

**OCTOBER 5, 2017  
MINUTES**

**HIGHLAND PARK REDEVELOPMENT AGENCY  
BOARD OF COMMISSIONERS  
HIGHLAND PARK BOROUGH HALL  
221 South Fifth Ave.  
Highland Park, NJ**

**Call to Order**

The Highland Park Redevelopment Agency Meeting was called to order in accordance with the Open Public Meetings Act by Mrs. Baruh at 7:47 PM. Mr. Solomon indicated the location of the fire exits.

**Roll Call**

Present	Mr. Fechter, Mr. Perlman, Mr. Solomon, Mr. de Villa
Absent	Mrs. Baruh, Ms. Levinson, Mr. Wong
Agency Professionals	Mr. Baumann, Agency Counsel by telephone, Jim Constantine, Planner and Chris Cosenza, Planner
Council Liaison	Susan Welkovits, Council President

Mr. Solomon said that the Agency Attorney was out with car trouble but that this was a very important meeting and that Agency Attorney Joseph Baumann would be attending via telephone.

**Presentations:**

Anton Popov

John Wiley, Esq., presented a concept plan, first page is the elevation on Raritan Avenue, it provides how it would look as well as the material, he presented the west elevation and materials being used there and noted that the treatment of the front is somewhat duplicated on the left elevation for about 50' or so. The third page elevation on the east side with a similar treatment as the front, fourth page is the rear elevation which shows the hardy board siding, the painted wood, and the fifth page is the first floor plan showing the business occupants (3 suites) and in the west side corner in the rear is the one residential unit, 2 bedroom accessible from the first floor. The sixth page is the second floor, 4 units, and the last page is the site plan which particularly, fencing in the rear, a trash enclosure in the rear and the improvements on Raritan Avenue. He noted that the paver area that is being projected as well as the raised planter and circular vent encroach on the adjacent property owners property. He said that they would be approaching the adjacent neighbor but could not guarantee success.

Mr. Solomon asked once the plan is approved and it goes to the Planning Board and then enter into a discussion with the neighboring property owner, what is the Agencies on-going roll overseeing that. He said that some point he will have a notice of completion and the Agency would give notice of acceptance when the project is done. In terms of the Agency's management of the resolution of this little detail and other little details and what is the process.

Mr. Wiley, Esq., said the certificate of completeness in addition to obtaining a normal certificate of occupancy the second control is what is called a certificate of completion that has to be issued by the Agency.

Mr. Baumann indicated that the concept plan is an exhibit to the Redevelopment Agreement and there is an expectation that there will be some tweaking that will happen, so the real role will be

once they get a certificate of occupancy, they will submit it to the Agency and then the Agency will issue a Certificate of Completion, it gets recorded and the property is no longer an area in need of redevelopment.

Mr. Perlman indicated that he really liked the idea of the flexibility and allowing a tenant to shape. Mr. Wiley said that in the Zoning Resolution you could make it subject to the professionals sign off and then if the professionals and developer cannot agree then normally has the right to go back to the Board.

Mr. Perlman said that he would be comfortable a "subject to Jim Constantine's approval".

Mr. Constantine indicated that he did write up what a condition of approval would be realize to the front and there is a second condition to that should be addressed. He said that they would put this in their memo to the Planning Board so it becomes a condition of the resolution. Grading and siding improvements, paving treatments, seeding, furnishings, and any outdoor café seating tables between the building and the sidewalk.

Mr. Constantine said that Anton Popov had a plan that showed the street trees, and there was some interest on the Borough's part in using some of the monies paid for replenishment to help with the planting of said trees in the right of way. Council President Welkovits noted that a more mature tree should be planted.

Mr. Solomon said that was a spot where there was an opportunity to have trees, shrubs, etc. along the along the neighboring property owners property line to help frame the parking lot contingent on permission from property owner.

Mr. Constantine said that would be a third condition and these would be conditions that they would put into their review by the Planning Board. Shade trees within the right of way would be planted by the Borough within the current streetscape design.

Mr. Constantine said that the last one would be if permission is granted by the neighboring owner that Popov would be willing to plant some hedging to screen the parking lot next door and shade trees to help frame it. He indicated that these would all be conditions that they would incorporate in their memo for review by the Planning Board.

MR. Baumann said that there would need to be a motion and second to add the resolution to the agenda and then read by title.

It was MOVED by DEVILLA and seconded by PERLMAN to add Resolution R2017-21 Resolution of the Highland Park Redevelopment Agency Designating a Redeveloper for the Property Commonly Known as Block 173, Lots 36 and 37 on the Tax Map of the Borough of Highland Park, Authorizing the Execution of a Redeveloper's Agreement with Respect to Same and Recommending an Amendment to the Downtown Redevelopment Plan to the Mayor and Borough Council, be approved.

