

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.

Due to absence of the Board Secretary Mr. Sikorski moved to appoint Ashley Hutchinson as acting secretary for tonight meeting only, seconded by Ms. Laudenberger and approved.

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: Gary Rosensweig, Esq., Planning Board Attorney.

APPROVAL OF AGENDA

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

APPROVAL OF THE MINUTES

Minutes of the August 11, 2008 Regular Session was moved by Mr. Sikorski, seconded by Ms. Laudenberger and approved. Mr. Pratt and Ms. Hutchinson abstained.

PUBLIC COMMENT

Antonio Pacino, Habitat for Humanity – Mr. Pacino informed the Board of the Habitat's desire to obtain Borough owned property located at 250 S. Academy and privately owned property at 246 S. Academy Street for a future Habitat project. He stated that each alone are substandard therefore unbuildable. Mr. Misiura informed Mr. Pacino that the correct forum for this discussion would be with the Council as the Board has no authority over selling or the purchase of Borough property. Mayor Patten provided Mr. Pacino with contact information and instructions to contact him later in the week to discuss the Habitat's plans.

Public Comment was then closed.

APPLICATION 2008-14: ANGELA BUCCI, WILLIAM STREET, MINOR SUBDIVISION, BLOCK 12 LOTS 7, 13 & 14 – ACCEPTING JURISDICTION

Mr. Rosensweig explained that the attorney of the applicant requested that the Board accept jurisdiction of the application to avoid the applicant's requirement to re-advertise. The application has not been deemed complete by the Borough Engineer and since the applicant has advertised twice, they are requesting that they not have to advertise a third time. Mr. Rosensweig stated that he requested that the applicant's attorney provide a written request with the understanding that the 90 day timeline for the Board to take action will not begin until after the application is deemed complete. Mr. Rosensweig gave the Board his recommendation to accept jurisdiction. Mr. Sikorski stated that he believes that he was within 200 ft of the property but had not received notice. Mr. Rosensweig stated that he would confirm that the notices had been completed properly and if for any reason it was found that it was not the applicant would indeed have to renotice.

Ms. Laudenberger moved to accept jurisdiction of application 2008-14, seconded by Mr. Searing.

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

Jurisdiction accepted 7-0.

RESOLUTION 2008-12: MICHAEL SHEENAN, MINOR SUBDIVISION – 220 WILSON AVENUE, BLOCK 3 LOT 7 & 8 AND 222 WILSON AVENUE, BLOCK 3 LOT 6

Mr. Rosensweig requested that the Board verify that the conditions of the resolution are as they requested from the previous meeting prior to voting.

The Board had no comments. Resolution 2008-12 was moved by Mr. Sikorski and seconded by Ms. Laudenberger.

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

The Resolution was adopted 6-0.

RESOLUTION 2008-12 MICHAEL SHEENAN AND FRED TORNQUIST, 220-222 WILSON AVENUE, BLOCK 3, LOT 6.7 & 8 MINOR SUBDIVISION

WHEREAS, the Applicants have applied for Minor Subdivision approval to subdivide an existing 50,000 square feet property consisting of two lots into three conforming lots - proposed Lots 6.01-20,000 square feet, 7.01-15,000 square feet and 8.01-15,000 square feet; and

WHEREAS, the Applicants propose to rearrange existing lots lines to create three conforming lots and to permit construction of one new single family dwelling on Lot 7. Lots 6 and 8 contain existing dwellings; and

WHEREAS, the Applicants have submitted the following:

1. Plans of "Minor Subdivision of Lots 6, 7 and 8 in Block 3 prepared by Land Map, Inc., dated 7/3/08
2. Plan entitled Plot and Grading Plan for proposed Lot 6.01, 7.01 and 8.01 in Block 3 prepared by Goldenbaum-Baill Associates, Inc., dated 7/16/08
3. Planning Board Application
4. Landowner's Consent
5. Preliminary Wetlands Evaluation prepared by Van Note Harvey, dated 7/3/08; and

WHEREAS, this application was accepted for a Public Hearing held on August 11, 2008 at which time the Applicant and all the interested parties were provided an opportunity to be heard; and

WHEREAS, the Planning Board considered the testimony of the Applicants, and report of the Borough Engineer dated August 1, 2008 and comments received from various Borough departments, agencies and persons; and

WHEREAS, the subject property is located within the Borough's R-3 Zoning District and the proposed lots meet or exceed ordinance requirements for size, frontage and all setbacks, and

WHEREAS, the Planning Board deemed this application to be complete for review.

