

Borough of Hightstown Planning Board Meeting Minutes
August 11, 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 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>	✓ 7:50PM	
<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 July 14, 2008 Regular Session was moved by Mr. Sikorski, seconded by Ms. Laudenberger and approved, Mr. Olsen abstained.

PUBLIC COMMENT

None

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

William Searing recused himself.

Attorney representing applicant was Donald Driggers, Turp Coates Essl & Driggers, Hightstown, NJ. Applicant and landowner, Michael Sheenan, 220 Wilson Avenue and Fred Tornquist, 222 Wilson Avenue were sworn in.

Mr. Driggers stated that the applicant has submitted plans for approval for the building of a single family home between the homes of his mother and uncle, Fred Tornquist. The property is located in an R-3 zone, there are no requests for waivers or variances and the home will be a prefabricated or pre-built home. There are currently no sidewalks on the street and the applicant would like to continue the look of the street and not install sidewalks. Mr. Driggers also stated that the applicant was unaware of the COAH obligations required by the town and that there were some concerns regarding the amount

Mr. Sheenan testified that land would be taken from the two lots to create a new lot to build a single family home. The new home will be a 1300 square foot modular, similar to other homes in the neighbor. There are no sidewalks on this side of the street and no sidewalks are proposed to be installed.

Mr. Tornquist testified that he is the owner of 222 Wilson Avenue and is contributing land from his lot to his nephew to build a home. He has no objections to the application.

Mr. Byrne asked if any trees would be removed. Mr. Sheenan stated that there are only plans to remove one hedge.

Mr. Rosensweig addressed Mr. Driggers concern regarding COAH stating that the Plan may change in the third round and while the Board was understanding of the applicant's disagreement of the COAH funds, the payment is still required.

Mr. Sikorski asked that the installation of sump pumps be clarified.

The Borough Engineer, Carmela Roberts was sworn in. Ms. Roberts stated that the applicant's plans show an installation of a pump and after consulting with George Chin, Borough Construction Official, it is believed that there will be no problems with the elevation and the applicant is willing to conform to any requests for installation.

Mr. Driggers stated that there has been a site soil study performed and the results show that there will be no problems with installation. Ms. Roberts recommends a check valve be installed to avoid water backing up onto the property.

Ms. Roberts asked how will the subdivision be filed. Mr. Driggers assured that it would be done by deed.

Larry Quattrone, 302 Mercer Street – There are no sidewalks currently and to ask that a sidewalk be installed could cause problems in the future. The Borough is looking to reconstruct Wilson Avenue and if it is done in the future any curbing or sidewalks installed now would have to be removed and replaced. This was the issue on South Street and the residents were upset that they paid for walkways that were later removed by the Borough.

Ms. Hutchinson arrived late and recused herself.

Ms. Laudenberger asked about the COAH regulations and the Borough Ordinance. Mr. Rosensweig stated that what ever is effect now must be followed even though it may change in the future. Mr. Driggers asked if the unit was to be tailored to help with the COAH obligation, what would happen. Mr. Rosensweig stated that if a unit is designated after the funds have been paid then it will be refunded.

It was agreed that as there are no sidewalks currently that the applicant should not be asked to install sidewalks. There were questions regarding the proposed driveway, Ms. Roberts clarified that driveways on the street are asphalt and stone and the plans do not address what will be used for the driveway apron and will be the applicant's choice.

Application 2008-12 was moved by Mr. Emigholtz and seconded by Ms. Laudenberger.

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

Application approved 8-0.

Application 2008-12 is approved with the requirement of a check valve be installed in the sump pump, no sidewalks, no trees are to be removed, the applicant understand the COAH obligation and the subdivision is filed by deed.

RESOLUTION 2008-13, 2007 ANNUAL REPORT

Mr. Rosensweig explained that a report of all applications is prepared annually and then must be formally adopted by the Board.

Mr. Sikorski moved Resolution 2008-13, seconded by Mr. Montferrat.

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

Resolution approved 8-0.

RESOLUTION 2008-13 2007 ANNUAL REPORT

WHEREAS, the Board shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision (N.J.S.A. 40:55D-70.1); and

WHEREAS, the Board shall send copies of the report and resolution to the governing body; and

WHEREAS, Board accepted the 2007 Annual Report of the Planning Board hereto attached at their July 14, 2008 regular meeting;

THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hightstown the 2007 Annual Report be adopted and a copy of this Resolution shall be forwarded to the Mayor and Council of the Borough of Hightstown as required.

COMMITTEE REPORTS

HISTORIC PRESERVATION COMMISSION – NO REPORT

COAH

The Borough Administrator, Candace Gallagher at the previous Council meeting committed to getting more information for Council and was considering having a COAH representative speak with Council and the Planning Board regarding the new rules.

It was agreed that the rules can be complicated and should have someone discuss them. The Council voted 3-2 to use money from the COAH fund to fund the creation of the COAH report due at the end of 2008.

Mr. Rosensweig explained that Tamara Lee will provide the outline of what needs to be completed by the end of the year. Mayor Patten stated that Ms. Lee is not authorized to start work yet, but the \$10,000 has been set aside for the work.

Mr. Sikorski asked that applicants be made aware of the COAH obligation at the time they request applications. It was agreed that the planning board applications include information on the COAH obligations in the future.

Mr. Misura stated that the Ms. Lee forwarded information to him regarding Habitat for Humanity, he questioned if they qualify for COAH. The Habitat for Humanity would like to do work in town. Mr. Misura said that he would see if they would like to do a

presentation for the September meeting. Last meeting it was discussed that the re-zoning of Minute Maid would be addressed. The draft is not ready but will be presented at the September meeting for recommendation to the Council for their second meeting of the month.

PROFESSIONAL REPORTS

Mr. Rosensweig stated that there is a new bill that allows the standardization of "Green Technology" and he recommends that the Board include green technology in the zoning ordinance. There were questions of whether the green technology would become a requirement and if the Board would in theory deny an application because it's not in compliance. It was explained that green technology doesn't always deal with just building materials but also the placement of the building, trees and such and could be written as the Board sees fit.

The Board discussed the Master Plan Review and the need to review the Stormwater Plan at the same time. The Board also addressed that the 1998 Master Plan was mainly focused on the downtown area and most of the projects have been completed and that there is need to start addressing other areas of town.

Mayor Patten moved to adjourn. The motion was seconded by Mr. Sikorski, and the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Leona Baylor
Planning Board Secretary