

**HIGHTSTOWN PLANNING BOARD
REGULAR VIRTUAL MEETING MINUTES
SEPTEMBER 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 Ms. Watkins

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 7:34 PM
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, Brian Slaugh – Planner, George Chin, Construction/Zoning Official, Mike Dannemiller-NV5, Joe Fishinger-Bright View Engineering, Eric Broadway – Attorney for RISE, Leslie Koppel, Nancy Laudenberger, Jennie Miller, Ernest, Dave Zaiser.

Approval of Agenda

Ms. Asselstine asked that the September 13, 2021 agenda be approved.

Motion made by Mr. Misiura and seconded by Mayor Quattrone to approve the September 13, 2021 Planning Board Agenda.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

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Approval of Minutes

Ms. Asselstine asked the Board if there were any comments on the minutes from August 9, 2021. Ms. Watkins commented that her name was given the incorrect title (Mr.) and asked that it be corrected (to Ms.). Ms. Asselstine had 2 comments under Committee and Professional Reports. Where referring to Mr. Cicalese, it should state Mr. Balcewicz. Also, updates on DVRPC should be reworded to clarify 2 separate projects. She asked for any other comments. With no additional comments, Ms. Asselstine requested a motion to approve meeting minutes from August 9, 2021. Motion made by Mayor Quattrone and seconded by Ms. Watkins to approve the August 9, 2021 Minutes.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

Resolutions

Ms. Asselstine introduced Mr. Scott Miccio who will become the new Planning Board Attorney for the remainder of 2021 after the previous council resigned. He was selected via the attorney interview subcommittee which included Mayor Quattrone, Mr. Misiura, Ms. Asselstine & Mr. Laudenberger. A formal RFP will be posted towards the end of the year for 2022. Ms. Asselstine welcomes Mr. Miccio. Mr. Miccio thanks the Board for the opportunity and looks forward to working with the Borough. Ms. Asselstine refers to the proposed Resolution 2021-08 at hand and asks for any comments from the Board. No comments were given and Ms. Asselstine requested a motion to approve.

2021-08 – Appointing and Authorizing an Agreement for Professional Legal Services for the Balance of the Year – Motion made by Mr. Laudenberger and seconded by Mr. Searing to approve the resolution (#2021-08).

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

Public Comment

Ms. Asselstine opened the floor for any public comments about anything not included on the agenda. There being no comments from those in attendance, Ms. Asselstine closed the public comment.

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

Hearing Transcription is as follows:

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HIGHTSTOWN PLANNING BOARD MEETING – MONDAY, SEPTEMBER 13, 2021

HEARING APPLICATION #2021-01

MS. ASSELSTINE: THE NEXT ITEM ON THE AGENDA IS THE PUBLIC HEARING FOR APPLICATION 2021-01 COMMUNITY ACTION SERVICE CENTER, INC. DBA RISE, 114 ROGERS AVENUE, SIGN VARIANCE. SCOTT, COULD YOU GIVE US SOME INSTRUCTIONS ON WHO COULD PARTICIPATE IN THIS HEARING. I THINK THERE WAS SOME DISCUSSION THAT THIS IS NOT A ZONING BOARD ITEM?

MR. MICCIO: ABSOLUTELY, I'M SURE COUNCIL WILL GET TO THIS, BUT THIS IS NOT A USE VARIANCE REQUEST, SO ALL MEMBERS ARE PERMITTED TO PARTICIPATE IN THE HEARING AND THE VOTE AT THE END.

MS. ASSELSTINE: GREAT, THANK YOU.

MR. LAUDENBERGER: I WILL BE RECUSING MYSELF.

MS. ASSELSTINE: THANK YOU, JOHN.

MR. LAUDENBERGER: SHOULD I SIGN-OFF OR SHOULD I JUST GO ON MUTE?

MS. ASSELSTINE: I THINK YOU JUST GO ON MUTE, YEAH, JUST TURN YOUR CAMERA OFF. COME BACK AND JOIN US IN A FEW.

MR. LAUDENBERGER: OKAY, THANK YOU.

MS. ASSELSTINE: NORMALLY, YOU JUST GO SIT IN THE BACK OF THE ROOM.

MS. ASSELSTINE: WHO IS GOING TO SPEAK FOR RISE?

MR. BROADWAY: I WILL INITIATE AND THEN WE'LL HAVE TESTIMONY FROM OUR TWO WITNESSES LESLIE KOPPEL AND NANCY. OKAY, THAT IS ERIC BROADWAY WHO IS INTRODUCING HIMSELF.

MR. MICCIO: MR. BROADWAY QUICKLY, NANCY'S LAST NAME.

MR. BROADWAY: NANCY, YOU CAN PRONOUNCE IT FOR US. YOU'RE ON MUTE.

MS. LAUDENBERGER: MY LAST NAME IS LAUDENBERGER THE SAME AS THE MEMBER WHO JUST RECUSED HIMSELF.

MR. MICCIO: WONDERFUL. I THINK WE UNDERSTAND WHY THE RECUSAL. MS. CHAIRWOMAN IF IT'S OKAY TO SWEAR IN THE PEOPLE THAT WILL BE TESTIFYING TODAY BEFORE WE GET TO MR. BROADWAY?

MS. ASSELSTINE: PLEASE DO.

MR. MICCIO: OKAY, MS. KOPPEL AND MS. LAUDENBERGER IF YOU COULD PLEASE RAISE YOUR RIGHT HAND? DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH? SO HELP YOU GOD?

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MS. LAUDENBERGER: I DO.

MS. KOPPEL: I DO.

MR. MICCIO: LET THE RECORD REFLECT THAT, THE, THOSE THAT WILL BE TESTIFYING HAVE BEEN SWORN IN AND MS. CHAIRWOMAN, I'VE REVIEWED THE AFFIDAVIT OF PUBLICATION AND THE AFFIDAVIT OF MAILING AND I DO FIND THAT THE BOARD HAS JURISDICTION TO HEAR THE APPLICATION TODAY.

MS. ASSELSTINE: THANK YOU VERY MUCH. ALL RIGHT, ERIC, WOULD YOU LIKE TO START?

MR. BROADWAY: YES I WOULD. GOOD EVENING, CHAIRWOMAN AND PANEL MEMBERS. THIS MATTER INVOLVES THE SIGNS AT 114 ROGERS AVENUE. THE APPLICATION IS BEING MADE UNDER A HARDSHIP VARIANCE AS THE COUNCIL HAD INDICATED. ORIGINALLY, WE WERE CONSIDERING IT AS A USE OF UNDERSEA AND ACCORDANCE WITH YOUR ORDINANCE 29-14. THAT BEING SAID, I WOULD LIKE TO PROCEED WITH MY FIRST WITNESS, LESLIE KOPPEL, WHO IS THE DIRECTOR OF THE ORGANIZATION AND THEN PROCEED WITH MS. LAUDENBERGER AFTER THAT. WE DO HAVE SOME EXHIBITS THAT I'LL BE ASKING MS. DAVIS TO PRESENT THOSE IN A TIMELY FASHION RELATIVE TO MS. LAUDENBERGER'S PRESENTATION. THIS MATTER INVOLVES A THRIFT STORE. MOST OF YOU I'M ASSUMING ARE AWARE OF THE LOCATION, AS WELL AS THE ACTIVITY ASSOCIATED WITH THE THRIFT STORE AND THE BENEFIT IT SERVES TO THE COMMUNITY AND SURROUNDING MUNICIPALITIES. WE WILL SPECIFICALLY SPEAK TO THOSE BENEFITS THROUGH MS. KOPPEL AND I WILL PROCEED WITH HER TESTIMONY AT THIS TIME. MS. KOPPEL ARE YOU AVAILABLE?

MS. KOPPEL: YES.

MR. BROADWAY: OKAY. CAN YOU STATE YOUR NAME AND MAILING ADDRESS PLEASE?

MS. KOPPEL: YES. LESLIE KOPPEL. K-O-P-P-E-L. 10 ANDREW DRIVE, MONROE TOWNSHIP, NEW JERSEY.

MR. BROADWAY: AND IDENTIFY YOUR ROLE AND RESPONSIBILITIES AT THE COMMUNITY ACTION SERVICE CENTER, DOING BUSINESS AS RISE, PLEASE.

MS. KOPPEL: I STARTED WITH THE GREATER GOODS THRIFT STORE IN 2010 AS A PART TIME MANAGER AND I'VE HAD THE GOOD FORTUNE TO HAVE BECOME THE EXECUTIVE DIRECTOR FOR THE PAST 10 YEARS.

MR. BROADWAY: AND DESCRIBE THE GOODS AND SERVICES OFFERED AT THE THRIFT STORE, PLEASE.

MS. KOPPEL: RISE IS THE CENTER OF SOCIAL SUPPORT IN HIGHTSTOWN AND EAST WINDSOR, WE HELP FAMILIES AND INDIVIDUALS OVERCOME OBSTACLES AND ACHIEVE THEIR FULL POTENTIAL BY PROVIDING THEM WITH

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SERVICES AND FACILITATING COMMUNITY PARTNERSHIPS. CURRENTLY, WE HAVE 509 REGISTERED FAMILIES, WHICH INCLUDES 705 CHILDREN. OF THE FAMILIES 193 RESIDE IN HIGHTSTOWN AND 281 IN EAST WINDSOR. THIS IS ABOUT, JUST FOR REFERENCE, THIS IS ABOUT 10% OF THE TOTAL NUMBER OF FAMILIES THAT LIVE IN THE BOROUGH.

MR. BROADWAY: AND CAN YOU DESCRIBE THE SIGNAGE AND MS. DAVIS WILL PRESENT IN A MINUTE THE EXHIBITS THAT WE HAVE AND CAN YOU DESCRIBE THE SIGNAGE THAT CURRENTLY EXISTS AT YOUR FACILITY ON 114 ROGERS AVENUE?

MS. KOPPEL: YES. THE SIGNS AT THE THRIFT STORE. THAT WHERE WE'D LIKE TO GET THAT WE'D LIKE TO UNMASK CLEARLY IDENTIFY PROGRAMS AND OUR NAME TO HELP BRING AWARENESS OF OUR RISE BRAND TO DONOR SHOPPERS AND THE COMMUNITY. THE IDEA FROM THE TYPE OF SIGN WAS DRAWN FROM THE MANY SIMILAR SIGNS THROUGHOUT THE BOROUGH BUSINESSES. THE SIGNS PROVIDE DAYLIGHT TO COME IN AND VISIBILITY FROM THE INSIDE WHILE COVERING THE UNATTRACTIVE BACKSIDE OF SHELVING UNITS, WHICH INCREASES THE BEAUTY OF THE BUILDING.

MR. BROADWAY: OKAY, AND DESCRIBE THE PURPOSE OF THOSE SIGNS FOR YOUR ORGANIZATION AND POTENTIALLY IN THE COMMUNITY.

MS. KOPPEL: SURE, OUR SERVICES ARE FUNDED BY MERCER COUNTY GRANTS, FOUNDATION'S DONATIONS AND IMPORTANTLY THE SALE OF MERCHANDISE AT OUR AWARD WINNING RISE THRIFT STORE. IN 2020, WHICH WAS AN OFF-RETAIL YEAR 41% OF OUR FUNDING WAS RETAIL SALES. AND IN 2019, A MORE STABLE YEAR 56% OF OUR REVENUE WAS FROM SALES AT THE STORE. THE RISE THRIFT STORE HAS A 4.2 IN GOOGLE REVIEWS, AND AS OF YESTERDAY, THE STORE SOLD 51,064 PRE-LOVED ITEMS, WHICH HELPS US HELPS TO RECYCLE GOODS IN OUR COMMUNITY. EVERY SALE IS ESSENTIAL FOR RISE TO CONTINUE PROVIDING ESSENTIAL SUPPORT SERVICES TO OUR LOCAL FAMILIES. UNLIKE MOST BUSINESSES, ALL PROCEEDS FROM THE SALES OF THE STORE GO BACK INTO, THE, OUR COMMUNITY.

MR. BROADWAY: AND SINCE WE'RE HERE DISCUSSING THE SIGN SPECIFICALLY, I JUST WANT TO MAKE SURE THAT POINT IS MADE CLEAR AS, AS TO THE EXISTENCE OF THESE SIGNS, ONE AND THEN TWO THE ACTUAL MATERIAL COMPONENT. SO WE CAN YOU RESTATE EXACTLY WHAT THE SIGNS ARE MADE OF, AND WHAT LIGHT EMITTING ELEMENTS EXIST WITH THE SIGNS.

MS. KOPPEL: CERTAINLY, THE SIGNS ARE PERFORATED, A VERY THIN PIECE OF PLASTIC, WHICH ACTUALLY PREVENTS US FROM REMOVING THEM AND REATTACHING THEM. SO THEY'VE BEEN COVERED. BUT THE SCIENCE ALLOW, ALLOW DAYLIGHT TO MOVE IN, UNLIKE A CURTAIN, WHICH

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MS. KOPPEL: WOULD BE USED TO BLOCK THE, BLOCK THE SHELVING. WHEN I STARTED AT THE THRIFT STORE, THERE WAS VERY HEAVY DARK CURTAINS THAT'S THAT WERE THROUGHOUT ALL THE WINDOWS IN THE STORE, WHICH MADE IT VERY DARK. SO AS WE TOOK OFF THOSE HEAVY CURTAINS, WE COULD SEE THAT WE APPRECIATED THE LIGHT, SO WE DIDN'T WANT TO LOSE THE LIGHT AGAIN. BUT YET, WHEN YOU DRIVE INTO THE STORE WHERE YOU WORK, YOU WALK BY OR YOU DRIVE INTO THE STORE IN THE PARKING LOT, THAT BACKSIDE OF THE SHELVING IS VERY UNATTRACTIVE AND REALLY DOESN'T SPEAK TO THE KIND OF IMAGE THAT WE PRESENT AT RISE. SO WE THOUGHT IF WE COULD PUT THE PERFORATED THIS THIN PERFORATED, SMALL AMOUNT OF SIGNAGE UP THAT WE COULD SOLVE TWO THINGS: KEEP LIGHT COMING IN AND PROVIDE A SMALL SCREEN FROM PEOPLE LOOKING AT THE BACK OF THE OF THE SHELVING UNITS AND THE STORAGE AREA.

MR. BROADWAY: WONDERFUL. AND TO THAT POINT, CAN YOU DESCRIBE THE PERCEIVED HARDSHIP, SHOULD THIS BOARD NOT APPROVE OUR APPLICATION FOR THE SIGNS TO BE RETAINED IN YOUR STORE?

