

OPEN SESSION

Hightstown Borough Planning Board meeting May 17, 2005

Call to order

Vice-Chairman Mr. Misiura called the Planning Board meeting to order at 7:30 p.m.

Mr. Misiura read the open public meetings act.

Flag salute

Mr. Misiura introduced new board member Mr. Christopher Emigholz, who was appointed to the position of Alternate #1, with a term expiring December 31, 2005.

Roll Call

Name	Present	Absent			
Mayor Patten		X			
Mr. Montferrat		X			
Mr. Sikorski		X			
Mr. Searing		X			
Mr. Cuddy	X				
Mr. Jurgens	X				
Mr. Pratt	X				
Mr. Stults	X				
Mr. Misiura	X				
Alternates					
Mr. Emigholz	X				
Mr. Byrne	X				

Members present: Mr. Cuddy, Mr. Jurgens, Mr. Pratt, Mr. Stults, Mr. Misiura, Mr. Emigholz, and Mr. Byrne.

Members absent: Mayor Patten, Mr. Montferrat, Mr. Sikorski and Mr. Searing.

Approval of Agenda

A motion was made by Mr. Cuddy, seconded by Mr. Stults, to approve the agenda. Roll call vote was all in the affirmative. Motion carried.

Approval of Minutes

Mr. Rosensweig, Planning Board Attorney, requested additions to the minutes. A motion was made by Mr. Jurgens, second by Mr. Cuddy, to approve the minutes of the March 14, 2005 Planning Board with the suggested admissions. Roll call vote was all in the affirmative with the exception of Mr. Byrne and Mr. Emigholz, who abstained. Motion carried.

Adoption of Resolutions

Resolution #2005-05 – Peddie School – Granting Site Plan Waiver for the construction of a 12' x 12' Fire Pump House.

A motion was made by Mr. Cuddy, seconded by Mr. Pratt to adopt Resolution #2005-05. Roll call vote was all in the affirmative with the exceptions of Mr. Emigholz who abstained. Motion carried.

Resolution #2005-03 – Wilson Jimenez – Denying application for a Use Variance to operate a Beauty Salon out of residential garage, and Site Plan Waiver.

A motion was made by Mr. Cuddy, seconded by Mr. Jurgens to adopt Resolution #2005-03. Roll call vote was all in the affirmative with the exception of Mr. Emigholz who abstained. Motion carried.

Resolution #2005-04 – Brett Olma – Granting Bulk Variances for the construction of a 16' x 21' two-story addition to the rear of house.

A motion was made by Mr. Pratt, seconded by Mr. Jurgens to adopt Resolution #2005-04. Roll call vote was all in the affirmative with the exception of Mr. Emigholz, who abstained. Motion carried.

Public Hearings

Application 2005-06 for Dalal Corporation – Block 27, Lot 39 – Maxwell Avenue, Two lot Minor Subdivision with variance for lot width on proposed Lot 39.02 for the construction of two single-family dwellings.

Mr. Misiura advised the board that application #2005-06 had advised they would need to reschedule the hearing of their application.

Informal Hearing

Robert Turco – Block 53, Lot 20, 202 East Ward Street – Subdivision with variances.

Present were Lorali Totten, Professional Engineer and Planner, and Rob Morris with the Brennan Law Firm, and Mr. Turco.

Mr. Rosensweig advised the Planning Board members that this is an informal presentation, anything said this evening is not binding, there will be no swearing in of witnesses, and no formal action will be taken.

Mr. Turco presented a concept plan advising that he has 2.8 acres and wishes to build two single family dwellings and two duplex units in which his sons and their families will reside. There is currently a house on the property, a portion of which sits in East Windsor Township along with the driveway.

Mr. Turco advised that the Borough plans to put a walking path along Peddie Lake, onto the Peddie Nature Trail, that will be part of a plan for Mercer County. The walking path will encroach on his property.

Lorali Totten with Crest Engineering was present and advised the proposed cul-de-sac would be private, with a homeowners association in place for maintenance, and snow removal.

Ms. Totten advised that the property could be divided into individual lots, or left as a site plan. Ms. Totten also advised they are proposing a shared, low-pressure sewer line for the homes. They are proposing six units in total.

Ms. Roberts, Borough Engineer, advised that use variances would be required for the duplex units. Ms. Roberts also pointed out that two of the lots would have no street frontage. Ms. Roberts asked Ms. Totten how she intends to handle storm water.

Ms. Totten advised that it would have to be some sort of underground system, but has not fully addressed this issue.

Mr. Pratt asked where would the front of the two duplex units face. Ms. Totten advised all the buildings would face East Ward Street.

Mr. Pratt asked Ms. Roberts if the applicant would be required to install sidewalks on East Ward Street.

Ms. Roberts advised that it appears this application will be a major subdivision, which by ordinance will require sidewalks. However, that decision is ultimately up to the board. The recommendation from Ms. Roberts would be to install sidewalks. It's in the Master Plan; it's part of the Borough, trying to have more accessible.

