



# 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](http://www.zoom.com)."

**Flag Salute**, led by Joe Balcewicz

### Oath of Office

Ms. Asselstine announces that Mr. Misiura, Mr. Searing, Mr. Laudenberg, 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. Laudenberg	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 Slaugh – 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. Laudenberg, Mr. Searing, Ms. Watkins, Mr. Balcewicz, Mr. Cabot, Mr. Gainey & Mr. Yandoli. Motion passed 11-0.



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#### **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.



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#### **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.



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#### **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. Laudenberger, 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 Laudenberger 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 13<sup>th</sup> 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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Ms. Asselstine asks if there are any additional questions.

Mr. Laudenberg 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 "wiggle 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 agreeance.

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. Laudenberg, 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. Laudenberg, 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 o these zones or overlay zone. Mr. Laudenberg & 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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Mr. Laudenberg 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. Laudenberg 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. Slaugh 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:

A handwritten signature in black ink, appearing to read "Jane Davis", is written over a horizontal line.

Jane Davis, Planning Board Secretary

Minutes approved by the Planning Board on Monday, February 14, 2022.