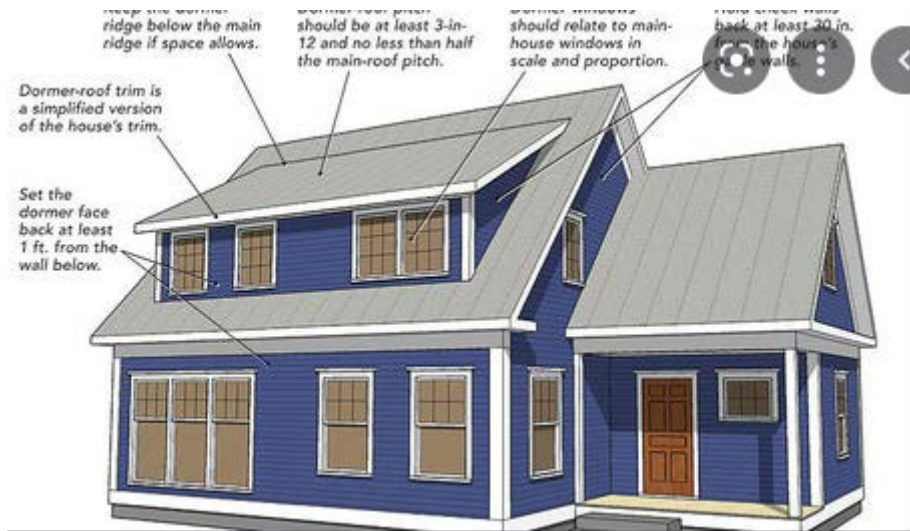
5. Side Yards; Principal Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width not less than fifteen (15') feet. In the case of a corner lot, the side yard on the street side shall be not less than twenty-five (25') feet.

6. Side Yards; Accessory Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width of not less than three (3') feet.

7. Rear Yard; Principal Buildings. There shall be rear yard not less than forty-five (45') feet deep. In the case of a lot extending through from street to street, the front yard requirements shall be observed on both streets. Projections, such as windowsills, cornices, cantilever roofs, open one-story porches or decks, balconies, other roof overhangs, canopies, bay windows and others of the same nature, may project not more than five (5') feet into a required rear yard.

8. Rear Yard; Accessory Buildings. There shall be a rear yard not less than three (3') feet deep behind accessory buildings. In the case of a lot extending through from street to street, the front yard requirements shall be observed on both streets.

9. Height. The maximum height shall be two and one-half (2 1/2) stories, not to exceed thirty-five (35') feet. For accessory structures, the maximum height shall be sixteen (16') feet. **The maximum height of a detached garage shall be twenty four (24') feet. The maximum eave height of the main roof of a detached garage shall be twelve (12') feet.**



Sketch Showing a Lower Main Roof Eave and a Higher Dormer Eave

10. Lot Coverage. Total lot coverage of all buildings shall not exceed twenty (20%) percent of the gross lot area. The total lot coverage of all structures and other lot improvements shall not exceed thirty-five (35%) percent of the gross lot area.

11. Parking. Off-street parking spaces shall be provided as follows:

(a) Detached single-family dwellings, two (2) spaces.

(b) Public or private schools, one (1) space for each six (6) seats or area equivalent thereto, plus one (1) space for each full-time employee.

(c) Places of worship, the same as for schools.

(d) Public facilities, one (1) space for each four hundred (400) square feet of floor area where the building contains over two thousand (2,000) square feet of floor area.

- (e) Public utility offices and other facilities, the same as for public facilities.
- (f) Hospitals, sanitariums or nursing homes, one (1) space for each four (4) beds, plus one (1) space for each full-time employee or volunteer or equivalent per shift.
- (g) Cemeteries, one (1) space for every fifty (50) filled graves less than twenty (20) years old.
- (h) Agriculture and horticulture, none.
- (i) Other uses when permitted by variance, the number required in the least restricted district where the use is permitted unless otherwise stipulated by the Planning Board.

12. Signs. The following types of signs shall be permitted in the R-1 Residential District:

(a) Nameplates and identification signs: signs indicating the name or address of the occupant or a permitted home occupation or profession bearing only the business name and profession of the user on the site, provided that they shall not exceed two (2) square feet in area. Only one (1) sign shall be permitted per dwelling unit, except in the case of corner lots, where two (2) such signs, one (1) facing each street, shall be permitted.

(b) Sales or rental signs: signs advertising the sale or rental of the premises upon which they are located, provided that they shall not exceed four (4) square feet in area. Not more than one (1) such sign may be placed upon any property unless such property fronts upon more than one (1) street, in which case two (2) signs may be erected, one (1) facing each street. Such signs shall be promptly removed when premises are sold or rented.

