

Hightstown Planning Board
 Regular Meeting
 December 14, 2015, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, called the meeting to order at 7:35 p.m. and read the Open Public Meetings Act statement: "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 sent to the Trenton Times and the Windsor-Hights Herald, and is posted in the Borough Clerk's office."

Flag Salute

Roll Call

	PRESENT	ABSENT	LATE ARRIVAL
Mr. Lane	✓		
Mr. Montferrat	✓		
Mr. Stults		✓	
Mr. Hansen	✓		
Mr. Mulleavey	✓		
Mr. Searing	✓		
Mayor Quattrone		✓	
Mr. Musing	✓		
Ms. Colavecchio	✓		
Mr. Balcewicz, Alt. #1	✓		
Mr. Honsel	✓		

Also in attendance: Sandy Belan, Planning Board Secretary, Tamara Lee, Borough Planner and Carmela Roberts, Borough Engineer. Neil Yoskin, Attorney, Sokol Behot, LLP was also present.

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the agenda. Mr. Lane made a motion to approve the agenda. Mr. Searing seconded.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Musing, Mr. Hansen, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Balcewicz and Mr. Honsel voted yes. Mr. Stults and Mayor Quattrone were absent. **Motion passed 9-0.**

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the minutes of the November 9, 2015 Regular Meeting. Mr. Montferrat asked for a motion to approve Regular Meeting Minutes. Mr. Lane made a motion to approve the minutes. Mr. Mulleavey seconded.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Musing, Mr. Hansen, Mr. Searing, Mr. Mulleavey and Mr. Honsel voted yes. Ms. Colavecchio and Mr. Balcewicz abstained. Mr. Stults and Mayor Quattrone were absent. **Motion passed 7-0, 2 abstentions**

Mr. Montferrat asked if there were any corrections or comments on the minutes of the November 9, 2015 Executive session. Mr. Montferrat asked for a motion to approve Executive Session minutes. Mr. Lane made a motion to approve the minutes. Mr. Mulleavey seconded.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Musing, Mr. Hansen, Mr. Searing, Mr. Mulleavey and Mr. Honsel voted yes. Ms. Colavecchio and Mr. Balcewicz abstained. Mr. Stults and Mayor Quattrone were absent. **Motion passed 7-0, 2 abstentions.**

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

Walter Sikorski, 326 North Main St. – Voiced his opposition to the proposed revision of the Historic Preservation Ordinance. His objections are three fold: (1) object to any mandatory restrictions on my property, needing permission to make changes outside the normal permitted inspections; (2) may need to reduce my living and sell my property, disadvantage should these revisions go through because a prospective buyer due to these restrictions; (3) The process used to get this proposal from the Planning Board. Few residents are aware of this proposed change. The implications for property owners are pretty serious. The Planning Board should carefully consider any proposed changes.

There being no further public comment, Chairman Montferrat closed the public comment.

PUBLIC HEARING - Proposed Hightstown Borough Master Plan Amendment Visioning for Downtown and Lakeside Improvements

Ms. Lee – The purpose of this hearing is to advise the public that the Planning Board is considering amending the Master Plan. Ms. Lee reviewed the amendment process: 1) complete rewrite of the plan; 2) reexamination report – which the Board is required to do at least every ten years, the last reexamination was 2014; 3) Master Plan amendments are more focused on a single policy.

Ms. Lee reviewed the contents of the proposed Master Plan Amendment Visioning for the Downtown and Lakeside Improvements (attachment).

Several of these proposed ideas are actually in the Master Plan dating back to 1998. The original Master Plan calls for rezoning the downtown to encourage uses that generate more foot traffic (reestablishing pedestrian priorities). The current visioning plan takes the idea of reestablishing pedestrian priorities further and creates a design where pedestrians can literally take over vehicular spaces – close off vehicular spaces and use them solely for pedestrians. If it is going to be more successful, it has to be designed for pedestrians first.

Other ideas that came out of the visioning and also have roots in the 1998 Master Plan:

- Form based zoning/performance based zoning

- Streetscape enhancements

- Use of building facades to help define streetscapes – buildings with awnings, shutters and wall mounted lanterns. The Visioning Plan takes it one step further with the use of

balconies and planter boxes to soften the building facades and make them more pedestrian friendly.

