

OPEN SESSION

Chairman Steven Misiura called the meeting to order at 7:35 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>	✓ 8:15 PM	
<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 January 14, 2008 regular meeting was moved by Mr. Searing, seconded by Mr. Montferrat and approved by all.

Minutes of the February 11, 2008 regular meeting was moved by Mr. Montferrat, seconded by Mr. Searing and approved by all.

PUBLIC COMMENT

Larry Rothstein, legal representative of Cumberland Farms, Application #2007-07 stated that the final resolution is not yet available, but considering the length of time between meeting if the Board would authorize the construction official to allow construction to begin.

Ms. Roberts noted that the approval from Mercer County is still pending and the performance bond has not been presented.

Mayor Patten moved the motion to allow Cumberland Farms to begin constructions with the Borough Engineer's recommendation prior to the memorialization of Resolution 2007-07. The motion was seconded by Mr. Montferrat.

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

Motion carried 9 -0.

APPLICATION #2007-06 PEDDIE SCHOOL – ATHLETIC FIELDS EXPANSION

Mr. Emigholtz, Ms. Laudenberger, Mr. Misura, recused them selves for this application. Mr. Montferrat took chair for this portion of the meeting.

Attorney for the applicant, Leonard Coates of Turp Coates Essl Driggers was present.

Mr. Coates thanked the Board and the professionals for all their hard work. He stated that as requested the plans will show an area for the proposed footbridge, the metes and bounds for the lot consolidation will be completed and that Peddie professionals are in agreement that a more decorative light would fit the space and will work to comply with that request.

Mr. Coates requested three items be omitted or amended in the resolution presented.

- Page 5, #13 – the Board didn't discuss the trees on Etra Road even though the Planner, Ms. Lee requested the trees she referred that decision to the Board and he asked that this requirement be removed.
- Page 5, #12 – The plans have been presented and reviewed by the Board and he asks that this item be an administrative review by the Borough Engineer and the applicant not be required to appear before the Board again.
- Page 5, #17 – It is requested that the requirement for the Borough maintenance funding be deleted since the applicant will be required to enter into an easement agreement with the Delaware and Raritan Canal Commission that will cover such items. Also this deletion will refer to the Page 4, #10.

#13

Mr. Montferrat question how many trees are being considered, stating that as there was no specific number given for street trees just the seven to be planted along the parking lot for screening.

Mr. Pratt stated that not a lot of trees need be planted but some would be acceptable. The Mayor questioned if the planting of trees along the street was actually agreed upon. Mr. Sikorski stated that it was his understanding the streets were in. After some discussion the Mayor stated the trees could be added if feasible but since there are no plans showing the placement of the trees that they should be left out. Mr. Montferrat asked what would determine feasibility and Ms. Roberts responded that Ms. Lee would make that determination.

#12

Ms. Roberts asked for clarification for the allowance of flexibility in the height of the lights. Mr. Coates asked that the Board keep in consideration that the parking lot would span both towns and that E. Windsor would also have to agree. Mr. Rosensweig suggested that it could be an administrative decision by the Borough Engineer or a report from Ms. Roberts and the Board decision. Mr. Sikorski and Mr. Montferrat both expressed their desire a report from Ms. Roberts with an administrative acceptance.

Mr. Rosensweig stated that the D&R easement only applies to the basin and Ms. Roberts stated that the Stormwater ordinance requires an agreement with the Borough. Mr. Rosensweig noted that there is no specific amount to request and that the NJDEP accepts corporate guarantees which would be acceptable in this instance.

Mr. Pratt asked if breaking the agreements up would be less complicated. Mr. Roberts agreed that it would be easier and that the D&R easement would be sufficient.

It was also requested that "to be reviewed by the Borough Engineer" be added to end of #18 on page 5.

Resolution 2007-06 as amended was moved by Mr. Searing and seconded by Mr. Pratt.

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

Resolution approved 7-0.