MS. KOPPEL: SURE, WELL, WE HAVE HUNDREDS OF VISITS TO THE STORE EACH DAY. FROM DONORS, SHOPPERS, COMMUNITY MEMBERS. IT'S ESSENTIAL THAT THE STORE IS WELL MARKED, AND EASY TO FIND FOR PEOPLE WHO BOTH WANT TO HELP AND WHO NEED HELP. THERE'S FOOD AVAILABLE AT THE STORE FOR IMMEDIATE USE. FOR EXAMPLE, THE SNACK SHACK SIGN THAT'S UP LETS THE KIDS KNOW THAT WE HAVE FOOD AVAILABLE SINCE THE PANDEMIC WHEN SCHOOL LET OUT THAT WE'RE PROVIDING SNACKS AND FOOD FOR THEM AT ANY TIME. SO THAT'S THE SNACK SHACK SIGN. THE VOLUNTEER MESSAGE IS ALSO IMPORTANT. JUST LAST MONTH, WE HAD 1,000 HOURS OF VOLUNTEERS HELP, HELP GIVEN TO RISE LAST MONTH. MANY PEOPLE COME TO THE THRIFT STORE THROUGHOUT NEW JERSEY. IT'S NOT JUST LOCAL PEOPLE THAT HELP, BUT RISE IS A PLACE THAT ATTRACTS A LOT OF DIFFERENT FAMILIES AND A LOT OF DIFFERENT PEOPLE INTO THE BOROUGH AND INTO THE TOWN, MANY OF WHICH HAVE NEVER BEEN TO THE TOWN BEFORE. AND WE NEED A STRONG SIGNS IN ORDER FOR THEM TO BE ABLE TO FIND AND SEE THE THRIFT STORE. PARTICULARLY, AS YOU KNOW, WHEN YOU'RE MAKING THAT LEFT OR RIGHT BY MORGAN'S AND THERE'S THAT CROSSWALK THERE, WHICH IS A LITTLE BIT PRECARIOUS FOR PEDESTRIANS AS IT IS, IT'S REALLY IMPORTANT THAT PEOPLE WHO HAVEN'T BEEN TO TOWN MIGHT NOT KNOW WHERE THE STORE IS THAT THEY CAN VISIBLY SEE THE STORE. RIGHT NOW WHAT YOU SEE IS A BEAUTIFUL MIRROR, MURAL, RATHER THAT WE ABSOLUTELY LOVE AND ADORE THE COMMUNITY MURAL. BUT YOU CAN'T SEE WHAT THE STORE IS. THERE'S TREES THAT ARE BLOCKING THE HIGH SIGN. YOU CAN'T SEE THAT FROM MERCER STREET AT ALL. SO WHAT THESE SIGNS DID WAS THEY ENABLED PEOPLE TO BE ABLE TO SEE

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MS. KOPPEL: THAT THERE'S A THRIFT STORE AND RISE WITH THE COLORS AND THE BRANDING IN A VERY CLEAN LOOK TO A LOWER HEIGHT. AND IN ADDITION TO THAT, WHEN WE LOOKED INTO PUTTING ANOTHER SIGN ON ROGERS AVENUE, THERE WAS A COUPLE THINGS THAT HELD US UP. ONE WAS THAT THERE'S NOT ENOUGH ROOM BETWEEN THE SIDEWALK IN THE BUILDING SO WE COULDN'T PUT A SIGN THAT WAS PUT ON THE GROUND. THERE JUST WASN'T ENOUGH ROOM BECAUSE WE DIDN'T HAVE THE CLEARANCE. AND THE OTHER OPTION WHICH WE DID HAVE A PERMIT FOR, ACTUALLY PROBABLY STILL HAVE THE PERMIT, IS TO PUT A VERTICAL SIGN HORIZONTAL? VERTICAL SIGN FROM THE BUILDING THAT WAS HELD UP, BUT UNFORTUNATELY THE STRUCTURE OF THE BUILDING ITSELF BECAUSE AS YOU KNOW IT'S A 60-70 YEAR OLD BUILDING, IT DIDN'T, THE, WE COULDN'T GET INTO THE BRICK TO MAKE A SAFE SIGN PROTRUDING OUT SO THAT YOU COULD SEE IT FROM ROGERS AVE. SO THE ALTERNATIVE WAS TO ADD THESE SIGNS TO THE ROGERS AVENUE SIGN SIDE OF THE BUILDING.

MR. BROADWAY: EXCELLENT. AND I'M GOING TO SHIFT GEARS AND ASK MS. LAUDENBERGER TO PROVIDE SOME TESTIMONY AT THIS POINT THEN COME BACK TO YOU. AND THANK YOU FOR YOUR INPUT. MS. LAUDENBERGER, ARE YOU READY?

MS. LAUDENBERGER: I AM.

MR. BROADWAY: OKAY. CAN YOU SAY YOUR NAME AND MAILING ADDRESS, PLEASE?

MS. LAUDENBERGER: YES. MY NAME IS NANCY WALKER LAUDENBERGER. I RESIDE AT 632 SOUTH MAIN STREET IN HIGHTSTOWN.

MR. BROADWAY: AND IDENTIFY YOUR ROLE AND RESPONSIBILITIES AT COMMUNITY ACTION SERVICE CENTER, PLEASE.

MS. LAUDENBERGER: OKAY, I AM CURRENTLY THE PRESIDENT OF THE RISE BOARD. AND I OFTEN ACT AS A LIAISON TO THE COMMUNITY.

MR. BROADWAY: AND DESCRIBE YOUR CONNECTION TO THIS PARTICULAR COMMUNITY.

MS. LAUDENBERGER: OKAY, IN HIGHTSTOWN, UM, I WAS ON BOROUGH COUNCIL FOR NINE YEARS, I'M AN ACTIVE MEMBER IN A NUMBER OF CLUBS, AND HIGHTSTOWN IS WHERE I RESIDE, AND IT IS A COMMUNITY THAT I LOVE.

MR. BROADWAY: AND SPEAKING TO MS. KOPPEL'S INPUT RELATIVE TO THE BUILDING IN THIS LOCATION, CAN YOU PROVIDE SOME TESTIMONY AS TO THE CHALLENGES ASSOCIATED WITH IDENTIFYING THIS BUILDING?

MS. LAUDENBERGER: YES, THE BUILDING IS AN OLD BUILDING, MANY OF US WOULD REMEMBER IT, AS THE HOME OF THE HIGHTSTOWN GAZETTE THAT AND AFTER THAT, IT WAS USED AS OFFICE SPACE. THE BUILDING HAS BLOCK GLASS WINDOWS, AND BEHIND THOSE WINDOWS IN ALMOST ALL THE BUILDING INSIDE, ARE SHELVING. AND SO THE SHELVING IS UNATTRACTIVE, UM,

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MS. LAUDENBERGER: FROM THE OUTSIDE, IT'S ATTRACTIVE ON THE INSIDE, BECAUSE THAT'S WHY PEOPLE COME IN TO FIND SOMETHING SPECIAL. AND IT NEEDS TO BE RECOGNIZED FOR WHAT IT IS. PEOPLE NEED TO KNOW WHERE WE ARE. AND WE DO BELIEVE THAT THE, THE SIGNS IN THE WINDOWS ARE ATTRACTIVE, AND THEY ENCOURAGE PEOPLE TO COME IN.

MR. BROADWAY: AND SPEAKING TO THE MARKETING IE BRANDING THAT THE SIGNS PROVIDE, WHAT ADDITIONAL ACCESS TO THE COMMUNITY DO YOU HAVE FOR MARKETING? IE FACEBOOK.

MS. LAUDENBERGER: SO, WE'RE ON FACEBOOK THERE. IT'S OFTEN ON FACEBOOK, WE HAVE AN INSTAGRAM ACCOUNT THAT HAS BEEN DOING REALLY WELL. IT IS HEADED UP BY ONE OF OUR, OUR YOUNGER COMMUNITY MEMBERS. AND SHE CONTINUALLY TAKES PICTURES OF MODELS OUT WHO, WHO WEAR THE CLOTHES FROM THE STORE, POST THEM ON INSTAGRAM, AND THEY ARE OFTEN INSTANTLY SOLD. SO THAT, THE BRANDING OF THE INSTAGRAM ACCOUNT BRINGS IN A WHOLE OTHER GROUP OF YOUNG PEOPLE WHO ENJOY THE WHOLE IDEA OF THRIFTING.

MR. BROADWAY: AND SPEAKING TO POTENTIAL HARDSHIP, SHOULD THIS BOARD NOT APPROVE OUR APPLICATION? WHAT HARDSHIP WOULD BE VISITED ON THIS THRIFT STORE SHOULD THAT OCCUR?

MS. LAUDENBERGER: I THINK THE HARDSHIP WOULD BE PEOPLE WOULD NOT KNOW EXACTLY WHERE WE ARE. UM, THE LETTERS ARE BEAUTIFULLY DONE IN BLUE AND WHITE. AND THEY ARE, THEY ARE QUITE ATTRACTIVE, AND I THINK IT WOULD HURT THE STORE ESPECIALLY IF PEOPLE COULD NOT, THEY WOULD BE WANDERING AROUND, THEY WOULD WONDER WHERE IT IS. WITHOUT THAT THERE'S JUST A LITTLE SIGN OVER THE DOOR THAT SAYS WHO WE ARE. AND I THINK IT WOULD BE DIFFICULT TO ATTRACT CUSTOMERS AND PEOPLE TO THE STORE WITHOUT THE ADVERTISING ON THE, WITHOUT OUR NAME ON THE WINDOWS.

MR. BROADWAY: AND COULD YOU SPEAK TO THE IMPRACTICABILITY, IN PRACTICAL, IMPRACTICAL ASPECT OF MOVING THE SHELVING THAT CURRENTLY EXISTS ADJACENT TO THE WINDOWS?

MS. LAUDENBERGER: WELL, LIKE ANY STORE, YOU HAVE TO HAVE, YOU HAVE TO HAVE SHELVING. EVEN IF IT WERE MOVED BACK FROM THE WINDOW OF FOOT, IT WOULD STILL BE SEEN AS YOU LOOKED INTO, INTO THE STORE. SO IT WOULD BE VERY IMPRACTICAL TO MOVE THE SHELVING IN THE RETAIL SECTION AND IN THE SECTION IN THE BACK OF THE STORE WHERE WE ACCEPT THE GOODS THAT PEOPLE ARE DONATING. UM, IT WOULD BE A, WOULD BE VERY UNATTRACTIVE. NOW WHAT WE HAVE IS JUST A CLEAN, SMART LOOK. THE WINDOWS ARE COVERED, AND PEOPLE CAN RECOGNIZE WHO WE ARE BECAUSE ALL OF OUR BRANDING IS SIMILAR

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MR. MICCIO: MS. CHAIRWOMAN AND COUNCIL, I'M SORRY TO INTERRUPT BUT IF I COULD, MS. LAUDENBERGER HAS TALKED ABOUT UNDUE HARDSHIP AND THAT SHOULD FACTOR INTO THE BOARD'S DECISION TODAY. I THINK IT WOULD BE HELPFUL AT THIS POINT IF I COULD PROVIDE THE BOARD SORT OF THE RUBRIC OF WHAT THEY SHOULD BE CONSIDERING. ESPECIALLY BECAUSE UNDUE HARDSHIP WE'RE REALLY TALKING ABOUT AS IT PERTAINS TO THE LANDING QUESTION NOT NECESSARILY THE MARKETABILITY OR YOU KNOW THE POTENTIAL SALES IMPACT ON THE BUSINESS. SO MS. CHAIRWOMAN, IF I COULD JUST KIND OF GO THROUGH THAT, THOSE DIRECTIONS FOR THE BOARD NOW I THINK THAT WOULD BE HELPFUL FOR EVERYBODY TO UNDERSTAND AS WE LISTEN TO THE REST OF THE TESTIMONY.

MS. ASSELSTINE: OKAY, PLEASE GO AHEAD. OKAY.

MR. MICCIO: SO THE FIRST PLACE TO START IS WITH MR. SLAUGH'S MEMO. SO I'LL READ FROM THAT FIRST.

MS. ASSELSTINE: SO, SCOTT WE'LL GET TO, WE WILL GET TO BRIAN'S MEMO. LET ME JUST ASK THE RISE TEAM HOW MUCH MORE TESTIMONY THEY HAVE TO GIVE BECAUSE WE WILL GO THROUGH EACH OF THE PROFESSIONALS.

MR. MICCIO: OKAY, I CAN CERTAINLY SAVE IT TILL THE END. THAT'S NO PROBLEM.

MS. ASSELSTINE: SO IT MIGHT BE LESS CHOPPY THAT WAY IF WE JUST MOVE TO THE PROFESSIONALS. I GET YOUR POINT.

MR. MICCIO: OKAY, SORRY TO INTERRUPT COUNCIL.

MS. ASSELSTINE: NO, THAT'S OKAY. THAT'S OKAY. ERIC, I'M SORRY CONTINUE.

MR. BROADWAY: THANK YOU. NOW IN TERMS OF THE HARDSHIPS MORE SPECIFICALLY THE ASPECT OF THE COMMUNITY, MS. LAUDENBERGER I'M ASKING NOW, CAN YOU DESCRIBE THE, WHAT YOU KNOW ABOUT THE COMMUNITY SPECIFICALLY THE LOCATION OF THIS BUILDING AND THE SURROUNDING BUSINESSES AND HOW IT IS NOT QUOTE UNQUOTE A UNIQUE STRUCTURE AND/OR UNIQUE OFFERING RELATIVE TO THE SIGNAGE.

MS. LAUDENBERGER: OKAY, SO THE, THE THRIFT STORE IS CLEARLY IN THE CENTER OF THE DOWNTOWN RETAIL DISTRICT, UM ACROSS THE, CADDY CORNER ACROSS THE STREET IS AN APPLIANCE STORE THAT ALSO HAS SIMILAR SIGNS IN THEIR WINDOWS DOWN INTO TOWN ON THE TAVERN HAS 100% COVERAGE ON THEIR WINDOWS THAT FACE THEIR OUTSIDE EATING AREA. AND THERE ARE A NUMBER OF OTHER EXAMPLES IN THE DOWNTOWN RETAIL DISTRICT THAT HAVE SIMILAR SIGNS PERFORATED THAT LEAK, LET LIGHT IN. UM, AND ALSO GET YOU GET TO ADVERTISE WHO YOU ARE AND WHAT YOU'RE SELLING.

