

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: Candace Gallagher, Administrator/Clerk; Carmela Roberts, Borough Engineer; Tamara Lee, Borough Planner and Gary Rosensweig, Esq., Planning Board Attorney.

APPROVAL OF AGENDA

The agenda was moved as amended to include Public Comment, move the discussion of Historic Preservation prior to the Public Hearings and the addition of Executive Session following Committee reports by Mayor Patten, seconded by Mr. Sikorski and approved by all. Mr. Misura stated that all public hearings and testimonies will end at 10:30pm and be continued if necessary.

APPROVAL OF MINUTES

Minutes of the December 10, 2007 open and closed sessions were moved by Mr. Sikorski, seconded by Mr. Montferrat and approved. Ms. Hutchinson, Mr. Olsen and Mr. Searing abstained.

PUBLIC COMMENT

No one came forward.

PLANNING BOARD APPOINTMENTS

Mr. Montferrat moved to appoint Steve Misura as Planning Board Chair, seconded by Mr. Sikorski. With no other nominations, Mr. Searing moved to close the nominations, seconded by Mayor Patten and with no objections to the close of the nomination a roll call vote was taken.

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

Mr. Misura will serve as the 2008 Planning Board Chair.

Mr. Sikorski moved to appoint Fred Montferrat as Planning Board Vice-Chair, seconded by Mayor Patten. With no other nominations, Mr. Searing moved to close the nominations, seconded by Mr. Sikorski and with no objections to the close of the nomination a roll call vote was taken.

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

Mr. Montferrat will serve as the 2008 Planning Board Vice-Chair.

RESOLUTIONS

Resolution 2008-01, appointing Gary Rosensweig as the Planning Board Attorney was moved by Mr. Sikorski and seconded by Ms. Laudenberger.

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

Resolution adopted 10-0.

RESOLUTION 2008-01 APPOINTING PLANNING BOARD ATTORNEY

WHEREAS, there exists a need for legal services for the Borough of Hightstown Planning Board in 2008; and

WHEREAS, the estimated amounts of this contract are:

1. All Planning Board meetings and work sessions: \$2,000.00 Annual Salary.
2. For all other Legal Services: \$120.00 per hour, except litigation at \$130.00 per hour. Not to exceed \$4,000.00, unless authorized by the Borough Council and the Planning Board, and excluding all amounts covered by individual escrow accounts.
3. Payment will also be made for all disbursements made in carrying out the duties of Planning Board Attorney.
4. For Redevelopment work billed to a designated Redeveloper - \$175.00 per hour plus disbursements.

WHEREAS, funds are available in appropriations entitled: Legal Services and Costs-Other Expenses, based upon the budgets adopted and certified by the Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. The Chairman and Secretary are hereby authorized and directed to execute an agreement with Gary S. Rosensweig, Esquire, Archer & Greiner, PC, 700 Alexander Park, Suite 102, Princeton, New Jersey 08540.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, (N.J.S.A. 40A:11-5(1)(a)) as a contract for services to be performed by a person authorized by law to practice a recognized profession that is regulated by law.
3. A copy of this Resolution and contract shall be placed on file in the Office of the Borough Clerk.
4. A notice of this action shall be published once in an official newspaper as required by law

Resolution 2008-02, appointing Leona Baylor as the Planning Board Secretary was moved by Mayor Patten and seconded by Mr. Pratt.

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

Resolution adopted 10-0.

RESOLUTION 2008-02 APPOINTING PLANNING BOARD SECRETARY

WHEREAS, there exists a need for a Planning Board Secretary for the Borough of Hightstown Planning Board; and

WHEREAS, it is the desire of the Planning Board to appoint Leona Baylor to this position at an annual salary of \$15,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Leona Baylor is hereby appointed as Planning Board Secretary for the year 2008 at the rate of \$15,000.00 per annum.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2008 budget, where funds are being made available.

Resolution 2008-03, the 2008 Planning Board Meeting Schedule was moved by Mr. Sikorski and seconded by Mr. Montferrat.

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

Resolution adopted 10-0.

