

HIGHLAND PARK PLANNING BOARD
 Highland Park Borough Hall-Council Chambers
 221 So. 5th Ave.
 Highland Park, NJ 08904
 MEETING DATE – March 14, 2019 @ 7:30 P.M.

Call to Order

The March 14, 2019 regular meeting of the Highland Park Planning Board was called to order in accordance with the rules for the Open Public Meetings Act by Chairperson Kim Hammond at 7:34 pm; Ms. Hammond indicated the location of the fire exits.

Roll Call:

Present	Kim Hammond, Scott Brescher, Rebecca Hand, Alan Kluger, Paul Lanaris, Padraic Millet, Judi Shade Monk, Stephen Nolan, Jeffrey Perlman, Susan Welkovits left the meeting at 8:53pm, Allan Williams
Absent	None
Agency Professionals	Bruce Koch, Engineer, Jim Constantine, Planner and Roger Thomas, Esq.

Approval of Minutes:

December 13, 2018 Regular Meeting

It was MOVED by NOLAN and seconded by KLUGER that the December 13, 2018 minutes with revisions be approved and with a voice vote by all present, the motion was approved.

January 10, 2019 Reorganization/Regular Meeting

It was MOVED by NOLAN and seconded by MILLET that the January 10, 2019 Reorganization/Regular minutes with revisions be approved and with a voice vote by all present, the motion was approved.

January 10, 2019 Executive Session

It was MOVED by MILLET and seconded by NOLAN that the January 10, 2019 Executive Session minutes with revisions be approved and with a voice vote by all present, the motion was approved.

Motions for adjournment of any scheduled cases and any other motions.

Cuie He	P2017-02
405 South 5th Avenue	Minor Subdivision and Bulk Variances
Block 43, Lots 1 & 2	Request for an Extension

Mr. Thomas said that there was a request for extension in the matter of Cuie He.

Jessica Sweet, Esq, representation for the applicant Cuie He, 405 South 5th Avenue, was before the board last summer and the Municipal Landuse Law allows a 190-day period after which if a subdivision deed is not recorded it will expire unless a request for extension is made to the Board and granted. There were many conditions of approval and many public improvements that needed to be completed in association with the improvement including the extension of a sewer line, regrading to the Borough property to the rear as well as the installation of street trees,

sidewalks. She said that they are very close to having all of the conditions fulfilled; Middlesex County Planning Board granted the waiver request at their meeting on Tuesday. She received an updated report from Mr. Koch; CME Associates stating that there are a couple of minor things that need to be addressed. She said that they could be in Resolution compliance within 30 days. She respectfully requested that the Board grant her an extension of 30-60 days and get the subdivision deed recorded.

Bruce Koch, Engineer, said that he was in favor of the extension but suggested granting a 90-day extension so that THEY did not have to come back again.

It was MOVED by MILLET and seconded by NOLAN to grant an extension to Cuie He, 405 South 5th Avenue a 90-day extension.

ROLL CALL: Ayes – Brescher, Hand, Kluger, Lanaris, Millet, Monk, Nolan, Perlman,
Welkovits, Williams, Hammond
Nays – None

There being eleven (11) ayes and no nays, the 90-day extension is granted.

Hearing of new cases.

Pramer Real Estate LLC
226 Raritan Avenue
Block 22, Lot 6

P2019-01
Minor Subdivision w/variances

Edwin Schmierer, Esq., with Mason, Griffin and Pierson and serves as the Borough Attorney. He said that he is representing the application Pramer Real Estate LLC, 226 Raritan Avenue known as the Pramer property, Dr. Pramer operates his dental practice from this building as well as three (3) two (2)-bedroom apartments. The Borough has been in discussion with Dr. Pramer and his wife about acquiring the rear part of this long rectangular piece of land that is unimproved that is at the back of the property. The Borough would like to acquire the property so one day it can be rolled into the Raritan Avenue redevelopment plan for the adjacent property which the Borough already owns commonly known as the Farmers Market area and adjacent to that is the property occupied by Main Street Highland Park. There is a long-term vision that the Borough would like to pursue on the Avenue and do some redevelopment of that area. The Borough worked with the Borough Planner to come up with a plan that created two conforming lots, each about 7,000 sq. ft., there is adequate parking on Dr. Pramer's property according to Dr. Pramer and Mr. Koch and the rear property would be land banked for the time being.

