

# OPEN SESSION

## Hightstown Borough Planning Board meeting March 14, 2005

### Call to order

The Planning Board meeting was called to order by Chairman Fred Montferrat at 7:30 p.m.

Mr. Montferrat read the open public meetings act.

### Flag salute

### 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					
Ms. Harrington		X			
Mr. Byrne		X			

Members present: Mayor Patten, Mr. Montferrat, Mr. Sikorski, Mr. Searing, Mr. Cuddy, Mr. Jurgens, Mr. Pratt, Mr. Stults, and Mr. Misiura.

Members absent: Ms. Harrington and Mr. Byrne.

## **Approval of Agenda**

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

## **Approval of Minutes**

A motion was made by Mr. Cuddy, second by Mr. Patten to approve the minutes of the February 14, 2005 Planning Board. Roll call vote was all in the affirmative with the exceptions of Mr. Pratt and Mr. Stults who abstained. Motion carried.

## **Public Hearings**

### **Application 2005-01 for Mr. Frank Paladino for a Use Variance to allow a dog grooming establishment at 134 Bennett Place, Block 48.02, Lot 6.**

Due to the fact that this application is for a Use Variance, Councilmen Mr. Patten and Mr. Sikorski recused themselves from this application.

Marianne Paladino, daughter of Mr. Frank Paladino appeared before the Planning Board with legal counsel Craig Cox requesting a Use Variance to operate a dog grooming facility out of a two-car garage located at her father's property at 134 Bennett Place, Hightstown, New Jersey. This property is located in the R-3 zone, zoned for residential uses.

Ms. Paladino testified that she had previously had a Use Variance for this same business from 1983 until 1988 when she operated a Dog Grooming Service out of the basement of 134 Bennett Place. She then relocated the business onto Monmouth Street, Hightstown, NJ where she also obtained a Use Variance.

Mr. Cox reviewed the engineer's report addressing the concern of overnight kenneling, hours of operation, and amount of traffic generated.

Ms. Paladino testified that the hours of operation would be Monday through Saturday from 9:00 a.m. to 4:00 p.m. Services are provided on an appointment drop-off and appointment pick-up basis. Customers will not be staying to wait for their pets, they will drop off and return several hours later. Ms. Paladino expects to have approximately 5 – 10 customers per day. Ms. Paladino testified there would be no outside employees.

Ms. Paladino testified that the Dog Grooming Establishment would encompass the entire two-car garage, eliminating one garage door and replacing it with an entry door and window. Ms. Paladino will be renovating the interior of the structure as well incorporating sheetrock, insulation, a cement floor, electric, heating and plumbing.

Mr. Misiura asked Ms. Paladino if she will require advertising signs on the property. Ms. Paladino advised there is no need for any signage for her business.

Mr. Pratt asked Ms. Paladino if the dogs would create a nuisance due to excessive barking. Ms. Paladino advised the board that the dogs are very well attended to, are kept inside, and generally very well behaved. There should be no nuisance to the neighbors from the dogs barking.

Ms. Paladino testified that due to the failing health of her parents, it would be easier for her to work from their home so she can also tend to their medical needs. Ms. Paladino currently resides at 153 N. Main Street, Hightstown, NJ, and will be moving into her parents' residence in August of this year, and intends to purchase the property at 134 Bennett Place.

### **Public Comments**

Mrs. Tricia Applegate of Prospect Drive addressed the board as being in favor of this application.

A motion was made by Mr. Cuddy, seconded by Mr. Stults to grant the Use Variance for the operation of a Dog Grooming Studio subject to the representation made before the board. Roll call vote was all in the affirmative. Motion carried.

**Application #2005-02 – Peddie School, Block 53, Lot 1.01, South Main Street, seeking Preliminary and Final Site Plan Approval for additions and renovations to convert the existing Science Building into a new History Department Building, including classrooms and an auditorium addition. This property is located within the R-1 zone.**

Mr. Leonard Coates appeared on behalf of the Peddie School seeking preliminary and final site plan approval for the Casperson History Center, which includes a courtyard. Mr. Coates advised the board this application includes no variance requests. Mr. Coates introduced two professional witnesses; Mr. Steve McDaniel of the Hillier Group, who is the project architect, and has previously qualified before the board, and Mr. Louis A. Norella, project engineer, of Greeman and Pederson, Inc.

Mr. McDaniel advised the board this application is for a small addition to the existing Science Building for a new History Department. The proposed addition is single story, and 2790 square feet. There is also a proposed covered walkway. Mr. McDaniel outlined the existing building and the proposed addition as displayed on Exhibit A-1 – Site Plan. Also marked into evidence is Exhibit A-2 entitled West Elevation.

Mr. McDaniel advised the courtyard will be approximately 3500 square feet, which is intended to be utilized as a gathering area. The applicant is also proposing a landscaping brick wall be constructed around the courtyard.

Mr. Coates asked Mr. McDaniel to address the engineer's report of March 4, 2005 as they relate to architecture. General comment #3, the plans show a door on the south side of the building with no sidewalk. Mr. McDaniel advised that this door is intended to be used exclusively as an emergency exit. The purpose of not placing a sidewalk at that door is because it is not intended to be used on a regular basis; however, there will be a concrete pad outside the door.

Regarding comment #4 – the demolition plan shows a number of trees to be removed. Mr. McDaniel advised that the four new tree plantings that will be going in the courtyard will nicely balance the trees that are being removed.

