

OPEN SESSION

Chairman Steven Misiura called the meeting to order at 7:38 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. Laudemberger</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: Leona Baylor, Planning Board Secretary; Carmela Roberts, Borough Engineer; George Chin, Construction Official and Gary Rosensweig, Esq., Planning Board Attorney.

APPROVAL OF AGENDA

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

APPROVAL OF THE MINUTES

Minutes of the April 14, 2008 Regular Session was moved by Mr. Montferrat, seconded by Ms. Laudemberger and approved by all.

PUBLIC COMMENT

None

RECOMMENDATIONS TO COUNCIL FOR THE AMENDMENT OF CHAPTER 28, "ZONING" AND CHAPTER 13, HOUSING OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN

AMENDING CHAPTER 28-3-11 ACTIVE ADULT ZONE FOR THE INCLUSION OF WORDING TO ALLOW PATIOS

Mr. Rosensweig stated that the current code has wording for the allowance of decks and the omission of patios was unintentional. He suggested that the Board recommend this amendment to the Council and that a provision be made for the definition of a deck and a patio, the allowable size of patios and the approval process. Mr. Rosensweig presented suggested wording to be given to Council for the amendment of Chapter 28-3-11.

Mr. Sikorski moved to recommend the change to Council, seconded by Mr. Emigholtz.

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

Amendment approved 9-0.

Mr. Misura asked that the Board Secretary forward a memo to Council of the Board recommendations.

AMENDING CHAPTER 28-3-6, R-2 AND CHAPTER 28-3-8, R-3 TO SET BUILDING HEIGHTS

Mr. Chin noted that in R-2 and R-3 the maximum building heights were omitted and are needed, without the limits there is nothing to limit the height of accessory buildings. Without this limit accessory building could be built as high as 35 feet. It was questioned if this would make current building illegal and would they have to be removed. Mr. Chin stated that any current structure could remain as long as when repairs are made, at least 25% of the original structure remains during any reconstruction. There were questions if a resident wished to exceed the limit if they would be allowed it was determined that they would have to apply before the Planning Board with a variance. Mr. Chin provided the Board with suggested wording for the amendment to the Chapter 28.

Mr. Sikorski moved to approve the maximum building height of 16 feet for R-2 and R-3, seconded by Mr. Montferrat.

Roll Call: Mr. Misiura, Ms. Laudenberger, Mr. Montferrat, Mr. Emigholtz, Ms. Hutchinson, Mr. Searing, Mr. Sikorski and Mayor Patten voted yes. Mr. Pratt voted no.

Amendment approved 8-1.

AMENDING CHAPTER 13-3-8 TO PROHIBIT SLEEPING IN ATTICS

Mr. Chin stated that this amendment is more of a life hazard as attics lack a means of egress and ingress and most attics don't even have windows. There were questions about homes that currently use their attics as bedrooms or as apartments like Peddie School currently does. Mr. Chin stated that homes that have applied for and receive permits to convert their attics to bedrooms will be grandfathered. Mr. Chin made reference to the NJ code and the New Jersey requirements which state that the area must be at least 7 feet in height. Mr. Chin provided the Board with suggested wording for the amendment to the Chapter 13.

Mr. Emigholtz moved to accept the recommendation for no sleeping in the attic and to forward the recommendation to Council.

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

Amendment approved 9-0.

ADMINISTRATIVE REVIEW AND ACCEPTANCE: THE PEDDIE SCHOOL AMENDED LIGHTING PLAN FOR RESOLUTION 2007-07

Ms. Hutchinson, Mr. Emigholtz, Ms. Laudenberger and Mr. Misura recused themselves. Mr. Montferrat sat as chair.

Ms. Roberts stated that she received revised plans dated April 29, 2008 and issued a memo May 6, 2008 recommending that the Board accept the plans dated May 6, 2008 with poles heights of 18 feet with an average candle light of 1.1 to 1.3. Ms. Roberts stated that while it is commonplace to accept an average candle light it is incorrect and that you should look for the minimum candlelight and meet that for each to avoid dark areas.

Mr. Sikorski moved the acceptance of the plans dated April 29, 2008 with Ms. Roberts' memo dated May 6, 2008

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

Amendment approved 7-0.

COMMITTEE REPORTS

HISTORIC PRESERVATION COMMISSION

Mr. Pratt reported that the Commission is working on a simplified version the previous ordinance that discourages demolition with a waiting period before acquiring a permit. The Commission is recommending a one year wait with an advertising requirement. The Commission needs to adopt an ordinance before they can establish a district. Mr. Byrne stated that if the State of New Jersey is willing to work with the town with no fee why don't they get help from them. Mr. Pratt responded that they have receive a number of ordinances from other town and have come to say that while we can't say that you can't demo a building we can say that you have to wait. He noted that the ordinance is not complete and that it would have to come before Planning Board prior to going to Council for approval.

Mr. Misura stated that Peddie has decided not to demolish the building at the corner of S. Main and Ward. Also the redevelopment meetings with East Windsor have been going well and will continue.

PROFESSIONAL REPORTS

Mr. Rosensweig stated that the new COAH rules will become effective June 2, 2008 but there is a bill in the making that may change or halt some of the changes.

Mr. Sikorski moved to adjourn. The motion was seconded by Ms. Laudenberger, and the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Leona Baylor
Planning Board Secretary