ROLL CALL: Ayes – De Villa, Fechter, Perlman, Solomon  
Nays – None

There being four (4) ayes and no nays the motion to add Resolution R2017-21 Resolution of the Highland Park Redevelopment Agency Designating a Redeveloper for the Property Commonly Known as Block 173, Lots 36 and 37 on the Tax Map of the Borough of Highland Park,

Authorizing the Execution of a Redeveloper's Agreement with Respect to Same and Recommending an Amendment to the Downtown Redevelopment Plan to the Mayor and Borough Council, was approved

Mr. Baumann indicated that the Resolution does two things, authorizes the Redevelopment Agreement with Anton Popov primarily designed to require that Popov begin the project along a schedule, he has to start construction within 9 months of receiving this, and complete within 2 years after he starts, the other provisions deal with general requirements. He said that the Redevelopment Plan as amended does not permit residential on the first floor but the ADA requirements does and in order to fix that an amendment is needed and this Amendment permits this just for this Block and Lot. He suggested adding in the rear of the building to the amendment so a residential unit cannot be added in the front of the building. He said that he took another stab at the plan not require a deed restriction related to the parking. He said that they originally did not recommend that, the Planning Board commented that it should be in there. He said that it is not clear on a couple of points, it is not clear which property is deed recorded is it the property that Anton Popov owns or is it the property he is going to work out and park his cars, if it is the latter he suspects that is virtually impossible to obtain and he would not be able to do his project. He suggested that the plan to require that he provide parking within 1,000', he is hopeful that between Jim Constantine's involvement and the Sub-Committee's involvement maybe there is a higher degree of confidence in the project and the developer and perhaps that requirement which he is concerned about the applicant being able to comply with and if you can't comply with it, we are literally back to the drawing board.

Mr. Baumann noted that Popov cannot move forward with a site plan application until he has plan because he will not be compliant with the Redevelopment Plan and there is no way for the Zoning Board to give him a variance on the use. Until the Plan is amended with this change, at least as it relates to the residential unit, Anton Popov cannot move forward.

Mr. Baumann said that Anton Popov has done everything that he has been asked, \$700,000 is reasonable, he has demonstrated that he has access to a loan and he has done a good job fixing the design and recommended moving the Resolution and Agreement.

Mr. Solomon said that the Resolution references the Redeveloper Agreement as Exhibit B but it is Exhibit A, and said that the resolution needs to reflect the Redeveloper Agreement as Exhibit A.

It was MOVED by PERLMAN and seconded by DEVILLA that Resolution R2017-21, with the changes as indicated, be approved.

ROLL CALL: Ayes – deVilla, Fechter, Perlman, Solomon  
Nays – None

There being four (4) ayes and no nays, Resolution R2017-21, with the changes as indicated was approved.

Park Valley Development – None

**Approval of Minutes of Previous Meetings**  
**-September 7, 2017**

It was MOVED by DEVILLA and seconded by FECHTER to approve the September 7, 2017 minutes and with a voice vote by all present, the September 7, 2017 minutes were approved.

### **Resolutions**

#### HPRA R2017-20 Approval of Bills List

Rosie Baruh has reviewed and approved the processing of the bills to be paid.

It was MOVED by PERLMAN and seconded by DEVILLA that Resolution R2017-21, with the changes as indicated, be approved.

ROLL CALL: Ayes – deVilla, Fechter, Perlman, Solomon  
Nays – None

There being four (4) ayes and no nays, Resolution R2017-21, with the changes as indicated was approved.

### **Chairperson and Committee Reports**

#### --Popov Project

Ms. Welkovits said that she would like clarification on the process, because with the first amendment something was missed in the process. She said that it did not affect anything but does not want that to happen again.

Mr. Baumann indicated that he would prepare a memo to the Borough Council with a recommended timeline and would ensure follow-up.

#### --Tantleff project

Mr. Solomon said that they have received the Phase I report from Excel Environmental recommending a Phase II assessment. There is cause for concern due to the dry cleaner based on previous history. He said that the Phase I looks at the history of the site, reviews the records at the NJDEP, they look at the adjacent properties and noted and flagged in the remediation for motor oil that happened as part of the no further action designation they found a chemical PCE which is not typically found in an auto repair shop and concluded that it is likely from the nearby dry cleaner. He indicated that the report would be shared with the entire Agency.

Ms. Welkovits indicated that they also found drains, two that were sealed and one that is still open and that need to be tested.

Mr. Solomon said that what does Deb Tantleff need to feel comfortable in moving forward with an offer, he feels a Phase II is needed.