Mr. McDaniel addressed comment #5 regarding ground cover giving four different options of plant materials that have been successful on this property in the past. The plant options being Autumn Fern, Pewter Vail Coral Bell, European Ginger, and Bressingham Light Sassafrage; which will be used in any combination.

Mr. Coates asked Mr. McDaniel to address the issue of lighting. Mr. McDaniel explained that the lighting shown on the design plans provides a good balance between safety and a soft feeling. The covered walkway will have down lights in the ceiling. The proposed lighting is far enough away from neighboring properties that there will be no negative impact.

Mr. Rosensweig asked Ms. Roberts if she is satisfied with the testimony provided this evening with regards to items on the engineer's reports. Ms. Roberts stated she was satisfied. Mr. Rosensweig then asked Ms. Roberts if the tree replacement ordinance applied in this matter. Ms. Roberts advised that the ordinance only applies to trees within the right of way and does not speak to trees on private property.

Mr. Coates then introduced Mr. Norella, who is the engineer for this project. Mr. Norella outlined his qualifications for the board and has been accepted by the board as an expert witness.

Mr. Coates asked Mr. Norella to outline the checklist items listed on the engineer's report of 03/04/05 that were deficient. Mr. Norella advised they are in the processing on working on the responses for items #10 and #12. The information to be supplied from the tax map will be adequate to meet checklist waiver request for items #10 and #12. Item #10 – will note Etra Road as a street on the plan, and the existing buildings and lot lines on the opposite side of the road will be shown on the site plan using the tax map. Item #12 – a minimum all properties within 200' of proposed construction, will be identified.

Ms. Roberts stated that this is satisfactory.

Ms. Roberts asked if a survey was being submitted, and the applicant advised they will only be submitting the aerial survey as provided.

Mr. Coates advised that Mr. Norella's company logo will be added to the aerial survey.

Ms. Roberts advised the board that she is satisfied with the applicant's response that they will be supplementing the outstanding checklist items as testified.

Mr. Norella addressed the board regarding storm water management advising that the original plan showed a detention basin along with a ground water infiltration system; which has been changed to delete the ground infiltration system. The system being provided is a system where the drainage would be collected in a series of catch basins and underground pipes; it is then released in a controlled fashion to a receiving stream.

Since the amount of runoff that goes into that pipe is not increased, there will be no downstream problems created.

Mr. Coates marked into evidence item A-3 entitled Grading, Drainage and Landscape Plan, Sheet C3.1.

Mr. Pratt asked what would be the material of the pipe, and Mr. Norella advised the pipe would be plastic.

Mr. Coates introduced Mr. Charles Gailbraith as a fact witness in this matter. Mr. Gailbraith advised the board that the proposed courtyard was added late in the project because a donor was interested in it, and a decision has not yet been made as to whether or not the courtyard will be constructed, and the courtyard is constructed, there may be a change in the size of the proposed courtyard making it smaller than what is being shown on the plan provided. Mr. Gailbraith asked the board if they would entertain the notion of letting the Borough Engineer, handle the changes administratively, in house, as opposed to appearing before the board for an amendment to the final site plan citing it is a financial hardship to have to continually notice everyone within 200'.

Mr. Jurgens asked if, by granting this request, the board is setting precedence for future applications.

Mr. Rosensweig advised the board that he does not recommend the Board waive their authority to approve any amendments to the final approved site plan, advising that he likes to have consistency with rules, including flexibility and smoothness that's consistent so that no matter who appears before the board, the same rules apply. However, it is the board's decision as to what they want to allow.

The board held a discussing raising both the pros and cons of allowing site changes to be handled administratively.

Mr. Patten stated that specifics can be spelled out in the developer's agreement.

Ms. Roberts advised that this type of site plan would not come with a developer's agreement.

There were no public comments on this application.

The board decided that if there is any change in the courtyard, copies of the changes would be submitted to all of the board members, and if the majority of the board members objected, Peddie would make a formal presentation before the Planning Board at the next meeting.

A motion was made by Mr. Misiura, seconded by Mr. Patten to grant Preliminary and Final Site Plan approval for the plan that has been presented with normal conditions giving administrative flexibility in terms of orientation, materials and layout with no increases in the percent impervious coverage. If a majority of the board members are not satisfied with the revised plans, they will contact the board secretary, and the matter will be scheduled for the next Planning Board Meeting. If there are no objections, then the changes can be approved administratively by the board engineer. Roll call vote was all in the affirmative. Motion carried.

### **Unfinished Business**

#### **A. Review and Adoption of the Storm Water Management Plan.**

Carmela Roberts reviewed for the board, the Borough's requirement, per NJDEP, to adopt a Storm Water Management Plan. Ms. Roberts reviewed the Borough's proposed Storm Water Management Plan.

Mr. Rosensweig read the memorializing resolution into the record.

A motion was made by Mr. Sikorski, seconded by Mr. Jurgens, to approve Resolution #2005-SWMP adopting the Hightstown Borough Planning Board Storm Water Management Plan. Roll call vote was all in the affirmative. Motion carried.

#### **B. Review and Approval of the 2004 Master Plan Reexamination Report.**

The board reviewed the Master Plan Reexamination Report and will forward any modifying language to the board secretary.

A motion was made by Mr. Cuddy, seconded by Mr. Sikorski to adopt Resolution #2005-2004MPRR approving the Hightstown Borough Master Plan Reexamination Report. Roll call vote was all in the affirmative. Motion carried.

### **Adjournment**

The meeting was adjourned at 9:50 p.m.

Respectfully Submitted,  
Debbie Bodine-Kolo

