

Hightstown Planning Board
 Regular Meeting
 April 13, 2015
 7:30 pm

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| OPEN SESSION |
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Fred Montferrat called the meeting to order at 7:33 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 |
|-------------------------------|---------|--------|--------------|
| <i>Mr. Lane</i> | ✓ | | |
| <i>Mr. Montferrat</i> | ✓ | | |
| <i>Mr. Stults</i> | ✓ | | |
| <i>Mr. Hansen</i> | | ✓ | |
| <i>Mr. Mulleavey</i> | | ✓ | |
| <i>Mr. Searing</i> | | ✓ | |
| <i>Mayor Quattrone</i> | ✓ | | |
| <i>Mr. Musing</i> | ✓ | | |
| <i>Ms. Colavecchio</i> | ✓ | | |
| <i>Mr. Balcewicz, Alt. #1</i> | ✓ | | |
| <i>Mr. Honsel</i> | ✓ | | |

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

APPROVAL OF AGENDA

Mr. Montferrat asked for a motion to approve the agenda. Mr. Lane made a motion to approve the agenda. Mr. Stults seconded. Mr. Montferrat asked for a roll call vote to approve the agenda.

Roll Call Vote: Mr. Montferrat, Mayor Quattrone, Mr. Lane, Mr. Stults, Mr. Musing, Ms. Colavecchio, Mr. Balcewicz and Mr. Honsel voted yes. Mr. Hansen, Mr. Mulleavey and Mr. Searing were absent. **Motion passed 8-0.**

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the minutes of the March 9, 2015 Regular meeting. Seeing none, Mr. Montferrat asked for a motion to approve. Mr. Balcewicz made a motion to approve the minutes. Mr. Musing seconded.

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

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments regarding anything that is not on the agenda.

Seeing no comments, Mr. Montferrat closed the public comment portion of the meeting.

HEARING

Teckno Properties LLC, Application #2014-03, Block 47, Lots 5 & 6, 314 Second Avenue, Hightstown, NJ – Application for Minor Subdivision Approval.

Attorney for the applicant, Steve Gouin, Esq., Giordano, Halleran & Ciesla, 125 Half Mile Road, Suite 300, Red Bank, NJ, and Engineer Sharif Aly, PE, Amertech Engineering, 757 Ridgewood Avenue, North Brunswick, NJ will give testimony.

Mr. Rosensweig inquired if the applicant's planner would be testifying. Mr. Gouin responded that there was no planner. Since there is no planner to testify at this time, and Ms. Lee has posed several questions in her letter, we need a record in the event there is an appeal. Need a planner to address the issue of the variances. Mr. Rosensweig suggested that the Board could hear testimony from the engineer and continue the hearing until the next meeting when a planner is present. There is no witness to give testimony. You could skip over the variances for C1 and C2 which both require proofs. Testimony is required for the proof. Applicant requested a few minutes to confirm with his client. After discussion with client, it was determined that the Mr. Ely is also a licensed planner in the State of New Jersey.

Applicant exhibit – Plan Minor Subdivision Tax Map Lots 5 & 6, Block 47, Borough of Hightstown, Mercer County, New Jersey,” prepared by Amertech Engineering, Inc., dated October 17, 2014, as revised on March 15, 2015.

Mr. Gouin provided an overview: The property is located within the Borough's R-4 Residential Zone and consists of approximately .32 acres (13,965 sq. ft.). The property consists of two tax lots which are believed to have merged by virtue of being in common

ownership. The applicant proposes to subdivide the two tax lots Block 47, lots 5 and 6 to allow for the future construction of one new residential dwelling. Lot 5 contains a 1-1/2 story dwelling, patio and walkway. Lot 6 is unimproved except for an asphalt parking area which is proposed to be removed. Both lots have frontage on Second Avenue. The proposed subdivision will create two lots of varying dimensions and areas. Proposed Lot 5 will contain the existing structure and proposed Lot 6 will be utilized to construct a new two-story residential dwelling. The proposed subdivision will require three bulk variances. Variances are required for lot area for both proposed Lot 5 and Lot 6, and a variance for lot width is required for Lot 6 see table below:

| Bulk Requirements | Required | Proposed Lot 5 | Proposed Lot 6 |
|-------------------|----------|----------------|----------------|
| Minimum Lot Area | 7,500 SF | 6,042.47 SF * | 6,923.79 SF * |
| Minimum Lot Width | 50 FT | 50.00 FT | 49.84 FT* |