NOW THEREFORE, BE IT RESOLVED that Minor Subdivision approval is hereby granted subject to the following conditions:

1. Compliance with all conditions contained in the Borough Engineer's report dated August 1, 2008, except item 8 (sidewalk) and such other directives as shall be specified by the Borough Engineer.
2. The dwelling on lot 7 shall conform to the Borough's Zoning and Subdivision Ordinances.
3. The Applicants may record this subdivision by deed, said deed to be filed within 190 days of this Approval. (date?)
4. Installation of a sump pump check valve as approved by the Borough Engineer.
5. Trees on site shall not be removed.
6. In accordance with Ordinance 26-11, the payment of \$21,750 per new residential unit for affordable housing fees, 50% due at the time of construction permit issuance and the remaining 50% at the time of issuance of the certificate of occupancy.
7. This approval shall be subject to payment of all Borough fees, charges and assessments including the payment of all new sewer and water inspection fees.
8. The Applicants shall be bound by all representations made at the public hearing held before the Planning board as if said representations were set forth in this Resolution.
9. Submission of all requested performance guarantee, inspection fees and escrow fees as required by the Borough Engineer and as approved by the Mayor and Council.
10. This approval is subject to compliance with all laws, local, state and federal, including but not limited to D&R Canal, Mercer County Planning Board, and Mercer County Soil Conservation District.
11. Publication of a notice of this decision in an official Borough newspaper.

RESOLUTION 2008-15, RECOMMENDATION TO COUNCIL FOR RE-ZONING OF PROPERTY FORMERLY KNOWN AS "MINUTE MAID" LOCATED AT MERCER STREET, BLOCK 48 LOT 32

Mr. Misura stated that this is a formalization of the recommendations of the Zoning subcommittee. The resolution states the reason for the request and notes that there will be additional changes. Mr. Emigholtz stated that without the reference to additional changes in the future he would not be in favor the resolution, but he recognizes the need for the Board to continue to move forward and take some action. He requested that the prior discussions regarding this property be taken in consideration and not forgotten.

Mr. Sikorski moved to approve resolution 2008-15, seconded by Mayor Patten.

Paul Josephson, attorney for the property owner, 480 Mercer, LLC addressed the Board requesting that the Board not approve this resolution. He stated that while he has been comfortable with previous conversations and was pleased with the openness from Board that to amend the zone in this current market could limit the property owner's options. He also reported that the property owner has already begun the market and fiscal surveys the Board requested and some of the results so far have been surprising. Mr. Josephson hopes to share with the Board the results prior to the Board's final actions. Mr. Josephson stated that he understands that the Borough is interested in the property but would like the Borough to understand that the market has changed and is not as hot as it was in 2003. His client would like to learn from previous lessons in the Borough and be able to present a plan for consideration once and move forward. He was pleased that the Board has stated that they are willing to review and modify the zone in the future and it is his hope that they would consider the possibility of resuming the Industrial Zoning.

Mr. Byrne asked what the status of the join subcommittee meeting with East Windsor. Mr. Misura stated that it is moving forward but no future meeting dates have been set.

Mr. Emigholtz questioned if East Windsor still zoned their property as Industrial and if they have any plans to rezone. Mr. Misura answered in the affirmative that East Windsor was still zoned Industrial and he was unaware of any move by their Board to rezone it to anything else.

Ms. Hutchinson stated that she was in favor of this rezoning and that while the Board may not have made any final decisions or have any final plans the Board is confident in what it doesn't want. Mr. Emigholtz agreed stating that this change allows for the removal of the one item the Board agrees they do not want.

Ms. Laudenberger stated that she was in favor of some the options discussed in previous meetings and that this change allows the Board the ability to move in the direction of those conversations.

Mr. Josephson requested that the property be considered for a light industrial use.