The Planning Board has looked at the Visioning Study and it clearly seems to be an outgrowth from the Master Plan and incorporates a lot of the policies and ideas that are already in the Master Plan but it takes them one step further. The Visioning Study developed a picture of how we can move forward to reinvigorate the downtown in a way that will help make Hightstown more of a destination.

Chairman Montferrat reviewed the background of the Visioning Study. The study was initiated by Downtown Hightstown, similar to a chamber of commerce. They generated the study through a planner, Looney Ricks Kiss. Several shareholder meetings were held with the local businesses, community meetings over a two day period and Joint Borough Council and Planning Board meeting held September 30. The process was open to all residents.

PUBLIC COMMENT:

Mr. Yoskin, attorney, noted that anyone wishing to speak must be sworn in. Those residents wishing to testify were subsequently sworn in.

George Wickers, 201 Franklin St. – Expressed concerns regarding the environmental impact on the lake. We have enough places to eat and businesses in the town. Why do we need to exploit our lake front?

Steve Csik, 106 Clinton St. – Expressed concern regarding the environmental impact on the lake and the surrounding area. I have lived there for 45 years. We have enjoyed the lake for years and to clutter it up with buildings would be horrendous.

Gene Sarafin, 628 S Main St. – I've seen the evolution of the town. I don't have any objections to the Vision, but I find this vision to be a bit of an oxymoron. If you want to be a small suburban town, I think you should rethink this.

Joann Jackson, 149 N Academy St. – I understand that change can cause anxiety and fear. Public concerns over the unknown and personal property rights. Perhaps these changes don't have to be as extreme, but change will be good and help our property values. Change is inevitable and can be positive as long as there is transparency.

Tiffany Wickers, 201 Franklin St. – Expressed concern regarding over development of the lake front property. Enjoy the "home town" appeal. Does not think this is the best idea for our town or for my children.

Ted Span, 200 Franklin St. – Thanked the Planning Board for going through this process. Question – the proposed amendment is rather vague and written with a broad brush. Is the Planning Board's intention to consider all of these proposals in the Vision Plan? Are all these things possible?

Ms. Lee, Planner – If approved, the Planning Board is saying is that they want to endorse these recommendations. There are several different concepts, and no one concept is being endorsed at this time. These plans are conceptual and definitely can change.

Mr. Span – Expressed his opposition to multi-level story buildings on the lake front. Additional concerns about property taxes, parking and the overall proposed plan.

Kristine Roswick, 119 Cole Ave. – Resident previously lived in Columbia, Maryland which is one of the first "planned communities." They have extensive architectural covenants that restrict how each subdivision is stylized. It is really difficult and expensive to enforce them, and they don't work very well. The lake is a vital natural resource. It was suggested that a committee research and get input from the residents.

Ryan Rosenberg, 135 South St. – Approving this amendment is the first step in the process. This is very positive step. Once the proposed concepts are presented, residents will have the opportunity to review.

Steve Misiura, 352 S. Main St. – We are at the very beginning of this process. This is one of the most open processes and the most community involvement for any amendment for the Master Plan. This amendment lays out a vision and some restrictions. This is basically adopting a concept into the Master Plan.

Bob Von Riegen, 18 Etra Rd. – Expressed his support for the proposed amendment; change is needed, and this will help our property values and stabilize our taxes and bring people to the area.

Gene Sarafin, 628 S. Main St. – Reiterated his concerns about this proposed amendment.

Steve Csik, 106 Clinton St. – Expressed concern about the “destination” concept.

Kristine Roswick, 119 Cole St. – Feel that more information and data is needed before we can progress.

Brent Rivenburgh, 26 Meadow Dr. – Chairman of Downtown Hightstown – The proposed Vision Plan is a guideline for what Hightstown could potentially become. Hopefully this will be a start for positive changes in Hightstown.

Kevin Cumings, 147 Franklin St. – Expressed concern that the lake front property was too small for such a development. Thought the property across the street would be much more suitable for development with more ratable.

Chairman Montferrat thanked the public for their comments. He noted that the downtown businesses initiated the study to enhance the downtown area. These are the guidelines for any proposed development.

Ms. Lee – Many of the residents have expressed their concerns regarding the lake. This plan proposes to capitalize on the lake not exploit it. I have worked on a couple of projects with the Federal Wild and Scenic Rivers Program. If there are businesses depending on the beauty of the lake, that resource will be preserved and maintained.