Mr. Rosensweig advised that the Use Variance is a substantial deviation from the Master Plan. The applicant is well advised to make the best case that he can and not assume that he can follow what was approved at Peddie. The two are different circumstances. The issue of the greenway plan also needs to be considered.

Mr. Misiura asked for a clarification as to whether the applicant is seeking a site plan or subdivision.

Ms. Totten advised that this application could be submitted either way depending on the feedback from the board.

Mr. Jurgens brought up the fact that in some point in time, there will be a change in ownership in one or more of the units, and what would happen then.

Mr. Rosensweig advised that Mr. Jurgens brings up a good point, and advised the board should be cautious when dealing with applications involving housing for family members because there is no guarantee that these homes will stay in the family forever, or that the family will live here forever.

Ms. Totten stated that any conditions imposed by the board will be made part of approval.

Mr. Rosensweig asked the board to consider if there is alternative to this plan that meets more closely with the Master Plan.

Mr. Jurgens advised that he would not like to see multiple houses on one lot, as a site would suggest.

Other Business

Borough Ordinance #2005-14 establishing a new chapter 25 of the Revised General Ordinances of the Borough of Hightstown entitled "Storm Water Control.

Ms. Roberts, Borough Engineer, explained to the board that this is step #2 after the Storm Water Management Plan that was adopted as part of the Master Plan. This ordinance originates with D.E.P., and makes new Master Plan Element into a regulation.

A motion was made by Mr. Cuddy, seconded by Mr. Stults to recommend Ordinance 2005-14 to Borough Council for adoption. Roll call vote was all in the affirmative. Motion carried.

Borough Ordinance #2005-15 amending Chapter 26, "Land Use Procedures" of the Revised General Ordinances of the Borough of Hightstown, regarding checklists for subdivisions and site plans.

Ms. Roberts, Borough Engineer, advised that the ordinance needs to be modified because once the Storm Water Control Ordinance is adopted, then the checklists for site plans and subdivisions are incompatible. Removed from the existing checklists, all the references to the current Storm Water, and put in new submissions per the current ordinance.

A motion was made by Mr. Stults, seconded by Mr. Cuddy to recommended Ordinance #2005-15 to Borough Council for adoption. Roll call vote was all in the affirmative Motion carried.

Borough Ordinance #2005-16 amending Chapter 26 "Land Use Procedures" of the Revised General Ordinances of the borough of Hightstown regarding mandatory development fees.

Mr. Rosensweig, Planning Board Attorney, advised the board there is an ordinance that was adopted, but not yet approved by COAH. Under the new rules, this would double amount of money collected under COAH.

A motion was made by Mr. Pratt, seconded by Mr. Emigholz to recommended Ordinance #2005-16 to Borough Council for Adoption. Roll call vote was all in the affirmative with the exception of Mr. Cuddy who abstained. Motion carried.

Borough Ordinance #2005-18 Chapter 28 "Zoning" of the Revised General Ordinances of the Borough of Hightstown, is hereby amended to delete "Floor/Area Ratio 0.50" in subsection 28-3.11(g).

Ms. Roberts, Borough Engineer, advised that present in the audience are representatives of Robertson Douglas to explain to the board the meaning.

Ms. Roberts advised that the AA zone was created, a few years ago, to accommodate the Enchantment Development. When the ordinance was put together, a base ordinance submitted by Robertson Douglass, was used as a model. Floor area ratio was one of the items covered in the ordinance. A Floor Area Ratio is not required in any other residential zone within the Borough. The ordinance; however, also has all of the typical setback requirements. These are not requested changes, only the Floor Area Ratio.

Mr. Geiger of Robertson Douglas advised the board that 48% of the customers in their Hamilton Community have taken the option to finish the loft portion of the home, which suggests this is a popular item of interest; however, the developer would not be able to offer this option in Hightstown because they would go over the allowable Floor Area Ratio required by ordinance. The buyer would have to choose between the option of having a finished loft, or a sunroom; but they could not have both under the current ordinance.

Ms. Roberts advised there are two options available to the board. One is to revise the ordinance and delete the Floor Area Ratio requirement. The other way would be to require variances. Ms. Roberts added that deleting the Floor Area Ratio from the ordinance, would not impact the impervious coverage. Keeping the ordinance as written with the Floor Area Ratio requirement would limit approximately 50% of the lots from having both a finished loft area along with a sunroom.

The board had various discussions and raised concerns as to whether or not this amendment to the ordinance would change the character of the subdivision. It was agreed that there would be no substantial change to the character of the neighborhood, or would there be any detriment to this requested change.

Mr. Geiger advised the board that no other municipalities that they are building in have a Floor Area Ratio requirement.

A motion was made by Mr. Pratt, seconded by Mr. Stults, to recommend to Borough Council for adoption Ordinance #2005-18. Roll call vote was all in the affirmative with the exception of Mr. Jurgens who voted "Nay". Motion carried.

Adjournment

The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Debra Bodine-Kolo