*Indicates Variance Condition Requested

Mr. Rosensweig swore in the expert witness and Borough Professional staff: Sharif Aly, PE, licensed engineer and planner, Amertech Engineering, 757 Ridgewood Ave., North Brunswick, NJ, and Borough Professionals Carmela Roberts and Tamara Lee.

Mr. Aly - I graduated in 1985 and have thirty years of experience as both a professional engineer and planner in the State of New Jersey. Engineering experience includes minor and major subdivisions. I have testified numerous times on bulk variances. I have given testimony in North and South Brunswick, Monroe, Middletown, East Windsor, Middlesex, Monmouth, Mercer and Ocean Counties. Accept Mr. Aly's credentials as an expert witness for both engineering and planning.

Mr. Aly offered expert testimony regarding the referenced application. Mr. Aly reviewed the location, size and depth of the two subject lots. The current lot is oversized for the character of the neighborhood. The garage on lot 6 has been demolished. Applicant is proposing two lots that will be similar in character with the current neighborhood. Each lot has its own sewer hookup. Both lots will have driveways which will eliminate any street parking. We are not going outside the current character of the neighborhood.

Majority of the lots within block 47 and 44 are all undersized. The plan we are suggesting is conforming to the current houses within the neighborhood.

Mr. Aly has reviewed both the Engineer's Reviews (dated April 8, 2015 and December 31, 2014) and Planner's Reviews (dated April 8, 2015 and January 4, 2015). Applicant agrees to conform to site plan recommendations by both the Engineer and Planning reviews.

Architectural Review Commission suggested a shared driveway for the two properties and mentioned in the Engineer's review dated 4/8/15 item #4. Shared driveway would require the removal of the only tree as well as sewer, water and gas lines. There will be no basement or attached garage. Both homes will meet all of the setback requirements. From a Planner's perspective a shared driveway would not be in keeping with the neighborhood

Road milling from curb to curb – applicant will make all necessary road repairs.

Mr. Aly - MLUL for grant of C-1 hardship – size of the property - lot size cannot be changed; cannot purchase additional land. Negative criteria – detriment to public good? Mr. Aly no detriment to the public good. No detriment to the Borough's Zone Plan. In my opinion this application meets the criteria for C-1 variance. C-2 positive criteria – benefits out way the detriment? The two lots are more consistent with the neighborhood and eliminates the over sized lot which is out of character. The two lots will be an additional ratable for the Borough. There is no substantial detriment to the Zoning Ordinance. In my opinion this application meets the requirements for C-2 variance.

Planning Board posed some additional questions to the applicant. Applicant will accept the conceptual recommendations of the Architectural Review Committee and will submit full architectural plans for the property. Applicant cannot apply for any permits until architectural plans are received and reviewed the professionals.

Professional's Review – Engineer, Ms. Roberts –Please confirm that there will be no basement. Slab – no sump pump or crawl space?

Mr. Rosensweig swore in Applicant/Homeowner – John Pyonteck, owner Teckno Properties LLC, 136 Mills Road, Monroe Township, NJ. Mr. Pyonteck gave response to Ms. Roberts' question regarding basement/slab/crawl space. The property will contain a three-foot accessible crawl space with French drain installed prior to pouring the concrete.

Ms. Roberts, Borough Engineer Comments: The issue is the discharge of water through the sump pump. I have reviewed earlier drawings when Second Avenue was reconstructed (2003-04). There is an inlet to the east of lot 5 on the same side of the street. I would prefer to see sump pump connected to the existing pipe.