Mr. Mulleavey – Appreciate the comments and the open dialogue. This is just the beginning of the discussions. This will be a very open and transparent process. We want to protect ourselves.

Mr. Musing – Thanked everyone from the public for their comments and concerns. Hightstown is a wonderful place to live. It also has a lot of opportunity to develop. Hightstown is in a perfect location – equidistance from New York City, Philadelphia and the shore. We also have a lake which is a natural asset. If we can develop it the right way and in the process increase property values, that is positive. There are so many possible ways this could be done. This is the first step in the process.

Mr. Montferrat asked for a motion to adopt the proposed Amendment to the Master Plan, Visioning for Downtown and Lakeside Improvements.

Motion made by Mr. Musing and seconded by Mr. Lane.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Musing, Mr. Hansen, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Balcewicz and Mr. Honsel voted yes. Mr. Stults and Mayor Quattrone were absent. **Motion passed 9-0.**

OLD BUSINESS:

- 1) Historic Preservation Commission Ordinance – Proposed Revisions –Ms. Lee – After the November meeting I met with legal counsel, Neil Yoskin to review the ordinance.

Subsequently, Rick Pratt asked to meet. On December 11th, Ms. Lee, Mr. Montferrat, George Chin and Rick Pratt met with a representative from the SHIPO. Discussed the pros and cons of different types of ordinances as well as the proposed ordinance. We have an existing ordinance and HPC tried to improve the ordinance. Rather than trying to improve the existing ordinance, it might be better to reach a consensus of what the Historic Preservation Ordinance should do rather than trying to make changes to the current one. It was suggested that the Planning Board hold a workshop to discuss the pros and cons of the Historic Preservation Ordinance. A representative from the state and the Borough Council should also attend.

Master Plan currently states that the historic character of the Borough is important. Reaffirm that the Planning Board still believes that the historic character is important. If so, the next step would be the workshop and decide how it should be managed.

Mr. Musing – Requested legal counsel’s advice – I am a planning board member and I also reside in the Historic District. Is there any conflict of interest regarding this matter? Discussion
Ms. Lee – As a Planning Board member, your primary responsibility is to carry out the Master Plan.
Mr. Yoskin – Every member of the Planning Board resides in the town, when you review the reexamination report each one of you lives in a district that may be subject to reexamination. No action is being taken, therefore, Mr. Musing may vote. Council suggested that the Board take a fresh look at the Historic Preservation Commission ordinance. Mr. Yoskin reviewed the importance of the Master Plan to variances.

Chairman Montferrat requested the Board reaffirm that downtown Hightstown should maintain its historic character as stated in the Master Plan.

Mr. Musing – the more information and education we have the better informed decisions we can make.

The Board will hold a (2 hour) workshop – introduction to historic preservation ordinance – what can and cannot be done. We will try to schedule something in January – date and time to be determined. Will SHIPO representatives will also attend. It would be a dedicated meeting.

Historic Preservation Ordinance was tabled. A workshop will be held to discuss the pros and cons.

PUBLIC COMMENT:

Walter Sikorski, 326 N. Main St. – Question – How historic do you want to be? How do you define what is historic? Thought the workshop was an excellent idea.

There being no further comments, Chairman Montferrat closed the public comment portion of the meeting.

- 2) Hightstown Downtown Design Standards Manual – A copy of the revised first 18 pages of the proposed Design Manual were previously distributed to Planning Board. The Board discussed the proposed changes.

Mr. Musing – This has been on the table for the past eight months. Previously reviewed by a subcommittee, but I do not see any of these changes reflected in the current document. I would have liked the Planning Board to see those changes and the work that was done.

Ms. Lee – The original document that came to the Subcommittee seemed too severe and too onerous. Subcommittee developed a direction whereby it wanted to Planning Board to be the lead agency and, it wanted applications that came before the Board to be reviewed when necessary either by the HPC or ARC as determined by the Planning Board. Changes were made to the original document to revise the process. This document went through numerous reviews. The final changes seemed to water down the document and would have less effect on the original document that came to the Planning Board.

Mr. Musing questioned why the subcommittee's comments were not included for the Planning Board to review and discuss.

