

OPEN SESSION
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Chairperson Steve Misiura called the meeting to order at 7:31 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
Mr. Hahn	✓		
Ms. Laudemberger	✓		
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. Montferrat made a motion to approve the agenda as presented. Mr. Pratt seconded. The agenda was approved with a 9-0 vote.

#### APPROVAL OF MINUTES: August 8, 2011

Mr. Searing made a motion to accept the July 11, 2011 minutes as presented. Mr. Pratt seconded

Roll Call: Mr. Hahn; Ms. Laudemberger; Mr. Pratt; Mr. Searing; Mr. Misiura; Mr. Olsen and Mr. Byrne voted yes. Mr. Montferrat; Mr. Moraitis and Ms. McGinty abstained. Mayor Kirson was absent. Minutes for the August 8, 2011 meeting were approved with a 7-0 vote and 3 abstentions.

#### PUBLIC COMMENT

Mr. Misiura opened the floor to any public comment unrelated to anything on the agenda. As no one came forward from the public, Mr. Misiura closed Public Comment time. Mr. Rosensweig asked that a memo be sent with information informing the public that all future Planning Board meetings will be held at the First Aid Building at 7:30 PM on the regular scheduled meeting dates until further notice. That notice was sent to the papers already informing the public of the location change and has been posted on the doors of the Municipal Building and the Web site.

#### MEMORIALIZATION OF RESOLUTION 2011-13 – OPTOMECHANICAL ENTERPRISES, LLC aka SCICORE ACADEMY – USE VARIANCE

Mr. Misiura asked if there was anything that Mr. Rosensweig needed to discuss in regards to the resolution. Mr. Rosensweig stated that the resolution is straight forward and the conditions of the resolutions shows that the first approval has been voided and all conditions are to be met for the CO to be issued for SciCore Academy. He stated that condition #12 is for the Tax Assessor to determine whether taxes should be imposed on SciCore Academy as a for-profit foundation and is not the responsibility of any other office of the municipality. Ms. Laudenberger motioned that Resolution 2011-13 for a use variance for SciCore Academy is memorialized. Mr. Byrne seconded. Mr. Pratt asked if there was a condition about the drop-off and pick-up at the Railroad Ave. location. Condition #10 does address all the protocols that must be addressed with the ?, Police Department, and all proper permits must be purchased. All appropriate signs and markings must be posted to show the drop-off and pick-up locations. With no further discussions Mr. Misiura asked for a roll call vote.

Roll Call: Mr. Hahn; Ms. Laudenberger; Mr. Pratt; Mr. Searing; Mr. Olsen and Mr. Byrne voted yes. Mr. Montferrat; Mr. Moraitis; Mayor Kirson; Ms. McGinty and Mr. Misiura abstained. Resolution 2011-13 was approved with a 6-0 vote, 5 abstentions.

#### APPLICATION 2011-04 – MINOR SUBDIVISION AND BULK VARIANCES – BLOCK 3 LOTS 18 & 19 – 538 N. MAIN STREET – MR. CHRISTOS KATSIFIS

Mr. Mark Shane, Esq., Shane and White, LLC. is representing Mr. Katsifis, substituting for Gus Siggelakis, Esq. Present are Mr. Katsifis, the Engineer and Traffic Expert. At this time Mr. Rosensweig swore in all the people who will be giving testimony including the Planning Board's Engineer and Planner.

Mr. Gregory Oman works for Menlo Engineering as a Senior Project Manager. He has been a licensed civil Engineer in New Jersey for 9 1/2 years and has worked for Menlo Engineering for the past 13 years. He received a BS at NJIT in Civil Engineering and a Masters in Environmental Engineering from NJIT. He has testified before many boards in New Jersey as well as the Superior Court. He has been accepted as an expert witness as an Engineer but not as a Planner therefore he will not be able to give any testimony as a Planner. He gave a brief overview of the property - it is known as Block 3, Lots 18 & 19 located on the corners of North Main Street and Sunset Ave. in Hightstown, NJ. It is located in the R-3 zone and is in a neighborhood of single family homes consisting of 10,000 to 12,000 sq. ft. in lot area. Currently the lot consists of a 1 1/2 story single family home of approximately 1300 sq. ft. with the frontage on North Main Street. A breezeway connects the house to the garage and access to the garage is the driveway with access off of Sunset Ave. All utilities are connected from Sunset Ave. including the runoff from the garage and most of the house.

