

Hightstown Planning Board
Regular Meeting
March 9, 2020, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:31 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 in the Borough Clerk's office."

Flag Salute

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Montferrat, Chairman	X		
Mayor Quattrone	X		
Councilman Misiura	X		
Ms. Asselstine	X		
Ms. Colavecchio (Resigned)		X	
Ms. Jackson	X		
Mr. Rosenberg		X	
Mr. Searing	X		
Mr. Laudemberger	X		
Mr. Balcewicz, Alt. #1	X		
Mr. Cabot, Alt. #2		X	

Also in attendance: Sandy Belan, Planning Board Secretary, Carmela Roberts, Engineer and Donna Miller, Planner.

APPROVAL OF AGENDA

Mr. Montferrat asked for motion to approve the agenda. Motion made by Ms. Jackson and seconded by Mr. Balcewicz to approve the March 9, 2020 agenda.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Searing, Mr. Laudemberger and Mr. Balcewicz. Ms. Colavecchio, Mr. Rosenberg and Mr. Cabot were absent. Motion passed 8-0.

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the February 10, 2020 minutes. Motion made by Mr. Balcewicz and seconded by Mayor Quattrone to approve the February 10, 2020 Planning Board Minutes.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Searing, Mr. Laudenberger and Mr. Balcewicz. Ms. Colavecchio, Mr. Rosenberg and Mr. Cabot were absent. Motion passed 8-0.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

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

OLD BUSINESS

1) Downtown Gateway and Downtown Core Zones Ordinance – Donna Miller, Planner
Mr. Montferrat gave a brief overview – addition of duplex in DTG zone.

Ms. Miller reviewed Brian Slauch Memorandum dated March 3, 2020 regarding Consistency of DTG Zone with Master Plan Reexamination Report (attached).

Board discussion:

- a) Require Use Variance (conditional use) – reviewed by Planning Board
- b) DTG zone seems to be a more flexible zone – mixed use
- c) DTG restrictions on lot coverage and parking
- d) Improve the overall appearance of Hightstown (DTG and DTC zones)

Ms. Miller suggested if there are specific concerns about how two-family use affects a certain property, option could be a conditional use, if the conditions are not too stringent. Review applicants on case by case basis. The Planner could do a land use analysis of the specific streets within the DTG.

Mr. Chin explained his concerns regarding duplex. Realtors have said that it is easier to rent a residential unit than commercial. Franklin St. developers want to do multiple housing. Borough wanted this area to be a gateway with commercial going into the downtown. However, for developers it is less expensive and can make more money renting a duplex. Instead of having commercial on Franklin St., we will get more duplexes and more residential. Changed the two properties on Clinton Street because several people had inquired about multi-family units there. It is up to the Board to determine what they want to see on Franklin St. If you allow duplexes, that area may become all residential. Usually investors of these properties do not make improvements to the exterior and they only do minimal interior improvements.

Mayor Quattrone – Years ago the desire of the Planning Board was downstairs commercial and upstairs residential. The Board's main concern should be what is best for Hightstown Borough.

The Housing Officer has been working over the years to have landlords make necessary interior improvements and then move to exterior improvements.

Ms. Miller – Difficult to startup a new business – limited number of residents. You want to saturate the DTG core with business uses. By allowing residential uses proliferate for now on the fringe in the DTG,

you will force anyone with an interest in the businesses to be downtown. If there are changes in the market and it becomes more favorable for small business opportunities and the core is to capacity, then you will start to see duplexes pushed out for the other permitted uses (commercial, non-residential or residential above). The different streets have different dynamics. You want to stimulate the core.

Mr. Chin – From construction viewpoint, investors are there just for the money. They will convert single family houses to duplexes because they can get more income. Investors want multifamily or duplex.

Subcommittee (George Chin, Joe Balcewicz, Bill Searing and Fred Montferrat) to review these properties and determine guidelines for conditional use. Also require the Architectural Review Committee to review.

- 1) Zoning Map Update – Ms. Roberts reviewed Proposed Zoning Map Changes, dated March 2020 which was emailed to all Board members.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

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

NEW BUSINESS

- 1) Borough Council Ordinance 2020-01 – An Ordinance Amending and Supplementing Chapter 28, Entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” Relating to Various Types of Accessory Structures

Discussion: Treehouse not allowed; playsets are allowed.

Consensus of the Planning Board that this Ordinance is not inconsistent with the Master Plan.

Committee and Professional Reports

Mr. Laudenberger – Environmental Commission will provide a list of non-invasive species to be included with the “Green Development Practices Guide.”

Ms. Asselstine – Distributed to Board Members the link to the Mobility Survey urged Board to complete the survey. To date we have received 90 responses. March 12, 2020 consultants will be doing site and field work in town. Links to Mercer County Trails Plan. Mercer County Bike Plan, Public Hearing scheduled March 11, 2020.

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Misiura and seconded by Ms. Jackson. All ayes. Meeting adjourned at 9:15 p.m.

