



BOROUGH OF HIGHTSTOWN PLANNING BOARD

156 Bank Street, Hightstown, NJ 08520
Phone: 609-490-5100 x617 Fax: 609-371-0267

PLANNING BOARD REGULAR MEETING AGENDA

**Hightstown Firehouse
MONDAY, JUNE 12, 2023 - 7:30 P.M.**

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Beverly Asselstine

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted on the Hightstown Borough website.

Flag Salute

Roll Call – Planning Board

Approval of Agenda

Approval of Minutes

- March 13, 2023 – Regular Meeting

Public Comment

Public Hearing

- Application #PB2023-01 –3 PRC LLC – Minor Subdivision
- Application #PB2022-04 – Block 7, Lot 8; 424 Stockton Street – Bulk
Variances

Public Comment

Resolution

#2023-08 – Third-Round Housing & Fair Share Plan
#2023-09 – Application PB2022-07 – McDade; 125 South Street
#2023-10 – Application PB2023-01 – Minor Subdivision

Old Business

Master Plan Reexamination

New Business

Committee and Professional Reports

Improvements to Hausser Avenue, Bennett Place & Prospect Drive

Chairman and Board Member Comments

Adjourn



BOROUGH OF HIGHTSTOWN PLANNING BOARD

REGULAR MEETING MINUTES **MONDAY, MARCH 13, 2023, 7:30 P.M.**

OPEN SESSION

Bev Asselstine, Chairperson, called the meeting to order at 7:35 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 as required by law and is posted on the Hightstown Borough website."

Flag Salute

Roll Call

Present: Mayor Bluth, Ms. Asselstine, Mr. Gainey, Mr. Montferrat, Mr. Musing, Ms. Watkins & Mr. Yandoli.

Absent: Mr. Laudenberger, Mr. Morgan, Mr. Balcewicz & Mr. Cabot.

Also in attendance: Jane Davis, Board Secretary; Michael Herbert, Board Attorney; Carmela Roberts, Board Engineer; Brian Slauch, Board Planner; Christopher Keedy, Chris Falco, George Wickers, Jocelyn Matikonis, Joan McMahan, Samantha Cedar, Dr. Randy Schuyler, Richard Narvaez & numerous additional members of the community.

Approval of Agenda

Ms. Asselstine asks for a motion to approve the Agenda for March 13, 2023.

Moved by Mr. Gainey and seconded by Ms. Watkins.

Roll Call Vote: Mayor Bluth, Ms. Asselstine, Mr. Gainey, Mr. Montferrat, Mr. Musing, Ms. Watkins & Mr. Yandoli voted yes. Mr. Laudenberger, Mr. Morgan, Mr. Balcewicz & Mr. Cabot were absent.

Agenda approved 7-0 with 4 absences.

Approval of Minutes

February 13, 2023 – Ms. Asselstine asks for a motion to approve the minutes from February's meeting with previously discussed revisions.

Moved by Mr. Montferrat and seconded by Mr. Gainey.

Roll Call Vote: Mayor Bluth, Ms. Asselstine, Mr. Gainey, Mr. Montferrat, Mr. Musing, Ms. Watkins & Mr. Yandoli voted yes. Mr. Laudenberger, Mr. Morgan, Mr. Balcewicz & Mr. Cabot were absent.

February 13, 2023 Minutes approved 7-0 with 4 absences.

Public Comment

Ms. Asselstine opens & closes public comment.

Public Hearing

Main Street Redevelopment Sub-Area 3 Expansion – Mr. Herbert presents the Main Street Redevelopment report and gives a brief history before introducing Mr. Slaugh. Mr. Slaugh explains the study area and the criterion that allows properties to be considered in need of redevelopment. See attached report.

Public Comment

Ms. Asselstine opens the floor for public comment and the following individuals spoke:

Chris Falco – 302 S Main Street – Stated concerns with financial obligations the redevelopment area would impose on Hightstown and other concerns unrelated to the hearing.

Ms. Asselstine & Mr. Herbert both remind attendants that if they want to comment they need to come before the Board, state their name and address and speak clearly so the recorder can hear them.

George Wickers – 201 Franklin Street – Had questions on what would be built downtown in the study area.

Ms. Asselstine reminds the public that anyone who would like to make a comment may come forward and state their name and address.

Jocelyn Matikonis – Monroe Township – Works at the Tavern on the Lake and voiced concerns about how redeveloping the lakefront property could potentially jeopardize her job and the character and traffic flow of Hightstown.

Mr. Herbert redirects and reminds that the Board is specifically looking at the “Wells Fargo” property.

Joan McMahan – 317 Bolton Rd, East Windsor, NJ – Representing Tavern on the Lake. She questions why she received a notice if the main focus of the Area in Need of Redevelopment is the Wells Fargo lot. She is concerned that anything done on the Wells Fargo lot will directly affect the Tavern. She asks for confirmation that all work to be done on the Wells Fargo lot will have to go before the Board. She asks for further explanation of “smart growth”. She is content that any development on the site will have to go before the Planning Board and she will be notified.

Samantha Cedar – 140 S Main St – Owner of Cry Baby Tattoo and resident in Hightstown. She voiced concern about not receiving a notice regarding the hearing and other issues not in relation to the hearing.

Dr. Randy Schuyler – 297 Lennox Dr, Hamilton, NJ – Organist for the First Baptist Church for 10 years and on their property & grounds commission. He questions why the Board wasn’t aware of the 150-foot Riparian zone until he notified the Board. Mr. Schuyler states that he’s an environmental consultant and believes the Board or Environmental Commission should have been aware of the riparian buffer.

Richard Narvaez – 80 Chambord Ct – Questioned the maximum allowable height of the proposed development and has positive comments on developing the Wells Fargo site. The location and proximity will attract a younger crowd and he would consider it to be smart growth.