The application is to subdivide the property into two lots with lot A being the western side and lot B on the eastern side. Lot B will be 11,537 sq. ft. and will maintain the current structures of the house, breezeway and garage. It will still be have the frontage to North Main and the side yard on Sunset Ave. The property line of the new subdivision is to be 3 1/2 feet off the rear of the garage. The plans for the application was reviewed by the Borough Professionals and it was indicated that the breezeway connecting to the garage is considered one structure, therefore a rear yard setback of 35 ft. is required. If the breezeway is removed, then the garage would be considered an independent structure and then it would conform the Borough's ordinance as an accessory building and then the 3 ft. property line would be acceptable from the rear of the garage. Mr. Oman stated that the breezeway is a benefit to the homeowner for when the weather is inclement and left intact. Lot A is the proposed lot that only will have frontage on Sunset Ave. with a proposed two-story house of approximately 1300 sq. ft. and a single car driveway out to Sunset Ave. This lot is 7,533 sq. ft. and doesn't meet the ordinance requirements of 10,000 sq. ft. or more per single family home is one of the three bulk variances being asked for in the application. The other bulk variances being asked for are the minimum lot depth and minimum rear yard setback. The lot depth would be 99.35 sq. ft. and the requirement is 100 sq. ft. and then on lot B

the rear yard setback would be 3 sq. ft. and the requirement is 35 sq. ft. Mr. Rosensweig interrupted Mr. Oman and again stated that Mr. Oman can only give testimony as a Professional Engineer and not as a Professional Planner as his qualifications are in the field of Engineering.

At this time, Mr. Shane has asked that Board consider Mr. Oman's qualifications as a Professional Planner also since he has worked with many Planners in the past and has extreme knowledge in the field. He can only give the facts of the property but cannot give any opinions as a Professional Planner. The applicant is asking if they may have a continuance and bring in a Professional Planner at the next meeting to give testimony. The Board has no problem continuing the application at the October meeting. They will allow the Engineer to finish with his testimony tonight.

Mr. Oman continued his testimony going over the Bulk Variances required again for Lots A and B. He described the single family homes on Sunset Ave. having lots that are longer than wider of about 100 ft. deep. The average widths of most of the lots are roughly 75 ft. with a handful (about 10 lots) being about 50 ft. wide. None of the lots on Sunset have easement access to the rear of the lots. Lot A does have an easement for access because it is a corner lot. He again went over the requirements for the depth, area and rear yard setback and the variances being asked for. Again, if the breezeway is eliminated then no variance would be required for back yard setback. There is adequate water and sewer drainage already tied into the Borough system.

At this time Ms. Roberts recommends that a soil testing report be done since the proposed house will have a basement foundation and that the foundation must be level with all the houses in the neighborhood to keep the consistency of the required height. She also addressed the issue of the oil leak on the property. Mr. C. Katsifis said that he has taken steps to rectify the oil leak issue. They have used chemicals that are approved by the state to absorb any oil and the soil is in the process of being tested. They should have the results back within the week. The leak occurred on the Sunset side of the current structure and did not leak onto the proposed new site. The in-ground tank was removed many years ago. By the next meeting, there should be more information in regards to the test results. There should be a determination as to what will need to be done, if anything based on the depth of the contamination of the soil. She also stated that there is a new provision for the map filing law. The property markers for the original outbound lot must be set before the deed can be filed. She would like a plot plan to be submitted to her office for review and if there any improvements to the right-of-way, for that to be submitted.

Mr. Pratt asked if any trees will be removed. There is only one tree that will need to be removed is between the house and Sunset Ave. because it will be in the way of the driveway. The drainage pipes will be maintained and a drainage easement will be put in for easier access. He also asked what the other lot sizes were along Sunset Ave. The Engineer stated that the lots are currently over 10,000 sq. ft. and some of the corner lots are slightly smaller. There are a few lots that are undersized. Exhibit A-2, the Surrounding Area Map - Mr. Oman overlaid the tax map on the aerial view map. It shows the square footage of all the surrounding lots.

Mr. Hahn asked about the distance between the house and garage on Exhibit A-1. There is approximately 13 1/2 ft. between the two structures.

At this time, Mr. Misura opened up the floor for any public comment. As no one came forward, he closed public comment. He asked for a motion to continue Application 2011-04, no additional notification is necessary, at the October 11, 2011 Planning Board meeting. Motion made by Mr. Montferrat. Seconded by Mr. Byrnes. All approved.