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- MR. BROADWAY: AND MS. DAVIS, CAN YOU PROVIDE THE EXHIBITS THAT I PROVIDED YOU, PLEASE? OKAY, AND MS. LAUDENBERGER AS, AS WE SCROLL THROUGH THESE, I JUST WANT YOU TO DESCRIBE THEM AS BEST YOU CAN RELATIVE TO YOUR TESTIMONY.
- MR. MICCIO: AND AS YOU AS YOU GO, MR. BROADWAY, IF YOU COULD JUST MARK THESE EXHIBITS FOR IDENTIFICATION.
- MR. BROADWAY: OKAY, WE HAVE WE HAVE THESE ALL IS ONE BUT IF YOU WANT INDIVIDUAL EXHIBITS, THEN AS WE GO THROUGH, WE'LL MARK THEM NUMERICALLY.
- MR. MICCIO: GREAT.
- MR. BROADWAY: SO THIS WOULD BE, MS DAVIS, THIS, IS THIS, I THINK WE HAD A PICTURE PRIOR TO THIS, CORRECT? MS. DAVIS?
- MS. DAVIS: YES, YEAH.
- MS. ASSELSTINE: JANE, LET'S, LET'S MARK THEM EXHIBIT ONE, A, B, C, D, ETC.
- MR. BROADWAY: SOUNDS GOOD TO ME.
- MS. DAVIS: OKAY. GOTCHA.
- MR. BROADWAY: ALL RIGHT, WE'RE READY, MS. LAUDENBERGER. CAN YOU SEE THESE EXHIBITS ON YOUR SCREEN.
- MS. LAUDENBERGER: OKAY, SO I'M LOOKING AT BOOST MOBILE, WHICH IS ON FRANKLIN STREET, IT'S IN A STRIP MALL. WE DID MEASURE THE WINDOWS AND WE ALSO MEASURED THE SIGN. SO THE WINDOW MEASURES ARE A LITTLE OVER 38 SQUARE FEET AND THE SIGN MEASURES A LITTLE OVER EIGHT SQUARE FEET. A BIT MORE THAN THE 10% THAT IS IN THE ORDINANCE. THE DOOR ALSO MEASURES OVER 15 SQUARE FEET. AND THE DOOR SIGN IS ON 0.56 SQUARE FEET. ANOTHER DOOR SIGN IS 1.6 SQUARE FEET AND THE THIRD DOOR SIGN IS 6.5 SQUARE FEET ON TOTALED COMES TO ALMOST EIGHT SQUARE FEET. ALMOST ACTUALLY A LITTLE OVER 50% COVERAGE.
- MR. BROADWAY: SO ALTHOUGH WE'RE NOT ASKING FOR A QUOTE UNQUOTE, ANY GRANDFATHERING PROVISION. THIS IS AN EXAMPLE OF THE SURROUNDING COMMUNITY. CORRECT?
- MS. LAUDENBERGER: CORRECT. WE DON'T WANT ANYBODY TO BE PENALIZED BECAUSE WE'RE COMING FORWARD, BUT WE WANT THE PLANNING BOARD TO BE AWARE THAT IT THERE, THIS IS HAPPENING IN OTHER RETAIL ESTABLISHMENTS IN TOWN.
- MR. BROADWAY: THANK YOU, WE CAN PROCEED TO EXHIBIT 1B.

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MS. LAUDENBERGER: OKAY, HERE WE HAVE TAX SERVICES ON MERCER STREET, THE WINDOWS A LITTLE OVER 10 SQUARE FEET AND THE SIGN IS A LITTLE OVER FIVE SQUARE FEET. ROUGHLY 50% OF THE WINDOW WAS COVERED IN A SIGN.

MR. BROADWAY: OKAY, WE CAN PROCEED TO (EXHIBIT) 1C.

MS. LAUDENBERGER: THIS IS THE APPLIANCE STORE ON MERCER STREET. THE WINDOW IS 72 SQUARE FEET. THE SIGNS WHICH INCLUDE A BANNER IS SEVEN SQUARE FEET, PLUS EXTRA WINDOW SIGNS AT 12, 12 SQUARE FEET AND NINE SQUARE FEET. AND THE DOOR SIGN AT 15 PLUS SQUARE FEET AND, OR THE DOORS ARE 15, THE DOOR SIGNS, FIVE SQUARE FEET PLUS ANOTHER DOOR SIGN A LITTLE OVER SEVEN AND A HALF SQUARE FEET. AGAIN, THESE SHOW THAT THEY ARE OVER AND ABOVE THE 10% COVERAGE

MR. BROADWAY: YOU CAN PROCEED TO THE NEXT EXHIBIT. THANK YOU.

MS. LAUDENBERGER: OKAY, HERE'S, HERE'S ONE ON RAILROAD AVENUE. YOU CAN SEE THAT THE WINDOW IS ALMOST NINE SQUARE FEET AS IS THE SIGN. SO THE SIGN TOTALLY COVERS THE WINDOW.

MR. BROADWAY: AND JUST FOR REFERENCE, CAN YOU DESCRIBE FOR THE BOARD WHERE THESE LOCATIONS ARE RELATIVE TO 114 ROGERS? JUST EXPLAIN TO THEM THE PROPERTY PLEASE.

MS. LAUDENBERGER: YES. SO RAILROAD AVENUE IS ABOUT A BLOCK AWAY. AH, SO IT WOULD RUN PARALLEL TO ROGERS AVENUE ON THE OTHER SIDE OF THE POST OFFICE.

MR. BROADWAY: AND IT'S A RHETORICAL QUESTION FROM MY PERSPECTIVE, BUT ARE ALL THESE LOCATIONS THAT YOU JUST DESCRIBED WITHIN WALKING DISTANCE?

MS. LAUDENBERGER: YES. ALL OF HIGHTSTOWN IS WITHIN WALKING DISTANCE.

MR. BROADWAY: OKAY.

MS. LAUDENBERGER: SO YES, ALL THE SIGNS ARE WITHIN WALKING DISTANCE OF THE THRIFT STORE.

MR. BROADWAY: GOT IT. AND I BELIEVE WE HAVE ONE MORE, RIGHT. GO AHEAD.

MS. LAUDENBERGER: SO AGAIN, HERE WE HAVE ON NORTH MAIN STREET, WHICH RAUL EXPRESS, WHICH SOME PEOPLE MIGHT JUST CONSIDER MAIN STREET. HIS WINDOWS OVER 14 SQUARE FEET, AND HIS WINDOW SIGN IS OVER EIGHT SQUARE FEET, AGAIN, OVER 50% OF HIS SIGN.

MR. BROADWAY: FOR A POINT OF REFERENCE RELATIVE TO THE COMMENTS FROM THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT. A NUMBER OF THESE BUILDINGS THAT WE'VE REVIEWED, ONLY HAVE ONE OR TWO WINDOWS

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MR. BROADWAY: AS OPPOSED TO THE NUMBER OF WINDOWS THAT RISE HAS. IS THAT CORRECT?

MS. LAUDENBERGER: THAT IS CORRECT.

MR. BROADWAY: SO IF SOMEONE WERE TO MAKE A COMMENT RELATIVE TO VISIBILITY, THERE WOULD BE, IS IT YOUR TESTIMONY THAT THERE WOULD BE VERY LITTLE VISIBILITY IN THE ONE TO TWO WINDOW ESTABLISHMENTS REGARDLESS OF WHETHER THE SIGNS WERE THERE OR NOT?

MS. LAUDENBERGER: YES.

MR. BROADWAY: YOU CAN, YOU CAN COMMENT ON THIS.

MS. LAUDENBERGER: OKAY, TACO RITO, AGAIN ON NORTH MAIN STREET. THEIR WINDOW'S 12 SQUARE FEET, THE WINDOWS SIGN... SO THEY'RE THE NUMBER OF WINDOWS SIGNS ONE IS TWO POINT, A LITTLE OVER ALMOST THREE SQUARE FEET AND THE NEXT IS LESS. SO IN COMBINED THEY BECOME ABOUT THREE SQUARE FEET. AND THERE IS ALSO A NEON SIGN WHICH ACCORDING TO THE BOROUGH ORDINANCE, NEON SIGNS ARE NOT ALLOWED.

MR. BROADWAY: GOT IT. AND I BELIEVE, DO WE HAVE ANOTHER ONE? IS THAT THE LAST ONE I BELIEVE?

MS. DAVIS: THAT'S THE LAST ONE.

MS. LAUDENBERGER: THE ONE WE DID NOT SHOW, IS THE TAVERN WHICH HAS, I THINK IT'S FOUR WINDOWS THAT FACE, WHICH I MADE MENTION OF WHICH FACE THE MUNICIPAL PARKING LOT IN THE OUTSIDE DINING AND THOSE WINDOWS ARE 100% COVERED.

MR. BROADWAY: NOW UNDER NJSA40:55D-51. SPEAKING TO COUNCIL'S, COMMENTS RELATIVE TO UNDUE HARDSHIP, SPECIFICALLY, WHAT IS THE PECULIAR CONDITION OF THE LAND? I THINK MS. KOPPEL SPOKE TO THAT. BUT WHAT IS YOUR IMPRESSION RELATIVE TO THE PECULIARITY OF THIS PARTICULAR BUILDING IN PROXIMITY TO THE OTHER BUILDINGS THAT MAKE IT A UNIQUE HARDSHIP, IF IN FACT, YOU COULD NOT HAVE THE SIGNS.

MS. LAUDENBERGER: UM, THE WAY OUR BUILDING IS SITUATED, IT'S THE, THE NARROW SIDE IS ON ROGERS AVENUE AND A MUCH WIDER SIDE IS ON THE PARKING LOT. BECAUSE OF THE TREES ON ROGERS AVENUE, IT WOULD BE DIFFICULT TO, TO KNOW EXACTLY WHERE THE BUILDING IS AT YOU'RE LOOKING FOR. BUT IF YOU DO PULL INTO THE PARKING LOT, YOU CAN EASILY IDENTIFY WHERE YOU ARE.

MR. BROADWAY: AND ALTHOUGH I'M NOT EXACTLY AWARE, WHETHER THERE'S THE ARBOR COMMISSION AT HIGHTSTOWN, WHAT IS YOUR KNOWLEDGE OF

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MR. BROADWAY: WHETHER THERE IS AN ARBOR COMMISSION OBVIOUSLY CONTROLS THE REMOVAL AND ESTABLISHMENT OF TREES?

MS. LAUDENBERGER: UM, YES, WE DO HAVE OUR SHADE TREE COMMISSION, AND THEY DO A FABULOUS JOB. SO WE WOULD BE, WE WOULD NOT BE TAKING DOWN ANY TREES ON ROGERS AVENUE TO HAVE THAT BE MORE READILY READABLE. WHICH IS WHY WE REALLY NEED OUR SIGNS IN OUR WINDOWS THAT ARE LOW, AND IN THE WINDOWS ON, IN THE PARKING LOT.

MR. BROADWAY: EXCELLENT. THANK YOU FOR YOUR TESTIMONY. I'M GONNA, I'M GOING TO GO BACK TO MS. KOPPEL, WE'RE ALMOST CONCLUDED, MS. ASSELSTINE. MS. KOPPEL, THERE WERE SOME COMMENTS WITH REGARD TO QUOTE UNQUOTE, SAFETY UNDERSTANDING. AND IT'S MY KNOWLEDGE BASED ON THAT INPUT, YOURS A QUOTE UNQUOTE, ROBBERY. AND THE POLICE DEPARTMENT HAS SOME ISSUES ASSOCIATED WITH VISIBILITY, CAN YOU

MR. BROADWAY: SPEAK TO HOW YOUR CONFIGURED BUILDING LIMITS, OR AT LEAST PROVIDES A RESPONSE TO THAT SECURITY ISSUE?

MS. KOPPEL: YEAH, ABSOLUTELY. FOR, FOR, FOR ONE THING, WE ARE VERY CONCERNED AT RISE FOR PEOPLE DROPPING OFF THINGS, PEOPLE WHO MIGHT BE HANGING OUT. SO WE HAVE EXTENSIVE CAMERAS INSIDE THE STORE AND OUT, THE CAMERAS ARE BY OUR REGISTER THEY'RE THROUGHOUT OUR AISLES, THEY'RE IN OUR BACK ROOM, THEY ALSO GO ON TO ROGERS AVENUE, AND THEY'RE ALSO IN OUR PARKING LOT. SO WE HAVE LIVE CAMERAS. ALSO, THERE'S SIGNAGE, WE HAVE SIGNAGE THAT'S ACTUALLY ATTACHED TO THE OUTSIDE OF THE BUILDING, SAYING THE CAMERAS ALWAYS ON PLEASE DO NOT DROP ANY, ANY DONATIONS OFF. AND WE HAVE SIGNS INSIDE THE, INSIDE THE AISLES THAT SAY YOU'RE ON CAMERA RIGHT NOW. AND WE ALSO HAVE SIGNS BY THE REGISTER INDICATING THAT PEOPLE ARE ON CAMERA. WHEN, AS IT IS RIGHT NOW, THE BACKS OF THE SHELVES DOESN'T ALLOW ANYONE TO SEE INSIDE. SO, SO, THERE'S NO VISIBILITY FROM THE INSIDE, FROM THE OUTSIDE TO THE INSIDE. IT'S COVERED BY BACKS OF SHELVES. AND IN ADDITION, THERE'S SOLID BLOCK BY THE REGISTER ON THE OUTSIDE. SO THERE'S, IT'S, IT'S A BEAUTIFUL ANTIQUE GLASS BLOCKS THAT MAKE UP THE SIGN. BUT THE SIGHT BUT YOU CAN'T SEE INTO THE STORE IN ANY CASE, WITHOUT, BY THE REGISTER AREA. AND THE PARTS OF THE AREAS THAT ARE COVERED. IT'S A, IT'S A, I'M SURE YOU'RE ALL FAMILIAR, BUT THERE'S GLASS BLOCK ON THE OUTSIDE. AND THE SIGNS ON THE PARKING LOT SIDE ARE JUST IN A SMALL SQUARE FOOTAGE OF THE OF THE WINDOW. SO IT'S, IT'S A IT'S A LITTLE MORE THAN 10%. BUT IT'S NOT A HUGE PART OF THE WINDOW. BUT THOSE SIGNS THEMSELVES ARE ABOVE EYE LEVEL. SO REALLY, YOU COULDN'T EXCEPT, WITH THE EXCEPTION OF MAYBE ONE BOTTOM OF ONE PART YOU CAN'T SEE INSIDE THE STORE TO PROVIDE ANY PROTECTION WITH THE SIGNS. IF ANYTHING, I BELIEVE THAT THE SIGNS BECAUSE WE