Ms. Asselstine closes public comment and asks for a motion to accept the Preliminary Investigation of An Area in Need of Redevelopment – Main Street Redevelopment Sub-Area 3 Expansion (Public hearing draft) and pass it on to Council for implementation.

Moved by Mr. Yandoli and seconded by Mr. Montferrat.

Roll Call Vote: Mayor Bluth, Ms. Asselstine, Mr. Gainey, Mr. Montferrat, Mr. Musing, Ms. Watkins & Mr. Yandoli voted yes. Mr. Laudenberger, Mr. Morgan, Mr. Balcewicz & Mr. Cabot were absent.

Motion approved 7-0 with 4 absences.

Old Business

Affordable Housing Plan – Ms. Asselstine introduces a new version of the Affordable Housing ordinance handed out by Mr. Slaugh. Mr. Slaugh then goes on to explain the spending plan now included in the Third-Round Housing and Fair Share Plan DRAFT. He explains the report and discussion ensues regarding particular bulk requirements. Mr. Slaugh explains that he will make a presentation at the March 20th Council meeting and the Planning Board hearing will be on April 10th. Mr. Musing sites potential issues with the commercial sites chosen that appear to penalize businesses long term, particularly if it requires a business to obtain a variance to expand or change the use of the existing business. He states concerns with rezoning versus overlay zones for location options. Mayor Bluth inquires if the Borough is required to have a plan in place now? Mr. Slaugh states that the recommendations came from the Affordable Housing subcommittee over the years and that overlay zones versus a zone change is not a material difference because it's non-binding. There is additional discussion regarding zoning. Ms. Asselstine suggests holding the hearing in April as planned and noticing property owners for feedback.

Master Plan Reexamination – Ms. Asselstine informs the Board that Mr. Morgan is interested in joining the Master Plan committee along with herself & Mr. Yandoli. Ms. Davis shares sentiments from Mr. Morgan to contribute since he was not able to attend the meeting. Ms. Asselstine continues that there is an opportunity with the DVRPC Transportation and Community Development Initiative (TCDI) offering grants that could be used for the Master Plan transportation element. She goes on to explain in more detail and applications are due at the end of April. She proposes that the Borough apply for a grant to help address Hightstown's circulation element which has no matching requirements for funds awarded this year. Discussion ensues. This will be an ongoing discussion topic.

New Business

No new business

Committee and Professional Reports

Carmela Roberts – Ms. Roberts reports that bids were received for the Capital projects on Hausser Ave & Bennett Place are to be awarded at the March 20th Council meeting. Construction documents for the Orchard Avenue, Meadow Drive & Clover Lane Capital project are moving along. The sewer plant improvement plans are going to the state for funding and the generator at the water plant, which was paid for with funding from FEMA is completely operational.

Chairman and Board Member Comments

Chairperson Asselstine – Ms. Asselstine informs the Board the Mercer County Bike Ped taskforce met the previous week and a DVRPC representative informed them that there is a new grant project federally funded for \$1.4 million under the Safe Streets 4 All grant program. There is an 18 month – 24 month timeline for what will be called Vision Zero 2050 Action program with a goal to create a regional high impact network of roads to increase the safety on those roads.

There being no further business, Ms. Asselstine asks for a motion to adjourn. Motion made by Ms. Watkins. All ayes. Meeting adjourned at 9:48 PM.

Respectively Submitted by:

Jane Davis, Planning Board Secretary

DRAFT

HIGHTSTOWN BOROUGH PLANNING BOARD

RESOLUTION NO.: 2023-08

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR SHARE PLAN TO SATISFY THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, the New Jersey courts have held that every municipality in this State has an obligation to provide their fair share of low and moderate income housing; and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Hightstown Borough Planning Board is charged with preparation and public hearings on the Master Plan, Master Plan Amendments and Re-Examination Reports; and

WHEREAS, pursuant to N.J.S.A. 40:55D-13, the Planning Board is required to undertake a public hearing on any element of the Master Plan; and

WHEREAS, a Housing Element and Fair Share Plan aimed at addressing this municipality's third round affordable housing obligation was prepared by the Borough's Planning Board Planner, Brian M. Slaugh, PP, AICP and Elaine R. Clisham, PP, AICP, of Clarke Caton Hintz, PC, 100 Barrack Street, Trenton, New Jersey 08608; and

WHEREAS, upon notice in accordance with the Municipal Land Use Law, the Planning Board held a public hearing on April 10, 2023 on the adoption of same as required by the Municipal Land Use Law. Said hearing was attended by Brian M. Slaugh, PP, AICP, who was duly sworn, and provided testimony regarding the Housing Element and Fair Share Plan. The hearing was also attended by Michael Herbert, Esquire of Parker McCay, PA, 3840 Quakerbridge Road, Suite 200, Hamilton, New Jersey, the Planning Board's Attorney; and

WHEREAS, the hearing was opened to the public, and whereas three members of the public spoke at the hearing regarding information about the plan, with the Planning Board thereafter closing the public comment; and

WHEREAS, the Planning Board finds as facts that the Housing Element and Fair Share Plan are consistent with the Planning Plan Element of the Master Plan and that the adoption and implementation of same are in the public interest and promote the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the document entitled "Housing Element and Fair Share Plan" dated March 30, 2023 and prepared by Brian M. Slaugh, PP, AICP and Elaine R. Clisham, PP, AICP, of Clarke Caton Hintz, PC, is hereby ADOPTED *in toto*.

BE IT FURTHER RESOLVED the Hightstown Borough Planning Board adopts this Resolution to memorialize the action taken by the Board following the close of the public hearing on April 10, 2023.

BE IT FURTHER RESOLVED that the Secretary is hereby authorized and directed to transmit a copy of the adopted Housing Element and Fair Share Plan and a certified copy of this Resolution to the governing body together with this Board's request that the governing body endorse the adopted Housing Element and Fair Share Plan.