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

Mr. Hahn and Ms. McGinty recused themselves from hearing this application.

At this time, Mr. Misiura asked the Planning Board Engineer to give an update on the status of this application. Ms. Roberts reviewed her report from August 29, 2011 and at that time deemed the application as incomplete. An updated survey has been given to her office since the review letter but the application is still incomplete. There are some changes on the Borough property that have not been included in the survey and it is important that everyone on the Board sees how the plans are being laid out particularly by the Public Works property.

Mr. Mark Shane, Esq., Shane and White, LLC, representing the Americana Hospitality Group would like to move forward with the presentation even though the application has been deemed incomplete and with the understanding that no action will be taken tonight and this presentation will be continued at the next meeting. Everything that was in Ms. Roberts report is being addressed currently but was not ready in time for this meeting. She should have everything by the end of the week.

Mr. Rosensweig has asked for a waiver of any time limit, which Mr. Shane has agreed to and that any decision made by the Planning Board will be contingent on the formal agreement between the Borough Committee and Americana on the leasing or purchasing of the Borough property in question. Presently the Borough Council has discussed the leasing/purchasing option with Mr. Katsifis and is waiting for a decision from Mr. Katsifis on what he would like to do. In the meantime, the Council did give permission for the Applicant to proceed with his application before the Planning Board. There is an existing relationship between the Borough and the Americana Hospitality Group as they are currently leasing another Borough owned property. If the property is purchased than it will change the application once again but until a decision is made, they would like to move forward with the application as presented.

Mr. Rosensweig swore in the following people and professionals who will be giving testimony during this application: Mr. C. Katsifis, Scott Kennel, Gregory Oman, Carmela Roberts and Tamara Lee.

The Planning Board accepted Mr. Oman's qualifications as stated in the previous application tonight as a Licensed Engineer. Exhibit A-1 shows the 5 separate properties of the application - 3 of the properties are located in East Windsor and 2 are located in the Borough of Hightstown. The entire property is 6.4 acres of developable land and is located on the north bound side of Route 130. To the west is the old Randall's Furniture store, and on the south side are single family homes along Oak Lane in Hightstown. Currently the lots in question house two single level office buildings, the old Hightstown Hotel in the middle and the Americana Diner on the north property and are all located in East Windsor. All 3 lots are to be consolidated into one lot. The rear block 7, lot 40.02 is as previously approved by the Hightstown Planning Board as additional parking for the Americana Diner. Bl. 7, Lot 41 is the Borough owned property that is in question as to whether it will be leased or purchased from the Borough is a little over 35,000 sq. ft.

Exhibit A-2 is what is being proposed for the entire development. The hotel building is to be removed; the single story building on the back of the property will become a day care facility. The refurbished retail office buildings and the Americana Diner are all to remain. Bl. 7, Lot 41 is to become additional parking for the Americana Diner. Access to the site is off of Route 130 only with no access from Oak Lane or Stockton Street. The proposal is to maintain the existing single access to the property at the current light on Route 130 and a right in, right out driveway to the northwest section of the property and a right in, right out driveway at the northern most section of the property. What this is doing is improving the on-site flow of traffic and improving the traffic flow to getting onto Route 130. The drainage ditch was also looked at and it will be maintained. The property is broken up into two sections that run east and west. They have designed an underground detention basin and manufactured treatment devices to provide a lower rate of run-off from the site but also with additional water quality as per the Borough and Township's requirements. The flow for any Borough run-off would be into the detention basins, through the treatment devices and then through the existing drainage path under Route 130 into the Rocky Brook System. There were comments made in the Borough's Professional reports in regard to the spillage of the lights. They will provide some sort of house shield to minimize and/or prevent any spillage to the homes along Oak Lane. They are proposing additional plantings. Right now there are concerns about putting evergreens in because of the existing height of the trees, the evergreens might not take. The Landscape Architect is reviewing this issue and will address this issue and figure out what will be the best solution. Adding berms isn't a good idea as the existing vegetation would have to be removed and it wouldn't be beneficial to the homes since they are over 350 ft. away from the property line. Some of the dumpsters on the eastern side of the diner are being relocated to the eastern most corner of the 35,000 sq. ft. property. There will be a couple of additional signage along Route 130 but no signage to be added to any property within the Borough of Hightstown. Along the eastern most side of the property, there will be additional trees, foliage and 6 ft. high board on board fence along the property line. There is adequate water and sewer quality. The water lines will be moved around for safety. A fire suppression system will be added to the middle building. The existing sewer line runs along Route 130 and all buildings will be hooked up into that.

