

Borough of Hightstown Planning Board Meeting Minutes
November 10, 2008

OPEN SESSION

Chairman Steven Misiura called the meeting to order at 7:00 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.

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>	✓7:36PM	
<i>Mr. Olsen</i>	✓7:36PM	
<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. Sikorski, seconded by Mr. Montferrat and approved by all.

APPROVAL OF THE MINUTES

Minutes of the October 14, 2008 regular meeting was moved by Mr. Sikorski, seconded by Mr. Montferrat and approved. Ms. Laudenberger abstained.

PUBLIC COMMENT

None.

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

The resolution was moved by Mr. Sikorski and seconded by Mr. Montferrat.

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

Resolution approved 8-0.

WHEREAS, the Applicant has applied for Minor Subdivision approval to create two conforming lots allowing construction of one new dwelling; and

WHEREAS, Lot 7 (8,876 square feet) contains an existing dwelling fronting on Wyckoff's Mill Road and Lots 13 and 14 (11,873 square feet) will be consolidated to create a fully conforming lot fronting on Williams Street; and

WHEREAS, the Applicants have submitted the following:

1. Plan of "Minor Subdivision of Lots 7, 13 & 14 in Block 12 prepared by Princeton Junction Engineering, dated August 7, 2008, revised September 24, 2008,
2. Planning Board Application, and related documents,
3. Landowner's Consent; and

WHEREAS, this Application was deemed complete for review and accepted for a Public Hearing held on October 13, 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 Applicant, Applicant's Expert - Planner and Engineer, Reports of the Borough Engineer, dated August 27, 2008 and October 8, 2008, and comments received from various Borough departments, agencies and persons; and

WHEREAS, the subject property is located within the Borough's R-4 Zoning District and the proposed lots meet or exceed ordinance requirements for size, frontage and all setbacks, with the exception of front yard set back which exceeds the minimum 25', constituting 78'.

NOW THEREFORE, BE IT RESOLVED that Minor Subdivision and front yard setback variance approval are hereby granted, subject to the following conditions:

1. Compliance with all conditions contained in the Borough Engineer's report dated August 27, 2008 and October 8, 2008, and such other directives as shall be specified by the Borough Engineer.
2. The dwelling on 13 & 14 (consolidated) shall conform to the Borough's Zoning and Subdivision Ordinances.
3. The Applicant may record this subdivision by deed, said deed to be filed within 190 days of this Approval.
4. Trees on site shall not be removed without permission of the Borough Engineer.
5. 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.
6. This approval shall be subject to payment of all other Borough fees, charges and assessments including the payment of all new sewer and water inspection fees.
7. 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.
8. Submission of a performance guarantee, inspection fees and escrow fees as required by the Borough Engineer and as approved by the Mayor and Council.
9. Subject to compliance with all laws, local, state and federal, including but not limited to NJDEP, D&R Canal, Mercer County Planning Board, and Mercer County Soil Conservation District.
10. Publication of a notice of this decision in an official Borough newspaper.
11. Submission of a Plot Plan for the new dwelling as directed by the Borough's Engineer and;
12. House roof leaders shall be connected to the drainage pipe located on the western property line.
13. Execution and recording of a new drainage pipe easement.

BE IT FURTHER RESOLVED that the requested front yard set back variance may be granted pursuant to N.J.S.A. 40:55D-70c(2) because the proposed layout of the two lots advances the purposes of the Municipal Land Use Law, i.e., the benefits outweigh any detriments and the granting of the variance will not substantially impair the Borough's Zoning Plan or Zoning Ordinance.

PRESENTATION: HABITAT FOR HUMANITY – RESIDENTIAL CONSTRUCTION ON S. ACADEMY STREET

Tony Infosino of the Habitat for Humanity stated that the organization was looking at the property 246 S. Academy Street which is currently listed for sale and are researching the possibility of obtaining the neighboring property at 250 S. Academy which is owned by the Borough of Hightstown. The Habitat is questioning if the two properties were purchased would the Board be open to allowing the two properties to be combined for building. The typical building plan for most Habitat buildings are about 1200 square foot per unit, one possibly two stories, three bedrooms and one bathroom, no basement and no garage. Mr. Infosino asked if this would be in accord with the Board's view and if so, they will approach the Council for purchase of the Borough's lot.

It was asked if the project would meet COAH requirements and would it be deed restricted. Mr. Infosino assured that it would meet COAH standard as most families meet the financial requirements.

Mr. Misura questioned Mr. Rosensweig on how much of an approval the Board could give. Mr. Rosensweig stated that you can give the general policy. Mr. Pratt and Mr. Emigholtz both agreed that the request is in accordance with what the Board is looking for in that area and is similar to a previous project in the area. Ms. Roberts was concerned on how property ownership would be determined. The assumption is that the unit would be built and property divided and assessed accordingly. Mr. Infosino stated that the families for the units are lined up prior to the start of the build and that the selected family works along side the builders to help reduce costs and build "sweat equity".