**RESOLUTION 2007-07 THE PEDDIE SCHOOL PRELIMINARY AND FINAL SITE PLAN APPROVAL, VARIANCES AND WAIVERS
PEDDIE SCHOOL ATHLETIC CENTER EXPANSION**

WHEREAS, the Peddie School, PO Box A, Hightstown, New Jersey, has applied for Preliminary and Final Site Plan approval, variances and waivers (Checklist Items 10 and 19) in order to construct a 29,500 square foot expansion to the existing Ian H. Graham Athletic Center, construct one new artificial turf multipurpose athletic field, relocate some existing fields, reconfigure and expand existing parking facilities on site and construct stormwater facilities; and

WHEREAS, public hearings in this matter were held on January 14, 2008, and on February 11, 2008; and

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

1. Plans entitled Preliminary/Final Site Plans prepared for Athletic Center Expansion, Hightstown Borough, Block 53, Lots 1.01, 18 and 19, and East Windsor, Block 28, Lots 3 and 4 situated in Hightstown Borough and East Windsor Township, Mercer County, New Jersey, prepared by Van Cleef Engineering Associates, dated October 24, 2007, revised January 2, 2008, and revised January 29, 2008.
2. Report entitled Peddie Athletic Improvements Stormwater Management and Engineering Report prepared by Van Cleef Engineering Associates dated October 31, 2007, revised January 2, 2008.
3. Report entitled Peddie School Athletic Center Expansion Environmental Impact Report prepared by Van Cleef Engineering Associates and dated October 24, 2007.
4. An evaluation of traffic implications prepared by McDonough and Rea Associates, Inc. dated January 4, 2008; and
5. Letter from Leonard Coates, Esq. enclosing underlying data supporting the January 4, 2008 Report of McDonough and Rea Associates, Inc.
6. Architectural plans prepared by the Hiller Group Architecture, New Jersey, Inc. dated October 24, 2007.
7. Community Impact Statement for the proposed Peddie School Athletic Center Expansion, Hightstown, New Jersey prepared by Phillips Price Shapiro Associates, Inc. dated January 3, 2008.

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

1. Reports prepared by Roberts and Reymann, LLC by Carmela Roberts, Borough Engineer, dated January 11, 2008 and February 5, 2008.

2. Reports prepared by Tamara Lee Consulting, LLC, Borough Planner regarding the proposed Peddie Athletic Center Expansion, dated January 5, 2008 and February 5, 2008.
3. Comment sheet, undated from John Archer, Borough Fire Chief.
4. Comment sheet, dated December 17, 2007 from the Borough of Historic Preservation Commission.
5. Memorandum from the Borough Environmental Commission, dated February 28, 2008 (as revised);
6. Staff Report from the Delaware and Raritan Canal Commission, dated January 18, 2008, and a Delaware and Raritan Canal Commission Staff Report, dated February 27, 2008.

WHEREAS, the Planning Board finds as follows:

1. The Peddie School proposes to convert the existing Peddie School Athletic Center as follows: The project encompasses area in both Hightstown and East Windsor Township and the overall project includes a new general storage building, a fire pump house, a buried fire storage tank and stormwater management facilities located in East Windsor. The new parking lot is proposed to be built in two phases. A storage barn and four residential dwellings on Etra Road will be razed and replaced by the new parking lot. The existing ball field to the east of the existing athletic center will be replaced by the detention basin. After Phase 2 construction, 305 parking spaces will be provided in lieu of the existing 90 (approximately) parking spaces. The athletic center expansion serves athletic fields in both Hightstown and East Windsor. The parking which is accessed from Hightstown serves these fields.
2. The proposed parking areas are to be constructed using a porous pavement system with improvements constructed with a minimum 10 inch thick underground stormwater storage system throughout. Portions are underlain by a two foot deep stone infiltration system. The proposed multipurpose field will be underlain with a subsurface piping system that provides drainage for the field and a portion of this field will also be underlain by a two foot deep stone infiltration system. Stormwater overflows from both parking areas and the multipurpose field shall be routed to the proposed onsite detention basin.
3. Following the original submission of site plans, revised plans were submitted clarifying certain items of the Project, the latest plans revised through January 29, 2008. These plans show the addition of curbs, sidewalks and no parking signs along Etra Road and modifications to landscaping and lighting plans. The plans also include a revised Phasing Plan for the parking lot construction, i.e., during Phase One, the proposed parking spaces closest to Etra Road will not be constructed and the two residential buildings on Lots 18 and 19 will remain. Lots 18 and 19 are proposed to be consolidated with the Lot 1.01 that constitutes the Peddie School Campus. This approval, therefore, will permit the consolidation of Lots 18 and 19 with Lots 1.01.
4. The subject property is located in the R-1 Residential Zone. Pursuant to Ordinance Section 28-3-5a1(b), private schools are a permitted use within this zoning district. The Athletic Center is an integral part of the Peddie School and is a permitted use within this zoning district as part of the Peddie School.
5. The Applicant requests variance relief as follows:
 - (i) Section 28-3.5b4 - relief for pre-existing structure front yard setback violations;
 - (ii) Section 28-3.5b9 - relief for pre-existing structure height violations;
 - (iii) Section 28-3.5b12 - relief for pre-existing signs and relocation of existing sign at the entrance of the Athletic Center to within 8 feet of the Etra Road right-of-way. This Section was superseded by Chapter 29 regarding signs and in accordance with Section 29-A, Non-conforming Signs, this legally existing non-conforming sign may continue in its existing location.
 - (iv) Variance from 28-10-10h requiring continuous 6 foot high screening for a parking lot along a lot line in a residential district.
 - (v) An additional variance may have also been required based on the Applicant's proposal to consolidate Lots 18 and 19 with Lot 1.01 during Phase Two. To avoid future variances, the Applicant has agreed and the Board