Scott Kennel, McDonough-Rae Associates, 1431 Lakewood Road, Manasquan, NJ. He is a board certified traffic expert. He has come before this board in the past for Peddie School when they did the multi-purpose field and swimming pool. He has testified on over 300 applications throughout the state. He has been qualified as a traffic

expert by the superior court, in Mercer County and Ocean County. He has processed over 200 applications with the NJ DEP. The Planning Board has accepted Mr. Kennel's qualifications as a traffic expert. He has prepared a traffic report that was dated November 29, 2010 that addressed the site access relative to the redevelopment of the Americana Diner and other lots properties. They reduced the number of access to provide better inter-connection access to the diner, daycare and the multi-purpose building in order to minimize the movement to and from the site. The analysis of the signal area along Route 130 would be a level surface B during evening peak hours and a level surface C during peak mid-day hours on Saturday. This is still subject to a formal application with the NJDOT with a comprehensive traffic impact. There have been two meetings with the NJDOT and has gotten a conceptual approval on what has been presented before this board this evening. The aspect of traffic is the parking demand. They have obtained a parking variance from East Windsor to provide 87% of what is required, but that ordinance does not take into consideration the shared parking. This is a situation where there are a variety of uses that would use different peak times for parking. For the daycare center and office building there would be very little demand for a parking after 6:00 PM on weekdays and on the weekends. They also reviewed the internal circulation of the traffic flow. It would provide a positive internal circulation not only for passenger vehicles but also for large based vehicles that would be servicing the 4 buildings on site. There will be 344 parking spaces overall and that is adequate for the site. They will provide a 2 way access onto the property with no parking along this access point.

The Planner will be testifying at next months meeting. Mr. C. Katsifis talked about the reasons for why they seem to be in different directions at the current time is that they are making application with East Windsor as well as with Hightstown and also trying to finalize the sell/lease of the property in Hightstown with the Borough Council. Until they come before each board then they can figure out all the details and directions that they need to go. They have been working on this plan for a number of years and feel that it will be a much better overall concept of the use of the property. They have an estimate of \$350,000 to make the improvements to the properties. They are planning on putting up additional mixed vegetation between the property and the Borough. The plan for the area of the hotel is for 3 retail stores, an upscale dinner restaurant. The 2nd and 3rd floor of the building will included mixed office use mostly consisting of medical offices. The building that currently exists is being renovated. It is waiting for the new roof and the back building will be expanded for a daycare center. The outside of the buildings will be a combination of glass and stone and all the buildings will match with colors and signage.

The East Windsor Planning Board has given approval to move forward. The memorialization of the resolution is set for their October 3, 2011 meeting. There are obviously a number of conditions that will be on the resolution that is standard with a large project. It is also subject to the Borough's approval. All the variances for East Windsor has been listed on exhibit A-1. In terms of Hightstown, the variance for parking is 9' wide by 20' in depth. They will be 10' x 18' to match the existing parking spaces currently. The impervious coverage allowable for an R-3 zone in Hightstown is 40%. This was looked at as an overall development and it is somewhere around 78.5% coverage for lot 41. They are asking for some relief in the impervious coverage. All the variances were granted by East Windsor and the only other requirement is that as each tenant comes in, they have to go back before the EW Board for signage approval, unless they give a complete sign package.

Mr. Misiura asked if the Planner could bring a new exhibit site plan that shows the Hightstown Borough breakdown. Mr. Oman has Exhibit A-3 that shows the overall plan for the surrounding uses that surround the Americana property.

Ms. Roberts would like to know the total impervious coverage for the Borough property, the 78.5% is for Hightstown Borough lot 41. She would also like to discuss the Storm Water drainage. Menlo Engineering will be providing new plans

They are going to have to obtain DEP approval for water and sewer extensions. They also had to look at the wetlands and the report is that there is no impact on the wetlands. It is shown on the site plan.