PRESENTATION: COMMUNITY DEVELOPMENT INITIATIVE PARTNERS – DEVELOPMENT AT THE OLD HIGHTS OVERLOOK PROJECT

The attorney for the group, David Kingston and associate of the group Robert English stated that the development group is looking to possibly purchase and complete the Overlook project. They would complete the existing ten units as approved meeting the COAH obligations. They also would be looking for approval to add additional units for a total of 19-20 units including parking and it is their belief that this would stay within the density the Board was looking for.

Mr. Pratt stated that at the time of the original application that density was an issue, there is also an issue that the proposed building would show the backs of the buildings towards the street and the other homeowners. There is also an issue if there would still be enough land for landscaping. When the Board approved the application for 10 units it was at the highest density and now the group is requesting nine additional units at a greater density. Mr. Kingston felt that it was not a higher density as it would be in line with 8 units per acre as stated in the RPM zone and they are acquiring additional land.

There was discussion of the proposed view of the units on Monmouth Street and the difference of opinion of the Board versus the development group on the added density. The argument that the added units would not add the density of the project was countered with the fact that the added units would add to the overall density of the Borough. Mr. English stated that the added property and the ability to add the additional units are key to the potential purchase of the Overlook project. They added that they already have seven applicants pre-qualified for the sales and can move quickly. Members of the Board stated their desire to see an improvement over what's there currently and have it fit with the streetscape already in place. Mr. English stated that the design of the proposed units is not finalized and the scale and shape of the property would dictate how they are placed and they are here to get a feel of the Board's opinion and that it is not a done deal.

It was noted that the stormwater would discharge to William Street, there is very little impervious payment and there should be very little additional runoff.

Mr. Pratt recommend that they seek advice from the Architectural Review Committee – ARC and suggested that they place the third building parallel to the street to help fit with the existing streetscape. Mr. English noted that placement had not been considered. It was questioned how many of the units would be at market price and how many affordable. A minimum of 5 units

would be affordable out of the nine units (25%) and one model is completed now. Mr. Olsen noted that it is a decent proposal and is worth looking into.

APPLICATION 2008-16, METROPCS PENNSYLVANIA, ANTENNAS FOR THE FIRST AVENUE WATER TOWER

Mr. Sikorski recused himself.

Eric Goldberg, attorney for the applicant, stated that MetroPCS is a wireless company new the Hightstown area and they are requesting the installation of wireless antennas and equipment cabinets at the First Avenue Water Tower. The installation of the antennas is essential to providing reliable coverage in the area. The antennas at the tower will provide coverage for a two-mile radius in the area of Route 571, Route 33, Route 130 and the Turnpike. There currently are no other structures in the area that can accommodate the applicant's immediate needs.

Damian Amin and Bill Blessing of Metro PCS were sworn in.

Damian Amin, Amin Communication Company, 2 Endfield Circle, Princeton Junction, NJ. Mr. Amin stated that MetroPCS is mandated by the FCC to provide reliable service to all its customers and this site is needed to comply with that mandate. The site was chosen because it is the tallest structure in the Borough, is the least intrusive, is already in use, available and the fact that it is owned by the municipality is a plus. MetroPCS has an approved lease with the Borough that is already signed and are waiting for the Borough's signature. It was advertised that the Borough had space to lease for this specific purpose.

Bill Blessing, Engineer, MetroPCS, 304 Central Drive, Lansdale PA. Mr. Blessing stated that he has a BSE in Electrical Engineering and part of this job description with the applicant is coverage prediction, site selection, and antenna and equipment needs. He stated that this site is necessary to comply with FCC mandate to provide the seamless coverage.

Exhibit A-1 View of Borough with the proposed cell towers

Exhibit A-2 Coverage area of the cell towers

Mr. Rosensweig question population of green area shown on Exhibit A-2, Mr. Blessing responded the population is unknown.

Exhibit A-3 Coverage of all MetroPCS active cell sites

Exhibit A-4 Coverage of Borough not included in the grouping

The antenna has to be a minimum of 107 feet to fill the coverage area with a 2 to 3 mile distance from other cell sites. This also will provide E911 coverage which is the emergency wireless communication that emergency responders use to help pinpoint location. The site will not create noise or odor and a site tech will visit the site about every 6 six weeks for maintenance.

Exhibit A-5 Study showing no emissions from site

Jay Kruse, PE, Newberry Goodklein, 133 Gaither Drive, Suite F, Mount Laurel, NJ.

Exhibit A-6 Sheet Z-2 dated 9/23/2008 of Submitted Site Plan

Exhibit A-7 Sheet Z-3 dated 9/23/2008 view of compound showing proposed equipment cabinets near rear property line.