Bruce Koch, 3141 Bordentown Avenue, Parlin, NJ, licensed engineer and planner, and serves as the Borough Engineer was sworn and affirmed. He indicated that he overseen the preparation of the proposed minor subdivision plan and put together a graphic illustration which was circulated earlier of the before and after in terms of showing how the piece in the rear would be added to the parcel the Borough currently owns. Mr. Koch indicated that the left side of the illustration represents the existing conditions, the green area is the property the Borough currently owns and the tan indicates what the Pramer's own, to the right illustrates what would happen if the Board approved the subdivision. The Pramer property is approximately 287' deep, 50' wide, the

Borough would acquire a parcel that is 140' deep and 50' wide and the Pramer's would retain a portion approximately 147' deep and 50' wide. Mr. Thomas said that the rendering of the before and after plan as exhibit P-2 dated March 14, 2019.

Mr. Koch said that the Borough's proposal is to request a subdivision and if it is granted the Borough would take the property they are acquiring from the Pramer's and merge it into the adjacent property that the Borough owns. The subdivision as it is before the Board is requesting one variance to create a lot that does not have lot frontage but that lot frontage variance would be extinguished as soon as the merger occurred because that lot would then become part of the adjacent property and would have the frontage. There is no proposal for any development at this time, and no disturbance of the land at this time. He said that at this point it would be a change in title from the Pramer's to the Borough and then the merger into the existing Borough lot so that it does have frontage and becomes one part of the Borough's property. If the Borough were to do anything with this at a future date, if it were a developer, they would come before the Board, if it were the Borough it would be a capital improvement. He indicated that there was only one variance and he believed that the Borough was exempt from their own ordinance as a Planner he would like to testify for the flexible C variance and that there is no substantial detriment to the public good in terms of this because there is absolutely no change at this time. The benefit would be that there is no change, what they see there now maybe at some point there would be development. If the approval is granted the Borough would merger that to the adjacent lot and that variance although granted would know longer be needed.

Mr. Thomas said that upon subdivision subject to merger with existing borough owned property and upon approval would be submission of a deed so the new lot in private ownership will need a metes and bounds, new deed would be a merger deed and recorded at the County. Mr. Schmierer indicated that the Borough would still need to close title prior to this.

Mr. Thomas indicated that a condition to approval could be that the subdivision will be perfected upon the acquisition by the Borough of the lot and its merger with the other lots. Mr. Schmierer agreed and indicated that was the plan. He said that the Borough Administrator had a signed contract from the Pramer's and was awaiting signature by the Borough.

Mr. Kluger asked if the any conditions to about parking. Mr. Koch said when the Borough is not using the lot it will remain the same and referred to the second sheet he provided to everyone to show one handicap spot and three regular spots and that is what the Pramer's negotiated with the Borough in order for them to be comfortable.

Mr. Kluger asked how many spots were presently there now and indicated that there should be something on record that says that based on the use of the Pramer property that leaving it with three spots and a handicap would be sufficient, as opposed to what it has today. Mr. Koch said that he did not have the exact number but based on length etc. it would have to be in the order of 8-9 spots.

Mr. Cosenza said that according to the 2005 Redevelopment Plan there is a indication that the Block 22, Lots 6 had eleven parking spots in the rear and agreed with Mr. Koch that it is more in the order of 8-9 spots. In terms of the number of spaces required the applicants attorney gave the Borough that the three 2-bedroom apartments and some square footage for the office use that

will require more parking than what is being provided however being that this is in a downtown environment it is a very deep lot which is not typical of a downtown and he finds that the number of parking spots is sufficient based on on-site and off-site conditions.

Mr. Nolan asked about the current use of the property requires a certain amount of parking and if we approved the subdivision there is going to be less parking.

Mr. Kluger asked why they do not have testimony on what the existing condition is, what the existing business is, what it generates, how many parking spaces are used on any given day, and why four would now be okay.

Mr. Nolan asked if they could get a sense what the new zone for that structure in its current how many spots would be required.

Mr. Kluger asked for testimony on what the existing business is, what it generates, and how many parking spaces does usually use, and why four will now be okay.

Borough Attorney Schmierer indicated that Teri Jover Borough Administrator was present and spent a lot of time discussing the parking with the Pramers, they know their building, they know their activity and they know what they needed.