ROLL CALL ON THE RESOLUTION, (May 8, 2023):

| Member | Yes | No | Abstain | Absent |
|-------------------------------|------------|-----------|----------------|---------------|
| Mayor Susan Bluth | | | | |
| Chairwoman Beverly Asselstine | | | | |
| Nate Gainey | | | | |
| John Laudenberg | | | | |
| Councilman Fred Montferrat | | | | |
| Matt Morgan | | | | |
| Dimitri Musing | | | | |
| Beth Watkins | | | | |
| Chris Yandoli | | | | |
| Joe Balcewicz | | | | |
| Ray Cabot | | | | |

ROLL CALL MEMORIALIZATION, (May 8, 2023):

| Member | Yes | No | Abstain | Absent |
|-------------------------------|------------|-----------|----------------|---------------|
| Mayor Susan Bluth | | | | |
| Chairwoman Beverly Asselstine | | | | |
| Nate Gainey | | | | |
| John Laudenberg | | | | |
| Councilman Fred Montferrat | | | | |
| Matt Morgan | | | | |
| Dimitri Musing | | | | |
| Beth Watkins | | | | |
| Chris Yandoli | | | | |
| Joe Balcewicz | | | | |
| Ray Cabot | | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough of Hightstown Planning Board on ____ day of May, 2023.

Jane Davis
Planning Board Secretary

**HIGHTSTOWN BOROUGH PLANNING BOARD
RESOLUTION NO.: 2023-09**

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|--|---|
| IN THE MATTER OF JIM AND WENDY MCDADE FOR A BULK AND HEIGHT VARIANCE IN ORDER TO CONSTRUCT ADDITIONS TO EXISTING RESIDENCE AND A FULL BUILDING RENOVATION | FINDINGS OF FACT AND CONCLUSIONS OF LAW Block 55, Lot 35 Hightstown Borough, Mercer County Zone: R-4 Residential Zoning District Application No. PB2022-07 Hearing Date: May 8, 2023 Memorialized: June 12, 2023 |
|--|---|

BE IT RESOLVED, by the Hightstown Borough Planning Board (“Board”) that the action taken on **May 8, 2023**, on the above referenced matter, is hereby memorialized by the adoption of this written resolution setting forth details of the Board’s review, findings of facts, and conclusions of law.

RELIEF SOUGHT AND JURISDICTION

1. Applicant seeks to construct additions to an existing residence as part of a full building renovation. Additionally, a new two-story, detached garage is proposed to be constructed to replace an existing one-story garage on the property. The existing lot and residence are non-conforming for lot area, building setbacks and building height. The proposed additions will extend the existing setback deficiencies and require new variances. Additional variances are proposed for principal building height, accessory building height and maximum building coverage. Lastly, there are existing encroachments in the right-of-way from existing fencing and porch steps, which are proposed to remain.
2. Property Description. The subject property is a 7,290 sf. corner lot located at the southeast corner of South Street and Taylor Avenue. It is developed with a two-story dwelling that has a three-story tower element and a detached garage that is accessed from Taylor Avenue. The surrounding uses are single-family detached dwellings and in the same R-4 Residential zoning district.

VARIANCES & WAIVERS REQUESTED & GRANTED

3. Conformance with R-4 District Requirements
 - 3.1 Permitted Use. In addition to single-family detached dwellings, the R-4 Residential District permits a number of different public uses including hospitals, places of worship and public and private schools. The existing single-family dwelling is a permitted use.

- 3.2 Existing Non-Conformities. The existing lot is non-conforming for minimum lot area, having only 7,290 sf. where 7,500 sf. is required. This is despite having more than the minimum required lot width and depth. The existing dwelling is non-conforming for setback from Taylor Avenue, providing a minimum setback of approximately 1.58 feet along this frontage. This nonconformity contributes to the non-conformity for side yard setback, where a minimum of 10 feet is required from the side street of a corner lot, for a combined width of 18 feet. The existing aggregate side yard is approximately 10 feet. The proposed additions exacerbate these non-conformities by extending the building footprint along this frontage and creating a new encroachment at the rear of the dwelling.
- 3.3 Maximum Building Height Variance, Principal Building. The existing dwelling is non-conforming for maximum building height as it is technically a three-story building and the maximum building height for the R-4 District is two-and-a-half stories (\28-3-8.b.9). The applicants propose to increase the height of the three-story part of the building, which currently has a flat roof at approximately the same level as the two-and-a half story part of the building to three-and-a-half-stories by adding a clerestory and pitched roof. The total height of the building in feet will be approximately 41 feet to its highest point. The maximum height of buildings in feet for the zone is 35 feet. A variance pursuant to N.J.S.A. 40:55D-70.d(6) is required to permit a building height that exceeds the maximum permitted by 10 feet or 10%.
- 3.4 Maximum Building Height Variance, Accessory Building. The proposed two-story garage has a stated height of 24 feet within the zoning table on the plans, however the architectural plans do not provide dimensions of the garage height or elevation of the grade at the curb. The maximum height of accessory buildings in the R-4 District is 16 feet per \28-3-8.B(9). The applicants should clarify the height of the proposed garage, which is measured to the highest point from the top of the curb at the front of the building, in order to determine the exact height of the building and extent of the deviation.
- 3.5 Side Yard Variance, Principal Building. \28-3-8.B(5) calls the long side of a corner lot a side yard with a required depth of 10 feet. The applicants propose 1.58 feet, the existing depth, for one of the proposed additions.
- 3.6 Aggregate Side Yards Variance, Principal Building. \28-3-8.B(5) also requires the two side yards to have an aggregate width of at least 18 feet. The existing dwelling has an aggregate side yards setback of 10.58 feet. The applicants propose to decrease the aggregate side yards to 10.33 feet.
- 3.7 Front Yard Variance, Accessory Building. The reduced setback from Taylor Avenue does not apply to the garage. Since the existing garage will be demolished, the garage is required to meet the front yard setback of 25 feet in the R-4 zoning district (see \28-3-8.B(4)).