Two internal electronic and one power distribution with a battery back up. No emergency backup generator will be used and the installation will be similar to Sprint installation already on site. There is a provision for a 70 watt flood light for visits after dark. The light has a manual switch opposed to a timer. There will be no audible or visible alarms but will be monitored remotely. The equipment will be painted to blend with surroundings. There also will be no noise and no high voltages.

Mr. Searing was concerned if the new antennas would interfere with the existing antennas. Mr. Blessing stated that the antennas are all using different frequencies so no interference with police reception or Sprint's antennas. Mr. Searing further questioned the use of the antennas by companies not MetroPCS. Mr. Blessing assured that the antennas will be the sole use of MetroPCS.

B. Ryan Seidel, Landuse Planner, 152 E. High Street, Pottstown, PA. BA in Landscape Architecture and a Professional Planner.

Mr. Seidel stated the applicant applied for a use variance because the current zoning does not specify if this as a permitted use in this zone. The applicant felt this site was best suited for this project as no other alternative met the height requirements, this location would enhance service in the area, and was the least intrusive. This location would not be a detriment to the Borough and as similar projects have been approved by the Board at this same site, the applicant feels that its request is consistent with what the Borough wants.

Mr. Misura opened the floor for public comments and no one came forward.

Mr. Montferrat stated that he felt that the professionals covered everything and had no questions. Mr. Sikorski informed the Board that an agreement for lease of the space had been approved for signature by the Council and were waiting for its return.

Mr. Montferrat moved the application, seconded by Mr. Emigholz.

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

Application approved 9-0.

DISCUSSION: REVISIONS TO MASTER PLAN – FAIR SHARE HOUSING ELEMENT

Mr. Misura stated that a COAH subcommittee meeting was held with Chris Emigholz, Fred Montferrat, Dave Schneider, Mayor Patten, Tamara Lee, Gary Rosensweig and himself in attendance to discuss the upcoming deadline and requirements. The League of Municipalities has filed a lawsuit on behalf of a number of municipalities regarding the last COAH Rules and also request a stay on the December 31, 2008 submission deadline. The Court didn't grant the stay but the lawsuit is moving forward. The Committee agreed not to go "overboard" in meeting the requirements as the rules from COAH are ever changing and decided to address content and less about details.

Tamara Lee previously presented the Board with her draft on the submission report. She reviewed her report stating that currently the Housing Authority has 100 units and over the years the Borough has never received full credit for over 80 units, she is unsure why. COAH denied the Borough credit for these units in a previous round. Ms. Lee is working with Amy Aughenbaugh the current Director of the Housing Authority who is very willing to assist. Ms. Aughenbaugh informed her that the Housing Authority is for very low, low and moderate income and she would to see some place else in the Borough for the low to moderate income families to move to as they move on. Ms. Lee has stated that the Borough's obligation has changed several times, even since the last subcommittee meeting. At the meeting the borough's unit obligation had decreased by 18 as of today COAH is saying it should be increased to 64 units and the employment growth would be 710 jobs. Ms. Lee stated by her projection is should be two new units a year and 6 jobs year.

Round Three requirements by her calculations would be 30 units plus the 20 units from the previous round. She also included eight rehab obligations versus COAH's 30. Ms. Lee proposed to meet some of COAH's requirements with a 10 unit gut rehab project at the Housing Authority. The units would be for very low, which is highly valued by COAH.

Mr. Sikorski asked what is considered very low income. Ms. Lee stated that 50% to 80% of median income is considered moderate income, 20% -30% of median income is considered low income and less than 20% of median income is very low.

Ms. Lee addressed the finances saying that according to the Fair Housing Act no taxpayer money is suppose to be spent, but as the projected plans would cost more than \$1 million dollars and the Borough only has \$307,000 in its fund 30% goes to Housing

Assistance, 20% to Administration and the remaining 50% for the projects there is a major shortfall and must be subsidized. It is assumed that the State Fund would be where this funding would come from. 2 ½ % of new nonresidential development goes into a state fund from all 566 municipalities, but only 200 municipalities participate in COAH so in theory the funding should be available.

Mr. Rosensweig stated that all of this is over a 10 year period and a resolution is needed to pledge the town to try to make up for the shortfall, he has amended this resolution in other towns so the Borough is not then required to make up the shortfall to include in the Plan to COAH and it has been acceptable to COAH in the past.

Mr. Emigholz stated that in order to stay COAH certified the Borough must meet the deadline and submit a plan. Ms. Lee agreed and stated that the first half the plan is same as before the only change is the report she presented and once COAH receives it they will review it and will deem it incomplete and at that time she would ask for a face to face meeting to convince of the "big picture."

Mr. Pratt moved to adjourn the meeting, second by Mr. Sikorski, meeting adjourned at 9:15pm

Respectfully submitted,

Leona Baylor
Planning Board Secretary