

OPEN SESSION

Chairman Steven Misiura called the meeting to order at 7:30 p.m. and read the Open Public Meetings Act statement which stated that adequate notice and posting of the meeting had taken place in accordance with the requirements of P.L. 1975, Chapter 231.

The flag salute was followed by the roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Mayor Patten</i>	✓	
<i>Mr. Searing</i>	✓	
<i>Mr. Sikorski</i>	✓	
<i>Ms. Laudenberger</i>	✓	
<i>Mr. Montferrat</i>	✓	
<i>Mr. Pratt</i>	✓	
<i>Mr. Misiura</i>	✓	
<i>Mr. Emigholz</i>	✓	
<i>Ms. Hutchinson</i>		✓
<i>Mr. Olsen</i>		✓
<i>Mr. Byrne</i>	✓	

Also in attendance: Leona Baylor, Planning Board Secretary; Carmela Roberts, Borough Engineer; and Gary Rosensweig, Esq., Planning Board Attorney.

APPROVAL OF AGENDA

The agenda as presented was moved by Mr. Sikorski, seconded by Mr. Montferrat and approved by all.

APPROVAL OF THE MINUTES

Minutes of the May 12, 2008 Regular Session was moved by Mayor Patten, seconded by Mr. Searing and approved. Ms. Laudenberger and Mr. Olsen abstained.

PUBLIC COMMENT

None

RESOLUTION 2008-10: JEFFREY BOND, 121 MERCER STREET, BLOCK 54 LOT 10.01 – SIGN VARIANCE

Mr. Montferrat moved Resolution 2008-10, seconded by Ms. Laudenberger.

Roll Call: Mr. Misiura, Ms. Laudenberger, Mr. Montferrat, Mr. Pratt, Mr. Emigholtz, Mr. Searing and Mayor Patten voted yes. Ms. Hutchinson and Mr. Byrne abstained, Ms. Hutchinson and Mr. Olsen were absent.

Application approved 7-0.

RESOLUTION 2008-10 M. JEFFREY BOND – SIGN VARIANCE

WHEREAS, M. Jeffrey Bond, 210 South Main Street, Hightstown, New Jersey, has submitted an appeal seeking a variance from the Borough's Sign Ordinance in order to install and maintain one additional fascia sign on the subject property, Block 54, Lot 10.01, 121 Mercer Street; and

WHEREAS, the property is located in the CC-2 Zoning District; and

WHEREAS, a public hearing was held on June 23, 2008; and

WHEREAS, The Board has determined that the denial of this sign variance would result in hardship and practical difficulties to the applicant by failing to allow the proper identification of the existing retail store; and

WHEREAS, The Board also finds that the granting of approval to install the additional fascia sign outweighs any detriments and may be granted without any substantial detriment or impairment to the Borough's Zone Plan and Zoning Ordinance or to the public good.

NOW, THEREFORE, BE IT RESOLVED, that approval is hereby given to install and maintain one additional fascia sign ("A Bit of N.Y.C. and More") as requested by the applicant, subject to the following conditions:

1. A sign permit shall be applied for immediately. Any change in the sign shall require approval.
2. Compliance with all other laws, Local, State and Federal;
3. Publication of a notice of this decision in an official Borough newspaper.
4. The sign shall strictly conform with all other Sign Ordinance requirements.

APPLICATION 2008-11: THE PEDDIE SCHOOL, S. MAIN STREET, BLOCK 53 LOT 1.01 – CARRIAGE HOUSES AND HEAD MASTER'S HOUSE

Mr. Montferrat moved Resolution 2008-11, seconded by Mr. Searing.

Roll Call: Mr. Montferrat, Mr. Pratt, Mr. Searing Mr. Sikorski and Mayor Patten voted yes. Ms. Hutchinson and Mr. Olsen were absent. Mr. Misiura, Ms. Laudenberger, Mr. Emigholtz and Mr. Byrne abstained.

Application approved 5-0.

RESOLUTION 2008-11 THE PEDDIE SCHOOL - PRELIMINARY AND FINAL SITE PLAN APPROVAL VARIANCES AND WAIVERS FACULTY AND HEADMASTER HOUSING

WHEREAS, the Peddie School, PO Box A, Hightstown, New Jersey, has applied for Preliminary and Final Site Plan approval, variances and waivers (Checklist Items 15A, 35, 36 and Design Waivers from Subsection 28-10-F and Subsection 28-10-C); and

WHEREAS, a public hearing on this matter was held on June 23, 2008, and

WHEREAS, the following documents were submitted by the Peddie School:

1. Plans entitled Preliminary/Final Site Plans prepared for Faculty Housing, Hightstown Borough, Block 53, Lot 1.01 prepared by Van Cleef Engineering Associates and dated May 28, 2008.