RESOLUTION 2008-03 2008 MEETING SCHEDULE

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the meetings of the Planning Board for the remainder of 2008 and for the first meeting in 2009, will be held at **7:30 p.m.**, unless otherwise noted, at the Municipal Building at 148 North Main Street, Hightstown, on the following dates:

Monday	February 11
Monday	March 10
Monday	April 14
Monday	May 12
Monday	June 9

Monday		July 14
Monday		August 11
Monday		September 8
Tuesday		October 14
Tuesday		November 11
Monday		December 8
	2009	
Monday		January 12, 2009

Resolution 2008-05, the Official Newspaper of Publications was moved by Mr. Sikorski and seconded by Mr. Montferrat.

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

Resolution adopted 10-0.

RESOLUTION 2008-05 DESIGNATING OFFICIAL NEWSPAPERS

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that the *Trenton Times* and the *Windsor-Hights Herald* are hereby designated as the official newspapers for the year 2008.

Resolution 2008-06, appointing Carmela Roberts as the Planning Board Engineer was moved by Mr. Sikorski and seconded by Mr. Pratt.

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

Resolution adopted 10-0.

RESOLUTION 2008-06 APPOINTING PLANNING BOARD ENGINEER

WHEREAS, there exists a need for engineering services for the Planning Board of the Borough of Hightstown, and

WHEREAS, the Borough Council adopted Resolution 2008-28 authorizing an engineering contact with Carmela Roberts, Roberts & Reymann Engineering, LLC which includes general engineering services for the Planning Board for the 2008 year with an anticipated maximum general engineer fee of \$7,000, and

WHEREAS, the Planning Board desires the services of Ms. Roberts for the 2008 year as the Planning Board Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, as follows:

1. Carmela Roberts is hereby appointed Planning Board Engineer for the 2008 year.
2. A copy of this Resolution shall be placed on file with the Borough Clerk.
3. A notice of this action shall be published once in an official newspaper of the Borough as required by law.
4. This Resolution is contingent upon the provision of funding in the Borough's 2008 budget, where funds are being made available.

DISCUSSION – HISTORIC PRESERVATION: DRAFT ORDINANCE

Kathy Patten, 135 South St, Hightstown, NJ stated that a portion of Stockton Street and Rogers Avenue has been added to the State and National list of Historic Places which is a great honor for the Borough. The Historic Preservation Commission now need to create an ordinance to protect and enhance this area, the State of New Jersey is allowing the individual towns to develop their own ordinances. The draft ordinance presented by the Commission was a result of a survey, a review of ordinances from other town and meeting with the town's attorney, Frederick Raffetto. The survey has a 37% response rate with 75% of those responses wanting an ordinance but with the Commission only acting in an advisory or supporting role. The respondents wanted no binding rules but the ability to delegate to the Planning Board.

Mr. Misura stated that he would like for the Subcommittee to review the draft as well as Mr. Rosensweig and to report at the February meeting. Ms. Patten invited the Subcommittee to Thursday's Historic Preservation meeting.

APPLICATION EXTENSION – DM PROPERTIES, ACADEMY STREET

Satish Mehta, DM Properties - sworn in

Mr. Mehta requested a two year extension, he reasoning was based on the current housing market and he felt that it would be two years before they would be able to build. Mr. Rosensweig stated that extension should be for one year and then cautioned Mr. Mehta that he would be subject to rules in effect at the end of his extension.

With no comments or questions from the Board, Mr. Misura called for a vote.

Mr. Searing moved to accept a one year extension for DM Properties, seconded by Mr. Sikorski.

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

Extension approved 10-0.

APPLICATION #2007-07, CUMBERLAND FARMS

Mr. Rosensweig recused himself and Michael Herbert of Herbert Van Ness, Cayci and Goodell represented the Board for this application.

Brian Harvey Esq. of Giordano Halleran & Ciesla represented the applicant and presented the application for the property located at 315 Mercer Street which requests a variance to locate a trailer within 25 feet of the setback.

Ms. Roberts and Ms. Lee were sworn in along with Craig Kuhns of Kleinfelder.

Ms. Roberts deemed the application as complete with waivers but recommended that an Environmental Impact Assessment be submitted. Mr. Harvey stated that they have one prepared and are prepared to testify. Mr. Searing and Mr. Misura stated they would rather have time to review the report. Mr. Pratt suggested that they present since they are here and prepared and action be taken later, Mr. Sikorski and Mayor Patten agreed.

