

Hightstown Planning Board  
Regular Meeting  
November 9, 2015, 7:30 p.m.

OPEN SESSION

Fred Montferrat, Chairman, 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
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. Scott Rekant, Attorney, Sokol Behot, LLP was also present.

APPROVAL OF AGENDA

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

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

**Motion passed 8-0.**

APPROVAL OF MINUTES

Mr. Montferrat asked if there were any corrections or comments on the minutes of the September 30, 2015 Joint Council & Planning Board Special Meeting. Mr. Montferrat asked for a motion to approve minutes. Mayor Quattrone made a motion to approve the minutes. Mr. Lane seconded.

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

Mr. Montferrat asked if there were any corrections or comments on the minutes of the October 13, 2015 Regular Meeting. Mr. Montferrat asked for a motion to approve Regular Meeting Minutes. Mr. Mulleavey made a motion to approve the minutes. Mr. Lane seconded.

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

Mr. Montferrat asked if there were any corrections or comments on the minutes of the October 13, 2015 Executive session. Mr. Montferrat asked for a motion to approve Executive Session minutes. Mr. Mulleavey made a motion to approve the minutes. Mr. Lane seconded.

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

#### PUBLIC COMMENT

Mr. Montferrat opened the floor for any public comments.

Walter Sikorski, 326 North Main St. – Mr. Sikorski expressed his concern regarding the proposed revisions to the Historic Preservation Commission Ordinance: I believe that I was part of the process that helped create the original ordinance many years ago. However, the safeguards that were written into the ordinance for the individual property owners are disregarded and trampled in this current proposal. I have no problem with an individual property owner submitting his property to be included as historic. I do have a problem when someone (HPC or a group of my neighbors) can petition and ask that my property be placed on the Historic Preservation list without my approval. A lot of the goals and objectives are beautiful. However, it is the means that are used to achieve these which poses the problem. The attempt to usurp property rights by committee is well intended, but I think it is wrong. Mr. Sikorski asked if all the potential parties whose property may be considered for designation have been notified. This approach sounds like beautiful words but takes away the property rights of the individual. In this case, I do not think that the end justifies the means. Quote Article V of the U.S. Constitution: "...nor shall the individual be deprived of life, liberty or property without the due process of the law. Nor shall private property be taken for public use without just compensation." We are aware of eminent domain, which is part of the process. This designation leaves me very disappointed and I hope the Board will carefully think before they proceed.

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

#### OLD BUSINESS

- 1) Historic Preservation Commission Ordinance – Proposed revisions – Ms. Lee reviewed her proposed edits. There are essentially two classification of changes proposed to the existing ordinance:

- Current ordinance is dated – (1) these changes are somewhat minor – update terminology example (HPC Opinion it is now called Certificate of Appropriateness; new wording added for clarification and updating. (2) clarifies what the process is and when a project should be reviewed by HPC. This ordinance clarifies what the process is and when a project should be reviewed.
- Mr. Rekant, Board Attorney – The ambiguity in the current wording 2-45.5 (A) “when required.”
- Revised wording “A Certificate of Appropriateness shall be required before any work is commenced that affects the exterior or structural integrity of any Historic Landmark or resource within any Historic District, whether or not a zoning or building permit is required for such work, including but not limited to the following:
  - (1) Demolition of any building, structure, site, object or improvement.
  - (2) Relocation of a principal or accessory building, structure, site, object or improvement.
  - (3) Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.

A Certificate of Appropriateness is not required for interior, paint changes or ordinary maintenance.

- Ms. Lee – It tries to insure that whenever there is exterior work done in the historic district, it should be reviewed by the HPC. When the HPC issues a Certificate of Appropriateness, that Certificate of Appropriateness is a set of recommendations.
- Mr. Mulleavey – is there a specific definition of what is considered “ordinary maintenance?” Definition – “ordinary maintenance and repair – shall mean the repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with quality in-kind materials and workmanship.”
- Ms. Lee the ordinance should be written so that both lay people and construction officials know exactly what to anticipate. Building code officials should know to recognize what is considered “ordinary maintenance.” Ms. Lee noted that the attorney has not yet reviewed this document.
- Mr. Montferrat - We need to work with the current and future homeowners. We are establishing this for future homeowners to realize the benefits of purchasing a home in the Historic District. The goal is to maintain the historic element in the Borough.
- Ms. Lee – there are several ways we can handle this. Grandfather current homeowners or delay when certain provisions of this ordinance take effect. This ordinance only mandates that homeowners talk to the HPC for a Certificate of Appropriateness. When we did the reexamination report we said that the Borough wanted to embrace the historic character, and expect it will contribute to the economic redevelopment of Hightstown. The reexamination report also states that the Historic Preservation Commission should have more responsibility. This ordinance takes a step toward this, clarifies the process and will get more people in front of HPC so they have more influence.
- Mr. Hansen – Review George Chin’s comments regarding property rights of homeowners (2-45.4 Designation of Historic Landmarks and Historic Districts) – this needs to be addressed – more refined language.
- Mr. Musing – we are also in the process of establishing design guidelines which will be beneficial to property owners in the downtown area.
- Ms. Lee – The design manual will be helpful to developers, homeowners, businesses and realtors. The performance based zoning will also contain illustrations which will be an additional source of information. This ordinance implements your Master Plan.