Revise grading in the rear – comment #8.

Mill and pave working areas – You are removing curbing, side walk which will cause holes in the roadway.

Ms. Roberts – The Board could consider a performance bond to assure the work will be completed to the engineer's satisfaction.

Sewer line – questions regarding locations.

Mr. Gouin – We realize that there are some revisions to the plan that was submitted. We will make all the required changes suggested by both the engineer and planner.

Ms. Roberts – I recommend performance guarantees.

Ms. Lee – Borough Planner Comments: Site Plan – concerns regarding the driveway, very close to pedestrians and school in the area, which is a detriment. There is no building façade for the proposed house. The Board should have an opportunity to review the architectural

design. In an undersized lot application, the Planning Board should review at a minimum the house elevations.

Bulk variance – Do not feel that there is valid hardship (C-1) has been made for this application. The Board should consider the benefits of this application relative to the potential detriments (C-2). Benefit – would bring some consistency to the neighborhood and visually the streetscape would be more consistent. Reexamination report states that the borough is too intense, do not want more residential development unnecessarily. Board must decide if the functional intensity of this neighborhood going to be too great to allow development.

PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments regarding the proposed subdivision.

Seeing no comments, Mr. Montferrat closed the public comment portion of the meeting.

Planning Board Discussion:

The Board discussed the positive and negatives concerning this application. Additional concerns regarding the parking in such close proximity to pedestrian walkway and the school. Several members noted that they did not believe the intent of the master plan was to exclude such developments. This project is in keeping with the neighborhood and does not appear to be a detriment.

Applicant seems very willing to make changes that are required by the Board and the Borough's professionals. Suggest that the Architectural Review Committee review the house design.

Mr. Montferrat asked for a motion regarding Application 2014-03, Teckno Properties, 314 Second Street. Mr. Lane moved to approve the application for minor subdivision, 314 Second Street. Motion seconded by Mr. Balcewicz.

Roll Call Vote: Mr. Lane, Mr. Montferrat, Mayor Quattrone, Mr. Stults, Mr. Musing, Ms. Colavecchio, Mr. Balcewicz and Mr. Honsel voted yes. Mr. Hansen, Mr. Mulleavey and Mr. Searing were absent. **Motion passed 8-0.**

A 2-minute recess was taken.

Mr. Monteferrat reopened the meeting at 9:02 p.m.

New Business

COAH/Supreme Court Decision – Ms. Lee has met with the Mayor, Mr. Underhill and the Borough Council on the status of COAH. The Supreme Court has transferred the responsibility for certifying municipalities from COAH to the trial courts. After June 8th towns will have 30 days to submit filings to the Court, explaining why they should be certified as required by the Fair Housing Act. Hightstown's last Affordable Housing Plan

was submitted for expedited review with a revised Spending Plan in July, 2012. We did not revise the Housing Element and Fair Share Plan with that submission. The last complete submission was made in 2008; it included a Housing Element, Fair Share Plan and a Spending Plan.

Ms. Lee proposed that the Borough prepare an updated Housing Plan incorporating both the 2012 Spending Plan and the 2008 Housing Element and Fair Share Plan. The plan will be revised to include 2010 census data since the last plan was based on the 2000 census. Using current, data the Borough will demonstrate that Hightstown is not a community that uses zoning to discriminate against low and moderate income households, therefore Hightstown need not be subject to the remedies of the Fair Housing Act. We will also propose reasonable efforts to provide opportunities for certified affordable housing.

Development fees – new residential 1.5% of assessed value; house in commercial zone 6%. This will help to build up housing funds to pay for rehabilitation and affordable housing.

The Fair Housing element has been updated, working on the Fair Share Plan which will outline how we accommodate affordable housing and plan for it. The last part is how we spend the money or generate funds. The Borough is being proactive in preparing this plan.

Plan will be presented to the Planning Board in May for their review and final approval in June. The final plan must be submitted by July 8, 2015.