- 3.8 Maximum Building Coverage Variance. The proposed building additions and the enlarged garage increase the building coverage from approximately 24% to more than 39%, where the maximum permitted per \28-3-8.B(10) is 30%. A variance is required.
- 3.9 Off-Street Parking. Off-street parking spaces are required to be provided at a rate of two per dwelling unit for single-family residences in the R-4 District (\28-38.b.11). The proposed garage provides two spaces.
- 3.10 R.S.I.S. Parking Requirement. Off-street parking is also regulated via the Residential Site Improvement Standards (RSIS) (N.J.A.C. 5:21-4.14.b) which determines the number of spaces required by the number of bedrooms in a dwelling. The existing dwelling will maintain the existing four bedrooms, following the renovations, requiring 2.5 spaces. The proposed garage will provide two spaces, however there is insufficient room within the driveway to accommodate any parking spaces. A design exception is required from the RSIS standard.
4. Variance Comments
- 4.1 D(6) Height Variance. The applicant has applied for a variance to exceed the permitted building height of the principal building by more than 10 feet or 10%, which moves into a category where it requires a supermajority of the Board to grant the variance.
- A. Positive Criteria. The Board will need to find positive criteria for the grant of the height variance. When the use and principal structure are both permitted, but the height deviates from the maximum permitted, the standard used for consideration is the same as that used to evaluate a deviation from conditional use standards, also known as a 'D3' variance. The Applicant must demonstrate that the site can accommodate the problems associated with the excessive height as proposed. These may be visual or aesthetic issues such as mitigating an affected viewshed or scenic corridor, or restriction of the availability of adequate light, air or open space. Conversely, restoration of a historic architectural feature, as the Applicant suggests, may satisfy one or more of the purposes of zoning. We note, however, that the Applicant proposes the demolition of the garage, which we presume is a historic building on its own right, even if it was not built at the same time as the original house.
- The proposed project also entails encroachments into required yard areas and does not meet building coverage limits which is a factor in considering whether the building height request can meet the positive criteria.
- B. Negative Criteria. The Board will need to find that the negative criteria are inconsequential or have been effectively addressed through mitigating measures. The Board must specifically find that granting the variance does not substantially impair the public good, the Master Plan and the Zoning Ordinance. We note that the Applicant's proposal significantly expands beyond the building envelope envisioned by the zoning regulations, both vertically and horizontally. Though the area of excessive height constitutes a small percentage of the total building area, it cannot be

viewed in isolation from the other factors present here, which is a significant increase in the building coverage over what is allowed by the R-4 District. Furthermore, the R-4 District is not an outlier of a zoning district but has a set of bulk standards commonly found for similar single-family detached districts.

4.2 “C” Variances. The applicant bears the burden of proof in the justification of the variances, and must justify the variances separately. Each variance must satisfy both the positive and negative criteria.

- A. C(1) Positive Criteria. In this scenario, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship due to one of the following:
 - i. By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
 - ii. By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
 - iii. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. C(2) Positive Criteria. Alternatively, under the “-c(2)” criteria, the applicant must demonstrate what public benefit is derived from the deviation; the variance may not merely advance the purposes of the owners.
- C. Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

4.3 Consistency with the Master Plan and Zoning Ordinance. As noted above, the Applicants must also prove not only that the variance can be granted 'without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. The 2014 Master Plan Reexamination Report established multiple objectives that are applicable to the pending application in Goal 3, **Preserve and Enhance the Existing Residential Character of the Borough:**

- A. Objective 3.8: Promote historic restoration of old homes and historically appropriate architectural design of new or rehabilitated homes to help restore the Borough’s historic visual image. The current Historic Preservation Ordinance is limited, both in terms of the circumstances under which it can be applied and the impact that a Historic Preservation Commission review might have. Considering how important the historic character of the Borough is to quality of life and the

success of Hightstown, the ordinance and role of the Historic Preservation Commission (HPC) should be stronger. In addition, in concert with the Borough Council, the HPC should pursue Certified Local Government (CLG) status (see Objective 1.6 for a general description), prepare a complete survey of historic sites and landmarks and develop an effective public education awareness program that promotes the value of local historic buildings, historic sites and historic building styles. Once the community is more informed about the value of Hightstown's historic resources, it will be easier to revise the Historic Preservation Ordinance to make it more effective. Expanding the Historic Preservation Commission's role throughout the Borough would be an effective way to introduce the importance of historic preservation to more local residents.

- B. Objective 3.9: Encourage housing designs and site plans that promote social, family friendly community behavior. This continues to be a valid objective and a consideration during project reviews. Adopting form-based zoning would advance this objective.

THE APPLICANT

4. The Applicant is Jim & Wendy McDade, 125 South Street, Hightstown, New Jersey 08520, which is also the subject property address.
5. The Applicant has certified that all property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
6. The Applicant has submitted an affidavit of proof of service of Notice, published in the **Trenton Times** and the **Windsor Herald**. The proof of service comports with the notice before the Board that this matter is of a character that the Applicant has presented to the Board.

THE HEARING

7. The Applicant appeared at the hearing on this application on **May 8, 2023**, at the Hightstown Fire House, 140 N. Main St., Hightstown, New Jersey 08520.

DOCUMENTS/PLANS REVIEWED

8. The Board reviewed the following documents:
 - Application No. PB2022-07 and supporting documents, dated January 13, 2023.
 - Additions and Renovations for the McDade residence, prepared by William G. Gittings, AIA, Gittings Associates, P.C., dated November 4, 2022, (4 sheets).

