

<b>OPEN SESSION</b>
---------------------

Chairperson Steve Misiura called the meeting to order at 7:30 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	LATE ARRIVAL
<i>Mr. Emigholz</i>			✓ 7:35
<i>Mayor Kirson</i>	✓		
<i>Ms. Laudenberger</i>	✓		
<i>Ms. McGinty</i>	✓		
<i>Mr. Misura</i>	✓		
<i>Mr. Montferrat</i>		✓	
<i>Mr. Moraitis</i>	✓		
<i>Mr. Pratt</i>	✓		
<i>Mr. Searing</i>	✓		
<i>Mr. Olsen</i>			✓ 7:35
<i>Mr. Byrne</i>	✓		

Also in attendance: Susan Jackson, Planning Board Secretary

#### APPROVAL OF AGENDA

Mr. Misiura asked that the agenda be accepted as presented. Mr. Searing made the motion to accept the agenda as presented. Ms. Laudenberger seconded. The agenda was accepted with a 9-0 vote.

#### APPROVAL OF MINUTES: February 14, 2011

Ms. McGinty asked for the vote to be entered on the Aug. 9, 2010 minutes. Mr. Moraitis asked that the sentence "*There has never been any violations...*" on page 3, paragraph 1 be removed. Also the words "*according to her testimony*" be added to page 3, paragraph 2 before the sentence *the business hours are from....* Mr. Pratt made a motion to accept the agenda with the above mentioned changes. Ms. McGinty seconded.

Roll Call: Mr. Misiura; Ms. Laudenberger; Mr. Pratt; Mr. Moraitis; Mr. Searing; Ms. McGinty; Mayor Kirson and Mr. Byrne voted yes. Mr. Olsen; Mr. Montferrat; Mr. Emigholz; were absent. February 14, 2011 Minutes were approved with 8-0

## **PUBLIC COMMENT**

Mr. Misiura opened the floor to any public comment unrelated to anything on that is not on the agenda. Mr. Misiura closed Public Comment as no one came forward

### **RESOLUTION 2011-07: HAIM BATTASH D/B/A AVIV INVESTMENTS – BLOCK 26, LOT 20.01 – 147 N. MAIN STREET – APPEAL OF ZONING OFFICER/USE VARIANCE**

Mr. Misiura asked if there were any comments or issues on Resolution 2011-07 as prepared by Mr. Rosensweig. There were no discussions or changes. Mr. Byrne made a motion to accept the resolution as presented. Mr. Pratt second.

Roll Call: Mr. Misiura; Ms. Laudenberger; Mr. Pratt; Mr. Moraitis; Mr. Searing; Ms. McGinty; Mayor Kirson voted yes. Mr. Emigholz and Mr. Olsen abstained. Mr. Montferrat was absent. Resolution 2011-07 is approved with 7-0 vote with 2 abstentions.

### **RESOLUTION 2011-08: REGARDING THE BOROUGH OF HIGHTSTOWN’S RE-EXAMINATION REPORT**

Mr. Misiura just reminded everyone that this resolution is simply for the record because the re-examination report will not be finished on time due to the joint planning study between Hightstown and East Windsor for the Route 33 Corridor Revitalization/Redevelopment that is to be included into the Master Plan and we are waiting for the ongoing State litigation for the Housing Reform Bill. As there were none, he asked for a motion to approve Resolution 2011-08. Mr. Pratt made the motion. Ms. Laudenberger second. He asked if anyone had any comments or changes to the resolution. There was no discussion.

Roll Call: Mr. Misiura; Ms. Laudenberger; Mr. Pratt; Mr. Emigholz; Mr. Moraitis; Mr. Searing; Ms. McGinty; Mayor Kirson and Mr. Olsen voted yes. Mr. Montferrat was absent. Resolution 2011-08 is approved with 9-0 vote.

### **INFORMAL PRESENTATION: 132 FRANKLIN STREET – BL. 28 LOT 3 – RPO ZONE**

Since Mr. Mendieta, the owner of the property, left and hasn’t returned yet at this time, this presentation will be moved to after the Discussion items.

## **DISCUSSION:**

Section 28-28:2j – Mr. Wm. Schmeling, Borough Zoning Officer, brought up the issue of wording for this Borough Ordinance, Sec. 28-28:2j, because when he first read it he thought that it applied to all lots and then read it again he realized that it was talking about undersized, non-confirming lots and doesn’t understand why it doesn’t include lots that meet the requirements. He doesn’t feel that this is fair since according to the requirements of the Ordinance, a non-confirming lot would get approval but a conforming lot wouldn’t. Mr. Misiura asked for any feedback from the board but feels that it looks as though it is just an oversight on how it is worded. Mr. Misiura asked Mr. Schmeling to do a mark-up of the ordinance as how he feels it should read so that it is clear to the Zoning Officer as the person who has to interpret these ordinances. Mr. Schmeling will do a mark-up; get it to the Planning Office to be given to the Council for Monday, March 21, 2011. Discussion continued and the decision is to follow up with the mark-up and get it to the Council for the first reading.