Mr. Kuhns reviewed the application with an overview of the property. Exhibit A-1 Site Plan prepared September 2007 was presented noting that there is an existing gas station run by the property owner. The trailer is proposed to be place on the back area of the lot. The project is being completed under the DEP and approved by the DEP. The proposed project has the least amount of impact on the surrounding area. An Environmental Impact Assessment (EIA) was submitted as Exhibit A-2 dated January 14, 2008. Mr. Kuhns reviewed the Environmental Impact Assessment (EIA) and stated that there will be no impact for soil erosion, water supply or sewage disposal. With daily site visits in the first two weeks then lowering to weekly and then monthly monitoring. The pumps and vacuum inside the trailer will run continuously and the manufacturer states that the noise

level will be between 75-79 decibels and the trailer itself is also insulated which reduces the decibel level to be about 30 decibels on the outside of the trailer. The nearest resident is 40-50 feet away.

Ms. Roberts questioned how the area became contaminated and if the well placed on South Street is somehow related to the original contamination. It was explained that the original property owner Cumberland Farms in 1996 at the time they vacated the property removed their underground tanks and caused some contamination. Samples were taken and DEP has providing an ongoing soil and groundwater monitoring. During this monitoring it was found that the contamination had moved to South Street and since it was determined that Cumberland Farms had delineated the soil and groundwater it was determined that this remediation be completed. Ms. Roberts questioned if this remediation will also clean the area on South Street. It was explained that this remediation removes the source of the contamination and once removed the soil and groundwater will naturally correct it self over time. There was a question if there will be any odors created by this remediation process and Mr. Kuhns testified that there will be no odors.

After a lengthy discussion over the decibel levels, alternate methods and timeliness of the remediation it was agreed to continue this application to the next meeting. The Board asked to have more detailed information regarding the noise levels at the next meeting and a letter of consent from the current property owners.

Mayor Patten made a motion to continue the application until the February 11, 2008 meeting seconded by Mr. Montferrat.

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

Continuation approved 10-0.

Mr. Rosensweig rejoined the meeting.

APPLICATION #2007-06 PEDDIE SCHOOL – ATHLETIC FIELDS EXPANSION

Mr. Misura, Ms. Hutchinson and Ms. Laudenberger recused themselves from this application

Leonard Coates, of Turp Coates Essl & Driggers represented the applicant. Mr. Coates noted that this project has to be approved by both the Borough and East Windsor Township and that it is a two phase application with various waivers regarding the setback and height of existing buildings on campus and the continuous screening on Etra Road. The application includes a 29,000 feet expansion, 305 parking spaces off Etra Road, a new retention basin located in East Windsor, and the relocation of the Etra Road entrance 50 feet East. Phase I will consist of the upgrade to the athletic center, the artificial turfs and 227 of the 305 parking spaces, Phase II will be the demolition of four dwellings and a barn on Etra Road the completion of the parking lot with the remaining 78 parking spaces. Mr. Coates indicated that there four professionals present to testify Joe Lalka, Bradley Walters, Scott Kennel and Paul Phillips.

Mr. Rosensweig asked that the checklist items be address prior to the testimonies. The three in question were the key map scale, driveway delineation and outside building dimensions. During discussion it was realized that the driveway and dimensions were addresses and need no action and the key map scale was acceptable by Ms. Roberts.

Joe Lalka, Project Engineer with Van Cleef Engineering was sworn in.

Mr. Lalka stated that revised site plans, drainage reports, Environmental Impact Study, Community Impact Study and a Parking Study were all provided to the Board. Mr. Lalka presented Exhibit A-1 a color rendering of the existing conditions and reviewed what areas would be changing. He then presented Exhibit A-2 a color rendering of proposed conditions showing the changes. He noted that the plans include water collection system to drain excess water from the parking field and the artificial turf field into the detention basin located in East Windsor and the roof waters will also drain into this detention basin. With this he noted that the plans meet the guidelines for the 10 and 100 years flood requirements.

The architect designed a modern building and with that in mind chose to use a more modern light a bronze shoebox lighting with 20 foot poles. There was a request for 16 feet but it was felt that the lower poles reduced the amount of light in the cornered of the lot and the taller light give more uniformity and the shoebox is more effective in cutting the side glare.