approves by this Resolution, the consolidation of the three subject Lots at the time of the Phase One construction.

6. Waivers are requested by this Application. The Applicant seeks a waiver from Section 28-10f. Parking spaces are required to be 9 foot x 20 foot and the Applicant proposes spaces of 9 foot x 18 foot. The following Checklist waivers are also requested:
 - (i) Item 10 regarding a key map: that 1 inch equals 200 feet, a key map of 1 inch equals 400 feet has been provided.
 - (ii) Item 19 - The Applicant requested a waiver of the item - the proper item is actually number 18, i.e., that all driveways, streets, roads, and lines within 200 feet be shown.
7. The Board determined this Application to be complete and that the Applicant met the jurisdictional requirements regarding notice both to property owners within 200 feet and others and publication in an official Borough newspaper.
8. The proposed Athletic Facility Expansion is consistent with the goals and objectives of the Borough's current Master Plan. However, while the proposed expansion is consistent with the Master Plan, the proposed large parking lot could alter the character of Etra Road streetscape and the surrounding residential areas. Accordingly, the Planning Board finds it essential that aesthetic components of the submitted plans, that is, the landscaping and lighting, be conditioned so as to protect the character of the surrounding neighborhood and the quality of life therein. The addition of curbing, a wider sidewalk, street trees and the prohibition of parking along Etra Road are consistent with the policies, goals and objectives of the Borough's current Master Plan to encourage a walking community and to protect existing residential areas. Curb and sidewalk improvements will be installed by the Peddie School as far as the East Windsor/ Hightstown boundary line and has been approved by the Mercer County Planning Board as Etra Road is a County (Route 571) Road.
9. The issue of water and sewer service is being addressed by the Borough Engineer in consultation with representatives of the Peddie School and other Borough representatives. Several issues arise here which will be dealt with by the Borough Engineer and the Borough, Mayor and Council and Director of Public Works. They include:
 - (i) The provision of adequate water service to the expanded Athletic Facility in a manner consistent with Borough policies and assuring the safety of students and other users of the Peddie Athletic Facility;
 - (ii) The encroachment in an existing 30 foot wide sanitary sewer easement by the existing Athletic Facility building of approximately 15 feet. It appears that the existing building is built over the existing sewer main. The existing sanitary sewer easement executed by the Borough and the Peddie School in September, 1964 (Easement 12748, @ Vol. 1716, pp. 15-21) states that no buildings or structures will be built within the easement without permission of the Borough, and neither the Planning Board nor the Peddie School has been able to determine whether permission to locate the Building within the confines of this easement was given. Accordingly, it will be required as a condition of this Resolution, that the Peddie School seek an amendment of the 1964 easement under whose terms the Peddie School is permitted to maintain the sewer line and that the Peddie School accept responsibility for any damage to the pipe and for the replacement and relocation of this sewer pipe should it be required by the Mayor and Council.
 - (iii) As recommended by the Borough Engineer and Borough's AWWTP Superintendent, the existing sewer main must be televised again and witnessed by Borough representatives, and all steps taken to remove all debris and foreign material found in this pipe prior to televising.
 - (iv) As the adequacy of water for firefighting and potable purposes and the conditions for fighting fires fall under the jurisdiction of the Borough Engineer, Director of Public Works and Hightstown Fire Department, the Planning Board leaves to their expert discretion all decisions required to assure that sufficient water is available for both potable and firefighting purposes. The Planning Board assumes in this regard that their determinations will be consistent with state of the art fire/life safety practices, the provision of adequate potable water and will be consistent with all Borough policies.
10. The stormwater plans submitted by the Applicant's Engineer require the construction of a detention basin located in East Windsor Township as well as porous paving systems in both Hightstown and East Windsor. Accordingly, the Peddie School, therefore, must execute with the Borough and other appropriate governmental entity, agreements including easements providing for:

(i) The maintenance of the porous pavement system including the provision of funding and maintenance of same and,

(ii) The maintenance of the detention basin system..