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- MS. KOPPEL: CAN SEE OUT AND PEOPLE, IT'S A LITTLE MORE DIFFICULT TO SEE IN, BECAUSE WE CAN SEE OUT IT DOES PROVIDE US KNOWLEDGE OF WHAT'S GOING ON OUTSIDE AND THE ABILITY IF NEED BE TO LOCK THE DOOR OR SOMETHING TO, TO ACTUALLY HAVE NOTICE OF WHAT'S GOING ON OUTSIDE. THE ALTERNATIVE, AS I MENTIONED, WAS THOSE SOLID CURTAINS, WHICH WE NO ONE COULD SEE OUT OF. SO THERE WAS NO KNOWLEDGE OF WHAT WAS GOING ON OUTSIDE.
- MR. BROADWAY: AND SO IS IT YOUR TESTIMONY TODAY THAT THE SIGNAGE IS NOT CREATING THE QUOTE UNQUOTE, LACK OF VISIBILITY TO THE INTERIOR.
- MS. KOPPEL: I ABSOLUTELY BELIEVE THAT THESE THIS KIND OF PERFORATED SIGN WHERE WE CAN SEE OUT AND HAVE SOME PRIVACY IN IS THE SAFEST WAY THAT WE CAN GO FOR OUR STAFF. HAVING THE STAFF NOT BE ABLE TO SEE OUT WITH A SOLID CURTAIN IF WE TRIED TO DO THAT OR WITH SOME KIND OF INTERIOR SIGN WOULD PREVENT PEOPLE FROM SEEING OUT SO I ABSOLUTELY DO NOT AGREE, AGREE. WE VALUE OUR STAFF WE HAVE SO
- MS. KOPPEL: MANY PEOPLE THAT ARE COMING IN WE HAVE VOLUNTEERS FOR ALL OVER, FROM ALL OVER AND WE MAKE EVERY EFFORT TO MAKE SURE THAT PEOPLE FEEL SAFE, THAT THEY ARE SAFE AND THAT WE'RE TAKING THE PRECAUTIONS WITH SIGNAGE AND CAMERAS THROUGHOUT THE STORE, WE HAVE A GREAT RELATIONSHIP WITH THE POLICE DEPARTMENT, IF THERE'S EVER A PROBLEM, THEY'RE THERE RIGHT WITH US EVERY STEP OF THE WAY. AND WE APPRECIATE THEIR SUPPORT.
- MR. BROADWAY: IS YOU'RE BUILDING FIRE CODE COMPLIANCE.
- MS. KOPPEL: YES, WE'RE INSPECTED ALL THE TIME. WE HAVE FIRE EXTINGUISHERS, WHEREVER THEY NEED BE, ALL OF OUR BUILDINGS ARE INSPECTED, AND THEY DO A VERY THOROUGH JOB. THEY DO A VERY THOROUGH JOB.
- MR. BROADWAY: EXCELLENT. IS THERE ANY OTHER TESTIMONY YOU WANT TO OFFER RELATIVE TO THE PERCEIVED UNDUE HARDSHIP AND MORE SPECIFICALLY SPEAKING TO THE PROVISION UNDER 40:55D-51, TO PARTICULAR PECULIAR CIRCUMSTANCES, OR CONDITIONS OF YOUR BUILDING, RELATIVE TO THE COMMUNITY.
- MS. KOPPEL: THE ONLY, THE ONLY FINAL THING I WOULD ADD IS THAT THE, THE SIDE OF THE THRIFT STORE, AS MANY OF YOU KNOW, THROUGH THE PARKING LOT, IT'S A VERY LONG BUILDING. SO TO PUT A SIGN, JUST ABOVE THE DOORWAY IS A VERY SMALL PERCENTAGE. AND IT'S VERY HARD TO READ, PARTICULARLY IF YOU'RE COMING DOWN ROGERS AVENUE TOWARD MERCER STREET. THAT'S WHY THE "R-I-S-E" AND THE "THRIFT STORE" THAT WAS IN THE BLUE AND WHITE, VERY SIMPLE LETTERING, IT JUST SAID WHAT THE BUILDING IS, IN A VERY, IT JUST HAPPENED, WE HAD FOUR LITTLE BLOCKS OF WINDOWS, AND WE HAD A FOUR LETTER, FOUR LETTER NAME OF OUR AGENCY WITH RISE AND TO PUT THE THRIFT STORE IS A

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- MS. KOPPEL: VERY SIMPLE WAY TO IDENTIFY THE BUILDING. AND ALSO, THAT'S ALSO BY A BUS STOP. THERE'S A LOT OF CARS THERE, WE NEED PEOPLE TO BE ABLE TO, THESE THINGS NEED TO BE CLEARLY MARKED, SO THAT PEOPLE CAN GO IN AND OUT OF THE STORE SAFELY. IT'S A VERY CONGESTED PARKING LOT. THIS ELIMINATED PEOPLE FROM GETTING LOST, THEY'RE ABLE TO FIND WHERE THEY ARE. AND THEY'RE ABLE TO IDENTIFY THE BUILDING EASILY. SO IT'S A, IT IS A PECULIAR BUILDING IN THAT THERE'S TWO SIDES OF SIGNS, ONE FROM ROGERS AND ONE FROM THE PARKING LOT. AND IT DOES NEED SPECIAL ATTENTION, PARTICULARLY BECAUSE OF THE, THE NATURE OF THE BUSINESS WITH A LOT OF PEOPLE COMING IN AND OUT THE NUMBER OF PEOPLE THAT WE'RE SERVING AT THIS, AND THE NUMBER OF PEOPLE THAT WE'RE SERVING, WHEN PEOPLE NEED SERVICES, THEY NEED TO KNOW WHERE TO COME. AND FORTUNATELY FOR US, WE'RE ABLE TO PROVIDE THOSE SERVICES AND THEY DO KNOW WHERE TO GO. AND WE'RE VERY PROUD OF THAT.
- MR. BROADWAY: I PERSONALLY THANK YOU FOR THE SUPPORT OF THE COMMUNITY AND MS. LAUDENBERGER, DO YOU HAVE ANYTHING ELSE TO OFFER RELATIVE
- MR. BROADWAY: TO THE PERCEIVED UNDUE HARDSHIP AND/OR NEGATIVE IMPLICATIONS ASSOCIATED WITH THE BUILDING AND THE SIGNAGE?
- MS. LAUDENBERGER: I DO NOT. THANK YOU.
- MR. BROADWAY: OKAY. I CONCLUDE MY TESTIMONY, I WOULD LIKE TO CLOSE BY REITERATING THE SERVICES THAT THIS ORGANIZATION PROVIDES, AS WELL AS THEIR TESTIMONY RELATIVE TO THE CRITERIA FOR APPROVAL, WHICH PARTLY IS THE UNDUE HARDSHIP, BUT ALSO THE NEED TO HAVE THE SIGNS TO IMPROVE THEIR ABILITY TO DELIVER THESE SERVICES TO THE COMMUNITY. AND I ASKED THE BOARD TO CONSIDER THAT IN CONJUNCTION WITH LANGE V. THE ZONING BOARD 160, NEW JERSEY 41. AT 56, SPECIFICALLY, AS IT RELATES TO THEIR ABILITY TO EVALUATE THIS TESTIMONY AND THE MERITS OF OUR ARGUMENT. THIS STORE, OBVIOUSLY, IS IN CONFORMANCE, SO TO SAY, WITH THE EXISTING BUILDINGS AROUND THIS PARTICULAR FACILITY. AND BASED ON OUR TESTIMONY, I SUBMIT THAT IT DOES NOT CREATE A SAFETY ISSUE FOR THE FIRE DEPARTMENT AND OR THE POLICE DEPARTMENT SPECIFICALLY IN RELATIONSHIP TO THE BUILDINGS THAT ONLY HAVE ONE WINDOW, AND THE REST OF THE BUILDING IS A WALL. SO, ANY ARGUMENT RELATIVE TO VISIBILITY, IS SOMEWHAT NEW RELATIVE TO THE BUILDING AND THE ONE, ONE OR TWO WINDOWS THAT WE SHOWED, BECAUSE THERE'S ABSOLUTELY NO VISIBILITY. IN A COUPLE INSTANCES WHERE THERE IS SOME LEVEL OF VISIBILITY AND SPECIFICALLY CAMERAS TO SUPPORT THE POLICE DEPARTMENT'S INITIATIVE SHOULD THAT OCCURRENCE HAPPEN. THANK YOU.

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MS. ASSELSTINE: ALL RIGHT. THANK YOU VERY MUCH FOR, FOR YOUR, YOUR TESTIMONY, FOLKS. SCOTT, DO YOU WANT TO LAY OUT FOR US THE ISSUE THE LEGAL ISSUES THAT YOU WERE DESCRIBING?

MR. MICCIO: SURE. FIRST, I'LL POINT OUT THAT, THE, THE OTHER BUSINESSES IN THE AREA THAT ALSO HAVE SIGNS IN THE WINDOW PROVIDE INTERESTING CONTEXT, BUT AS I'LL EXPLAIN IS NOT NECESSARILY A PART OF THE REVIEW TODAY. AS THE BOARD KNOWS, EACH APPLICATION RISES AND FALLS ON ITS OWN. FIRST I'LL TOUCH ON AS WE KNOW THE APPLICABLE ORDINANCE HERE IS SECTION 29-14 OF THE HIGHTSTOWN CODE. ESSENTIALLY, THE TOTAL AREA OF ALL THE WINDOW SIGNS UNLESS FURTHER RESTRICTED BY DISTRICT REGULATIONS SHALL NOT EXCEED 10% OF THE GLASS AREA OF THE WINDOW IN WHICH IS PLACE. SO THE STANDARD OF REVIEW COMES FROM MR. SLAUGH'S COMPREHENSIVE MEMO HERE. SO FIRST OFF THIS IS THIS IS A LITTLE DIFFERENT ISSUE THAN PERHAPS YOU KNOW WHAT WE'RE WHAT WE'RE USED TO, FOR MOST ZONING BOARD APPLICATIONS. THIS SIGN, SIGNAGE IN HIGHTSTOWN HAS ITS OWN CHAPTER. SO WE'RE NOT GOING TO REFER TO SECTION 70 C OF THE MUNICIPAL LAND USE LAW LIKE WE MAY NORMALLY DO. INSTEAD, AS COUNCIL SAID WE'RE LOOKING AT 40:55D-51D. SO I'LL EXPLAIN, I'LL READ DIRECTLY FROM THAT ORDINANCE AND THAT

MR. MICCIO: PROVIDES THE STANDARD THAT THE BOARD SHOULD BE APPLYING TODAY. AND I'LL POINT OUT THAT NORMALLY THIS IS THE STANDARD THAT'S APPLIED TO A PLANNING BOARD AND IN CONJUNCTION WITH A SITE PLAN APPROVAL AND REVIEW. BUT THIS IS THE MOST THIS IS THE THIS IS THE SECTION OF THE LAND USE LAW THAT'S MOST AKIN TO WHAT WE HAVE HERE TODAY. SO THAT SECTION SAYS THE PLANNING BOARD WHEN ACTING UPON APPLICATIONS FOR PRELIMINARY SITE PLAN APPROVAL, SHALL HAVE THE POWER TO GRANT SUCH EXCEPTIONS FROM THE REQUIREMENTS FOR SITE PLAN APPROVAL AS MAY BE REASONABLE, AND WITHIN THE GENERAL PURPOSE AND INTENT OF THE PROVISIONS FOR SITE PLAN REVIEW AND APPROVAL OF AN ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE. IF THE LITERAL ENFORCEMENT OF ONE OR MORE PROVISIONS OF THE ORDINANCE IS IMPRACTICABLE OR WILL EXACT UNDUE HARDSHIP BECAUSE OF PECULIAR CONDITIONS PERTAINING TO THE LAND IN QUESTION. SO ONE OF THE THINGS I JUST REFERENCED WAS THE PURPOSE OF THE ZONING CHAPTER. SO I WILL JUST REITERATE FOR THE BOARD, WHAT THE PURPOSE OF OUR SIGN CHAPTER IS, CHAPTER 29. SO THAT READS, THE PURPOSE AND INTENT OF THIS CHAPTER IS TO ENCOURAGE THE ORDERLY AND EFFECTIVE USE OF SCIENCE AS A MEANS OF COMMUNICATION AND IN ACCORDANCE WITH THE BOROUGH'S MASTER PLAN TO MAINTAIN AND ENHANCE THE BOROUGH'S AESTHETIC ENVIRONMENT AND ABILITY TO ATTRACT ECONOMIC DEVELOPMENT, TO ENHANCE THE BOROUGH'S HISTORIC CHARACTER AND STREETSCAPE TO

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- MR. MICCIO: MINIMIZE THE POSSIBLE ADVERSE EFFECTS OF SIGNS, AND TO ENABLE THE FAIR AND CONSISTENT ENFORCEMENT OF SIGN REGULATIONS. SO THAT IS WHAT THE BOARD IS TASKED WITH HERE TODAY. I THINK COUNSEL DID A GOOD JOB OF EXPLAINING, YOU KNOW, HOW SECTION 51D HERE APPLIES. SO THAT THAT'S, THAT'S THE THAT'S THE TASK BEFORE THE BOARD. AND IF ANY BOARD MEMBERS HAVE ANY QUESTIONS FOR ME, I'D BE HAPPY TO ENTERTAIN THOSE.
- MS. BROADWAY: THANK YOU, COUNCIL.
- MS. ASSELSTINE: THANK YOU, SCOTT. BRIAN, IS THERE ANYTHING YOU WANT TO ADD TO THIS?
- MR. SLAUGH: I'D LIKE TO ASK A COUPLE OF QUESTIONS OF THE WITNESSES.
- MS. ASSELSTINE: GO RIGHT AHEAD. SO MS., MS. KOPPEL, IF THE CONCERN THAT YOU HAVE WITH THE SIGNAGE HAS TO DO WITH SCREENING SOME OF THE BACKSIDE OF OR THE MERCHANDISE THAT YOU'RE, YOU'RE SELLING, AND YOU WISH TO HAVE PERFORATED PLASTIC SIGNS? COULD THAT NOT? COULD THAT NOT BE ACHIEVED SIMPLY BY USING, YOU KNOW, A COLORED PERFORATED PLASTIC SCREEN OR SCRIM WITHOUT ANY LETTERING? WOULD THAT NOT ACHIEVE THE SAME PURPOSE AS WHAT YOU WERE TESTIFYING TO?
- MS. KOPPEL: THAT'S A REALLY GOOD QUESTION. AND IN THEORY, IT COULD, IT COULD. IT BASICALLY WHAT YOU'RE SAYING IS CREATE A SOLID WINDOW, WHICH
- MS. KOPPEL: A SOLID WAY THAT YOU COULDN'T SEE OUT, WHICH IS ACTUALLY NOT WHAT THE POLICE OFFICERS AND THE FIRE PEOPLE SAID, BECAUSE THEY WERE SUGGESTING THAT THEY SHOULD BE ABLE TO SEE IN FOR SAFETY, ALTHOUGH I DON'T THINK THAT THAT'S THE ISSUE THAT WE'RE TALKING ABOUT HERE. BUT THE LETTERING ON THE SIGN, IT'S A BLUE SIGN WITH FOUR, FOUR LETTERS. IT'S A VERY SIMPLE SIGN, AT LEAST IN THE, THE PARKING LOT SIDE. IT'S A VERY WIDE EXPANSE. AND IT'S PART OF THE BRANDING TO BRING PEOPLE TO THE STORE AND LET PEOPLE KNOW WHAT WE'RE ABOUT. SO, THE EFFECTIVENESS OF THE SIGN, LIKE ALL THE OTHER SIGNS THAT ARE IN THE NEIGHBORHOOD, IS TO BRING AWARENESS OF WHAT'S GOING ON IN THE, IN THE TOWN. I MEAN, I GUESS IN THEORY, WE COULD DO RAINBOWS IN ONE SIGN, WE COULD DO A LITTLE MOONS, WE COULD CREATE LITTLE, YOU KNOW, THERE'S A LOT OF ALTERNATIVES OF WHAT COULD BE PUT IN THERE. BUT WE WENT FOR A VERY SIMPLE, ATTRACTIVE LETTER THAT GOES WITH THE BRAND AND THE MARKETING IN ORDER FOR US TO RUN A SUCCESSFUL BUSINESS. THAT'S WHY THAT WAS CHOSEN.
- MR. SLAUGH: THE LETTERS, THE LETTERS ARE WHAT MAKE IT A SIGN. IS THAT NOT THE CASE?