Mr. Pratt commented on the parking usage during the day but his concern is for the evening when the offices are closed then those spaces would be utilized by the diner patrons and it would become a problem for the flow of traffic. He has suggested that maybe a three ft. fence be put up between the diner and offices to prevent people from walking over the grass and in front of incoming traffic off of Route 130. This issue was brought up at the East Windsor meeting, but they purposely did not provide any type of access across due to the nature of people coming in and out of the location. There is naturally a 3-4 ft. elevation drop from that part of the field down to the Americana and there would be a double

row of shrubs. Mr. Pratt's concern is that this is exactly like the Railroad Ave. parking lot and that doesn't prevent people from walking through the shrubs to cross the main lot area.

Mr. Rosensweig commented on the clarification of the notice. He would like the applicant to re-notice the next meeting to state that this is a use variance requesting parking in an R-3 zone.

Mr. Moraitis asked if the any members of the Katsifis family owns any property on Oak Lane. The Katsifis family own 157 and 167 Oak Lane. The question was asked more for the professionals. His concern is that there is a possibility in the future that one of the houses could be demolished to provide an access road to the Americana Diner. It would have a tremendous impact on the neighborhood. If this was ever a consideration, it would have to come back before the Planning Board for approval.

Mr. Rosensweig stated that they would have to re-notice if a walkway is a consideration between Oak Lane and the Americana property. The Planning Board would like the resolution from East Windsor and distribute it to all the Planning Board members. Mr. Lee asked for a revised plan to show all the changes that have been made. It is to include the line of site for all areas in relation to the houses on Oak Lane. She would also like to see a buffer between the residential and commercial properties. Also to be included is the changes made for the enclosure of the dumpsters.

Mr. Montferrat made a motion for Application 2011-05 - Americana Hospitality Group to be continued at the October 11, 2011 Planning Board meeting. They must re-notice for the use variance for parking on Block 7 Lot 41. Mr. Searing seconded. All approved.

#### COMMITTEE AND PROFESSIONAL REPORTS

Mr. Hahn and Ms. McGinty rejoined the Board.

Mr. Rosensweig stated that just 2.5% non-residential fee has been placed on moratorium but that the towns have the right to still collect their own developer fees. The state has put their collection on hold for a couple of years. There is no change yet with COAH, many of the people are moving over to other agencies, especially DCA. The state plan people are claiming that they are going to have a revised plan in place by October of this year.

Ms. Roberts gave an update on Capital projects: the advertising for bids for the Summit Street Sidewalk that has been funded through the Safe Route to School Grant. The sidewalks will run from Stockton to the Greenway but not always on both sides of the road. There will be some field adjustments as the project progresses. The sidewalks are only to address the Grammar age students. The amount of the grant is \$147,000. None of the Sycamores will be touched on Stockton. Her office never removes any trees without the input from Shade Tree Commission and they work on a tree by tree basis with David Zaiser.

The other project is the Milling and Paving program for Mechanic St, Chamberland St, Purdy St, Reed St, Wilson Ave, Rev. Wm. Powell Rd. The entire neighborhood roads are to have the milling and overlay, handicap ramps and drainage improvements on Rev. Wm. Powell plus, hopefully with these additions, curbs on Reed St., moving a hydrant on the end of Reed St. to the opposite side. Adding an under drain on Mechanic St where there are many sump pump discharges. The grant is for \$290,000 but she estimates that the total is \$380,000 to do the whole thing. Because the construction rates are so low, many of these additions are being added as alternates to the bid. The hope is that all the above improvements can be done within the grant amount because of the competitive pricing of construction. Mr. Misiura asked if there were any measures for traffic calming control. Ms. Roberts talked about a few things that have been done in the past that had been initiated by the Council but it doesn't make sense for some streets because then drivers would just go around another way to avoid them. On Mercer Street they are in the process of working on all the side roads so that by tomorrow night they can come through and start paving Mercer. Borough Council just authorized a new DOT grant applications for improvements to Grape Run Road and Pershing Ave., hopefully to be done sometime next year.

Mr. Misiura - the subcommittee for Minute Maid hasn't met and they are trying to have a meeting sometime by the end of September.

Mr Hahn would like to seek amendments to the plan for the Mill property.

HPC has no updates.

GHEWIP hasn't given any report yet.

Mr. Montferrat made a motion to adjourn the meeting at 10:20 PM. Ms. Laudenberger seconded. All approved.

Respectfully submitted,

Susan D. Jackson,  
Planning Board Secretary  
Hightstown Borough