Teri Jover, Borough Administrator, Highland Park sworn and affirmed said that she visited the property on two occasions and had discussed the situation with the property owner and there were no cars parked in the rear. The owner operates a dentist office on the first floor, it is currently in the order of eight parking spots, the interior there is a lobby area, and a dentist office in the back and she walked through to look at the backyard and there was a handicap accessibility ramp which was partially what a lot of the parking discussion was to make sure we got a legitimate sized handicapped spot in the rear. The owner of the property did not seem concerned at all about the number of spaces that will be left, her interpretation was that the tenants were not there during the day, he wanted a spot for himself and the patients often do not park in the rear.

Roger Thomas, Esq. addressed Mr. Koch about shared parking outline. Mr. Koch shared parking will be sufficient the way the Pramer business operates. He said that he has been on-site on several occasions during business hours; he did not park in the back and did not look in the back.

Ms. Hammond opened the floor to the public.

Miriam O'Hare, 225 Magnolia Street sworn and affirmed indicated that she is the abutting neighbor to Mr. Pramer, and provided photos of pictures she took this afternoon of what it looks like from her backyard to Dr. Pramer's. The first page top photo is a photo of her house, the second pages is a series of photos regarding the parking lot and the situation in that area and some of the damage caused because of the Borough parking lot, she said that there is 150' that goes from the front of her property all the way down to the Borough parking lot. She has lived there for 15 years, this is their home. When they first moved in her friend checked to see where the lot behind their house was, she called someone in Clerk's Office who indicated it belonged to the town, two weeks later Mr. Pramer bought the property. She said Andy Pramer and she are

friends; he is her dentist, her buddy and can answer every single parking question about his backyard. Her office overlooks his parking lot, it is not a dull parking lot there are people there all day long and they are concerned on where they are going to go. She objects to this based on quality of life, the parking situation in Highland Park and we are all going to deal with this in the future because development may be put off for now but she has 20 more years in this home and does not want to be bothered with an abutting neighbor who is a god knows what. She respectfully requested the Borough think about what they are buying right now comes right back up to her fence and she asked that they do setback so they are not right on top of each other when you put your lights up or your parking, because eventually that will happen. She said that she loves her neighbors and their neighbors loves them, it is a very tight little community. She said that she is a master gardener and understands the needs, necessity and goals of farmers market and works with some of the farms that go to the farmers market, and she has been the nicest person in the last fifteen years to the farmers market the problem now is the parking, Magnolia Street is too crowded, her wife nearly got killed last year when coming home from work, and there has a hole there for 6 years and every year they come and dig out the old stuff and put in the new stuff and it just does not work, and they are sending senior buses to that lot every week and it is only a matter of time before someone gets in there and Dr. Pramer's patients are going to now go in that lot. Rutgers brings classes over there, the Church has construction companies going in and out, people are parking there now because they do not want to main street because its winter and snow. She said she came home on Monday and there were four different meetings, AA, NA, etc. every night, in the summer she cannot even sit in the chairs behind the cypress trees because they leave their cars running and the lights are going into their yard, the air conditioners are blaring, she cannot hear her wife, she can't hear her dogs and it is like that a lot more then anyone realizes. The lot is neglected by the town because they do not go there anymore. She said that Dr. Pramer's tenants cannot park in that lot, so if that lot does not get plowed the minute snow falls on a winter night, and they go into the town lot, the town will ticket them, six of her neighbors including herself got \$55.00 tickets based on parking in that lot because she found 3 homeless people living in vans on that lot, she calls the police and two weeks later no parking through the night. She said that the minute the town merges those properties it becomes their decision on whether to pave it all and make a town center immediately or they are going to do it sooner rather then later, whatever they want to do, there is not one person in that 200' radius and beyond that does not hear every single Saturday night movie until 12 midnight it is not fair but she does not mind, she likes her house and her neighbors but cannot have much more of this nonsense. She asked when they were going to consider as a Planning Board and a Zoning Board what the neighbors are going to be affected by a little decision. She said that this was a minor variance but in 6 months, 6 years whenever redevelopment moves forward the homes are going to be impacted directly by what is being done and she knows this does not matter and that is why none of her neighbors is present. No one consulted with the neighbors when the Pastor put in the home for the girls, we went to meeting after meeting and nothing was done, not even lets make a deal. She it does not have to be black, it does not have be white, it does not have to be her way lets make it all work so everyone is comfortable, set it back so you are not in her backyard, maybe tell people not to do things in the parking lot, maybe a cop goes through there and tells them to turn their air conditioners and fans off every other night, when do we talk to the Pastor about the use of his church and they are on the porch screaming at each other and we are standing in a neighbors yard and we can hear it and this is what we are dealing with these are not minor issues, they are quality of life issues and if they build this and there is not some sort of setback how will she sell

her home. She said that she is more than willing to help if we could make this more functional for the current residents. She said that she was not opposed to development and asked that it not be done in a half hazard way, lets make it better everyone.