Respectfully submitted, Sandra Belan
Planning Board Secretary

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March 9, 2020



Planning Board



MEMORANDUM

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To: Hightstown Planning Board

From: Brian Slauch, PP, AICP
Donna Miller, PP, AICP, CFM

Re: **Consistency of DTG Zone with Master Plan Reexamination Report**

Date: March 3, 2020

Introduction

The Planning Board reviewed the Downtown Gateway (DTG) and Downtown Core (DTC) ordinances that the Borough Council adopted last October to answer questions from the Board Engineer as to the boundaries between various districts represented by the two ordinances¹. However, the Board noticed that in the allowed uses in the DTG district, that the use “duplex” was added to residential uses.

These revisions to the zoning ordinance came in response to recommendations made in the 2014 Master Plan Reexamination Report. The ordinances were initially drafted by Borough Council. The Planning Board reviewed these in May 2019 and made comment back to the governing body. One of the recommendations in the Reexamination Report is to change both the limits of and uses of the Residential-Professional (R-PO) zone to the Downtown Gateway designation. The enlarged DTG area as compared to the R-PO would continue to act as a transition zone between the Residential and Downtown Core Zones, allowing all or most of the uses permitted in the Downtown Zone, along with limited residential uses.

Recommendations of the Master Plan Reexamination Report

As part of the 2014 Master Plan Reexamination Report’s evaluation of the statutory criteria at N.J.S.A. 40:55D-89.c, the Planning Board determined that a number of circumstances had changed since the 2005 Reexamination Report was adopted. These were evaluated in 2014 and led to the following policies guiding downtown development:

- Consolidate the two CC zoning districts, into a Downtown Core, DTC zone, including a modest expansion of the zoning district boundaries;

¹ - Ordinances 2019-14 and 2019-15.



DTG ZONE USES | MASTER PLAN CONSISTENCY

- Expand the limits of the Borough’s transitional zoning district, formerly the Residential-Professional (R-PO) zone and rename it the Downtown Gateway, DTG zone;
- Allow Residential and Residential/Retail in the DTG zone; and
- Allow all or most of the uses permitted in the Downtown Core Zone in the DTG zone, with the properties retaining their historic residential character if converted to a retail sales or service use. In addition, the property could also be used for a single residential unit – e.g., an apartment above the store mixed-use building.

DTG Zone Consistency with Master Plan Reexamination Recommendations

The draft zoning amendment included in the introductory ordinance on October 7th was revised by Borough Council at introduction to include additional permitted principal and accessory uses; of particular interest is the addition of “duplex” as a permitted use. “Residential and Residential/Retail” does not clearly identify whether the type of residential use permitted should be restricted to single-family dwellings, duplexes or other forms of residential development. In fact, the only specificity within the recommendation comes with respect to mixed Residential/Retail uses, which would contain “one residential unit on each property”. A duplex can be considered a building with two individual dwellings that are arranged side-by-side, one over the top of another, or some combination of side-by-side and upper floor use. The Borough’s Code at Section 28-2-2 defines words for the land development regulations, but there is no definition of the word “duplex”. The definition closest to what is generally considered to be a duplex is the term “Dwelling, Two-Family”. This is defined as, “a building or portion thereof containing two (2) dwelling units, each with separate kitchen(s) and bathroom(s). This may be either a semidetached house, the two (2) parts of which share a party wall, each side not housing more than one (1) family, or a structure containing separate quarters for one (1) family over the quarters of the other family”. Side-by-side dwellings are also called single-family semi-detached dwellings in land use ordinance construction when the municipality is looking to distinguish the two main types of two family dwellings.

As noted above, the 2014 Master Plan Reexamination Report recommended allowing residential and residential/retail in the DTG zone. Additionally, “all or most of the uses” permitted in the Downtown Zone were recommended to be added to the DTG zone, with the proviso, “with the properties maintained with an historic residential character to the buildings and one residential unit on each property.”

DTG ZONE USES | MASTER PLAN CONSISTENCY

Clarke Caton Hintz

There is little specificity in the Reexamination Report recommendations. Board members present at the time have indicated that there was discussion on the form that residential uses could take, but it does not appear that all of its conclusions made it into the document. Furthermore, there is no direction as to which of the downtown commercial uses should be permitted and which should be excluded.

Comments

The Municipal Land Use Law provides procedures for the adoption of development regulations, such as zoning ordinances and the official zoning map, in a manner which balances the roles of the Planning Board and governing body. The Borough Council may disapprove or change any recommendation of the Planning Board by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation (N.J.S.A. 40:55D-26.a).

The practice as described in the law indicates that the referral to the Planning Board occurs after introduction of an ordinance or amended ordinance that is related to land development regulations but before the governing body acts on the ordinance at second reading. It appears that this step may have been missed since there is no Planning Board agenda item from October 2019 to the present for the ordinance review and our meeting notes show no reference to such a discussion.

We would be pleased to answer any questions concerning this report.

Cc. Sandra Belan, Planning Board Secretary, for distribution

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