2. Conceptual site plan, architectural elevations and floor plans prepared by Feinberg & Associates, P.C. dated January 11, 2008 and May 1, 2008.
3. Negative Declaration of Environmental Impact Report prepared by Van Cleef Engineering Associates dated May 21, 2008.
4. Various applications and checklists.

WHEREAS, the Borough's experts, and other Borough agencies have submitted the following reports:

1. Report from Roberts & Reymann Engineering, LLC by Carmela Roberts, Borough Engineer, dated June 17, 2008.
2. Report prepared by Tamara Lee Consulting, LLC, Borough Planner, dated June 19, 2008.
3. Comment sheet, undated, from the Borough Construction Official.
4. Comment sheet, undated, from the Borough Chief of Police.
5. Comment sheet, undated, from the Borough Fire Chief.
6. Comment sheet, undated, from the Borough Historic Preservation Commission.
7. Memorandum from the Borough Environmental Commission, dated June 11, 2008; and

WHEREAS, the Planning Board finds as follows:

1. The Peddie School requests Preliminary and Final Site Plan Approval to construct a new 7,850 square feet Headmaster's House, fronting on South Main Street and four, 1,953 square feet carriage houses intended for student activities on the first floor and faculty housing on the second floor, fronting on the existing drive aisle and parking area located at the south-west corner of the campus. The project will also include improvements to the roadway that traverses the campus area or the project area, the storm drains and the construction of an underground detention basin to offset increases in impervious coverage. Construction is confined to the southwest portion of the Peddie campus bounded by South Main Street and Etra Road.
2. The property is located in the Borough's R-1 Residential Zoning District. In accordance with Ordinance Section 28-3.5 and Ordinance Section 28-10-3 attached single family dwellings with areas for student activities are a permitted use within the Zone.
3. The Applicant requested variance relief as follows:
 - (i) A variance from front yard setback for Building E because the Building is set within the 50' side yard. This setback is allowable only as it relates to the setback of existing buildings on adjacent lots;
 - (ii) A variance is required for the existing front yard setback for 359 South Main Street as 50' is required and 11.8' is provided. This is in accordance with Section 28-3-5b4;
4. The following design waivers are requested:
 - a. Subsection 28-10-10F which requires parking spaces to be 9' X 20' and the Applicant is proposing 9' X 18' spaces;
 - b. Subsection 28-10-10C where circulation aisles are to be 24' wide and the Applicant is proposing 17' wide circulation aisles.
 - c. The following checklist waivers are also requested:
 - d. Item 15A - outside dimensions of existing and proposed buildings and all accessory structures.
 - e. Item 35 - submission of the Community Impact Statement.
 - f. Item 36 - submission of an Environment Impact Assessment.

5. The Borough Engineer recommended that this application be deemed complete and the Planning Board agreed. The Board determined this application to be complete and that the Applicant met the jurisdictional requirements regarding notice to property owners within 200' and others by publication in an official Borough newspaper.
6. Provision of appropriate faculty, staff and student housing at the Peddie School is entirely consistent with the Borough's zone plan and master plan. The streetscape and community of Etra Road and South Main Street, including its aesthetics and visual environment, must be preserved and protected. Accordingly, the Planning Board has requested and the Applicant has agreed to certain important changes in the submitted plans as well as the imposition of certain conditions as set forth in both the Borough Engineer's Report submitted to the Planning Board in this manner: This includes moving Building E to comply with the 50 ft. set back required.
 - (i) All comments contained in the report of the Borough Engineer's Report dated June 17, 2008, have been met or the Applicant has explained all the issues raised by the Borough Planner in her report dated June 19, 2008; and

WHEREAS, the Peddie School presented Richard Price, Professional Planner, of Phillips, Price & Shapiro, 234 Sixth Avenue, New York, NY, who was sworn in and accepted as an expert planner. Mr. Price addressed the C2 variance required for height related to the Headmaster's house. He was of the opinion that the additional 3' will not be discernable by neighbors or by persons passing by and that the proposed height of the house fits in with the height of the surrounding residential buildings. The additional footage allows for two stories, plus a steeply pitched roof along with a turret. Although the roof could, in fact, be lowered, that would affect the Victorian look of the Headmaster's house and a reduced roof pitch and turret would make the Headmaster's house less historically accurate.