Mr. Kluger asked Ms. O'Hare what she seen as far as parking. Ms., O'Hare indicated that Dr. Pramer has a big truck, he has two hygienists, a receptionist and maybe four rooms for clients and three are usually full. She said that there is between 6-10 cars parked there everyday and 4-5 at night but she believes the people next door sneak in there too.

Mr. Nolan said that a buffer in the back of the Ms. O'Hare property was mentioned and asked if the thought was now that there might be less on-site parking and that would push the cars elsewhere to at least buffer it some.

Ms. O'Hare indicated that was correct. She already has 150' going up of parking in her backyard, it starts at the front porch and go all the way up to the end of the fence. There is a buffer there now. She suggested working together, if there is going to be town center and a farmers market, suggested making that wooded area a place where people could sit and eat the food that they but at the farmers market, it is not an all or nothing proposition, how do you use the space so everyone gets benefit out of it. She said that she did not know what was going to be done with the property, but the idea of having 200' of cars facing her home every night with the lights going on is a little more then she can tolerate.

Mr. Thomas, Esq., asked the applicant if they were willing to make a stipulation that any use of the newly created lot, would then come to this Board for further discussion as a part of the overall plan no matter what it may be and the concerns raised would be looked into and satisfied in some manner. Mr. Schmierer agreed.

Mr. Schmierer said to clear up some concerns, there is no intention or in the near future or perhaps ever to pave this new area and make it apart of the parking lot. The Borough is trying to create a lot next door to a bigger lot that the Borough owns, in order to begin the process of redevelopment perhaps along Raritan and when that occurs he assured that everyone in that neighborhood will have an opportunity to be informed well before any application, to be informed on what the Borough was thinking about doing and getting input. The issue about a buffer he agreed there should be a buffer against your property and that would be worked into the site plan, which the Board would have to approve. He said that he spoke to the Borough Engineer unrelated to this about the lights shining into the homes, and suggested maybe the Borough can put up a fence too and now that we are hearing about the global problems related to being next to the Borough property. As related to the parking the Borough Administrator spoke to Dr. Pramer and his wife at length about what they felt they needed for their continued operation.

Mr. Millet said lets say this goes through and the Borough merges it but six weeks later what is stopping someone from coming in parking on the Borough lot. Mr. Schmierer said because what is out there now is not going to change and we are not going to allow parking in that area.

Mr. Thomas asked Mr. Schmierer if he was familiar with the redevelopment process. Mr. Schmierer replied yes; Mr. Thomas asked if he was aware that if any redevelopment acquires would require notice, Mr. Schmierer said yes and what he has experienced in the Borough is that prior to the application coming to Board there have been neighborhood meetings, beyond the noticing requirements and this has been done successfully with LRK. This is apart of a redevelopment not apart of a parking plan.

Mr. Kluger said as indicated there are sometimes six or seven cars parked there in the daytime and those cars will still be able to park where they have been parking all along. Mr. Schmierer said that was correct. Mr. Kluger said that it would have been better to have Dr. Pramer present to say exactly what the usage in the building is and what the trips are and the cars that are there as opposed to relying on someone saying that he told them in a meeting that four was okay.

Ms. Hammond said yes they are losing parking spots and we have ran into this before and we know that those spots will be absorbed somewhere else. Mr. Kluger said that he does not disagree but there has always been testimony on the record from the business themselves as to what the operations are, how it operates and what type of parking it may need based on that operation and not on hearsay.

Mr. Schmierer said that the fact is before asking Mr. Koch to put together the plan, those were the discussions they had with Dr. Pramer about what he needed and the Planning Consultant says that is adequate parking so there is no real mystery about how many units or how many parking spaces should be back there, the owner was asked and your right the owner is not present to say this but we would have never put a plan together with four spaces if the owner had not told Ms. Jover on how to prepare the plan. The plan was shared with Dr. Pramer and his wife, they are not present objecting to this plan. Mr. Kluger said that he understood but any applicant from the downtown or any other applicant that comes before the board will be sitting there and telling us what the actual usage is going to be and this is just unusual.