- Plan of Survey, prepared by Thomas A. Harris, PLS, Harris Surveying, Inc., dated March 4, 2023, (1 sheet).

EXHIBITS

9. The following Exhibits were presented to the Board:
 - A-1, Augmented Site Plan, dated May 8, 2023.
 - A-2, floor plan and elevations dated May 8, 2023.
 - A-3, Architectural plans showing addition and renovation, dated May 8, 2023.
 - A-4, B.01 photos of the site, taken by owner.
10. Notice of this live meeting was published and placed on the Borough website, pursuant to the requirements of the Open Public Meetings Act (OPMA), and in accordance with the guidelines issued by the State of New Jersey Department of Community Affairs. Notice was also published and personally mailed to owners of property within 200 ft. of the lots associated with this application, pursuant to the requirements of the Municipal Land Use law. Both Notices contain detailed instructions explaining the procedure for residents and any other interested parties to access and participate in the Virtual meeting. The two Notices further provided detailed instructions which explained how all documents associated with the application, could be accessed.

TESTIMONY AND EVIDENCE PRESENTED

11. At the hearing on **May 8, 2023**, the Applicant was represented by **Steve Slavin, Esq.**, who presented **two (2)** witnesses: William Gittings, Applicant's Architect; and Kendra Lelie, Applicant's Planner.
12. **Steve Slavin, Applicant's attorney**, reviewed the application with the Board, explaining why his clients wanted to add to and reconstruct their home. Specifically, he stated that they wanted to return the home to its historic look while upgrading the interior.
13. **William Gittings, Applicant's Architect**, reviewed the exterior improvements to the site with the Board.
14. **Kendra Lelie, Applicant's Planner**, reviewed with the Board, the positive and negative criteria which the Board should consider in approving the application. She also reviewed the criteria for both the height and Bulk variances.
15. **Carmela Roberts, P.E., C.M.E., Board Engineer**, reviewed her February 21, 2023 report with the Board.

16. **Bryan Slaugh, PP, AICP, Board Planner**, reviewed his April 12, 2023 report with the Board.
17. **Applicant through Mr. Slavin**, agreed to comply with all Conditions of Approval contained in this Roberts Engineering report and agreed to install a drywell should it be required as part of its Stormwater plan. Applicant also agreed to comply with the Fire Chief's Memo as well as the Construction Official's Memo and all other expert comments.

EXPERT REPORTS REVIEWED

18. Expert Reports:
 - Engineering report, by Carmela Roberts, P.E., C.M.E., Roberts Engineering Group LLC, dated February 21, 2023.
 - Memo from Brian Slaugh, PP, AICP, Planner, Clarke Caton Hintz, dated April 12, 2023.
 - Code Enforcement Office of the Borough of Hightstown, by George Chin, Zoning/Construction Official, dated May 8, 2023.
 - Fire Chief Memo, dated April 10, 2023.
19. The following **(5) five** members of the public spoke in regard to this application:
 - Kristen Kirkpatrick, of 128 South Street, stated that she was in favor of the application.
 - Adam Welsh, of 2 Taylor Ave., was also for the application.
 - Ryan Rosenberg, of 135 South St., fully supported the Applicants.
 - Lee Stoltz, of 117 Taylor Ave., stated that the application would be good for the Town.
 - Christopher Falco, of 302 S. Main St., was also in support of the application.
20. The following Borough Professionals were at the hearing:
 - Michael W. Herbert, Esq., Planning Board Attorney
 - Carmela Roberts, P.E., C.M.E., Borough Engineer
 - Brian Slaugh, PP, AICP, Board Planner

FINDINGS AND CONCLUSIONS

- I. The Board grants the requested bulk and height variances, finding that the granting of these variances will enhance the development of the structure as well as be a benefit to the community because it will be returning the structure to its historic look.
- II. The Board finds that this is a proper approval because it fits in with the character of the neighborhood. The Board approves the application for a **Bulk and Height Variance approval in order to construct additions to an existing residence and a full building renovation.**
- III. In reviewing the negative criteria, the Board does not find a negative impact upon the public's health, safety or welfare with regard to impacts on traffic circulation, parking, aesthetics, noise, or air quality.

CONDITIONS OF APPROVAL

21. The Board finds that in order to address concerns expressed in the course of the hearings, and to limit the relief to that which is reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions:
 - The Architectural Site Plan and Plan of Survey do not show existing conditions for the property. There is existing curbing along Taylor Avenue, mature trees within the area of improvements and an inlet along South Street. **Applicant shall provide a signed and sealed topographic survey of the existing conditions and provide information regarding any runoff to adjacent properties. Applicant must provide on-site drywells or another approved method to prevent any runoff to adjacent properties or provide direct runoff to the street.**
 - Proposed site elevations are not shown on plans. **Site elevations and roof drainage shall be shown on the plans in sufficient detail to address the proper grading and management of Stormwater away from adjacent properties before granting a bulk variance for maximum lot coverage.**
 - A Plot Plan must be submitted to the Borough for review and approval, prior to the issuance of a building permit for the dwelling garage.
 - The proposed garage is placed in the same location as the existing garage facing Taylor Ave. The Architectural site plan does not indicated the existing curbing along Taylor Ave. The distance from the curbing to the face of the garage may not provide sufficient depth for parking passenger vehicles. **Garage dimensions must be provided, indicating the width and depth of proposed driveway.**
 - Taylor Avenue was paved approximately two-years ago and there is a moratorium on opening the road. **Any impact to curbing, apron and/or pavement must be replaced according to the Borough's standards to the cost of the Applicant.**
 - Applicant must provide information on how the additions and proposed garage will

be accessed during construction.