Mr. Sikorski expressed his appreciation of Mr. Josephson's concerns but felt that the Board's recommendations were not unexpected.

Mr. Byrne referenced a comment made in a prior meeting by the Borough Planner that there are some merits to having a large employer in town, but he is in favor of the direction of this resolution.

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

Resolution approved 7-0.

REZONING OF THE FORMER MINUTE MAID PROPERTY

WHEREAS, the property known as the Minute Maid Property, located on Route 33 (Mercer Street), Block 48, Lots 32, 26, 27, 33, 34 and 35, is currently located in the Borough's Industrial Zoning District; and

WHEREAS, a public meeting to consider this Resolution was held on September 8, 2008; and

WHEREAS, the owners of the property were notified of the within action; and

WHEREAS, the current zoning and industrial use of the Minute Maid Property do not conform with goals and objectives outlined in the Borough's Master Plan and 2004 Reexamination Report approved March 14, 2005; and

WHEREAS, the Master Plan sets future goals and objectives for the Borough, including: Revitalizing the central downtown business district and improving the economic viability of the Borough:

Objective #3: Maximize high-valued ratables to help balance the cost of municipal services throughout the Borough.

Objective #4: Encourage the protection and maintenance of an enhanced aesthetic quality of the buildings and the streetscape in the business district.

Objective #5: Encourage creative and innovative reuse of underutilized or abandoned properties.

Objective #7: Improve and expand employment opportunities for local residents.

Objective #9: Promote the redesign of the Route 33 corridor to maximize the pedestrian usability and minimize vehicular intrusion in the central downtown.

Objective #10: Promote the redesign of vehicular circulation patterns wherever necessary to enhance the environment of the central downtown business district and maximize the pedestrian experience; and

WHEREAS, the Master Plan also states:

At this point in time, the state of the Borough is such that little can be improved in the municipality without substantial reforms to the commercial sector first to enhance ratables and strengthen revenues; and

WHEREAS, the 2004 Reexamination Report sets further future goals and objectives for the Borough, including: Protect and perfect an historic town center image for the Borough; Revitalize the central downtown business district and improve the economic viability of the Borough; and

WHEREAS, the 2004 Reexamination Report further states:

Another important change in the Borough is Minute Maid's vacation of its bottling plant on Mercer Street. Although Minute Maid contributed to the Borough budget significantly, through fees, usage charges, and property taxes, it also burdened the Borough with regular truck traffic. The loss of Minute Maid therefore represents a fiscal stress but also an opportunity to make Hightstown more livable; and

WHEREAS, the Planning Board finds as follows:

1. The former industrial-production use of the property is not in accordance with the Master Plan, the 2004 Reexamination Report or the needs of the Borough.
2. The previous property owner (i.e., Coca Cola) abandoned the industrial-production use of the subject property by removing essential juice production equipment, closing down the production use and abandoning the premises.
3. Rezoning of the Minute Maid Property at this time to the Borough's existing Highway Commercial District designation is in accordance with the goals and objectives of both the Master Plan and the 2004 Reexamination Report.
4. This zoning change will render this property consistent with the commercial nature of other properties located between the downtown business district and the Borough/East Windsor Township boundary.
5. This rezoning is recommended at this time to make this property more conforming with the Master Plan and shall be subject to additional zoning changes as the Planning Board continues to study and develop a viable and beneficial zoning designation for this site consistent with the Borough's land use policies.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Hightstown that the Planning Board hereby recommends a change in the Official Zoning Map re-designating the Minute Maid Property from the Industrial District to the Highway-Commercial District.

COMMITTEE REPORTS

HISTORIC PRESERVATION COMMISSION – NO REPORT

COAH

Mr. Misura spoke with the Borough Planner, Tamara Lee and a letter has been submitted to COAH requesting a letter of approval to use some COAH funds for the completion of the plan required to be filed by year end. No work has been started, but once the approval is received she will begin.

PROFESSIONAL REPORTS

Mr. Rosensweig responded to Mr. Misura's question if any Borough plans qualify for the automatic extension; that he is reviewing the 2007 Report to see if any qualify.

Ms. Hutchinson moved to adjourn. The motion was seconded by Mr. Sikorski, and the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Leona Baylor

Planning Board Secretary