Thansee Diaz, 228 Raritan Avenue sworn and affirmed, said that she is the adjacent property owner to the Pramer's and sharing a parking lot. She said that she had a few concerns' some are echoed by what Mr. Kluger was saying; she has lived in this property for about five years, moved to another town which she currently resides in, currently one of her family members lives in one of the three apartments at 228 Raritan Avenue. She is concerned with the parking, around the shared parking lot and the access way and asked for clarification that there will not be any impact to the shared driveway and that there would not be anyone accessing this new lot subdivision anyway from that lot and adding additional traffic and chaos into that area. Mr. Schmierer said that the Borough does not intend to use the driveway coming off of Raritan Avenue.

Ms. Diaz indicated that she wanted to echo the concerns her neighbor expressed regarding the parking and she shared that it was eight to ten spots, it varies from five to six people using the lot and will also echo that the people from the market use this and it is known that the Pramer's is a spot to park and when they cannot find parking there they park in her lot. She said that her and the Pramer's just partnered to pave the easement and also pave a portion of her yard and there is often issues when her tenants are calling her about people parking in their spaces and she is

concerned with squeezing the lot space there but this will continue to be an additional concern. She said that she was approached similarly for purchasing of her property from the Borough so she is also aware that there is an interest in doing and further exacerbate the situation and is concerned about the comfort and quiet of living and over the years it has gotten very hectic in that parking lot and it is not for everyone and it is uncomfortable. She indicated that she currently has six spots with the repaving. She said that she and Pramer's use each other's lots to get in and out of the parking lots; it is tough to turn in that space if you have something larger than a compact car. She said that she visits the site often and there is a problem with parking there presently and they have often had problems where people have taken their spots. She noted that the Pramer's have good tenants but they alternate and rotate where one tenant may have a 9-5 job but another has a different schedule and that effects the parking. Similar to her neighbor when they went to the Redevelopment many years ago, she was residing in the home and planned on staying but because of the discomfort with what happened they choose to move. She said had she been contacted as the next door neighbor this conversation would not be taking place. If in good faith we partner she should have been contacted because they are the adjacent property owners, she tried to attend, January was postponed. It was stated on record by the Attorney they had talked to the neighbors, they talked to the neighbors, she is the adjacent neighbor, she would have liked a phone call, a conversation and would happily engaged about the Borough buying the adjacent lot and that would have prevented her from being present and then there might have been a better conversation. She is uncomfortable and echo's her neighbors concerns and parking is a problem, should be properly documented for the usage of that building and understanding over a period of time what is actually going on in there, how many cars are actually coming in, how many people are parking there illegally, she has had to threaten to have cars towed and in the spirit of she would like to understand what are some of things being decided because what is being described is going to happen to her property if a parking lot is what ends up happening her area will be just like her neighbors and her tenants would be living with a bunch of lights coming up against their property. One of the nice things when she first moved there being a member of the church was being able to cross the lot and go to church, it was quiet, the little farmers market and it has gotten hectic in that area. She said that she thinks Highland Park should renovate but collaborate with the neighbors and engaging with those that abut up to those decisions would be helpful in resolving some of those challenges. She expressed interest years ago being engaged for the redevelopment, she partnered years ago and thinks that would be a more holistic and appropriate ways to approach some of the decisions.

Ms. Hammond asked Ms. Diaz about the turnaround comments and asked if in her calculations assume that no one crosses over that shared driveway. Mr. Koch said that if everyone took a look at the second sheet that he provided to left you will see the parking lot and the spaces are eighteen feet and we show a dimension of twenty seven feet to the property line of the Pramer property and to the rear of the dwelling which is a normal isle for 90' parking is 24 feet and in this case there is 27' and a normal parking space is 9'x18' and the traditional parking spaces here are 9'x18', the handicap space is only 8' with a 8' wide isle next to it which meets the accessibility for a handicap spot. In summary it is approximately 3' deeper isle width, it may mean someone would need to pull forward and back again just to maneuver around the corner of the building but that is a preexisting condition.

Ms. Monk said that when speaking about four spaces it is actually three spaces with one accessible space, we are not providing for in these plan four spaces. Mr. Koch said that in his

line of work if it is stated that there is hundred spaces, it includes the ten handicap spaces but understands her point. Ms. Monk asked if the Pramer's understood that he is getting three spaces and one accessible space.