- Applicant shall indicate the height of the garage and its conformance with Section 28-3-5.9 (Ordinance 2022-03).
- Applicant shall indicate whether the proposed drive will remain stone or be paved to the proposed frame garage.
- The Architectural plans indicate a bathroom in the proposed garage. **Applicant shall confirm if the existing garage has water and sanitary sewer services and indicate on the Architectural site plan and if so, the existing service must be reused.** No new service will be permitted because of the road moratorium.
- The Architectural Site Plan shall be revised to show the location of all yard setback lines.
- Applicant shall provide the location of the commercial dumpster in accordance with Ordinance Section 28-10-17.
- Applicant is notified that an inspection escrow and performance bond is required for this application and an estimate for all on/off site improvements (excluding structures), must be reviewed and approved by the Borough Engineer, who will determine an estimate for bonding and escrow purposes. The inspection escrow and bonds must be posted prior to the start of any work or issuance of any building permits.
- Applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
- Applicant shall comply with all requirements and testimony placed upon the record at the hearing for Resolution of Approval.
- Applicant shall comply with all requirements of the Roberts Engineering Report by Carmela Roberts, P.E., C.M.E., Borough Engineer, dated February 21, 2023.

22. This application may be subject to the following agency approvals if applicable:

- a. Mercer County Planning Board
- b. Mercer County Soil Conservation District
- c. Hightstown Fire Department
- d. Hightstown Police Department
- e. Hightstown Water Department

- f. Borough of Hightstown Construction Official
- g. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

CONCLUSION

A motion was made to approve the construction of additions to the existing residence as part of a full renovation. The motion included variances for existing nonconformities and for a 'D-6' variance for the height of the structure and tower, along with side yard setbacks and front yard setbacks, building coverage off-street parking and bulk variance aggregates, along with any other variances and/or waivers contained in the Board professionals' Memos. The motion also includes all Conditions of Approval from the Memos and those placed on the record, including requiring the garage bathroom to be connected to the main house drain to then be connected to the street. The motion also acknowledges the architectural review as guidance.

Based upon the foregoing, the Hightstown Borough Planning Board, at its **May 8, 2023** meeting, voted to approve the application for **Bulk and Height variance approval in order to construct additions to an existing residence and a full building renovation.**

This Resolution of Memorialization was adopted **June 12, 2023** by a vote of the majority of the members present, who voted to approve the relief sought by the Applicant.

The date of decision shall be **May 8, 2023** except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

**ROLL CALL VOTE ON MOTION FOR
BULK AND HEIGHT VARIANCE APPROVAL IN ORDER TO
CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE
AND A FULL BUILDING RENOVATION.
MAY 8, 2023**

| Member | Yes | No | Abstain | Absent |
|-------------------------------|------------|-----------|----------------|---------------|
| Mayor Susan Bluth | | | X | |
| Chairwoman Beverly Asselstine | X | | | |
| Nathaniel Gainey | | | | X |
| John Laudenberg | X | | | |
| Fred Montferrat | | | | X |
| Matt Morgan | X | | | |
| Dimitri Musing | | | X | |
| Beth Watkins | X | | | |
| Chris Yandoli | | | | X |
| Joseph Balcewicz | X | | | |
| Ray Cabot | X | | | |

**ROLL CALL VOTE ON MOTION TO APPROVE RESOLUTION OF
MEMORIALIZATION ON
JUNE 12, 2023**

| Member | Yes | No | Abstain | Absent |
|-------------------------------|------------|-----------|----------------|---------------|
| Mayor Susan Bluth | | | | |
| Chairwoman Beverly Asselstine | | | | |
| Nathaniel Gainey | | | | |
| John Laudenberg | | | | |
| Fred Montferrat | | | | |
| Matt Morgan | | | | |
| Dimitri Musing | | | | |
| Beth Watkins | | | | |
| Chris Yandoli | | | | |
| Joseph Balcewicz | | | | |
| Ray Cabot | | | | |

CERTIFICATION

I do hereby certify that the foregoing resolution was adopted by the Hightstown Borough Planning Board at its regular meeting held on **June 12, 2023**. The Resolution memorializes the formal action taken by the Board at this regular meeting held on **May 8, 2023**.

Jane Davis
Hightstown Planning Board
Secretary

Beverly Asselstine
Hightstown Planning Board
Chairwoman

**HIGHTSTOWN BOROUGH PLANNING BOARD
RESOLUTION NO.: 2023-10**

| | |
|---|--|
| IN THE MATTER OF 3 PRC, LLC FOR PRELIMINARY AND FINAL SITE PLAN AND SUBDIVISION APPROVAL TO DEVELOP AND CONSTRUCT, RENOVATE AND REDEVELOP 343 APARTMENT UNITS AND THREE BUILDINGS TOGETHER WITH ASSOCIATED AMENITIES | FINDINGS OF FACT AND CONCLUSIONS OF LAW Block 21, Lot 20 and Block 30, Lots 10, 11, 12 and 13 Hightstown Borough, Mercer County Zone: Bank Street Sub Area -1 Application No. PB2023-01 Hearing Date: June 12, 2023 Memorialized: June 12, 2023 |
|---|--|

BE IT RESOLVED, by the Hightstown Borough Planning Board (“Board”) that the action taken on **June 12, 2023**, on the above referenced matter, is hereby memorialized by the adoption of this written resolution setting forth details of the Board’s review, findings of facts, and conclusions of law.

RELIEF SOUGHT AND JURISDICTION

1. Applicant previously applied to the Hightstown Borough Planning Board for Preliminary and Final Site Plan and Subdivision approvals to develop, construct, renovate and/or redevelop 343 apartment units in (3) buildings, together with associated amenities in or adjacent to said buildings; 43 townhouse units; a separate amenities and management building; (2) parking garages; and associated surface parking areas, other associated improvements and traffic signals (North Main Street and Bank Street, Stockton Street and North Academy Street).
2. The Site Plan approval remains in effect. However, the Minor Subdivision has lapsed and the Applicant has resubmitted the Minor Subdivision for approval.