(c) Institutional and agricultural signs: signs of schools, colleges, churches, hospitals or other institutions of a similar public or semipublic nature and signs for agricultural or horticultural establishments, provided that the size of any sign shall not exceed twenty (20) square feet in area. Not more than one (1) such sign shall be permitted for an institution unless the property fronts upon more than one (1) street, in which case two (2) such signs may be erected, one (1) facing each street.

(d) Signs accessory to parking areas: signs designating entrances or exits to or from a parking area, provided that the size of any sign shall not exceed four (4) square feet in area, and signs designating the identity and conditions of use of parking areas, provided that the size of any such sign shall not exceed eight (8) square feet in area. Not more than one (1) sign may be placed upon any property unless such property fronts upon more than one (1) street, in which event two (2) such signs may be permitted, one (1) facing each street.

(e) Development signs:

(1) Signs advertising the sale or development of the premises upon which they are located may be erected by a builder, contractor, developer or other person interested in such sale or development, provided that the area of any sign shall not exceed twenty (20) square feet.

(2) Not more than one (1) sign may be placed upon any such property unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected facing each street.

(3) Such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

(f) Directional signs for developments:

(1) Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, provided that the area of any sign shall not exceed four (4) square feet in area nor four (4') feet in length.

(2) No more than one (1) such sign may be erected on each five hundred (500') feet of street frontage.

(3) Such signs shall be removed by the developer within thirty (30) days of the final sale of the property.

(g) Artisans' signs:

(1) Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed twelve (12) square feet in area.

(2) Such signs shall be removed promptly upon completion of the work.

(h) Private driveways: signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet in area.

13. Sight Triangles. Buildings, signs and other structures shall be located so that an adequate line of vision is provided across sight triangles as required in subsection 28-10.8.

(1991 Code § 233-8, 233-9; Ord. No. 93-852; Ord. No. 1997-33 §§ 2, 3; Ord. No. 2010-08; Ord. No. 2013-13; Ord. No. 2015-28; Ord. No. 2020-01)



The Borough of Hightstown
Code Enforcement Office
156 Bank Street
Hightstown, NJ 08520
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Proposed Revision for a Setback for Tree Houses

1/12/22

Subsection 28-3-5 R-1 Residential District.

a. Permitted Uses. In the R-1 Residential District, the following uses, and no others, shall be permitted:

1. Principal Uses:

(a) Detached single-family dwellings, which may contain a professional office or private school, subject to the regulations of subsection 28-10.3, or a customary home occupation subject to the regulations of subsection 28-10.6.

(b) Public or private schools, subject to the restrictions set forth in subsection 28-10.1.

(c) Places of worship, subject to the restrictions set forth in subsection 28-10.2.

(d) Public facilities.

(e) Public utility offices and facilities.

(f) Hospitals, sanitariums and nursing homes.

(g) Cemeteries, but not including mausoleums or crematoriums, and further limited to the properties used for cemetery purposes at the time of the adoption of Ordinance No. 93-852. It is not the intent of this subparagraph to prohibit additional grave sites on property used for cemetery purposes at the time of the adoption of the aforesaid ordinance.

(h) Agriculture and horticulture, including sale of farm products on properties where produced.

(i) Community residences for the developmentally disabled, community residences for the mentally ill and community residences for persons with head injuries.

(j) Community shelter for victims of domestic violence, as defined in N.J.S. 40:55D-66.2(b), housing up to six (6) persons, exclusive of staff.

(k) Family day care homes, as defined in N.J.S. 40:55D-66.5 as a home occupation, subject to the regulations set forth in subsection 28-10.6.

2. Accessory Uses:

(a) Carports, accessory garages and/or open parking spaces with necessary driveways for vehicles belonging to residents on the premises and their guests.

(b) Noncommercial solariums and home swimming pools, provided that suitable protective fencing at least four (4') feet high shall surround the pool.

(c) Home-based occupations as defined in Section 28-10-6 and professional offices, provided that the professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted.

(d) Signs as provided in subsection 28-3.5b, 12.

(e) Fences and walls.

(f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.

(g) Satellite dishes, subject to the restrictions and requirements set forth in subsection 28-10.18.

(h) Yard structures to include gazebos, pergolas or arbors, subject to the restrictions and requirements set forth in subsection 28-10-20.

(i) Playground equipment, including but not limited to swing sets, non-elevated children's playhouses, etc.; however, no zoning permit shall be required. **Tree houses shall not be located within ten (10') feet of any property.**