Ms. Jover said that she had not spoken to Mr. Pramer since he agreed to the sale. He has received all of the sketches, he knows what is being proposed, and it has been a challenging negotiation. Once we all came into agreement, Mr. Koch pulled together the drawings give us some assurance and we did try to squeeze more spots in with better turning radius then were there previously. Ms. Monk said that in her profession and explaining drawings to people if they are under the impression they are getting four spaces they are not necessarily thinking about it the way you or I would think about it. Ms. Jover said that she did not have that specific conversation with Mr. Pramer. She said that her perspective is that the Borough does not intend to change one thing back there until after the public process occurs, which does not address the existing problems that have brought up but she does not think they will be exacerbating and of them through this process right now. They wanted to demonstrate to the Pramer's and to the Board that there was on-site parking that was felt that our conversations were adequate, we did not negotiate stripping because we are not changing anything until such a time that we get to redevelopment.

Ms. Hammond said that the Board has no control over redevelopment. She said that it is just a curious point. Mr. Nolan asked if this specific property was changing, he noted that they have always counted the accessible spots as the total, and we have agreed to one spot per unit and everyone seemed comfortable with that at one time, so we are trying to be consistent, and parking does seem to work itself out but he is not as concerned about that as he is with neighbor engagement, buffers and landscaping are concerned. Ms. Jover said that she and Ms. O'Hare have spoken before and she is familiar with some of her concerns, and it is her hope, and the approach of LRK that when we move to planning process and to the extent possible that redevelopment of the site can address and resolve some of the concerns, light, noise, buffers etc. if there is a way to have a win win through the redevelopment process that is the best case scenario. She said that she believes there are some things that can be done in the meantime but some of the bigger ones where we need a little more investment we can build that into the project that's how we do things. She is excited to move forward with this, this site will be in a much better position to address, we are going to have to look at parking downtown as part of redevelopment, she is not negating that there are problems and this is an opportunity to fix problems and hopefully not make them worse but make living there better.

Mr. Perlman said that he feels the parking provisions are fine, one for residential unit is acceptable, and there are other commercial establishments that don't provide any parking at all and feels that the bigger issues can be addressed.

Mr. Cosenza said that process would be very similar to how 31 River Road was done, and 433 Cleveland. They would like to do this process and engage public and typically what they do is give a special lane to the immediate neighbors so we hear them first because they are the ones most impacted by a project, some good some bad but those bad are addressed. When that time comes it would be a mistake not to engage the public that is why we are here, we enjoy the process and learn a lot that we would not otherwise know if solely relied on the existing zoning, redevelopment planning can create better outcomes then existing zoning and we want the

neighbors and public involved. He noted that is a good time to address lingering long term, long standing issues as well as create a plan that is beneficial to the entire community.

Mr. Williams said that there is a shed on the property and asked if it was known if that was being taken down. Ms. Jover said that she would take some recommendations on that issue; she understands that there may be some furry critters based on conversations with Ms. O'Hare. She said that it is not her intention to use the shed.

Ms. O'Hare said that there are some individuals on some sort of narcotics are in the back using the shed she sees people go in to sleep or do whatever and the next morning there are little bottles all over the yard on meeting nights, this a new occurrence and asked if they are keeping the shed to please lock it.

There being no further comments, the public portion was closed.

Mr. Cosenza said that a condition of approval the plans must be revised to removal those notes. In response to the issue on whether something is being removed or not the plans show it as being removed but based on conversations it sounds like things are going to remain as they are. Mr. Kluger says the plan shows it removed so let's remove it.

Mr. Thomas said the approval includes the revision of the map submitted to remove the note on the plan that requires the removal of the asphalt on the lot; incorporates the map comment that the shed on the newly created lot shall be removed and the merger of the newly created lot with Lot 30 within 30 days of the Borough acquiring title to said lot.

Mr. Kluger said he can be as liberal as anyone else on the Board with respect to parking requirements in the downtown, he feels that the applicant has not provided the proper testimony with regard to the actual use of the property.

It was MOVED by MILLET and seconded by WILLIAMS to approve the conditions as stated.

ROLL CALL: Ayes – Brescher, Hand, Lanaris, Millet, Monk, Nolan, Perlman, Welkovits,
Williams, Hammond
Nays – Kluger

There being ten (10) ayes and one (1) nay, the motion passes.

Leon K roll
6 Elbert Court
Block 3, Lots 37 & 38

P2018-05
Minor Subdivision

Mr. Koch indicated that based on conversations with the Planner, himself and the Board attorney that prior to deeming this application complete it was agreed that subject to the applicant agreeing that the parcel that will be vacant would be subject to a minor site plan and asked if the Board Attorney would addressed first and if that is affirmed we can move forward, if that is not affirmed the application is incomplete and technically cannot move forward.