3. **ZONING**

This proposed residential development is located in the Bank Street Sub Area – 1, as outlined in the Borough’s Main Street Redevelopment Plan. The proposed development is in accordance with the Redevelopment Plan.

The Bulk requirements, setbacks, buffers, density required and other zoning issues are governed by the proposed land uses and building requirements as outlined within the Borough’s Main Street Redevelopment Plan.

THE APPLICANT

4. The Applicant is 3 PRC, LLC, 141 West Front Street, Suite 410, Red Bank, New Jersey 07701.
5. The subject property is located at Bank Street/North Academy Street/Main Street. Other than 148 North Main Street for Block 30, Lot 10, 11, 12 and/or 13, there are no street numbers in the tax records. New street numbers shall be assigned post development.
6. The Applicant has certified that all property and all escrow fees required under the applicable ordinance(s) for such an application have been paid. This certification includes an agreement to pay all future monies due under the escrow ordinance for consultants and other professional work on the property.
7. The Applicant has submitted an affidavit of proof of service of Notice, published in the **Trenton Times** and the **Windsor Herald**. The proof of service comports with the notice before the Board that this matter is of a character that the Applicant has presented to the Board.

THE HEARING

8. The Applicant appeared at the hearing on this application on **June 12, 2023**, at the Hightstown Fire House, 140 N. Main St., Hightstown, New Jersey 08520.

DOCUMENTS/PLANS REVIEWED

9. The Board reviewed the following documents:
 - Planning Board Application and Checklist.
 - Minor Subdivision Plan, prepared by Maser Consulting, (2 sheets), dated August 10, 2020.
 - ALTA Survey, prepared by Maser Consulting, (Sheet No. 1 of 1), dated January 19, 2017, last revised August 10, 2020; previously submitted.
 - Legal Description and Exhibit for Mechanic Street ROW easement dedication.

EXHIBITS

10. The following Exhibits were presented to the Board:
 - A-1, _____
 - A-2, _____

- A-3, _____
 - A-4, _____
11. Notice of this live meeting was published and placed on the Borough website, pursuant to the requirements of the Open Public Meetings Act (OPMA), and in accordance with the guidelines issued by the State of New Jersey Department of Community Affairs. Notice was also published and personally mailed to owners of property within 200 ft. of the lots associated with this application, pursuant to the requirements of the Municipal Land Use law. Both Notices contain detailed instructions explaining the procedure for residents and any other interested parties to access and participate in the Virtual meeting. The two Notices further provided detailed instructions which explained how all documents associated with the application, could be accessed.

TESTIMONY AND EVIDENCE PRESENTED

12. At the hearing on **June 12, 2023**, the Applicant was represented by **Peter S. Wersinger, III, Esq.**, who presented **two (2)** witnesses: Mark Lescavage of Colliers Engineering – formerly Maser Consulting, Applicant’s Engineer; Lee Panfilli, Applicant’s representative.
13. **Lee Panfilli, Applicant’s representative**, spoke before the Board, stating that he resented the Board with what is being proposed at the Site and the Plans for the Site.
14. **Mark Lescavage, Applicant’s Engineer**, reviewed with the Board, the Site Plan for the site.

EXPERT REPORTS REVIEWED

15. Expert Reports:
- Engineering report, by Carmela Roberts, P.E., C.M.E., Roberts Engineering Group LLC, dated June 6, 2023.
16. The following **members of the public** spoke in regard to this application:
- **None**
17. The following Borough Professionals were at the hearing:
- Michael W. Herbert, Esq., Planning Board Attorney
 - Carmela Roberts, P.E., C.M.E., Borough Engineer
 - Brian Slaugh, PP, AICP, Board Planner

FINDINGS AND CONCLUSIONS

- I. The Applicant had previously been granted plenary and Final Site Plan and Subdivision approval to redevelop (343) apartment units and (3) buildings with amenities and parking garages.
- II. The Subdivision has now elapsed and it is appropriate for the Board to renew its approval for the Subdivision.
- III. The Board approves the application for **Preliminary and Final Site Plan and Subdivision approval to develop and construct, renovate and redevelop (343) apartment units and (3) buildings together with associated amenities.**
- IV. In reviewing the negative criteria, the Board does not find a negative impact upon the public's health, safety or welfare with regard to impacts on traffic circulation, parking, aesthetics, noise, or air quality.

CONDITIONS OF APPROVAL

18. The Board finds that in order to address concerns expressed in the course of the hearings, and to limit the relief to that which is reasonably necessary to satisfy the Applicant's legitimate requirements, the relief granted is subject to the following conditions:
 - ALTA/NSPS Land Title Survey for Tracts A and B:
 - a. There are several references to Lot-21, Block-21 on the survey. This does not appear to be part of the application and shall be clarified or removed.
 - b. The NJDEP Wetlands LOI File Note refers to the previous LOI File Number. This shall be corrected.
 - c. Several buildings have been demolished on the site prior to the last revision dated on the survey of April 27, 2020. The ALTA Survey shall show current conditions.
 - d. In previous discussions with the applicant, it was still unclear if the applicant has title to Lot-14 in Block-21. This needs to be verified.
 - Lot Consolidation and Subdivision:
 - a. The process for the Consolidation and Subdivision shall be as follows:
 - i. Acquisition of Lots 1 through 14, 20 and 26 in Block-21.
 - ii. The consolidation of Tract-A, Lots 1 through 14, 20 and 26 in Block-21 to create a new Lot-A.
 - iii. Acquisition of Lots 1 through 7 and 10 through 12 in Block-30.