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- MS. KOPPEL: RIGHT. THE LETTERS ARE THE LETTERS THE, THE. SO IT'S FOUR WINDOWS AND IT SAYS R-I-S-E.
- MR. SLAUGH: I'M AWARE OF THAT.
- MS. KOPPEL: SO, SO AND THEN IT SAYS THRIFT STORE ON THE END. NOW, I'M NOT SURE. I GUESS THE, AS A PLANNING PERSON, IF WE WERE TO INDIVIDUALLY PUT "R" AND THEN THE NEXT WINDOW IS AN "I" AND THE NEXT WINDOW IS AN "S", AND THE NEXT WINDOW IS AN "E", IF WE WERE TO DO THOSE ALL INDIVIDUALLY, AND THAT TOOK UP LESS THAN THE ORDINANCE, THAN I GUESS WE WOULDN'T BE HERE. I'M NOT SURE JUST PUTTING AN "R" IN ONE SIGN IN ONE WINDOW CONSTITUTES A SIGN.
- MS. ASSELSTINE: BRIAN, COULD YOU BE, COULD YOU GIVE US THE OVERVIEW OF WHAT THE SIGN ORDINANCE ALLOWS. THERE IS A LIMIT ON THE NUMBER OF SIGNS THAT CAN BE PLACED ON A FACADE, RIGHT?
- MR. SLAUGH: YES, THERE IS. SO, I WISH I HAD THAT IN FRONT OF ME RIGHT NOW. SO.
- MS. ASSELSTINE: THAT'S ALRIGHT.
- MR. SLAUGH: I THINK IT'S ONE, IT'S ONE FACADE SIGN, I BELIEVE IS. BUT IT'S FACING RAILROAD AVENUE AND THEY HAVE ONE ABOVE THE DOOR. THEY HAVE A SIGN ABOVE THE DOOR.
- MS. ASSELSTINE: SO EVEN THOUGH RAILROAD AVENUE IS NOT AN ACTIVE ROADWAY, THAT'S STILL CONSIDERED A ROAD FACING FACADE?
- MR. SLAUGH: YES, I WOULD SAY IT DOES. AND THEN THEY HAVE A SIGN ON THE I FEEL LIKE THE SIGN BAND ON THE SIDE THAT'S FACING ROGERS.
- MS. ASSELSTINE: RIGHT.
- MR. SLAUGH: SO IN MY MIND, THOSE ARE THE TWO SIGNS THAT WOULD BE ALLOWED. AND THEN THEY HAVE THE R-I-S-E, WHICH ARE WITHIN THE FOUR, THE FOUR WINDOWS THAT ARE NOT THE BLOCK, THE GLASS BLOCK WINDOWS ON THE SIDE THAT FACES, YOU KNOW, RAILROAD AVENUE.
- MS. ASSELSTINE: AS WELL AS THE THRIFT STORE SIGN.
- MR. SLAUGH: YEAH. SO, THIS, I THINK A THRIFT, WHERE IT SAYS RISE, YOU KNOW, THE GREATER GOOD THRIFT STORE.
- MS. ASSELSTINE: AND THEN THE, THE FIFTH WINDOW THAT'S, THAT SAYS THRIFT STORE.
- MS. ASSELSTINE: YEAH.
- MR. SLAUGH: YEAH. SO THAT. SO THERE'S ANOTHER. SO THE ONE THAT SAYS NEW JERSEY RISE.ORG, THAT'S THE ONE THAT'S AT THE FRONT OF THE BUILDING.

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- MS. ASSELSTINE: YEAH.
- MR. SLAUGH: FACING ROGERS. SO THERE'S A SET OF SIGNS THAT ARE MORE IN NUMBER THAN, YOU KNOW, PERMITTED BY THE ORDINANCE. BUT AS WE ARE INDICATING, IT'S THIS SECTION OF THE CODE IS NOT LISTED. IT'S NOT IN THE ZONING ORDINANCE. IT'S IN A SEPARATE CHAPTER BY ITSELF. THE ATTORNEY AND I HAD A LITTLE DISCUSSION ABOUT THAT THIS AFTERNOON. THE, THE CODE MAY HAVE SIGN ORDINANCE, IT'S NOT IN THE ZONING WORK. SO WHICH HIGHTSTOWN DOES HAVE, IT'S A LITTLE MORE UNUSUAL. AND SO IF YOU LOOK AT MY REPORT, WHERE WE'RE LOOKING AT 3.1, ON PAGE THREE, IT SAYS THE TOTAL AREA OF ALL WINDOWS SIGNS SHOULD NOT EXCEED 10%. SO YOU'RE ALLOWED TO SIGN THAT'S ON THE FACADE, AND YOU'RE ALLOWED SOME WINDOW SIGNAGE, THAT WINDOW SIGNAGE IS LIMITED TO THE 10%. SO YOU CAN HAVE MORE, BUT THE SIGN IS LIMITED TO 10% IN THE WINDOW ITSELF, AND ALL THE SIGNS THAT ARE PROPOSED, EXCEED THAT AMOUNT.
- MR. MICCIO: FOR THE RECORD, MS. CHAIRWOMAN, THERE WAS A QUESTION ABOUT THE NUMBER OF FACADE SIGNS AND THAT SECTION OF THE HIGHTSTOWN CODE SO THAT'S, THAT'S SECTION 2917.B FACADE SIGN. ONE FACADE SIGN FOR BUILDINGS SHALL BE PERMITTED, PROVIDED THAT THE SIGN AREA SHOULD NOT EXCEED SIX SQUARE FEET NOR PROJECT MORE THAN EIGHT INCHES FROM THE BUILDING OR STRUCTURE.
- MR. SLAUGH: YOU KNOW, POSSIBLY EXCEED THAT, BUT I PRESUME THAT THERE WAS A SIGN, SIGN PERMIT THAT WAS ISSUED FOR THE SIGNS.
- MS. ASSELSTINE: SO I THINK, CAN WE GO ...
- MR. SLAUGH: THAT WAS INCITED BY THE CODE OFFICIAL.
- MS. ASSELSTINE: YES, GEORGE; I THINK WE SHOULD LISTEN TO GEORGE'S REPORT. SCOTT, GEORGE CHIN IS OUR, OUR ZONING OFFICER. SHOULD HE BE SWORN IN?
- MR. MICCIO: SURE.
- MS. ASSELSTINE: GEORGE, ARE YOU READY TO BE SWORN IN?
- MR. CHIN: YES.
- MS. ASSELSTINE: THANK YOU.
- MR. MICCIO: OKAY, MR. CHIN. DO YOU SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH? SO HELP YOU GOD?
- MR. CHIN: YES.
- MR. MICCIO: LET THE RECORD SHOW THAT GEORGE CHEN HAS BEEN SWORN IN.
- MS. ASSELSTINE: THANK YOU. GEORGE, DO YOU WANT TO SPEAK TO YOUR REPORT?

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MR. CHIN: OH, WELL, I, I'VE BEEN GOING AROUND TO THE DIFFERENT BUSINESSES TODAY AND ON FRIDAY, AND I'VE BEEN ISSUING NOTICE OF VIOLATIONS FOR SIGNS. SO, THE APPLIANCE STORE TOOK DOWN THEIR SIGNS. TACO RITO TOOK DOWN THEIR SIGNS. AND I ISSUED, BESIDES THE ONES THAT THEY HAD LISTED, I ISSUED WITH SOME OTHER NOTICE OF VIOLATIONS. SO WE'RE GOING AROUND NOW TO CORRECT THE SIGN VIOLATIONS THAT ARE IN DOWNTOWN.

MS. ASSELSTINE: THANK YOU KNOW, YOU ALSO WERE TALKING IN YOUR REPORT, YOU WERE TALKING ABOUT THE LIQUOR STORE THAT WAS GRANDFATHERED IN BEFORE THE...

MR. CHIN: YEAH, THE LIQUOR STORE HAS ALWAYS HAD HE SIGNS IN THERE, AND SO THEY'RE GRANDFATHERED IN.

MS. ASSELSTINE: AND THAT'S THE BUSINESS THAT WAS ROBBED, THAT THE POLICE WAS REFERENCING.

MR. CHIN: YES

MS ASSELSTINE: IS THAT CORRECT?

MR. CHIN: YES. AND I TALKED TO THEM, THE POLICE TALK TO THEM ABOUT YOU GOT TO HAVE IT OPEN, JUST SO PEOPLE CAN, BECAUSE THAT ROBBERY WAS DURING THE DAYTIME. AND WE WANTED THEM TO HAVE IT OPEN. SO PEOPLE PASSING BY COULD SEE WHAT WAS GOING ON INSIDE. AND THEY REFUSE TO DO IT. SO.

MS. ASSELSTINE: MS. CHAIRWOMAN, IF I COULD JUST CLARIFY FOR THE RECORD FOR MR. CHIN, YOU WE TALKED ABOUT THE LIQUOR STORE SIGN BEING

MS. ASSELSTINE: GRANDFATHERED IN, MEANING THAT THE SIGN WAS THERE BEFORE THE ORDINANCE WAS ENACTED? IS THAT RIGHT?

MR. CHIN: YES.

MS. ASSELSTINE: SO ANYTHING ELSE, GEORGE, THAT, UM, DID YOU SPEAK TO THE POLICE CHIEF AND FIRE THE FIRE MARSHAL?

MR. CHIN: WELL, I READ THE REPORT, I DIDN'T TALK TO THEM ABOUT IT.

MS. ASSELSTINE: OKAY.

MR. CHIN: AFTER THE, AFTER THE LIQUOR STORE WAS ROBBED, THE POLICE HAD ME GO AROUND AND TALK TO THE DIFFERENT BUSINESS OWNERS TO TRY TO GET THE SIGNS REMOVED SO THAT PEOPLE CAN SEE INSIDE. I WANT TO MENTION WHERE THERE ARE SOME BUSINESSES WHERE THEY WERE USING THE SIGNS TO HELP HIDE THE CASH REGISTER. SO, I ALLOW THAT. SO FOR INSTANCE, THE TAX BUSINESS, THEY HAVE A SIGN THERE, WHERE THEY THEN REPLACE THAT WITH A SOLID PIECE. SO, BECAUSE HIS WIFE

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MR. CHIN: WORKS THERE, AND HE DOESN'T WANT PEOPLE SEEING HOW SHE'S DEALING WITH MONEY THERE. SO, BUT THEY'RE GOING TO REMOVE TO SIGN BUT THEY WANT TO HAVE SOMETHING TO PROTECT. SO PEOPLE DON'T SEE IN THAT WHAT'S HAPPENING AT THE CASH REGISTER.

MS. ASSELSTINE: OKAY. ANYTHING ELSE THAT YOU WANT TO SHARE?

MR. CHIN: UM, NO, JUST LET THE BOARD KNOW THAT I AM GOING AROUND AND I AM CORRECTING ANY SIGN VIOLATIONS..

MS. ASSELSTINE: THANK YOU.

MR. CHIN: YOU'RE WELCOME.

MS. ASSELSTINE: SO CARMELA, I THINK, DO YOU HAVE ANY COMMENTS? I KNOW YOU SAID THAT, IN YOUR LETTER THAT YOU DID NOT THINK THAT THERE WAS ANY ENGINEERING IMPACT.

MS. ROBERTS: THAT'S RIGHT. BUT REALLY, THERE ARE NO SITE ISSUES TO THIS APPLICATION. THERE ARE NO ENGINEERING CONCERNS.

MS. ASSELSTINE: THANK YOU. SO ANY OTHER COMMENTS FROM THE PROFESSIONALS BEFORE WE GO TO THE BOARD? QUESTIONS OR ANYTHING?

MR. BROADWAY: OKAY, MS. ASSELSTINE, DO WE HAVE AN OPPORTUNITY TO RESPOND TO THE COMMENTS THAT WERE JUST MADE BY YOUR COMMITTEE IN SPECIFIC?

MR. MICCIO: YEAH, HE MAY MS. CHAIRWOMAN

MS. ASSELSTINE: SURE. OKAY, GO AHEAD.