WHEREAS, The Planning Board agrees that a height variance may be granted without any substantial impairment to the Zone Plan, that a taller house would be a better zoning option consistent with the purposes of N.J.S.A. 40:55D-1 et seq; and

WHEREAS, The Peddie School also presented the expert testimony of Joseph Lalka, P.E. of Van Cleef Engineering regarding site plan and site improvement issues and the testimony from William Feinberg of Feinberg Associates of Voorhees, New Jersey, a registered New Jersey architect regarding architectural issues.

THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Hightstown that the Planning Board hereby grants the Peddie School Preliminary and Final Site Plan Approval, requested variances and waivers subject to the following:

1. Submission of revised plans to be approved by the Borough Engineer prior to the signatures of Secretary and Chair. No construction plans shall be issued until the revised plans have been submitted to and accepted by the Borough Engineer and signed by the Chair and Secretary.
2. Compliance with all conditions contained in the Borough Engineer's Report dated June 17, 2008 and such other directives of the Borough Engineer.
3. This approval is subject to all other local, state and federal laws including but not limited to D&R Canal Commission and Mercer County Planning Board the Borough of Hightstown Environmental Commission, the Borough of Hightstown Fire Department and Borough Historic Preservation Commission.
4. The payment of the required affordable housing fee (\$21,750 per dwelling unit) as specified in Borough Ordinance for all new housing units to be constructed on the Peddie campus to be paid in accordance with applicable Borough ordinance, i.e., one-half at time of construction permit and one-half at time of Certificate of Occupancy.
5. The execution of a Developer's Agreement and the posting of performance guarantees and all site inspection fees and escrows. An estimate for a performance bond shall be submitted for the Borough Engineer's approval.
6. The payment of all sewer and water connection fees. All hookup fees must be paid at the time of application for a construction permit. All construction details shall conform to Borough standards.
7. The Applicant shall comply, and this shall be a continuing requirement, with all technical conditions contained in the Borough Engineer's report dated June 17, 2008.
8. The square footage of the Headmaster's house shall not exceed 7,850 square feet, with a 38' total maximum height.

9. The Peddie School has represented and the Planning Board includes as a condition of this approval that the Headmaster's house shall serve as housing for the Headmaster's family and guests only and shall not include housing for other Peddie faculty or administrative personnel.
10. Publication of a notice of this decision in an official Borough newspaper.
11. The Applicant shall be bound by all representations made before the Planning Board as if fully set forth in this Resolution.

RESOLUTION 2008-09: THE PEDDIE SCHOOL, 169 S. MAIN STREET, BLOCK 28 LOT 42 – MINOR SUBDIVISION

Mr. Pratt moved to approve the resolution, seconded by Mr. Searing.

Roll Call: Mr. Misura, Mr. Montferrat, Mr. Pratt, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Ms. Hutchinson Ms. Laudemberger and Mr. Emigholtz abstained and Mr. Byrne and Mr. Olsen were absent.

Application approved 6-0.

COMMITTEE REPORTS

2007 ANNUAL REPORT

The Board questioned the necessity of the report. Mr. Rosensweig explained that an annual report is required by Land Use Land and the information in the report can show a pattern of certain types of applications and if there a large number of repetitive applications the Board then would need to review the Borough's Local Land Use ordinance for possible changes.

Mr. Pratt made the motion the report be accepted and referred to Council for review, seconded by Mayor Patten and approved by all.

Mr. Misura reported that the Minute Maid Subcommittee will try to meet again at the end of July with a goal of reaching a zoning plan acceptable to both towns. He suggested that the Borough began to move forward rezone the property to HC (Highway Commercial). Mr. Emigholtz agreed saying that this zoning may change again but it currently agreed that the property is not industrial. Ms. Laudemberger inquired on the timeline for a possible introduction of the ordinance. Mr. Rosensweig stated that a formal recommendation can be done at the next meeting to refer the matter to Council for their September meeting.

PROFESSIONAL REPORTS

HISTORIC DISTRICT STREETScape PROJECT

Mr. Byrne and Mr. Pratt recused themselves from the discussion.

Ms. Roberts reported that the plans have been completed and were funded by the New Jersey Historic Trust. The plans are based on information supplied by Hunter Research, Historic Preservation Committee, East Windsor-Hightstown Historical Society, Dan Buriak and Richard Pratt.

The plan will attempt to restore the area as close to historical accurate as possible. The concrete curbing will be replace with granite and the sidewalks from concrete to slate or brick pavers. The slate will be reset at the homes that current have slate and replace at the few homes to be proven to have had slate in the past. The homes with the brick paver will be set in a herringbone pattern. As slate can be slippery it has been advised to use concrete in the driveway and apron of the homes with slate walkways.