11. In accordance with a letter to Borough Administrator Candace Gallagher dated October 7, 2005, former Peddie School Business Administrator, Charles Galbraith, confirmed that it was the Peddie School's intention to construct a pedestrian bridge across a narrow portion of the Peddie Lake connecting the Borough's greenway path extending to the Peddie School property in East Windsor Township. As a condition of this Resolution, the Peddie School shall designate the location for that bridge on the plans as it will cross Peddie Lake. The Planning Board requires this conceptual designation for planning purposes only and recognizes that this bridge is not part of the Athletic Center Expansion Project.
12. Pursuant to Borough Ordinance 26-10-4, all non-residential development is required to pay two percent (2%) of their equalized assessed value towards the Borough's Affordable Housing Program. Pursuant to Ordinance, such a contribution is a condition of this Resolution.
13. The two front yard variances requested are for the houses that will be removed during the Phase 2 construction. They are pre-existing nonconforming conditions and the existing variance conditions will be eliminated when the houses are removed. Therefore, the Board considers the variance conditions to be de MINIMUS and the granting of these variances will not result in a substantial impairment to the public good or zoning plan and as well, the failure to grant them will result in practical difficulties to the applicant by affecting the implementation of the approved site plan.
The height variance is also a pre-existing nonconforming condition as related to Annenberg Hall which is not part of this project. This project does not worsen that condition and, therefore, cannot be a substantial detriment to the public good or zone plan.
As well, all variances may be granted as the positive benefits of the approved plan outweigh any possible negative impacts.
Under the new sign ordinance, no sign variances are requested. There is no need for the Board to grant sign variance relief to the applicant.
With regard to the parking lot screening variance, the Board finds that the benefits of granting the variance outweigh any detriments.
Finally, due to the proposed improvements to the streetscape, i.e. new sidewalks, curbs, street trees, the benefits will greatly outweigh any possible detriments and as well, the applicant has agreed to redesign the lighting plan so that what is viewed through the screening will not be objectionable and will be in harmony with the surrounding area and aesthetically pleasing. Therefore, the Board will require that a revised lighting plan be submitted to and accepted by the Board.
Accordingly, variances may be granted pursuant to N.J.S.A. 40:55D-70c(1)&(2).
14. Consistent with the report of the Borough Planner, the Planning Board believes that the Peddie School should prepare and submit on a periodic basis to the Planning Board a school facilities master plan. Such a plan was prepared some years ago but has not been updated. While this is not a mandatory condition of this approval, it is a recommendation of the Planning Board at this time that such a plan be submitted on a periodic, say every two years, in order to allow the Planning Board to be informed about campus planning and to coordinate and compare the evolving campus facilities master plan with the Borough's Master Plan, any future changes to that Plan and the Borough's Zoning Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown, the Planning Board hereby grants the Peddie School preliminary and final site plan approval requested variances and waivers subject to compliance with all conditions contained herein and such applicable conditions of the report of the Borough Engineer, as revised February 5, 2008, and Borough Planner, dated February 5, 2008 and such other continuing requirements subject to the following:

1. Submission of revised plans to be approved by the Borough Engineer prior to the signatures of the Secretary and Chairman. No construction permit shall be issued until revised plans have been submitted to, and accepted by the Borough Engineer, and signed by the Chairman and Secretary.
2. This approval is subject to compliance with all other laws, local, state and federal, including but not limited to, D&R Canal Commission, Mercer County Planning Board and the Township of East Windsor.
3. The payment of the required Affordable Housing Development fee as specified in this Resolution.
4. The submission of performance guarantees and inspection guarantees as required by the Borough Engineer and as approved by the Mayor and Council.