MR. BROADWAY: THANK YOU. I APPRECIATE THAT. I THINK WE ARE NOT SAYING WE'VE RESPONDED TO SPECIFICALLY THE ISSUES RAISED REGARDING SAFETY. AND MORE IMPORTANTLY, THE ASPECT OF THE TWO SPECIFIC PROPERTIES THAT MR. CHIN REFERENCED. MOST, THOSE TWO ONLY HAVE ONE WINDOW. SO PERCEIVED VISIBILITY ISSUE, IS MOOT AND IS MOOT SIMPLY BECAUSE YOU ONLY HAVE ONE WINDOWS SO YOU HAVE THREE OTHER AREAS OF THE BUILDING THAT THERE IS NO VISIBILITY BECAUSE IT'S A SOLID WALL THAT IS NOT THE CASE, RELATIVE TO RISE. ONE. AND THEN WE HAVE CAMERAS, WHICH I DON'T KNOW THESE OTHER PROPERTIES WHERE THEY IN FACT HAVE SIMILAR SECURITY MEASURES OR NOT ONE. TWO, RELATIVE TO MR. SLAUGH'S COMMENT ABOUT THE IMPORTANCE OF THE, OR THE ALTERNATIVE, MEANING REMOVE THESE LETTERS FROM THE SIGNS IS A CRITICAL ELEMENT TO THE SUCCESS OF THE THRIFT STORE, SPECIFICALLY, THE WALKING TRAFFIC AND THE TRAFFIC THAT COMES OUT FROM OUTSIDE THE SPECIFIC COMMUNITY. AND SO I BELIEVE WE RESPONDED TO THOSE TWO ISSUES AND MORE SPECIFICALLY, WITH REGARD TO THE SPECIFIC EXCEPTION. SO WE'RE NOT

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MR. BROADWAY: STATING THAT WE'RE IN COMPLIANCE. THAT'S CLEARLY NOT THE CASE. THAT'S NOT WHAT A VARIANCE IS, FOR, AS ALL OF YOU KNOW, MORE SPECIFICALLY, THE ATTORNEY KNOWS WE'RE HERE SEEKING A VARIANCE BASED ON EXCEPTIONS IN THE SHOWINGS THAT WE'VE PROVIDED. AND THAT'S WHAT WE'RE ASKING THE BOARD TO CONSIDER MORE SPECIFICALLY, AND ADDRESSING ALL THE COMMENTS THAT WERE PRESENTED TO US THIS MORNING. THANK YOU.

MS. ASSELSTINE: OKAY, ANY BOARD MEMBERS WHO WISH TO ASK QUESTIONS OR MAKE COMMENTS?

MR. QUATTRONE: I'D LIKE TO SAY SOMETHING.

MS. ASSELSTINE: MAYOR, PLEASE GO RIGHT AHEAD.

MR. QUATTRONE: IT'S VERY OBVIOUS THAT THEY SPENT A LOT OF TIME STUDYING THESE SIGNS AND FIGURING OUT WHAT THEY WANTED TO PUT UP THERE. AND HOW THE SIGNS WORKED AND EVERYTHING, BUT THEY DIDN'T COME TO THE BOROUGH WITH IT. THEY'RE ASKING FOR FORGIVENESS, INSTEAD OF ASKING FOR PERMISSION? THEY SHOULD HAVE CAME UP. RIGHT FROM THE VERY BEGINNING THAT SAID, THIS IS WHAT WE'D LIKE TO DO. AND, YOU KNOW, AND THEN WHEN THEY BRING UP THE POINT ABOUT OTHER STORES, MY COMMENT TO THAT IS TWO WRONGS DON'T MAKE A RIGHT. AND THOSE OTHER STORES WILL BE ADDRESSED. I CAN GUARANTEE YOU IT. I THINK THAT THESE SIGNS DO PERTAIN TO YOUR ORDINANCE. I THINK, PERSONALLY, I DON'T THINK THEY FIT THE CHARACTER OF THE WHOLE NEIGHBORHOOD. I THINK IT'S TRYING TO TAKE AWAY FROM TOWN ITSELF. BUT I REALLY THINK THAT THE AMOUNT OF TIME SPENT PREPARING, BUILDING AND USING THESE SIGNS, SHOULD HAVE BEEN DONE PRIOR TO, SHOULD HAVE BEEN DONE WITH GEORGE CHIN AND HIS OFFICE PRIOR TO INSTALLATION. THE, THEY OBVIOUSLY, THEY EXCEED THE SIGN ORDINANCE BY VERY MUCH. A WHOLE LOT. I'D LIKE TO COMMENT

MR. QUATTRONE: FURTHER LATER. I WANT TO HEAR MORE TESTIMONY AT A COUNCIL, BOARD.

MR. BROADWAY: OKAY, MAY WE SPECIFICALLY RESPOND TO THE MAYOR'S COMMENT?

MS. ASSELSTINE: LET'S GO THROUGH, WE'RE GONNA GO THROUGH OUR BOARD COMMENTS NOW. WE'VE, WE'RE MOVING ON. OKAY. ANYBODY ELSE FROM THE BOARD?

MR. QUATTRONE: REALLY?

MS. ASSELSTINE: JOANNA, JOANNA JACKSON?

MS. JACKSON: HI, BEV, IT'S ME.

MS. ASSELSTINE: OH, SORRY. MY CAMERA'S OFF NOW.

MS. ASSELSTINE: NO PROBLEM.

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MS. JACKSON: AND MY HANDS STILL UP. I DON'T KNOW HOW TO TAKE THAT DOWN. LET'S SEE. THERE WE GO. I WAS WONDERING IF, SCOTT, YOU COULD MAYBE REPEAT ONE MORE TIME FOR ME JUST WHAT YOU SAID BEFORE ABOUT WHAT WE'RE CONSIDERING AS THE PLANNING BOARD, LIKE HOW ARE WE BASING OUR DECISION?

MR MICCIO: SURE. SO FIRST OF ALL, READ DIRECTLY FROM THE STATUTE HERE. AND THEN AND THEN MR. SLAUGH CAN FOLLOW UP IF THERE'S ANYTHING TO ADD. SO THE STATUTE SAYS THE PLANNING BOARD, WHEN ACTING ON APPLICATIONS FOR PRELIMINARY SITE PLAN APPROVAL SHALL HAVE THE POWER TO GRANT SUCH EXCEPTIONS FROM THE REQUIREMENTS FOR SITE PLAN APPROVAL. AGAIN, WE KNOW THIS IS NOT SITE PLAN APPROVAL, BUT THIS IS THIS IS A SECTION OF THE LAND USE LAW THAT'S MOST, MOST SIMILAR TO THE SITUATION WE HAVE HERE TODAY. SO SHALL HAVE THE POWER TO GRANT SUCH EXCEPTIONS FROM THE REQUIREMENTS FOR SITE PLAN APPROVAL AS MAY BE REASONABLE AND WITHIN THE GENERAL PURPOSE AND INTENT OF THE PROVISIONS FOR SITE PLAN REVIEW AND APPROVAL OF AN ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE, IF THE LITERAL ENFORCEMENT OF ONE OR MORE PROVISIONS OF THE ORDINANCE IS IMPRACTICABLE, OR WILL EXACT UNDUE HARDSHIP OR BECAUSE OF PECULIAR CONDITIONS PERTAINING TO THE LAND IN QUESTION. SO BEFORE I HAD MENTIONED, YOU KNOW, THE, THE, THE SIGNAGE AND HOW IT IMPACTS BUSINESS PROVIDES SOME INTERESTING CONTEXT, BUT IT'S NOT REALLY A PART OF WHAT YOUR CONSIDERATION SHOULD BE HERE TODAY. WHEN WE TALK ABOUT UNDUE HARDSHIP. WE'RE TALKING ABOUT THE ACTUAL PIECE OF PROPERTY ITSELF. SO THAT'S, THAT'S THE CHARGE FOR THE BOARD. MR. SLAUGH, DID I MISS ANYTHING?

MR. SLAUGH: YEAH, SO. SO SCOTT, I WOULD SAY THAT SOMETHING FOR THE BOARD TO CONSIDER IS, IS THE BUILDING SO INVISIBLE FOR THE PUBLIC RIGHT OF WAY THAT YOU WOULDN'T BE ABLE TO FIND IT? IF YOU WERE A VISITOR

MR. SLAUGH: COMPARED TO OTHER BUILDINGS THAT YOU WERE LOOKING FOR EVEN FROM OUT OF TOWN? THIS IS ON ROGERS. IT'S A BLOCK OFF OF MAIN STREET. IS IT EASILY MISSED? TODAY? WE HAVE A LOT OF NAVIGATION SYSTEMS WHICH AND NAVIGATION SYSTEMS ON PHONES, MOST PEOPLE HAVE SOME TYPE OF PHONE SYSTEM. SO THE QUESTION WOULD BE, REALLY HOW IMPOSSIBLE WAS THIS? IS THIS BUILDING TO FIND, EVEN FOR OUT OF TOWN VISITORS?

MR. MICCIO: THAT'S A GOOD POINT, MR. SLAUGH. IN THE CONTEXT OF SCIENCE SPECIFICALLY, THAT WOULD BE THAT WOULD BE THE ANALYSIS WHEN WE'RE TALKING ABOUT UNDUE HARDSHIP.

MR. SLAUGH: YES, AND SO I THINK THE BOARD NEEDS TO LOOK AT IT IN THAT CONTEXT, COMPARED TO OTHER SITUATIONS, IS THERE SOMETHING PECULIAR TO

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MR. SLAUGH: THIS PARTICULAR PROPERTY? THE APPLICANT OFFERED THAT IT'S A, IT'S A NARROW, LONG BUILDING WITH THE NARROW FRONT ON ROGERS, THAT GOES BACK INTO THE SITE? IS IT SO BURIED IN VEGETATION THAT YOU CAN'T SEE IT FROM THE STREET, THAT YOU WOULD NEED EXTRA SIGNAGE TO BE ABLE TO IDENTIFY THE BUILDING? SO I THINK THESE ARE SOME OF THE CONSIDERATIONS THAT THE BOARD COULD THINK ABOUT. I'M LOOKING AT THE GOOGLE EARTH VERSION, SO I CAN I HAVE SOME CONTEXT FOR THIS. SO I THINK IN TERMS OF THE SIGNAGE, BECAUSE SIGNAGE IS INTENDED TO DIRECT PEDESTRIANS AND MOTORISTS TO THE SITE, TO THE BUSINESS ITSELF TO THE THRIFT STORE. AND SO IN THAT CONTEXT, IS WHAT THE BOARD SHOULD CONSIDER IN TERMS OF IS THE SIGNAGE NECESSARY TO ACHIEVE THAT PURPOSE? AND I THINK THAT THAT'S THE STANDARD THAT YOU SHOULD BE LOOKING AT, OR IS THE PROPERTY OF SUCH A PECULIAR OR UNIQUE TYPE THAT THAT THE SIGNAGE IS NECESSARY TO ACHIEVE THOSE PURPOSES?

MS. ASSELSTINE: THANK YOU, BRIAN. ANY OTHER BOARD MEMBERS? JOE BALCEWICZ.

MR. BALCEWICZ: OKAY, THANK YOU. I WAS GOING TO MAKE THE SAME POINT THAT BRIAN JUST DID ABOUT OTHER NAVIGATION METHODS THAT ARE AVAILABLE TO PEOPLE THESE DAYS TO FIND PLACES THAT I WOULD GUESS SINCE A YOUNGER CLIENTELE WAS DESCRIBED AS THE USERS OF THIS FACILITY, THEY WOULD PROBABLY BE ABLE TO USE THOSE OTHER METHODS TO, TO FIND THE STORE. ALSO, IN DOWNTOWN HIGHTSTOWN, THERE ARE THESE POSTS AROUND TOWN THAT LISTS THE BUSINESSES, THERE'S LITTLE SIGNS THAT HANG OFF THE POSTS THAT LIST OF BUSINESSES IN A CERTAIN DIRECTION. I DON'T KNOW WHETHER RISE IS LISTED ON THERE, BUT CERTAINLY, THAT WOULD BE A WAY THAT SOMEONE IS WALKING AROUND DOWNTOWN, LOOKING FOR RISE COULD, COULD SEE A MENTION OF IT ON ONE OF THESE SIGNS AND AT LEAST BE SHOWN THE RIGHT DIRECTION TO GO TO AND THE VISIBILITY ISSUE I, I SORT OF REJECT THE IDEA THAT CAMERAS IN A STORE ARE EQUIVALENT TO GIVING POLICE OR FIRE THE ABILITY TO SEE INTO A BUILDING. I DON'T KNOW WHO CAN SEE THOSE CAMERAS, WHETHER THEY'RE VISIBLE AT THE POLICE STATION, I SORT OF DOUBT IT. BUT A, FIRE PERSON OR A POLICE OFFICER ON THE GROUND, HAVING TO MAKE SOME TACTICAL DECISIONS ABOUT WHAT TO DO IF THERE'S HAPPENS TO BE A ROBBERY GOING ON, IS NOT GOING TO CALL BACK AND SAY HEY, SHOW ME WHAT THE CAMERAS ARE SHOWING. SO, SO I, I BELIEVE THAT'S A MAJOR ISSUE IN MY MIND IS DECIDING WHETHER THE SCIENCE SHOULDN'T BE REMOVED. THANK YOU.

MS. ASSELSTINE: THANK YOU, JOE. BETH. DO YOU HAVE YOUR HAND UP?