- iv. The consolidation of Tract-B, Lots 1 through 7 and 10 through 12 in Block-30 to create New Lot-B.
 - v. The vacation of the Mechanic Street right of way to be combined with New Lot-B.
 - vi. The Subdivision to move the lot line between New Lot-B and Lot-13, Block-30 (Firehouse) and to formalize the boundary between New Lots A and B along the centerline of Rocky Brook
- Several buildings have been demolished on the site prior to the date of this plan of August 10, 2020. The Subdivision Plan shall show current conditions.
 - The Board notes that the Mercer County Clerk's Office filing information has been shown on the Minor Subdivision Plan and they agree that the lots will be perfected by the filing of the map in the County Clerk's Office, therefore the map must meet the Map Filing Law.
 - The signature block for the owner application still contains the previous application information and shall be corrected.
 - All outbound monuments shall be set and noted as such on the plan and include a nail with an identification washer at the northeast corner of the Fire House lot.
 - The plan shall show the NJDEP verified Flood Hazard Area limit with metes and bounds, and the NJDEP verified Riparian Zone width and limit.
 - There is a discrepancy with the LOI File Number labels on the plan and the File Number in Note #5. This needs to be corrected.
 - The lot numbers for New Lots A, B and C shall be shown on the plan as directed by the Tax Assessor.
 - All existing and proposed easements shall be shown on the plan. These shall include any, and all cross-access, sidewalk, and utility easements.
 - Agreements must be obtained for all the adjacent property owners affected by the proposed 10-foot-wide construction easement along the southern property boundary.
 - The Site Plans for the overall project shows a proposed 10-foot-wide temporary construction easement overlaps on the existing building on Lot

29, Block 21. It is unclear if there is enough room in this area to build the parking structure.

- The overall Subdivision Plan shall be reviewed for clarity. The Board suggests the existing conditions linework be screened or shaded to make the plan easier to read and the proposed conditions shall be added to give a true depiction of the intent of the Applicant. This will help with the depiction of all the various easements mentioned in a previous comment above.
- Metes and bounds for all new lots, vacated right of ways and easements shall be shown on the Subdivision Plan and separate metes and bounds descriptions shall be submitted for review.
- We reserve further comments on the plan based on compliance with the above conditions.
- New street numbers shall be assigned post development.
- Applicant is notified that an inspection escrow and performance bond is required for this application and an estimate for all on/off site improvements (excluding structures), must be reviewed and approved by the Borough Engineer, who will determine an estimate for bonding and escrow purposes. The inspection escrow and bonds must be posted prior to the start of any work or issuance of any building permits.
- Applicant must contact the Planning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.
- Applicant shall comply with all requirements and testimony placed upon the record at the hearing for Resolution of Approval.
- Applicant shall comply with all requirements of the Roberts Engineering Report by Carmela Roberts, P.E., C.M.E., Borough Engineer, dated June 6, 2023.

19. This application may be subject to the following agency approvals if applicable:

- a. Mercer County Planning Board
- b. Mercer County Soil Conservation District
- c. Hightstown Fire Department
- d. Hightstown Police Department

- e. Hightstown Water Department
- f. Borough of Hightstown Construction Official
- g. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to our office.

CONCLUSION

Based upon the foregoing, the Hightstown Borough Planning Board, at its **June 12, 2023** meeting, voted to approve the application for **Preliminary and Final Site Plan and Subdivision approval to develop and construct, renovate and redevelop (343) apartment units and (3) buildings together with associated amenities.**

This Resolution of Memorialization was adopted **June 12, 2023** by a vote of the majority of the members present, who voted to approve the relief sought by the Applicant.

The date of decision shall be **June 12, 2023** except that the date of the adoption of this memorializing resolution is the date of decision for the purpose of (1) mailing a copy of the decision to the Applicant within ten (10) days of the date of this decision; (2) filing a copy of the decision with the administrative officer; and (3) publication of a notice of decision. The date of the publication of the notice of decision shall be the date for the commencement of the vesting protection.

ROLL CALL VOTE ON MOTION FOR BULK AND HEIGHT VARIANCE APPROVAL IN ORDER TO CONSTRUCT ADDITIONS TO AN EXISTING RESIDENCE AND A FULL BUILDING RENOVATION. JUNE 12, 2023

| Member | Yes | No | Abstain | Absent |
|-------------------------------|-----|----|---------|--------|
| Mayor Susan Bluth | | | | |
| Chairwoman Beverly Asselstine | | | | |
| Nathaniel Gainey | | | | |
| John Laudenberger | | | | |
| Fred Montferrat | | | | |
| Matt Morgan | | | | |
| Dimitri Musing | | | | |
| Beth Watkins | | | | |
| Chris Yandoli | | | | |
| Joseph Balcewicz | | | | |
| Ray Cabot | | | | |

**ROLL CALL VOTE ON MOTION TO APPROVE RESOLUTION OF
MEMORIALIZATION ON
JUNE 12, 2023**

| Member | Yes | No | Abstain | Absent |
|-------------------------------|------------|-----------|----------------|---------------|
| Mayor Susan Bluth | | | | |
| Chairwoman Beverly Asselstine | | | | |
| Nathaniel Gainey | | | | |
| John Laudenberger | | | | |
| Fred Montferrat | | | | |
| Matt Morgan | | | | |
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| Beth Watkins | | | | |
| Chris Yandoli | | | | |
| Joseph Balcewicz | | | | |
| Ray Cabot | | | | |

CERTIFICATION

I do hereby certify that the foregoing resolution was adopted by the Hightstown Borough Planning Board at its regular meeting held on **June 12, 2023**. The Resolution memorializes the formal action taken by the Board at this regular meeting held on **June 12, 2023**.

Jane Davis
Hightstown Planning Board
Secretary

Beverly Asselstine
Hightstown Planning Board
Chairwoman