Mr. Thomas asked the applicant if he agreed. Mr. Kroll agreed. Mr. Thomas said that was a reasonable position to take and so that it is clear he recommended take a motion.

It was MOVED WILLIAMS and seconded by PERLMAN that the construction of a house on proposed Lot 37.01 shall be subject to a minor site plan and shall incorporate a revised zoning table including all relevant development data, including bulk variances that may be necessary, driveway and sidewalk walkway locations, parking locations, RSIS compliance analysis, grading and landscaping plans including proposed landscaping, tree removal, tree replacement data, steep slope analysis, proposed steep slope disturbance and any environmental constraints. Said minor site plan shall include notice to the public within 200 feet be approved.

ROLL CALL: Ayes – Brescher, Hand, Kluger, Lanaris, Millet, Monk, Nolan, Perlman,
Williams, Hammond
Nays – None

There being ten (10) ayes and no nays, motion passes.

Mr. Kroll indicated that they intention is to create two conforming lots; the vacant conforming lot will be sold.

Marc Leder, East Point Engineering, with offices in Marlboro NJ sworn and affirmed. A licensed Engineer in the State of New Jersey and have appeared before this board and others throughout the state. He said that he prepared proposals for the adjustment of the existing lot line that currently runs through the home and for the creation of two new conforming lots. He distributed a couple of exhibits, Exhibit A-1 three pages consisting of six photos taken today of the property in question and the surrounding homes, Exhibit A-2 four photographs of the house, the other four show the surrounding properties taken yesterday. Exhibit A-3 a color rendering that was filed with the Borough dated July 3, 2018 and Exhibit A-4 a sketch of a house dated May 22, 2018. There was a request in the preliminary planning meetings that we provide some sort of concept of what could be put there.

Mr. Leder said 6 Elbert Court, Block 3, Lots 37 and 37.01 off South Adelaide, the entire lot is approximately 34,300 square feet, presently there are two lots but the current lot line goes straight through the existing home and they want to divide the lot into two conforming lots. Mr. Leder reviewed photos presented on existing home and surrounding homes in the area. Lot 37.01 which is the vacant would be 12,221 sq. ft. creating two conforming lots, the minimum lot in the zone is 50' and each of these lots would have 90' or greater, minimum lot depth is 100', each of these lots would have 155' or greater, the front yard, side yard, rear yard comply with the zone requirements as well as building height, stories and feet and overall lot coverage and impervious coverage, for purposes of this application they were asked to prepare a concept of a house that would eventually be constructed on this property just to demonstrate that a reasonable size house with architecture complimentary to the homes on the street was practical. He said that they retained an architect Jimmy Dumas, RA, New Brunswick NJ and he prepared the sketch last year which is based off the footprint of the house currently present. There is a two car garage, driveway, etc. He said no variances have been raised creating a fully conforming minor subdivision. Mr. Koch indicated that should this lot be sold and someone decides to construct a home on the lot they would have to return back to the Board for a minor site plan application

whether that would apply to the zoning and would basically be up to the Board as to that house would fit in with the character of the street.

Mr. Kroll said that there are equal distances with the lot lines because width of Elbert Court was seeded to the two neighboring property owners about 25 years ago, the existing house was built before was deeded by the town back to the property owners. Elbert Court on paper extended all the way to the river, the extension of Donaldson Street, so that piece was deeded to the property owners so at least the width of the street that will be between the two houses if you extended the street, so there is at least 25' on the other side of the lot line. He indicated that they could not subdivide with the original lines because it goes right through the existing house.

Ms. Hammond opened the floor to the public for comments or questions.

Robert Pestka, 2 Elbert Court sworn and affirmed asked what the requirements for noticing in the paper for a minor subdivision. Mr. Roger said that currently under the law there are no noticing requirements. He said that he was not opposed to the subdivide but was concerned that there is a gully or cliff between the properties and the property does drop off pretty steeply in the rear. He had issues with his own property and his neighbor on the other side, there are some wetlands designation and flood plain from the River and does know what is required to build on that area. Mr. Thomas indicated that is why the Borough Engineer Mr. Koch raised the question that he has and appropriately so and that is if this subdivision is approved it is just a subdivision if and when there is a house built there will be a minor site plan requirement, there will be an agenda posted and neighbors will be notified and questions such as his will be addressed at that time. Mr. Pestka said under that paper road there is a water easement. Mr. Koch said often when the municipality vacates a roadway if they have a utility in that right of way they will retain an easement for maintenance purposes and that easement cannot be encumbered by a structure and the drawings presented are just conceptual and there is a concern for steep slopes, wetlands which would be discussed if the plan came in with proposed development.