The other issue deals with automotive shops within the Borough, at present there are two different sections that deal with automotive shops and there are inconsistencies between the two. One deals with

what is permitted within the zone and working within a closed building and the other deals special use regulations and working outside the shop. It is creating an issue because some of the residents are complaining about the auto shops and how they are conducting their business. A discussion followed and it was the recommendation from the Planning Board that Mr. Schmeling should do a mark-up of this ordinance section, send it to the zoning sub-committee to look it over and have it brought back to the next Planning Board meeting for further review at the next meeting.

LED/neon signs: Ms. McGinty gave a brief overview of how this issue was discussed at the Council meeting and the suggestion was that it should come before the Planning Board to be addressed. The sign ordinance has a prohibition in regards to neon signs and LED. Mr. Schmeling made an inventory of all the neon or LED signs at every establishment within the Borough which he provided to the Borough Council. The issue that Council wants to Planning Board to address is whether the sign ordinance that regulates neon and LED is being enforced and if the language needs to be changed. The discussion continued by the Planning Board members and it was decided that this issue does need to be addressed and looked at closer. Mr. Misiura asked the members that if they didn't have any objections that this discussion should be continued at the next meeting. All members agreed.

### **INFORMAL PRESENTATION: 132 FRANKLIN STREET – BL. 28 LOT 3 – RPO ZONE**

Mr. Mendieta, the owner of the property, was reminded that this is strictly an informal curtesy presentation, nothing that is being said at this meeting is binding in any way and there will be no formal decision or approval tonight. Mr. Mendieta is coming before the board with a proposal for a business within the commercial part of his property. Presently the property is zoned as a RPO zone which is a residential area that does allow professional offices to operate within the properties. In order for the proposed Yoga studio to be able to conduct business at 132 Franklin St., Mr. Mendieta must fill in an application for a use variance. Mr. Schmeling explained the reasons for the denials that have been issued in the past has been because the RPO zone is more restrictive then the CC1 zone in what is allowed since it is a residential zone that allows home based businesses based on the owner living on the property. Mr. Mendieta must follow the zoning/land use laws file for a use variance When he files a use variance and it comes before the Planning Board, then they will take into consideration all the factors with the Yoga business and how it impacts the area and make a decision.

### **MASTER PLAN RE-EXAMINATION**

The first of the series of worksheets were distributed by Tamara Lee to the Planning Board and Borough Council. The first thing is to set a date for a joint meeting with the Mayor and Council Members to have a discussion workshop to go over the worksheet. It will be an open workshop meeting and the public can be a part of the discussion but this workshop would be the only item on the agenda. Mr. Misiura will present this worksheet at the next Council meeting for the Master Plan Re-examination and a meeting date will be presented the Borough Council and Planning Board members for a workshop session.

In regards to the worksheet themselves it looks like there are two parts to it. The first is the policies to be discussed with the governing body and then the following questions looks like it doesn't need to be discussed with the governing body but everyone's input would be welcomed. It would be good if the liaisons to the different commissions bring this worksheet to the committees and explain what we are doing. This can be done anytime soon to start them thinking about what they would like to see changed and/or added into the Master Plan report. There is a concern with how much time each commission will be able spend on this and that there isn't a clear direction for each commission to follow. It was decided to just give each commission Worksheet A and let them take it in and start giving feedback as to what they would like to add and/or change in the Master Plan Report as it pertains to their priorities for the

Borough. Ms. Lee outlined a couple of things in this worksheet from the Rug Mill and several subtopics that include Minute Maid and general policies to be discussed.

#### **COMMITTEE AND PROFESSIONAL REPORTS:**

Minute Maid Sub-committee met a few weeks ago. They were presented with great information. They will be meeting this week to further discuss this information.

HPC's did not have much to report at this time.

The Borough has released the engineering report for the abutments of the Greenway Walking Bridge. At this point the donations have gone over \$20,000 and as a result the matching donation of \$20,000 will be given. The project will go out for bids on Tuesday. Most of the bridge costs will be covered. The only additional cost may be any site plan work that might have to be done.

Parks & Recreation wants to put up a new sign in Memorial Park that will list all events that will be happening within the Borough during the month. The sign will be placed along the sidewalk by the park bench. They have a preliminary design for the type of sign that they would like to put up.

#### **CHAIRMAN AND BOARD MEMBER COMMENTS:**

There were no member comments.

Mr. Misiura asked for a motion to adjourn the meeting. Ms. Laudenberger made the motion. Mayor Kirson seconds the motion. All approved 9-0. Meeting adjourned at 10: PM.

Respectfully submitted,

Susan D. Jackson,  
Planning Board Secretary