5. All Inspection and escrow fees, and payment of all outstanding sewer and water fees.
6. Publication of the Notice of the Decision in an official newspaper of the Borough.
7. The Applicant shall be bound by all representations made at the public hearings held before the Planning Board as if said representations were set forth in this Resolution.
8. The Planning Board recognizes the Borough Engineer, and Mayor and Council, in their discretion may permit the construction of a new adequately sized water line to serve the expanded Athletic Facility based on such construction schedule and as may be appropriate.
9. The consolidation of Lots 18 and 19 with Lot 1.01 is hereby authorized and may be perfected by the filing of a deed with attached metes and bounds description pursuant to law.
10. The proposed sidewalk along Etra Road shall be concrete, 5 foot wide and curb and sidewalk shall extend up to the Hightstown-East Windsor boundary line.
11. An evaluation by the Borough Fire Chief as to firefighting and life safety at the expanded Athletic Facility.
12. The submitted Lighting Plan shall be redesigned so as to lower the height of all lights and change the type of fixture. A new plan is to be resubmitted to the Planning Board for administrative acceptance based on the review and recommendation of the Borough Planner and Borough Engineer.
13. Additional landscaping, including trees along Etra Road, if feasible, and, if desired, fencing, shall be installed along Etra Road, and other evergreen trees shall be installed in the parking lot buffer, as approved by the Borough Planner. A new Landscaping Plan, including phasing and materials, shall be submitted to the Planning Board for administrative acceptance subject to review by the Borough Engineer.
14. Mayor and Council approval and Mercer County approval of the prohibition of all vehicular parking along Etra Road.
15. Peddie shall enter into an agreement with the Borough Council for the maintenance of the existing sanitary sewer main located under the Athletic Facility Building including provisions regarding the responsibility for any damage to, and replacement/relocation of the existing sewer pipe.
16. The existing sewer main shall be televised again prior to the signing of the revised plans, witnessed by Borough representatives and all debris and foreign material shall be removed prior to televising. This condition may be satisfied by the televising of the existing main proposed by the Presbyterian Homes @ Meadow Lakes provided it occurs prior to signing of revised plans submitted by Peddie
17. The execution of an agreement with the Borough providing for the funding and maintenance of the porous pavement system. The maintenance of the detention basin system shall be in accordance with the approved conservation and maintenance agreement required by D&R Canal Commission and shall be executed by D&R Canal Commission and the Peddie School.
18. Peddie shall show the location of the future foot bridge on its submitted revised plans, which plans shall be reviewed by the Borough Engineer
19. Protective fencing, as approved by the Borough Engineer, shall be installed adjacent to the existing homes along Etra Road during the Phase 1 construction.

APPLICATION #2008-04 – WORLDWATER – SOLAR PANELS ON BOROUGH PANEL

Mark Peck of Florio, Perrucci, Steinhardt and Fader attorney for World Water stated that this application is submitted by WorldWater for use by the Borough of Hightstown for environmental and financial savings. The project has been accepted by the NJ Board of Public Utilities into the Clean Energy Program.

James Bryan and Laurie Bilella of World Water were sworn in.

Mr. Bryan stated that WorldWater has been in the solar energy business since 1984 before it became profitable and has provided solar and water technologies to third world countries. The system included in the plans for the Borough is approximately a 630 Kilowatt system which will equal 70,500 kilowatts of electricity a year with a \$100,000 savings towards the electrical bills for the Borough.

Laurie Bilella stated that she is not an electrical engineer but worked closely with the engineer on this and other project similar and was knowledgeable. The Board accepted her testimony as an expert.

Exhibit A-1 Bank Street Site Plan

The energy collected by the panels will need to be converted to AC power by an inverter that will be mounted to the outer wall. The inverter will create minimal noise equal to a residential air conditioner and will only run during the day. There are anti reflective coatings on the panels so there is no glare. The panels are installed at an angle so there is minimum settling on the panels from rain or snow and it will runoff; when there is snow accumulation the modules will be able to continue absorbing light through the snow which will heat the panels, melt the snow and then the residual will run off.

There were questions from the Board regarding the run off and how much it will be. Ms. Bilella stated that there is no gutter, Ms. Roberts stated that the panels would be located over the lagoons and worse case there would be a drip line which can be avoided by placement of stones. Ms. Bilella stated that they would work with the Borough for this and that other towns have used stone and it works fine.

Exhibit A-3 Bank Street Option #2

Ms. Bilella stated that in this option is a roof mounted array on the garage opposed to ground mounts this option allows more room on the property for the trucks to maneuver.

The Mayor asked how does solar power work? Ms. Bilella explained that there are two constant streams of energy - one solar power and one utility power; the stronger stream is what is used and solar power is normally the stronger stream and only when the utility power is stronger will the Borough be using the utility company opposed to the solar. There also will be a new meter installed that is issued by NJ Board of Utilities.