There is a plan to modify the intersection, curb line and cross walk at the Civil War Monument, this change will restore some area back to the front yards of some homes. The area of the Civil war Monument will be changed based on photos and postcards to include brick pavers as a walk through, landscaping similar to the early 1900's, replace the picket fence at the rear of the property and remove the electrical cabinets.

Ms. Roberts stated that the specs and cost estimate is completed but there is no funding currently available for the project which is estimated to date as \$1,477,000. The plans have been submitted to the Historic Trust for review.

Ms. Laudenberger questioned if the Historic Trust has any funds available. Ms. Roberts responded that this year's funding was a 50% match and it would be better to look for better funding. The Borough in the past has received funding from the Transportation Enhancement Fund to fund other streetscape projects in the Borough and this grant funding is normally not a matching fund.

Mr. Misura questioned if the changes at the point will help with the traffic pattern. Ms. Roberts agreed that there is traffic flow issue and that the changes should correct and force the traffic to slowdown at the turn. The lane will be narrower but still large enough to maintain the truck route. The changes were submitted to Mercer County Engineering and approved months ago.

Mr. Misura questioned what's preventing someone from ripping up the sidewalk after it's been completed. Ms. Roberts stated that the ordinance currently being worked on by the Historic Preservation Committee would hopefully include wording to prevent this.

Mayor Patten questioned whether the sidewalks would be actual slate or bluestone, if they are looking to use recycled brick and if the granite curbing was in ground or on concrete footings. Ms. Roberts confirmed that the granite will be on concrete footings, the bricks will be new and made to look old and research has been inconclusive if it was slate or bluestone, but slate is visible in the area now.

Mr. Pratt, 214 Stockton Street, stated that as a resident he was concerned about the placement of the new crosswalks and the loss of the crosswalk at the Academy Street. Ms. Roberts stated that the crosswalks will be configured at the point to go from Park Ave to the point and that the crosswalk at Academy Street will be replaced. Mr. Pratt also wanted to know what is planned to help cut the weeds in the pavers and what finish would be used on the concrete aprons for the driveways. He advised that a broom finish not be used as it is not historically accurate and that a swirl pattern without a border would be more accurate.

Dan Buriak, 194 Stockton Street, stated that the project is outstanding and that the Commission did try for funding this year but the Historic Trust would only fund restorative project and this project as a whole didn't qualify as there is a lack of supporting records but the plans for the monument did qualify. As the only funding available was 50/50 match is deemed by the Committee not be feasible with our current fiscal status.

Mayor Patten moved that the plans with the additional recommendation to have the concrete aprons finished with a swirl pattern and no borders and the crosswalk at Academy Street replaced be given to Council for review, seconded by Ms. Laudenberger.

Roll Call: Mr. Misura, Ms. Laudenberger, Mr. Montferrat, Mr. Emigholtz, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Mr. Pratt and Mr. Byrne abstained, Ms. Hutchinson and Mr. Olsen were absent.

Approved 7-0.

BILL A500

Mr. Rosensweig stated that the Housing bill A500 has passed both houses and is waiting for the governor's signature. The bill will limit fees to 2.5% of all new construction, excluding parking lots, community centers, certain urban areas, light rail system areas and transit villages. It will discontinue allowing the transfer of credit from one municipality to another and imposing payment in lieu of fees. This bill represents the first legislative stance by the State and will create a new State Housing

Commission to create plan for housing statewide. The idea behind the state fee is to build a fund to consolidate all housing funds and all municipalities who currently have funds will have four years to use the money and any funds not used will revert to the state fund. The new legislation is also a response to large number of court cases filed by municipalities in response to the latest rules from COAH. Though once adopted it is expected that there will be additional changes to this bill. The State has imposed an end of year deadline for all municipal plans oppose to staggering them and the Borough should start now on submitting a plan. Mr. Rosensweig recommended having Ms. Lee review the COAH rules and address our options based on the new rules.

PERMIT EXTENSION PROCESS

This Bill has not received final approved yet, there are a number of environmentalist against it, because they didn't like the first approvals and would like to see the projects expire. The Bill will allow an approval for June 2007 permit to expire June 2010 basically based on economic emergency. There are some permits that are exempt like NJDOT right of ways, permits issued under the Flood Hazard Act and Coastal Designations. There will be no approval process and the extension is automatic.

Mr. Sikorski moved to adjourn, seconded by Mayor Patten, meeting adjourned at 8:30 p.m.

Respectfully submitted,

Leona Baylor
Planning Board Secretary