

OPEN SESSION

The Public meeting was called to order by Vice-Chairperson Fred Montferrat at 7:30 PM. He read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the Trenton Times and the Windsor-Hights Herald, and is posted in the Borough Clerk's office."

The flag salute.

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Hahn		✓	
Ms. Laudenberger	✓		
Mr. Montferrat	✓		
Mr. Moraitis	✓		
Mr. Pratt	✓		
Mr. Searing	✓		
Mayor Kirson	✓		
Ms. McGinty	✓		
Mr. Misiura		✓	
Mr. Olsen	✓		
Mr. Byrne		✓	

Also in attendance: Susan Jackson, Planning Board Secretary; Gary Rosensweig, Planning Board Attorney; Carmela Roberts, Borough Engineer; Tamara L. Lee, Borough Planner

APPROVAL OF AGENDA:

Mr. Searing made a motion to amend the agenda to be removing item #8 – Discussion for Time Schedule Change – until a later date. Mr. Pratt seconded. The agenda was approved with a 8-0 vote.

APPROVAL OF MINUTES: SEPTEMBER 12, 2011

Ms. Laudenberger motioned to accept the September 12, 2011 minutes as presented. Mr. Searing seconded. Mr. Montferrat asked for a roll call vote.

Roll Call: Ms. Laudenberger; Mr. Montferrat; Mr. Moraitis; Mr. Pratt; Mr. Searing; and Mr. Olsen voted yes. Mr. Misiura; Mr. Hahn and Mr. Byrne are absent. Mayor Kirson and Ms. McGinty abstained. September 12, 2011 Minutes were approved 6-0 with 2 abstentions.

OCTOBER 11, 2011

Mr. Pratt made a motion to approve the October 11, 2011 minutes as presented. Mr. Searing seconded. Mr. Montferrat asked for a roll call vote.

Roll Call: Mr. Montferrat; Mr. Moraitis; Mr. Pratt; Mr. Searing; and Mr. Olsen voted yes. Mr. Misiura; Mr. Hahn and Mr. Byrne were absent. Ms. Laudenberger; Mayor Kirson and Ms. McGinty abstained. September 12, 2011 Minutes were approved 5-0 with 3 abstentions.

PUBLIC COMMENT

Mr. Montferrat opened the floor to any public comment unrelated to anything on the agenda. As no one came forward from the public, Mr. Montferrat closed Public Comment.

APPLICATION 2010-08 – SEYMOUR INVESTMENT, LLC - BLOCK 13 LOTS 24.01 & 24.02 – PERRY L. DREW PL – AMEND PRELIMINARY & FINAL MAJOR SUBDIVISION FOR LOT 24.01 & FINAL SITE PLAN FOR LOT 24.02

Mr. David Coates, Esq – Turps, Coates, Essl and Driggers, Hightstown, NJ – representing applicant Mr. Vorhand, Managing Member of Seymour Investments, LLC. Mr. Vorhand is requesting to amend the final 3-unit townhouse to a 2-unit townhouse. Mr. Rosensweig asked about the publication of notification. The faxed copy of the notification that is on file came from the Star-Ledger and which isn't an official newspaper of the Borough. Mr. Coates replied that they have not received the official affidavit and has requested it numerous times from the Trenton Times. He went on to say that they have been having an issue with the Trenton Times with getting affidavits but he is positive that he had the notification published in the Trenton Times. Mr. Pratt looked it up at the New Jersey Public Notification site on the web and the notice was published in the Trenton Times. No one had any objection in continuing the testimony. Mr. Rosensweig swore in Mr. Daniel Doran, P.E. & LS, who has testified before this board in the past as an expert witness. He stated that the original site plan isn't changing, only the number of units, from the original 3-unit to a 2-unit building. Everything else will remain the same. Mr. Vorhand came forward and said that he would like to remove the center unit and construct the 2-unit building because it will be easier to sell the 2 units in the long run. He would appreciate an approval so that he can move forward and complete this project.

Mr. Doran talked about Lot 24.02 and stated that they have met all the conditions of approval. There are no additional changes for the site. He had nothing else to add.

Mr. Montferrat asked Ms. Roberts if she has any concerns or comments. She said that going from the 3-units to the 2-units meant 3 driveways going to 2 driveways and since there are no other changes then there should be no issue in giving the final approval. Mr. Lee had no comments to add.

Mr. Montferrat opened up the public comment session. As no one came forward, public comment session was closed. Mr. Montferrat asked if any board member has any comments. No one had any comments. Mr. Montferrat asked for a roll call vote.

