

Borough of Hightstown Planning Board Meeting Minutes  
October 14, 2008

**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.

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>	✓ 7:45PM	
<i>Ms. Hutchinson</i>	✓	
<i>Mr. Olsen</i>	✓	
<i>Mr. Byrne</i>	✓	

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE MINUTES**

Minutes of the September 8, 2008 Regular Session was moved by Mr. Sikorski, seconded by Mr. Montferrat and approved. Mr. Olsen abstained.

**PUBLIC COMMENT**

None.

## PRESENTATION: MERCER COUNTY EMERGENCY MANAGEMENT – INSTALLATION OF UTILITY SHED FOR RADIO EQUIPMENT AT THE FIRST AVENUE WATER TOWER

Dean Raymond, Emergency Management Coordinator for Mercer County addressed the Board to explain the County's intention to install a new utility shed at the First Avenue Water Tower. Mercer County received funds from Home Land Security to assist with improvements to communications. The majority of the money received is to be spent on the new radio system. There are three proposed sites, Lawrenceville, Hightstown and Ewing. Currently every municipality is on a different system and with the FCC mandate that by 2013 all emergency services be on the same system; it is the County's hope that all municipalities will take advantage of this system.

The County will be using a prefabricated shed to house the radio equipment. The shed was purchased used and is 10'x20'. There was some consultation with the Larry Blake of the Borough's Public Works Department regarding the placement of the new shed. It was agreed that the shed would have to be placed outside of the current fenced area and the fencing moved to encompass the new shed. The shed will be used by the County, the Borough and Ewing Township who has equipment in the current shed.

The Shed will be equipped with heating and air to maintain the electrical equipment and the new system will also require the installation of three antennas on the tower.

Mr. Pratt questioned the neighbor's view of the shed and fencing and if landscaping would be completed. Mr. Raymond stated some landscaping will be done.

Mr. Montferrat questioned the placement of the HAVAC system, Mr. Raymond stated that the unit will be located on the left of the unit and will be larger than the existing. There will be some noise but not more than currently, the unit will e on 24hrs with thermostat control, so it will not run constantly only when needed. The unit will be maintained fully by the County with the hopes that municipalities will chose to use this system in the future and then share in the maintenance.

Mr. Pratt motioned to accept the County's plans with the note that the landscaping and fencing be completed and it is agreed that the maintenance of the shed be the sole responsibility of the County of Mercer until such time a shared service agreement is made; Mr. Searing seconded.

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

Approved 8-0

## BOROUGH COUNCIL ORDINANCE 2008-17, RE-ZONING OF BLOCK 48, LOTS 32, 26, 27, 28, 30, 33, 34 AND 35 – BOARD'S ORIGINAL RECOMMENDATION EXCLUDED LOTS 28 AND 30

Mr. Misura stated that the Board previous sent a recommendation regarding re-zoning of Block 48 and in that recommendation two lots were overlooked, Council introduced the ordinance including the missing lots and as a formality must submit it to the Board for review.

Ms. Hutchinson moved to approve Council's Ordinance 2008-17, seconded by Mr. Searing.

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

Approved 8-0

**WHEREAS**, the properties known as the former Minute Maid and related properties, located on Route 33 (Mercer Street), Block 48, Lots 32, 26, 27, 28, 30, 33, 34 and 35, are currently located in the Borough's Industrial Zoning District; and

**WHEREAS**, public meetings to consider this Resolution were held on September 17, 2008 and October 14, 2008; and

**WHEREAS**, the current zoning of the properties or industrial use of the Minute Maid Site do not conform with goals and objectives outlined in the Borough's Master Plan and latest (2005) Reexamination Report; 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 rateables 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 rateables and strengthen revenues; and

**WHEREAS**, the 2005 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 2005 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 Minute Maid site is not in accordance with the Master Plan, the 2005 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 site (Lots 26, 27, 32, 33, 34 & 35) 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 2005 Reexamination Report.
4. Lots 28 & 30 are currently used for commercial and retail uses consistent with the H-C District.
5. This zoning change will render these properties consistent with the commercial nature and uses of other properties located between the downtown business district and the Borough/East Windsor Township boundary.

6. This rezoning is recommended at this time to make these properties 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 these properties 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 above-referenced properties from the Industrial District to the Highway-Commercial District.

## APPLICATION 2008-08, BHAVAN AND ANJALI SHAH DENTAL OFFICE & APARTMENTS, 213 FRANKLIN STREET, BLOCK 27 LOT 14

Leonard Coates of Turp Coates Essl and Driggers addressed the Board in the absence of the applicant's attorney, Don Driggers. Mr. Coates stated that the applicant is requesting the Board accept jurisdiction of the application to avoid having to re-notice. Mr. Rosensweig informed the Board that to date the applicant still has not provided a notice of approval from the legal property owners and as such the application is deemed still incomplete so no jurisdiction can be accepted. Mr. Coates agreed with Mr. Rosensweig's opinion and stated that there are still some issues to be resolved with the NJDOT and the client will re-notice when the time comes.

Mr. Pratt moved to not accept jurisdiction of Application 2008-08, seconded by Mayor Patten.

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

Approved 8-0

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

Prior to starting the hearing Mr. Rosensweig informed the Board that the applicant's engineer was used previously by his law firm and while he doesn't feel there is a conflict the decision would be the Board's. No one objected from the Board.

Mr. Searing and Ms. Hutchinson recused themselves.

Mr. Coates stated that this application is for a minor subdivision with an existing structure with frontage on Wyckoff Mills Rd and the new lot with frontage on Williams Street. The lots are conforming to the R-4 designation and the applicant is asking for a variance of the 25' setback for the existing structure. Two reports were received from the Borough Engineer, Carmela Roberts requesting the plans show the trees to be removed and remaining and the request for the waiver of the delineation of wetland was recommended to be denied by the Environmental Commission but since then has been brought into compliance.