Mr. Lalka testified that there will be no increase in water or sanitary uses. Peddie had determined that there is insufficient flow from the street to sustain their fire suppression system so will bury a 48,000 gallon tank for use in fire fighting.

There was some discussion on the availability of a Master Plan from Peddie it was determined that Peddie has no formal Master Plan and that while the Board in the past has asked for a formal Master Plan, Peddie has never created one.

Ms. Roberts recommended that curbs and sidewalks be installed along Etra Road, Mr. Lalka stated that while the applicant has no real object to this recommendation they would rather wait on the recommendations of Mercer County as it is their road. Mayor Patten understood their position but requested that the Board rely on a written statement from Mercer County or a presentation not Mr. Lalka's say so.

Mr. Pratt question why a non conforming sign was being moved and would still be non-conforming why the applicant would not just correct it. Mr. Lalka stated that with the distance of the setback it makes the sign difficult to read and it being kept at this size for clarity. Mr. Pratt also asked if an easement regarding the Greenway Bridge should be included. Mr. Coates stated that they were not prepared to comment on the bridge.

Bradley Waters, Project Architect of RMJ Hilliard was sworn in

Mr. Walters noted that the current Athletic Center was built in 1972 and has had some improvements over the years. He presented Exhibit A-3 the Demo Plan for the Spectator Level which will allow Peddie to expand their community and school fitness programs the addition of the mezzanine. Mr. Walters stated there are upgrades to the HVC systems, sprinklers and the environmental controls. The pool will become the fitness center and the new pool will be part of the addition the building. Exhibit A-4 Demo Plan Level One showed minor changes to the locker rooms moving the coaches offices up the main level so all of administration it together. There are plumbing and electrical upgrades but no structural changes on this level. Exhibit A-5 Proposed Floor Plans for Entire Building, this plan matches to the site plan. The floor plan stays basically the same with access from Etra Road, the campus and the fields. There is a new fitness area with a mezzanine and multi purpose room. The existing building has six levels with no elevators the new building will have seven levels including the mezzanine and elevators. Exhibit A-6 Exterior Building Elevations, the majority of the exterior of the building will remain the same with repairs to the brick and concrete. The wall facing campus proper and the field will be of glass, a double wall to help modulate the light and temperature and be more energy efficient. The upgrades will include replacing and implementing energy efficient products in lighting, plumbing and environmental control. Exhibit A-7 Constraints and Opportunities, a map of the entire Peddie Campus. Mr. Walters stated that in the placement of the parking lot the area of the fields, retention basin, the expansion and the existing building were considered as well as access to these places by pedestrian and vehicles and it was determined that the proposed placement of the parking lot was the best possible location.

There was some discussion on whether more information or perhaps samples of the proposed building sample should be requested. It was determined that it was not needed but if the applicant had samples available at the next meeting the Board would be interested in viewing them with the knowledge that what was presented could be altered at the time of construction.

Noting the time Mr. Montferrat called for a halt in the testimonies and requested that the applicant be continued.

Mayor Patten moved that the Peddie application be continued until the February 11, 2008 meeting without notice, seconded by Mr. Searing; all in favor no one opposed.

COMMITTEE REPORTS

Mr. Misura noted that he would no be available for the next Historic Preservation meeting on Thursday and the subcommittee would attend.

EXECUTIVE SESSION

Resolution 2008-07 was moved by Mr. Sikorski and seconded by Mr. Montferrat.

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

Resolution adopted 10-0.

RESOLUTION 2008-07 AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Planning Board of the Borough of Hightstown that this body will hold a meeting on January 14, 2008 at approximately 10:30 p.m. at Borough Hall that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Litigation: Paul Talmazan; East Windsor Hi-Tech Associates

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: April 14, 2008 or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

After returning the open session Mr. Sikorski made a motion not to appeal, seconded by Mayor Patten.

Roll Call: Mr. Misura, Mr. Montferrat, Mr. Byrne, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Ms. Laudenberger voted no, Ms. Hutchinson and Mr. Olsen abstained, and Mr. Emigholtz was absent.

Motion carried 6-1.

Ms. Hutchinson moved to adjourn. The motion was seconded by Mr. Sikorski, and the meeting was adjourned at 10:58 p.m.

Respectfully submitted,

Leona Baylor
Planning Board Secretary