Mr. Baumann said that there are grant funds for Phase II. Mr. Solomon asked if the agreements in place permit a Phase II. Mr. Baumann said yes, the goal is to come out of the process with a delineation of where is the contamination, what is it and how long did it exist and a plan to resolve it and that is where the grant stops.

Mr. Solomon asked what action was required to get the Phase II moving forward. Mr. Baumann said that Excel would continue until the funding is complete.

Mr. Solomon said that they would continue to sample until they do not detect anything and if they continue to detect things and hit the property line they need to keep going onto the next property. The Phase II of the dry cleaners will determine the next plan of action needed. He said if they get to Mr. Adi's property and there looks like there is contamination and he will not permit access to his property we then will decide what needs to be done, especially since the property is not developable on its own and if it is a health hazard.

Mr. Solomon said another interesting point about the Tantleff project, Denise Nickel, who could not be present today, arranged to have presented to the Brownfields Interagency Working Group, but Mr. Fechter attended on behalf of the Agency.

Mr. Fechter said that the Mayor gave a great introduction, he got into a little more depth of the project, the site and where things were at, why it was an important project. Deb Tantleff did a great presentation from a Developer perspective; the event was well attended a lot of State and federal agencies in attendance; and the format was good. He said there was talk of funding being a mixed bag and that Highland Park Redevelopment was not at a point to request funding for remediation. He said that it was a good way to network, build relationships and see what is out there.

Mr. Perlman asked what the cost of remediation would be. Mr. Solomon indicated that in Deb Tantleff's offer to Mr. Lee she made \$50,000 available for remediation which is probably enough to cover that depending on the size of contamination. He said that they would know the full extent she can then make an offer. If the contamination is extensive, there might be the need for additional monies.

Mr. Baumann indicated that he did not believe that there would be any grant to remediate a property for which there is a known responsible party.

--Borough Square Project -- None

--Treasurers Report

Mr. Fechter said that the Agency has received \$25,000 in budget funding from the Borough and the operating account has gone from approximately \$12,000 to \$37,000; about \$6,000 in legal bills that came out in September and the current balance is \$31,000. On the escrow, side there was small disbursement to LRK; escrow balance just under \$19,000 that is the Tantleff escrow and Popov is completely depleted and will discuss what is needed to replenish that account.

In terms of the operating budget, Agency has spent about 2/3 of their budget, we are 3/4 of the way through the year, and the Agency is right on track.

--Other Borough Initiatives

Mr. Constantine said 130-134 Raritan Avenue was before the Screening Committee represented by Mr. Clarkin. They came to the Screening Committee with a plan for a 5-story building and it was suggested that there were other ways to create a better building, which resulted in a resubmission where there were some issues; it was presented to the Screening Committee as a 5-story building. The Committee wanted to see some kind of expression line, setting back the fifth level, there was concern about what the cross section across Raritan. He noted that this was right across the street from Popov. He said that fifth story would be set back; there was talk about a common terrace space so everyone gets the view to New Brunswick and down Raritan and maybe some private terraces for the pent house units. There was a concept that they worked on for the rear, and there is an alley that runs behind the auto establishment, parking is one space per

unit through the rear. The Screening Committee although not binding kicked it back to the Redevelopment Agency for a potential amendment to the Redevelopment Plan for the 5-stories, and presently there are 5 and 6 story buildings on the Avenue. He said that there is retail that is tucked in and going into the back/rear, it goes up a level. They will have ground floor apartments on the second level but on the ground level of the parking.

Mr. Constantine indicated that they also has a couple of meetings with the property at River and Walter, they will be going back to the Screening Committee in October. They have made changes in the number of units, 44 one-bedroom, 21 two-bedroom, a redevelopment plan would go to the Council. He said one possible configuration to do the site-specific redevelopment plan could be a combination of the Planning Board and the Redevelopment Agency and in this situation very specific outreach to the neighbors. He noted that he spoke to the current property owner this week and he is going to attend the next screening committee meeting. He said that this was just an update, and we will see what is presented at the next Screening Committee meeting.

Mr. Solomon said that he would like to know what the Agencies position is in shaping the redevelopment plan. Mr. Constantine said that it is Council decision and they can decide to be the group that works through the plan but what might be a good thing is to get interaction between the Agency and the Boards as on the Screening Committee, and this one would involve a lot of neighborhood interaction.

**Public Comment** - None


**Hearing of New Agenda Items** - None

**Action on Any Other business** - None

**Adjournment**

There being no further business, it was MOVED by DEVILLA and seconded by PERLMAN the meeting was adjourned at 9:30 PM.

Respectfully submitted,

  
Jennifer Santiago  
Agency Clerk