Roll Call: Ms. Laudenberger; Mr. Montferrat; Mr. Moraitis; Mr. Pratt; Mr. Searing; Mayor Kirson; Ms. McGinty; and Mr. Olsen voted yes. Mr. Hahn; Mr. Misiura; and Mr. Byrne were absent. The Application 2010-08 was approved by an 8-0 vote.

APPLICATION 2011-05 – AMERICANA HOSPITALITY GROUP – PRELIMINARY AND FINAL SITE PLAN AND SUBSTANTIAL BENEFIT VARIANCES

Mayor Kirson and Ms. McGinty recused themselves from the hearing as this is a use variance.

Ms. Laudenberg asked Mr. Rosensweig if she is able to sit for the hearing as she was absent for last month's testimony. She has read the minutes which are verbatim but she was unable to listen to the tapes as they are on cassette and are for the purpose of transcribing only. Mr. Rosensweig is ok with Ms. Laudenberg sitting for the final hearing. The applicant is ok with Ms. Laudenberg sitting to hear the application and giving her vote.

Mr. Gregory Oman, still under oath from the last meeting, has submitted the revised plans based on any requests and comments from the last meeting. Mr. Oman entered Exhibit A-5, Lighting Plan, which shows where all lights are to be located and which ones are to remain presently. Ms. Lee addressed the issue of security lighting. Mr. Oman stated that about 10 lights would remain on all night. All other lights would go off one hour after closing. There would be no impact on the businesses. Some of the other concerns are with garage disposal pick-up times and all delivery time; presently all garbage pick-ups are normally around 9 AM and have never been an issue with any commercial or residential residents. The pick-up will remain the same. All deliveries are between 7-11 AM and 2-4 AM. Deliveries will never happen during lunch hours. Mr. Pratt has a concern with the back-up signals of the delivery trucks having an impact on the neighborhood. As far as all deliveries to other businesses, UPS or FedEx normally deliver during business hours and normally never make any deliveries in the back of the offices, especially the daycare center. They normally deliver to the front of all businesses. The parking lot is a circular pattern and makes it easy for the deliveries to be made in the front of the buildings.

Mr. Shane commented on the lease agreement with the Borough Council. The Council will be leasing the property to the Americana Hospitality Group and are in negotiations presently. Presently the lease is for a 10 year lease with another 10 year option. Americana is asking for an additional 10 year option for a total of 30 years. It is currently pending with the Council.

Mr. Montferrat's concern is with the circulation of the parking lot for the daycare center. Mr. Oman said that there isn't any concern since the drop-off is normally before 9:00AM and pick-up is normally between 5:00-6:00 PM and the normal business hours are between those hours. Ms. Lee said that she wants to be involved with any adjustments that will be made on the landscaping. Mr. Oman agreed. Ms. Roberts stated that the soil piles adjacent to the leased area need to be moved and wants to know who will be dealing with it. Mr. Oman said that they will work with the Borough on the adjustment of the piles. Mr. Rosensweig asked if Americana Hospitality agrees to all the condition set in place from the Planner and Engineer. Mr. Shane stated that the applicant is agreeable to all the conditions.

Mr. Montferrat opened the floor for public comment. As no one came forward he closed the public comment period. Mr. Pratt made a motion to approve Application 2011-05 – Americana Hospitality Group – Preliminary and Final Site Plan and Substantial Benefit Variances. Ms. Laudenberg seconded.

Mr. Montferrat asked if any Board members had any comments. He said that he is satisfied with all the changes made based on the comments of the Board members and Professionals. All the Board members said that they are satisfied. Mr. Montferrat asked for a roll call vote.

Roll Call: Ms. Laudenberg; Mr. Montferrat; Mr. Moraitis; Mr. Pratt; Mr. Searing; and Mr. Olsen voted yes. Mr. Hahn; Mr. Misiura; and Mr. Byrne were absent. Mayor Kirson and Ms. McGinty were recused. Application 2011-05 – Americana Hospitality Group –

Preliminary and Final Site Plan and Substantial Benefit Variances was approved by an 6-0 vote.

COMMITTEE AND PROFESSIONAL REPORTS

Mr. Searing - has no zoning reports at this time but stating that the subcommittee would be meeting soon to finalize any zoning issues that are pending.

Ms. Roberts has nothing to report at this time.

Ms. McGinty rejoined the Board at 8:09 PM.

The Re-examination of the Master Plan will be on hold until the Route 33 Report is finished.

Mr. Rosensweig – COAH might begin reorganization in the beginning of the year.

Ms. Laudemberger made a motion to adjourn the meeting at 8:20 PM. Mr. Pratt seconded. All approved.

Respectfully submitted,

Susan D. Jackson,
Planning Board Secretary
Hightstown Borough