- Mayor Quattrone – how do we get the homeowners in the historic district to read this and understand it?
  - Ms. Lee – most towns develop a brochure or a document which gives an overview of the contents of the ordinance. Mr. Montferrat asked Board members to review the ordinance prior to the December meeting. Ms. Lee will review professional and legal comments and incorporate them.
- 2) Hightstown Downtown Design Standards Manual - Ms. Lee will finalize the first section and send to the Board Secretary for distribution and discussion at the December meeting.
  - 3) Zoning – Signage in the Highway Commercial Zone – the subcommittee met with George Chin, Zoning Officer. George Chin will finalize the format for the Planning Board’s review.
  - 4) Portable A-Frame Signs – Mr. Stults has been working with George Chin on this and George will finalize for the Planning Board’s review. The information will be consolidated and the document will be sent to the Planning Board for their review and discussion at the December meeting.

#### NEW BUSINESS:

Mr. Montferrat informed the Board that Councilman Lee Stults will no longer be the liaison to the Planning Board due to numerous commitments. Mayor Quattrone will appoint a new council liaison for the Planning Board.

- 1) Amendment to Master Plan – Downtown and Lakeside Vision Plan – Ms. Lee reviewed the proposed amendment. The amendment incorporates the concepts of the proposed Lakeside Vision Plan into the Master Plan and states that zoning should be put in place to move in that direction. The Board requested adding the page number from the Reexamination Report regarding streetscape vocabulary.

Mr. Montferrat asked for a motion to hold a public hearing regarding the Proposed Hightstown Borough Master Plan Amendment Visioning for Downtown and Lakeside Improvements as amended. Motion made by Mr. Lane and seconded by Mr. Musing. Unanimous consent.

- 2) Professional Services – To be discussed during the end of the meeting in Executive Session.

#### EXECUTIVE SESSION:

Chairman Montferrat read the Resolution 2015-13 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 NOVEMBER 9, 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



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 February 9, 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. Hansen to move into Executive Session. Unanimous consent.

Planning Board closed Executive Session and return to Regular Meeting.

#### COMMITTEE AND PROFESSIONAL REPORTS

Ms. Roberts reviewed capital projects:

- Etra Road curbing and sidewalk has been completed and the county is very pleased. The remainder of Etra Road completed next spring. County will also do the driveways at Meadow Lakes.
- Enchantment project moving along – paving will begin next week.
- Stockton and Joseph Streets Safe Routes to School Project will be designed by another engineer. DOT has a new program for this grant in which they will provide an engineering firm (one of their approved contractors) to do the work, cost to be paid by the Borough. The preliminary work and surveys will be provided to the new contractor. This project and the bridge are both federally funded. Federal funded projects now come with an either/or from the federal government: if you design it you can't inspect it and vice versa. We have designed the bridge project. The Borough will prepare RFP for construction. On Stockton Street since we are not doing the design, we will bid on the inspection and construction.
- Maxwell Avenue detour - 45 day construction time line. Contractor and county are confident that the project will be completed before Christmas.
- Repair to motor controls for the flood gate at the dam. Preliminary repairs were done. Public Works has asked to modify the electrical components.

Mr. Montferrat asked if Mr. Rosensweig had discussed the property on 400 Mercer Street. Construction Official is inquiring.

#### CHAIRMAN AND BOARD MEMBER COMMENTS

There being no further business Mr. Montferrat asked for a motion to adjourn. Motion made by Mr. Mulleavey and seconded by Mr. Lane. Unanimous consent. Meeting adjourned at 9:36 p.m.

Respectfully submitted,



Sandra Belan  
Planning Board Secretary