Jeff Brown, applicant's engineer was sworn in. Mr. Coates stated that Mr. Brown had never appeared before the Borough's Planning Board but had testified before Board's of other municipalities in New Jersey. Mr. Brown has been licensed for 30 years with a Degree in Engineering; he is also a licensed land surveyor and planner and is testifying before the Board in all three areas.

Mr. Brown presented Exhibit A-1 Minor Subdivision dated 8/7/2008 revised 9/24/2008

Lot 7 with existing structure is 8800 sq ft, the new lot 13.01 a combination of lots 13 and 14 is 11873 sq ft. The new lot is sixty percent larger than required with the driveway to Williams Street and all utilities will be under ground. There is an existing groundwater pipe on the westerly edge of property, this pipe will be replaced. The small area of wetlands, a remnant of a ditch, will be filled under a general wetlands permit. The underbrush in the area near the ditch will be removed during the filing.

The drainage will be addressed with the installation of two proposed inlets and the placement of the house has been moved further back on the new lot to preserve the current drainage paths. There will be a six foot drainage easement made perpetual with the property. Mr. Coates noted that the deeds and easements will be submitted for review.

Mr. Brown continued that the driveway of the new lot current has a dip and will be graded to straighten or the possibility of running the drain pipe under the drive. The ability to install a basement will be determined by the soil testing. The applicant agrees to replace all cracked and/or damaged curbs but as there are currently no sidewalks; sidewalks will not be installed. Ms. Roberts concurred as the right of way is extremely narrow.

Mr. Coates stated that there are no existing easements on the property. He agreed to present the metes and bounds for review and the applicant is aware of the COAH fees and will submit fees prior to building permits.

Ms. Roberts noted that the final plans should be reviewed by the Fire Chief, John Archer prior to the deed. Ms. Lee stated that the placement of the proposed home is the best use of the land based on the drainage and shape of the property. The setback requirements are in place to avoid a staggered appearance in the properties but on this street that would be a problem and the proposed home is set so far back that it appears more of a back lot. The placement is more visually appealing is allowed under the Municipal Land Use Law.

Ms. Roberts stated that she had concerns initially regarding stormwater and it has been resolved but water table measurements still to be seen.

Mr. Pratt agreed with the applicant's plans for grading the drive and replacing the existing inlet. He suggested that the roof leaders attaché directly to the new piping. There was discussion of the possibility of sidewalks in the future on the street. Ms. Roberts stated that the right of way is too narrow and if there ever was to be sidewalks all the property owners would have to agree because easements would be needed to acquire enough land to install the sidewalks.

Mr. Sikorski questioned the actual placement of the proposed home as it did not show on the plans. MS. Roberts explained that only the elevation was shown as the applicant is not ready to build and the actual placement would be seen on the building plans. There was discussion regarding the look of the proposed home and it was agreed that while some of the homes may be smaller and single story the neighborhood is of a mixed design and with the setback a larger home would not be considered undesirable.

Applicant, Angela Bucci sworn in.

Ms. Lee asked the applicant how long did she own the property and if Lot 15 was always apart of the property. Ms. Bucci responded that she has owned the property for 21 years and the lot has always been apart of the property.

Mr. Montferrat moved that the application be approved with the conditions that the applicant receive a DEP General Permit for Wetlands, the fire department reviews and approves the final plans and that all conditions set forth in both letters of recommendations from Ms. Roberts are met; Mr. Emigholtz seconded.

Mr. Sikorski asked if it is known if the proposed home would be single or two stories, Mr. Rosensweig stated that all we know is that it will be conforming. Mr. Misura and Mr. Montferrat agreed that the proposed site of the home is the best placement. There was discussion if the applicant should be required to go before the Architectural Review Committee and it was agreed that this application did not warrant any additional review.

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

Approved 8-0

## COMMITTEE REPORTS

Mr. Pratt stated there have been no new developments but the subcommittee for the Historic ordinance will met again on Thursday, October 17<sup>th</sup>. There was a question if the zoning should be amended to show the Historic District. It was agreed that the District should show on the map and would have to be approved by Council, then a list of lots and blocks would go to George Chin so his office can notify anyone applying for building permits. Ms. Lee stated that it is a two-step process, first there must be a designated and then the regulations follow. Mr. Olsen agreed that from a realtor's point of view having this information at the time of advertisement is helpful for the home buyers so they are aware that there may be regulations attached to the property.

Mr. Pratt asked who members of the Architectural Review Committee are, Mr. Misura responded you, Ms. Laudenberger, and Mr. Byrne are the members. There was discussion of the possibility of combining the Architectural Review and the Historic Preservation Committees, it was agreed that since both are only advisory to the Board that combining might not be in the best interests.

The Minute Maid subcommittee met and is reviewing zoning maps from other municipalities and is discussing a way to make sure that both Hightstown and E Windsor have the same zone for this property.

## PROFESSIONAL REPORTS

Ms. Lee reminded the Board that the deadline for round III housing plan has not changed. The League of Municipalities sued COAH over the rules and attempted to receive a stay but the court denied the stay. She recommended that something be presented by the deadline or the Borough will receive a letter of commitment to decertify the Borough within 30 days of deadline. The plan must be endorsed by both the Board and Council.

Mr. Sikorski made a noted that the Council did approve the Redevelopment Plan recommended by he Board in 2007 with a 4-2 vote.

Mr. Pratt moved to adjourn. The motion was seconded by Mr. Sikorski, and the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Leona Baylor  
Planning Board Secretary