Exhibit A-2 Oak Lane

Four raised arrays with a grading of 14 feet up to 24 feet to allow truck access and a ground array with a grading of 3 feet up to 9 feet. The site will have infield inverters at the arrays. Array #F will need a variance for the setback. Mr. Searing asked if the ground array could be raised to allow access in that area. Ms. Bilella stated as there are no hanging wires and it can be used for storage.

Carmela Roberts, Borough Engineer sworn in.

She stated that Larry Blake, Public Works Superintendent, spent a lot of time with WorldWater and was happy with the arrangements.

It was asked why array F could not be moved over to avoid the variance; Ms. Bilella stated that because of the elevation change the structural engineer was not comfortable moving into the elevation.

Exhibit A-4 Oak Lane Option 2

This option includes the use of a parking lot and Option 1 interfered with parking places. The arrays will be located over the lot with a grade of 14 feet up to 15 feet. The drainage on the lot will be normal with no focused rain flow.

The complete project should be constructed within four months. It is low maintenance with no moving parts and with a 25 year guarantee. The inverters should be cleaned out once a year and they have a 10 year warrantee and they do offer maintenance for the inverters if the towns need it.

Mr. Bryan stated that the system is financed by a Power Purchase Agreement and the owner will be responsible for maintenance of the system and the Borough for everything else.

Mr. Byrne expressed concern that the applicant did not address the issued raised by the Environmental Commission regarding the removal of trees. Mr. Peck noted that the area under concern has been cleared of almost all vegetation and is mostly dirt now but that the clearing of the land was done by the Borough. Ms. Roberts stated that the area is the site of a proposed parking lot to be used by the Diner and needed to be cleared. Mr. Peck clarified that in the agreement with the Borough that it states that any trees that needed to be removed would be done by the Borough.

Mr. Pratt stated his preference to see plans with footings and buildings. Ms. Roberts stated that such plans would be presented to the Construction Office and Public Works at the time of construction.

It was asked if bollards would be included in the plans for option 2 on Oak Lane for the parking lot. Ms. Bilelle stated that there will be bollards 3 foot by 4 foot, filled with concrete.

Mr. Montferrat questioned the fence line for option 2 on Oak Lane. Ms. Roberts noted that the fence line will change and the fences will be moved.

Mayor Patten asked of capabilities to light the parking lot. It was stated that it could be done and it should be something that is included in the Power Purchase Agreement.

Mr. Bryan and Ms. Bilella asked for the approval of Options 2 (A-3) and (A-4) based on the agreement the Borough has made with Americana Diner. This approval will negate the need for a C variance but will require a D6 variance.

Ms. Bilella stated that the request to raise the ground array on Oak Lane can be done but must be worked out with the Borough and the financing company as it will be an added cost.

Mr. Misura opened the meeting for public comments, no one came forward.

Mr. Pratt suggested that array B on Oak Lane be moved or shortened. Mr. Searing stated that he would like to see the ground array on Oak Lane be raised to allow for vehicle traffic or have it moved.

Application 2008-04, Option #2 A-3 and A-4 with the condition to address the concerns of moving, raising or shorten of the arrays on Oak Lane was moved by Mr. Pratt 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.

Application accepted 9-0.

COMMITTEE REPORTS

HISTORIC PRESERVATION COMMISSION

Ms. Laudenberger reported that the Commission met with Borough Attorney, Frederick Raffetto regarding the legality of the ordinance and at this time it is still under review by the Commission. It was questioned if the Master Plan will need to be revised with the adoption of the Commission's ordinance. The Master Plan addresses demolition and the Commission's ordinance

disallows demolition, should be looked at. It was noted that the Plan can be revised during the re-examination and that the Board should work with the Commission during the re-examination. As the adoption of the Commission's ordinance would become the "Revised Historic Element" replacing the existing historic element.

REDEVELOPMENT

Mr. Misura stated that the sub committee will be meeting again, an agenda meeting is scheduled for later this week and that a COAH Committee may need to be created at a later date.

Ms. Laudenberg suggested that a time for adjournment be created. Ms. Hutchinson agreed saying that the public doesn't participate when the hearings are late. Mr. Rosensweig stated that the Board can adopt a policy that no new testimony will be heard after 10:30 pm.

Ms. Laudenberg moved that no new testimony be heard after 10:30 pm, seconded by Mr. Sikorski.

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

Motion carried 9-0.

Mr. Sikorski moved to adjourn. The motion was seconded by Mr. Emigholtz, and the meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Leona Baylor
Planning Board Secretary