MS. WATKINS: YEAH, THANKS. JUST A COUPLE OF POINTS. TO BRIAN'S POINT ABOUT YOU KNOW, FOR A, YOU'RE TALKING ABOUT OUT OF TOWN, PEOPLE FINDING A BUSINESS I COMPLETELY AGREE THAT MOST PEOPLE ARE GOING TO BE

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MS. WATKINS: USING A GPS TO FIND IT. IF NOT, YOU KNOW, OLD SCHOOL USING A MAP THEY DO HAVE AN ADDRESS AND IT LOOKS LIKE FROM THE INFORMATION THAT WAS THE TWO PICTURES THAT WERE PROVIDED TO US IN OUR PACKET. IF I'M LOOKING AT THE TOP PICTURE CORRECTLY, JUST THE FRONT THE SHORT END OF THE BUILDING, THE ONE ON ROGERS, IT DOES APPEAR, I THINK THAT'S, IT LOOKS LIKE THEY'RE STREET NUMBERS RIGHT NEXT TO THAT, TO THE LEFT OF THAT DOOR, WHICH IS FAIRLY VISIBLE ON A SMALL, GRAINY PICTURE. SO I WOULD THINK DRIVING BY, YOU'D BE ABLE TO SEE THAT STREET ADDRESS. AND ANYONE THAT'S FAMILIAR WITH DRIVING ON THAT ROAD, IT'S YOU KNOW, THAT PARKING LOT IS VERY VISIBLE, YOU KNOW, SOME PLACES DOWNTOWN, YOU DON'T REALLY KNOW WHERE TO PARK. BUT THAT, YOU KNOW, THEY DO HAVE THAT VERY, VERY VISIBLE PARKING LOT RIGHT NEXT TO THEIR BUILDING. SO I DON'T THINK THAT WOULD BE A PROBLEM WITH PEOPLE, YOU KNOW, TRYING TO FIND IT OR TRYING TO FIND SOME PLACE TO PARK TO PULL IN. UM, I THINK THAT I'M JUST NOT REALLY HEARING THE HARDSHIP THAT THE BUSINESS WOULD HAVE IF THESE SIGNS WERE TO BE TAKEN DOWN. UM, IF THERE ARE A LOT OF SIGNS, YOU KNOW, ON THAT BUILDING, AND YOU KNOW, AND I THINK IN THE BEGINNING OF THE TESTIMONY, THERE WAS A POINT ABOUT, YOU KNOW, ADVERTISING, THE SHARED SERVICES AND THINGS LIKE THAT. I THINK THAT'S MAYBE A SEPARATE ISSUE, IT SEEMS TO ME THAT THE ISSUE IS REALLY THE SIGNS IN THE WINDOWS. AND I DON'T THINK THAT THOSE SIGNS IN THE WINDOWS ARE REALLY, I DON'T, I DON'T THINK THAT'S THE ISSUE. I THINK THE ISSUE IS, YOU KNOW, WE'RE TALKING ABOUT ALL THESE OTHER BUSINESSES IN TOWN COMPLYING WITH THE ORDINANCE THAT'S ON THE BOOKS AS IT IS WITH THIS 10%. AND I DON'T HEAR OTHER BUSINESSES SAYING, YOU KNOW, COMING FORWARD AND SAYING THAT THEY ARE HAVING A HARD TIME WITH PEOPLE FINDING THEIR BUSINESSES, SO I'M NOT SURE WHY. YOU KNOW, I DON'T I DON'T I JUST DON'T SEE THE HARDSHIP. ARGUMENT BEING MADE FOR, FOR RISE IN THIS PARTICULAR CASE FOR THESE FOR THESE WINDOWS. AND THEN ALSO I WAS A LITTLE I GUESS, I'M JUST A LITTLE CONFUSED ABOUT THE SAFETY ISSUE. AS FAR AS THE STAFF, IT SOUNDED LIKE IT WAS BEING SAID THAT THERE COULD BE A POTENTIAL FOR SAFETY ISSUES FOR THE STAFF INSIDE THE BUILDING. IF THESE

MS. WATKINS: WINDOW COVERINGS WERE NOT THERE. SO I THINK MAYBE I JUST MISSED THAT POINT. BUT I DON'T SEE THAT AS BEING A SAFETY ISSUE FOR THE STAFF IN THE BUILDING, IF THESE SIGNS WERE TO COME DOWN. I THINK, THAT'S, THAT'S IT.

MS. ASSELSTINE: THANK YOU, BETH.

MS. WATKINS: THANK YOU.

MS. ASSELSTINE: BOARD MEMBERS? STEVE.

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MR. MISIURA:

THANKS. UM, I, YOU KNOW, IT'S UNFORTUNATE THAT THESE SIGNS WERE INSTALLED, IT KIND OF MAKES IT AWKWARD FOR A PLANNING BOARD. YOU KNOW, THERE'S A LOT OF GOOD ISSUES WERE RAISED BY RISE. I THINK, YOU KNOW, I THINK IT IS A GOOD ARGUMENT THAT, YOU KNOW, YOU DON'T LIKE TO LOOK AT THE BACK OF SHELVES. YOU KNOW, THERE'S AN AESTHETIC ASPECT OF IT. BUT I THINK, YOU KNOW, THAT'S A SEPARATE ISSUE FROM THE SIGNAGE, YOU KNOW, THERE'S WAYS TO DEAL WITH THAT. I THINK. AND I THINK, YOU KNOW, IF THIS WAS DONE THROUGH A REGULAR PROCESS, WE COULD HAVE WORKED THROUGH IT, YOU KNOW, WE ASSIGN ARCHITECTURAL REVIEW COMMITTEES, WE GO BACK AND FORTH, MAKE SURE EVERYTHING SATISFIED, I'M, I'M RELUCTANT TO KIND OF BRUSH ASIDE, I DON'T WANT TO SAY BRUSHED ASIDE, BUT I DON'T WANT TO, LIKE SECOND GUESS THE POLICE OR THE FIRE DEPARTMENT'S COMMENTS, THEY KNOW THEIR JOB, THEY, THEY KNOW, THEIR CONCERNS, YOU KNOW, I'M NOT A POLICEMAN, I'M NOT A FIREMAN. I'M NEVER GOING TO BE IN THAT SITUATION. SO I WOULD, I WOULD TAKE, TAKE THOSE COMMENTS SERIOUSLY, AND THEY SEEM TO HAVE A PROBLEM. AND I WOULD AGREE WITH SOME OF THE OTHER COMMENTS, I DON'T THINK THAT THIS IS PARTICULARLY UNIQUE, THIS SITE OR THIS STORE, IN TERMS OF VISIBILITY AND SIGNAGE, I MEAN, THEY HAVE THREE, FOUR EXPOSED SIDES, YOU KNOW, ONE HAS A BEAUTIFUL MURAL, THAT WE'RE THANKFUL FOR. BUT MOST BUSINESSES IN HIGHTSTOWN ARE LONG AND NARROW, AND YOU HAVE A VERY SMALL FACADE FACING THE STREET, ALL THE BUSINESSES DOWNTOWN, AND THEN THEY EXTEND BACK AND A SHOPPING CENTERS THE SAME WAY. SO I DON'T, I DON'T REALLY SEE THE UNIQUENESS OF THIS SITE, MAKING IT ANY MORE DIFFICULT THAN ANY OTHER BUSINESS WOULD BE IN HIGHTSTOWN. AND, YOU KNOW, GOING BACK TO THE SIGN ORDINANCE THAT WAS DONE YEARS AGO, AND THERE WAS A TREMENDOUS AMOUNT OF TIME SPENT ON THAT. AND, YOU KNOW, THE BOROUGH REALLY WANTED TO CREATE A STANDARD AND I THINK, YOU KNOW, SOME OF THAT WAS READ EARLIER, AND ONE THING I PICKED UP ON WAS THE HISTORIC ASPECT OF THE BOROUGH. I THINK, I THINK THE THOUGHT THEN WAS YOU'RE, YOU KNOW, TRYING TO GET A NICE HISTORIC TOWN WITH NICE HISTORIC SIGNS, YOU KNOW, YOU KNOW, UNFORTUNATELY, YOU KNOW, AN ORDINANCE ISN'T GOING TO SOLVE EVERYTHING YOU GO AROUND TOWN. THEY POINTED TO A LOT OF EXAMPLES THAT YOU KNOW, EVEN THOUGH WE HAVE THE SIGN ORDINANCE, MAYBE, THERE'S AN ENFORCEABILITY ISSUE. I THINK THAT'S A SEPARATE ISSUE. I DON'T THINK THAT, YOU KNOW, IS SOMETHING TO POINT TO SAY, WELL, THEY'RE DOING IT, YOU KNOW, AND THIS IS, ISN'T AS BAD AS THAT I THINK YOU HAVE THIS, YOU KNOW, SEPARATE THOSE ISSUES. YOU KNOW, BUT AGAIN, I THINK THERE'S, I THINK THERE'S A SOLUTION, BUT I DON'T THINK THIS IS IT. AND IT'S UNFORTUNATE THAT IT HAS BEEN INSTALLED BECAUSE I'M LOOKING AT IT NOW. YOU KNOW, OBVIOUSLY, A LOT OF THOUGHT HAD

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MR. MISIURA: GONE INTO THIS AND EXPENSES GONE INTO THIS. SO I'M VERY UNCOMFORTABLE WITH, WITH THIS. THANK YOU.

MS. ASSELSTINE: THANK YOU, STEVE. ANY OTHER BOARD MEMBERS?

MS. JACKSON: GO AHEAD, RAY, YOU'RE FIRST.

MR. CABOT: I THINK I, I SHARE STEVE'S DISCOMFORT IN SOME WAY IN IN THAT, I THINK WE NEED TO RECOGNIZE HOW GREAT THIS ORGANIZATION IS, HOW MANY PEOPLE IN THE COMMUNITY THEY SERVE THE WORK THAT THEY'VE PUT IN TO, TO BUILD UP THIS THRIFT STORE AND, AND, AND SO IT'S, IT'S HARD NOT TO ROOT FOR RISE IF YOU LIVE IN HIGHTSTOWN I THINK THEY'RE, THEY'RE DOING GREAT THINGS. AND, AND SO THEREFORE YOU FEEL A LITTLE SCROOGE LIKE BY SAYING, BUT THEY CAN'T DO THIS, YOU KNOW, IF THEY WERE TO GO BACK TO THEIR CURTAINS INSIDE THE WINDOWS, WE COULDN'T SAY ANYTHING ABOUT THAT, IN TERMS OF A SIGN ORDINANCE, BUT THAT I THINK WOULD BE A WORSE SITUATION, BOTH FOR RISE AND FOR THE TOWN. SO I DON'T KNOW WHAT OUR OPTIONS ARE HERE GOING FORWARD. BUT I WOULD WELCOME SOME SUGGESTION THAT, THAT ALLOWED US TO WORK WITH RISE TO, TO COME UP WITH SOMETHING THAT WOULD SUPPORT THEM AND THEIR NEED TO BE CONSISTENT AND CLEAR IN THEIR BRANDING AND THEIR MARKETING. AND I JUST THINK THEY DO A GREAT JOB AND I DON'T WANT TO LOSE SIGHT OF THAT, IN THE NITTY GRITTY OF LAND USE A DISCUSSION.

MS. ASSELSTINE: THANK YOU, RAY. JOANNA?

MS. JACKSON: NEVERMIND, I'M SORRY, I WAS TRYING TO JUST THINK OF, I DON'T KNOW HOW WE DO THAT. BUT A COMPROMISE KIND OF WHAT HE WAS SAYING LIKE HOW CAN WE MOVE FORWARD FROM HERE THEN? WITH, BECAUSE, YEAH, I FEEL THE SAME WAY. IT'S VERY UNCOMFORTABLE TO GO AGAINST NONPROFIT THAT IS AS AMAZING AS RISE. AND THIS IS REALLY HARD. SO SORRY, YOU GUYS ARE AMAZING.

MS. ASSELSTINE: THANK YOU, JOANNA. BILL, ANYTHING FROM YOU?

MR. SEARING: NO, I DON'T HAVE ANYTHING TO ADD TO THE COMMENTS THAT HAVE BEEN MADE ALREADY.

MS. ASSELSTINE: THANK YOU. SO I WILL MAKE JUST ONE COMMENT THAT, YOU KNOW, I, I AGREE WITH STEVE. I KNOW FOR YEARS IT TOOK TO DEVELOP THE SIGN ORDINANCE. AND THERE IS THE SIGN ORDINANCE FOR A REASON A LOT OF THOUGHT WENT INTO IT. AND YOU KNOW, WE, WE CAN DO A BETTER JOB OF ENFORCEMENT. AND I THINK WE CAN DO A BETTER JOB OF, TO ECHO THE COMMENTS, A BETTER JOB OF HELPING LOCAL ORGANIZATIONS AND BUSINESSES FIGURE OUT HOW TO NAVIGATE, NAVIGATE THE, THE ORDINANCE AND FIND A SOLUTION THAT WORKS AND IS IN COMPLIANCE.

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MS. ASSELSTINE: BUT THE ORDINANCE IS THERE FOR A REASON. AND ALL FOR THE BETTER FOR HIGHTSTOWN. SO I DO SUPPORT THE, THE ORDINANCE AS IT IS.

MR. MICCIO: MS. CHAIRWOMAN, BEFORE WE PROCEED, I WANT TO DOUBLE CHECK AND MAKE SURE THAT WE HAVE OPENED IT UP TO THE PUBLIC.

MS. ASSELSTINE: I WAS JUST GOING THERE. THANK YOU. IS THERE ANYBODY FROM THE PUBLIC OUT HERE TO SPEAK TO THIS PARTICULAR ISSUE? ALL RIGHT, HEARING NOBODY I WILL CLOSE PUBLIC COMMENT ON THIS HEARING. LARRY, DID YOU WANT TO SAY ANYTHING ELSE?

MR. QUATTRONE: YES. I THINK WHAT I SEE HERE IS AND LISTEN TO THE TESTIMONY AND THE COMMENTS OF OTHER, OTHER BOARD MEMBERS. I THINK I SEE A WANT INSTEAD OF A NEED. THEY WANT THE SIGNS UP. THEY THINK IT'S BETTER FOR THEIR BUSINESS, BUT IT DEFINITELY A VIOLATION TO THE SIGN ORDINANCE. I PERSONALLY DON'T THINK IT LOOKS NICE. I DON'T I DON'T AGREE WITH IT. 100%. AND AS A BUSINESS OWNER IN TOWN, IF I PUT THAT MANY SIGNS UP ON MY SHOP, I AM SURE THAT MR. CHIN WOULDN'T BE VISITING ME. I THINK IT EXCEEDS THE, THE ORDINANCE BY QUITE SOME TIME QUITE A BIT, I MADE IT. EVEN THE FRONT OF THE BUILDING. IT'S GOT SO MANY SIGNS THAT YOU ALMOST CAN'T READ THEM. YOU KNOW, IF YOU GO DOWN A ROAD AND YOU GO, AND YOU SEE, YOU GET IN AN AREA WHERE THERE'S SO MANY SIGNS THAT YOU'RE LOST, YOU DON'T KNOW WHERE YOU'RE AT, AND THE SAME THING HAPPENS HERE. IT'S JUST TOO MUCH TIME, TOO MUCH DOING AND VIOLATION ALL THE WAY. I'M OPPOSED.

MS. ASSELSTINE: THANK YOU, LARRY. OKAY, SCOTT, CAN YOU HELP US FRAME OUT A MOTION? I THINK WE ARE READY FOR THAT.

MR. MICCIO: WELL I, LET'S ENTERTAIN, MAYBE WE CAN ENTERTAIN A MOTION FROM THE BOARD. AND WE'LL, WE'LL CRAFT IT FROM THERE.

MS. ASSELSTINE: OKAY. CAN I GET A MOTION TO ADDRESS THIS ISSUE?

MR. QUATTRONE: I WOULD MOVE TO DENY THE APPLICATION. IS THAT AMPLE, SCOTT?

MR. MICCIO: YEAH, I THINK THAT'S FAIR ENOUGH. I GUESS WE COULD SAY THAT THE, THE MOTION ON THE TABLE FOR MAYOR QUATTRONE HERE, IS TO DENY THE APPLICATION TO REALLY, I GUESS THE APPLICATION IS REALLY TO ALLOW THE EXISTING SIGNS TO STAY IN THE WINDOWS. ALTHOUGH CONTRARY TO CHAPTER 29 OF THE CODE, SO THE MOTION IS TO DENY THE APPLICATION AS STATED.

MS. ASSELSTINE: CAN I GET A SECOND ON THAT MOTION?