Mayor Quattrone – One of our arguments is that the Borough has never zoned against affordable housing. We do not want to hinder any development. Good development is essential to a beautiful community. One of our arguments is that we are an affordable community.

Old Business

1. Chapter 29 “SIGNS” – yard sale signs and portable and commercial signs – The Subcommittee (Joe Balcewicz, Dimitri Musing and Bill Searing) reviewed the proposed changes to the Sign Ordinance, Section F.

Proposed changes: change from 48 hours prior to sale to 24 hours; sign should include address of the sale; remove “and no off premises signs are permitted. Add the following: “No yard or garage sale shall take place for more than three (3) consecutive days, and sales taking place on consecutive days shall be treated as a single sales event. One (1) off premise sign shall be permitted to be placed on the Borough’s right-of-way. In the event the resident of the property in front of which the sign is placed objects to its placement, the sign shall be removed by the person placing the sign or by property owner.”

Suggested the information be included in periodic newsletter to residents, website and article in Windsor Heights Herald. How will this be enforced? How will you know if someone has more than four in a calendar year?

Planning Board endorses the proposed draft Ordinance for Chapter 29 signs, item F.

2. Chapter 28 – Business in Residential District – Mr. Balcewicz reviewed the Zoning Officer’s proposed changes to the ordinance. Planning Board suggested that the ordinance be more stringent. Include specific businesses that would be permitted.

Discussion of mechanic work in driveway and garages. The environmental impact due to this is more important – quality of life.

Ms. Lee suggested the following:

Home based occupations shall be subject to the following conditions:

- a. A business ~~They are~~ carried on entirely within a dwelling ~~or an accessory structure~~ and solely by the inhabitants thereof.
- b. The use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the character thereof ~~nor constitute more than one (1) floor of the principal building.~~
- c. As examples, the following business shall not be considered ...MORE SPECIFIC
- d. No more than one commercial vehicle (a vehicle either with the name of the business displayed, permanently or temporarily, on it or with commercial plates) may be parked on the property where the home-based occupation takes place.
- e. No vehicles weighing in excess of 8,500 pound GVW shall be parked on the property where the home-based occupation takes place.

The Subcommittee will make some additional revisions and will be discussed at the May Planning Board meeting.

3. Gazebo – The Zoning Officer has received several requests from residents to install gazebos. This could be added to the list of accessory structures. Permit would be required. Will propose a change to the zoning ordinance for review at the May meeting.
4. A-Frame Portable Signs – will be discussed at the May meeting.
5. Commercial Property Signs – Zoning Officer requesting Section 29-18 be amended to provide a sign and height requirement for real estate signs in those zones.
6. Grand Opening Signs – Mayor suggested that the time frame permitted for grand opening signs be extended. Will discuss at May meeting.
7. Letter from Bill Schmeling regarding the dentist office on South Main Street was distributed prior to the meeting. Copies of the previous resolutions will be provided to the Board. Next step is for the Zoning Officer to decide if they are in violation of their resolutions. Planning Board has no jurisdiction until there is an appeal.

8. Downtown Hightstown Design Manual – subcommittee met and Ms. Lee has made changes which are being reviewed by the subcommittee, which will then come to the Planning Board for review.

Committee and Professional Reports - none

Chairman and Board Member Comments:

Mayor Quattrone thanked everyone on a job well done.

Mr. Stults – Councilmember Monteferrat is working with the community to have a Latino Heritage Fair this summer. He is working with schools and professionals. Discussed possible ways to emphasize the rental and overcrowding concerns – public service/safety announcements.

Mr. Rosensweig suggested a display should show what **NOT** to do – door locks, large number of beds everywhere, rooms divided, etc. Show the dangers and explain our concerns and dangers. Fire and police available to talk to the community about these issues.

Mayor Quattrone – In many cases the renter’s do not know their rights and they are afraid to say anything.

There being no further business Mr. Montferrat asked for a motion to adjourn. Mr. Lane moved to adjourn. Mayor Quattrone seconded. All ayes. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Sandy Belan
Planning Board Secretary