Ms. Lee – Yes, but we did not think that was the direction that the subcommittee was going.

Mr. Musing – Their comments should have been forwarded to the entire Planning Board. Why have a subcommittee?

Ms. Lee – I was not aware that those changes were from the entire subcommittee.

Chairman Montferrat – the original document has been modified. The document from the original form has dramatically changed. The subcommittee suggested some word changes, did not think the specific changes were significant.

Ms. Lee - In this proposed document, the Planning Board is the arbitrator.

Ms. Lee – If the Planning Board does not have any authority to direct applicants with respect to designs, it becomes more of an illustrative guideline in which you can choose if you want to. If we want to influence design and are committed to the character of the town, then the Planning Board has to have a minimum amount of authority to impose these design standards.

Mr. Musing – The process in my opinion, it goes to a subcommittee, the subcommittee makes recommendations and then goes to the whole Planning Board for review.

Mr. Yoskin – From a legal prospective, anyone who comes to the town to do anything, has a right to look at the four corners of the Zoning Ordinance and nothing more. This Design Manual would be Guidelines which the Board would like applicants to adhere to, if not, they would have to explain their reason for not adhering to these guidelines. If you wanted to make these guidelines enforceable, it would have to be done through ordinance. You cannot adopt these guidelines as enforceable standards because they are not in the Land Use Ordinance.

Chairman Montferrat asked for a motion to endorse the proposed “Downtown Hightstown Design Manual, Guidelines for the Downtown Core and Downtown Gateway Zones.”

Motion made by Mr. Honsel and seconded by Mr. Hansen.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Hansen, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Balcewicz and Mr. Honsel voted yes. Mr. Musing voted no. Mr. Stults and Mayor Quattrone were absent. **Motion passed 8-1.**

3) Zoning: Signage in the Highway Commercial Zone – Bill Searing reviewed the proposed changes. Discussion - need to review the sign ordinance for all zones. Tabled to January meeting.

4) Portable A-Frame Signs – Tabled to January meeting. A copy of George Chin's recommendations will be emailed to the Board.

NEW BUSINESS

1) Planning Board information packet posted on website – Currently only the agenda and minutes are posted on the website. In order to provide continued transparency, it was suggested that pertinent resolutions and ordinances also be posted on the website.

Mr. Yoskin - Municipal Land Use Law only requires newspaper notices. Council recommended that all notices in the newspaper should also be posted on the website. It enhances transparency if the resolutions are also on the website.

Motion made by Mr. Mulleavey and seconded by Mr. Searing to include any pertinent resolutions and ordinances along with the Planning Board agenda posted on the Borough website. Unanimous consent.

PROFESSIONAL REPORTS

Ms. Roberts – Maxwell Avenue going well. Upcoming projects: Stockton St. sidewalks and pedestrian bridge.

EXECUTIVE SESSION

Chairman Montferrat read the Resolution 2015-14 Executive Session.

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC BE IT RESOLVED by the Planning Board of the Borough of Hightstown that this body will hold a meeting on DECEMBER 14, 2015 at or after 7:30 p.m. in the First Aid Building located at 168 Bank Street, Hightstown that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject to be discussed:

Anticipated Litigation regarding Borough of Hightstown's
Council on Affordable Housing (COAH) Plan and any court matters
Professional Services

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public March 14, 2016 or such date when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Mr. Montferrat asked for a motion to go into Executive Session. Motion made by Mr. Mulleavey and seconded by Mr. Lane.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mr. Musing, Mr. Searing, Mr. Mulleavey, Ms. Colavecchio, Mr. Balcewicz voted yes. Mr. Hansen and Mr. Honsel left prior to Executive Session. Mr. Stults and Mayor Quattrone were absent. **Motion passed 7-0.**

Planning Board closed Executive Session and returned to Regular Meeting.

Planning Board Planner – received one response to the Request for Proposal, Tamara L. Lee, Professional Planner. Planning Board recommends the appointment of Tamara L. Lee as the Planning Board Planner for 2016. Unanimous consent.

CHAIRMAN AND BOARD MEMBER COMMENTS

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Searing and seconded by Mr. Lane. Unanimous consent. Meeting adjourned at 10:30 p.m.

Respectfully submitted,



Sandra Belan
Planning Board Secretary