MR. SEARING: I'D SECOND IT.

MS. ASSELSTINE: THANK YOU, BILL. JANE, CAN WE GET A ROLL CALL?

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MS. DAVIS: MAYOR QUATTRONE?

MR. QUATTRONE: WELL, YES WITH ME, THOUGH. I DENY, RIGHT?

MS. ASSELSTINE: YES, YES.

MR. QUATTRONE: YES.

MS. DAVIS: MR. MISIURA?

MS. ASSELSINTE: STEVE, YOU'RE ON MUTE. THERE YOU GO.

MR. MISIURA: YES.

MS. DAVIS: MS. ASSELSTINE?

MS. ASSELSTINE: YES.

MS. DAVIS: MS. JACKSON.?

MS. JACKSON: YES.

MS. DAVIS: MR. SEARING?

MR. SEARING: YES

MS. DAVIS: MS. WATKINS?

MS. WATKINS: YES.

MS. DAVIS: MR. BALCEWICZ?

MR. BALCEWICZ: YES.

MS. DAVIS: MR. CABOT?

MR. CABOT: YES

MS. ASSELSTINE: THANK YOU VERY MUCH. I APPRECIATE EVERYBODY'S THOUGHTFUL COMMENTS. AND THANK YOU FOR YOUR TESTIMONY.

THIS CONCLUDES THE HEARING PORTION OF THE PLANNING BOARD MEETING ON 9/13/21

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Application 2021-01 – Hearing commences and based on heard testimony and borough ordinances, Ms. Asselstine asks for a motion to deny the application as stated. Mayor Quattrone motions, seconded by Mr. Searing

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

Redevelopment Area Circulation Plan Presentation by Mike Dannemiller, NV5

Ms. Asselstine announces a presentation on the Redevelopment Area Circulation Plan which is funded by a DVRPC Grant. The purpose is to look at the downtown area involved being redeveloped and figure out a solution to the projected increase in traffic. Complete Streets Committee & the redeveloper's Architecture firm have been involved in the project. They helped with matching money for the Grant. The following presentation summarizes the work that's been done, traffic count analysis, concepts previously reviewed, and the recommendations of the professionals involved. The Planning Board should likely come to an agreement that this is a concept plan that they would like to add to master plan. Following discussions should be forwarded to Borough Council with any comments with recommendation that it be included in our master plan. Although Planning Board has jurisdiction over adopting amendments to the Master Plan, out of tradition, Planning Board goes to Council for agreement. Mr. Misiura explains that this traffic study has been an on-going process with our sub-committee on a regular basis and agrees this is the job of the Planning Board to amend the master plan and request council gives comments as feedback. Ms. Asselstine introduces Mr. Mike Dannemiller of NV5 & Mr. Joe Fishinger of Bright View Engineering who will show the presentation. (See Attached). Mr. Dannemiller presents via Zoom screen share, the Hightstown Redevelopment Area Circulation Study. The project's scope of work will include the intersection at North Main Street & Franklin Street, North Main Street & Stockton Street, North Main Street & Bank Street, Stockton Street & Academy Street, as well as Franklin Street & Maxwell Avenue. A roundabout in the downtown area at North Main Street & Franklin will not work after looking at projections. During higher volume traffic times, traffic could back up and will stand still and possibly affect the ability of firetrucks to exit the firehouse. This revelation changed the direction of the project. Seven alternatives were modeled and presented. Based on the analysis the professionals presented, they conclude to suggest: Adding a right turn lane along Franklin Street to North Main Street frees up more capacity to allow pedestrians more time to cross, with a dedicated pedestrian phase of the light signal as the safest option and easiest to pass through the DOT AND a four-way stop on Stockton Street & Academy Street once redevelopment has begun and traffic patterns change. Global Traffic Recommendations: Coordinate all three traffic lights to optimize and minimize queuing @ Main Street & Franklin, Main Street & Stockton Street, and Franklin Street & Maxwell Ave. Other recommendations include installing high visibility striping at all pedestrian crosswalks, high visibility stop signs, daylighting the intersections and installing shared

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lane markings along Main St. The next steps the professionals will take: Finalize and document concepts, prepare cost estimate, project implementation schedule & present Master Plan for adoption to council.

Ms. Asselstine asks if the Board has any questions.

Mr. Balcewicz notes 3 things. He suggests going forward we don't recommend the blinking/high visibility stop signs as they may raise concerns and push back from local residents. He continues with questioning if there will be a large impact on traffic on Broad Street now that the shopping center on Franklin Street is suggested to exit onto Broad Street.

Mr. Dannemiller says the current exit causes bottlenecking, the proposed exit will become safer. NJDOT will also likely require closing the current exit, as well due to the suggested right turn lane proposed on Franklin Street to North Main Street.

Mr. Balcewicz continues, people that park in the parking lot next to the Tavern on the Lake cross Main Street between the crosswalks.

Mr. Fishinger replies that they are not recommending a mid-block crosswalk. There are ways to deter crossing, but it would interfere with safety concerns and requirements of the fire department's access to crossing the median.

Ms. Asselstine comments that when reviewing the plans with the project team, they preferred the crosswalk on the north side of the Franklin Street & North Main Street intersection to go directly across North Main Street. This will be straight and slightly farther north than the existing crosswalk but will coincide with the upcoming redevelopment and parking garage and prevent people from jay walking in that location.

Mr. Laudenberger suggests that the proposed four-way stop at Stockton & Academy Street remind him of the intersection at South Main Street and Ward Street. He asks how the professionals suggest we deal with the added noise of an intersection of car horns over night and early morning.

Mr. Dannemiller states that any traffic calming treatments have pros and cons. Benefits need to be weighed against the negatives. Signs may be posted to help alleviate excessive noise, i.e. No honking.

Mr. Fishinger says the DOT will look at this when considering if this four-way stop is warranted.

Ms. Asselstine asks for additional questions or comments.

Mayor Quattrone asks which party has authority when a county road crosses state highway.

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Mr. Fishinger states there are exceptions but typically the higher jurisdiction controls the intersection.

Mr. Searing asks the professionals to explain how the timing and phasing of the traffic signals would work.

Mr. Fishinger states that a lot of that is adjusting the amount of green time and base it on the amount of volume, what time of day and what day of the week it is. Since it's based on projections, the timing may need to be readjusted once traffic volume balances out.

Ms. Asselstine asks Ms. Roberts for comments. Ms. Roberts states she doesn't have anything to add but is disappointed that the roundabout will not work out. She says the DOT has never been agreeable to the mid-block crosswalk on North Main Street, and that they haven't always wanted the 3rd crosswalk at the North Main Street & Franklin Street intersections. This is good confirmation of the traffic volumes expected with the redevelopment. Ms. Roberts is in agreeance with the traffic studies findings and professional recommendations.

Ms. Asselstine asks Mr. Slauch for comments. Mr. Slauch inquires about the design criteria for the truck turning movements. Mr. Dannemiller & Mr. Fishinger confirm that they used School Bus, Fire Truck & WB67 for design based on the maximum vehicle size allowed without special permits.

Ms. Watkins asks for clarification on the entrance/exit on Franklin Street from the shopping center. Mr. Dannemiller states that the existing exit from the shopping center onto Franklin Street will be closed off, and you will only be able to exit the shopping center onto Broad Street. The Broad Street curb cut will also act as an entrance for East bound Franklin Street patrons. The current entrance on Franklin Street will remain as an entrance only from West bound Franklin Street patrons.

Ms. Asselstine points out several factors with the corner of Franklin Street & North Main Street. There is a significant elevation difference near the corner that will need to be addressed and a high-tension telephone pole and light signal controller that would need to be relocated. This will be a significant and costly infrastructure project, but it is critical.

Mr. Dannemiller states that (they) will provide the Borough with a cost estimate for all work being shown and the proposed plan being suggested would be the most cost effective out of all options without touching the embankment walls, bridge or without impacting the park area.

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Ms. Asselstine asks for any questions or comments. With no comments being made, Ms. Asselstine then asks how everyone feels about moving to the next step and making a recommendation to council to make this part of the master plan. Mr. Slauch states that the Planning Board can adopt the plan without Council permission. Ms. Asselstine replies that out of tradition, the Planning Board will submit to council for review and comments and that they are in agreeance with the Planning Board. Discussion ensues about how to address the adoption since it does not speak to the entire Master Plan.

Mayor Quattrone agrees that it should be brought to Borough Council for opinion and that it's a great concept plan. Mr. Slauch suggests that it may take some time to get through and on a funding schedule.

Ms. Asselstine calls for a vote to send this to council for review noting that the Planning Board plans to adopt this unless there are any objections from the Council. Mr. Miccio advises that the Board should form a formal motion to present the suggested Master Plan changes to Council for input and review. Motion made by Mr. Cabot and seconded by Mr. Laudenberger.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr. Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

Ms. Asselstine thanks the professionals for their time.

Old Business

Application 2019-05 – Americana Diner Site Plan agreement

Ms. Asselstine asks Mr. Chin to explain his prepared report on the Americana Diner regarding the land being leased from the Borough. He explains that it appears the Americana paved a parking lot on the portion of property currently being leased without proper Planning Board approval. Further research is needed, but if this goes against what they were approved to use the leased land for, a violation will be issued. Prior meetings regarding Application 2019-05 seem to have been continually postponed due to incomplete submissions. An issue arises when the Planning Board isn't sure the original site plan from 2011 was ever approved. It seems the American did the work without approval. Ms. Roberts states she has Resolution 2011-16 in her file that is unsigned and states it should be going back to the original submission where the applicant asks for 157 parking spaces. This site plan is what turned into the Lease between the Americana and the Borough. The Board is unable to discern if there was ever an adopted and signed version of the original site plan. She continues that the difference ends up being the actual layout vs. the original submitted site plan is that the dumpster, garbage pick-up location and the location of the handicapped parking spaces. She continues that in her opinion and from her records she thinks there is

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missing information to know how to proceed.

Ms. Asselstine states the site plan submitted in Mr. Chin's packet is not actually what they currently have constructed. The handicapped parking spots are located in what is the front of the Borough lot.

Ms. Roberts says this is another piece of what they intended to do 10 years ago, what they're doing now and what was approved by the board.

Mr. Slaugh asks for confirmation that the parking is on the leased property and says in 6 months, the lease expires, and the applicant doesn't have the right to use the land anymore and would have to return the site to its original condition.

Ms. Asselstine says the Americana would need to renew their lease 90 days prior to the lease expiration which would be early November.

Mr. Miccio asks if the Diner has approached the Borough about renewing the lease.

Ms. Asselstine replies that they have not approached us, and Mr. Chin says that no one approached us, and our inspector Dave Bell was the one who caught that they paved without approval.

Mr. Miccio states that this needs to be handled with the attorneys and confirm with the applicant what they had been initially approved for versus what was done and that this is an enforceable action at this point.

Discussion ensues on whether resolutions were reached, adopted, signed and what the correct direction going forward is.

Ms. Roberts states that even with a signed resolution, she never received and plans to complete the resolution compliance.

Ms. Asselstine states that the next step is to discuss this with Mr. Raffetto going forward.

Affordable Housing – Mr. Slaugh informed the Board that the Affordable Housing Subcommittee had no reports at this time.

New Business

Proposed changes to Residential Development Fees – Ms. Asselstine asks who will speak to these changes we are to review for Borough Council. Mr. Slaugh clarifies these are Residential Development Fees, not redevelopment and gives a brief history regarding affordable housing. He had prepared a draft of revisions based on what was submitted from Council. The revisions suggested are most consistent with the most recent format of what is being accepted in court in other towns.

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Ms. Asselstine asks for a motion to recommend Council to adopt Mr. Slaugh's version of the Residential Development Fees. Motion made by Mr. Balcewicz and seconded by Ms. Jackson.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr.

Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

Proposed changes to Borough Code Chapter 13 – Housing - Ms. Asselstine calls on Mr. Chin about the proposed Housing Ordinance changes. Mr. Miccio & Mr. Misiura clarify that this is an amended ordinance presented by Mr. Chin to be provided to Council. The changes were initially presented at a Planning Board Meeting, but it's not in the Planning Board's jurisdiction to approve them. Mr. Chin explains the first change is in sub section 13-3-6, keeping in line with state regulations, to require the use 10-year battery CO/smoke detectors. Referring to subsection 13-3-8a, Mr. Chin explains that due to inspection findings of adding bedrooms to common spaces, the Borough should require a certain square footage of common area (living room/dining room) space per occupant, excluding kitchens, bathrooms, water closets, laundry rooms, pantries, foyers, corridors, closets & storage spaces. The purpose of this is to prevent overcrowding. Mr. Chin refers to 13-3-8b, there is a clarification to add an additional 50 S.F. per occupant. Mr. Chin explains updates to subsection 13-4-4 require landlord to maintain a minimum standard of heating. If heat is not operating properly, the Landlord is required to relocate the tenants. 13-4-10, Owner responsible, The Landlord is required to relocate tenants where the property has violations or emergency causes the property to be uninhabitable. These updates will now be able to be cited with a summons and help discourage Landlords. 13-12-3: Fees will be increased for larger multi-family apartment buildings. Several other rental registration updates were proposed for Council adoption. Mr. Miccio asks if the Borough's previous Planning Board Attorney or another attorney had reviewed, and would like to confirm nothing that's proposed is against State Law. Mr. Chin states that many of the changes are specifically changes in order for the Borough to be able to enforce violations where they weren't able to before.

Ms. Asselstine asks for any comments or concerns regarding the proposed Housing Ordinance changes. As no comments or concerns are made, Ms. Asselstine asks for a motion to provide feedback to Council that we agree with the suggested changes. Motion made by Mayor Quattrone and seconded by Mr. Laudenberger.

Roll Call Vote: Mayor Quattrone, Mr. Misiura, Ms. Asselstine, Ms. Jackson, Mr.

Laudenberger, Mr. Searing, Ms. Watkins, Mr. Balcewicz and Mr. Cabot. Motion passed 9-0.

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Committee and Professional Reports

Mr. Miccio – Nothing new to report.

Ms. Roberts – Nothing new to report.

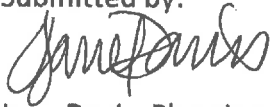
Mr. Slauch – Nothing new to report.

Chairman and Board Member Comments

No new information to report.

There being no further business, Ms. Asselstine asks for a motion to adjourn. Motion made by Mr. Cabot, seconded by Mr. Balcewicz. All ayes. Meeting adjourned at 10:49 P.M.

Submitted by:



Jane Davis, Planning Board Secretary

Minutes approved by the Planning Board on Monday, October 11, 2021.