Mr. Leder said that the law that is being referred to that is within the structure of the former right of way line from the paper street, there is another easement line, 20' wide utility easement which is clear of the structure, it straddles the lot line, the lot to left has 4-5' of that easement and the other 15' is on the other property. Mr. Koch said that the easement is within the right of way so the closest line to the interior of the lot is the old right of way of line that was vacated and to the left of that begins the easement, whatever design for a dwelling comes before the Board that will be looked at during that process.

Mr. Millet indicated that other issues like removal of trees and how that is dealt with will all be addressed in that site plan, and there are a variety of issues not just the specific ones mentioned anything that will impact the quality of life will be addressed in that site plan application.

Ms. Hammond indicated that nothing is being disturbed at this time. Mr. Kroll said that it is their intention to do absolutely nothing on the subdivided lot.

Mr. Thomas agreed that all of those concerns would be addressed upon filing of a site plan application to develop the lot and would be subject to public comment as well.

Emily Tenendaun,, 15 Elbert Court, sworn and affirmed new to neighborhood peaceful area, homes are far apart you can see the River, concerned with another dwelling would change the neighborhood, like that children can go outside and play in the cul-de-sac. She said that she seen a construction schedule of 8-9 months of construction and one concern is construction vehicles on the court for 9 months, possibly even using the cul-de-sac to turn around, already when large trucks come to the end of the cul-de-sac they ran over the island and the curbs are already crushed and construction could potentially make that worse. She also noticed on the drawings there are markings of within trees would eliminated but what she is hearing now is that nothing will be done until a site plan application is filed and approved.

Mr. Cosenza said that one of his recommendations was to clean up the plans and revise them as a condition of approval to remove those notes regarding improvements, removal of trees, etc. although helpful but that is not what is actually being proposed.

Mr. Leder said every town is different when doing a minor subdivision, some towns you just submit a plan with a line and they say okay great it is a conforming lot, and they met with the review committee originally and to make things a little comfortable that this lot was a viable lot not that it just met the bulk requirement we provided a plan saying you could build a reasonable house here with a two car garage and a driveway and that was an express request of the Planning Committee was to do that.

Mr. Leder said that if the Board approved this with the final plan, they would issue just a regular subdivision map showing a lot line and a new vacant lot. He wants the Board to feel comfortable and before they even started this project they were very careful to consider what this cul-de-sac looks like, it is a little unusual being that it is RA zone and regarding Ms. Tenendaun, comment that these are bigger lots, they are not 5,000 sq. ft. lots. He said that if they tore down the existing home they could get 3 lots but that does not fit in on the street, so they very sensitive to that fact and kept it simple, make one oversized lot over 12,000 sq. ft. which they feel is well in character and it is just an infill house and that was the scope of the application.

Mr. Pestka said that he appreciates the sensitivity to this streetscape, and while the lot be 12,000 sq. ft. from birds eye view not all that space is usable space, not only setbacks, but wetlands, steep slopes. Mr. Kroll said that goes to the request of showing a home on the lot to show that you could put a neighborhood appropriate house inside that lot and accounting for those issues.

Mr. Koch said that if and when someone purchases this property or contracts for it subject to an approval, when you evaluate all of the steep slopes and environmental constraints that footprint may not be able to be built. He hopes that anyone who purchases the lot is savvy enough to realize there are constraints on the property that could significantly impact the square footage of the dwelling. He said that he would really support what is being said about this subdivision plan that was originally as conceptual, it should be resubmitted as part of it with the dwelling off it and all the extras off so nobody infers they have permission to go out and cut down trees.

There being no one further from the public Ms. Hammond closed the public comment portion of the meeting.

Mr. Cosenza asked if a condition of approval could be added to the potential site plan application that public notice be required.

Mr. Thomas said that if there is an approval of the minor subdivision it will be subject to the following conditions if construction of a house on proposed Lot 37.01 shall be subject to a minor site plan and shall incorporate a revised zoning table including all relevant development data, including bulk variances that may be necessary, driveway and sidewalk walkway locations, parking locations, RSIS compliance analysis, grading and landscaping plans including proposed landscaping, tree removal, tree replacement data, steep slope analysis, proposed steep slope disturbance and any environmental constraints. Said minor site plan shall include notice to the public within 200 feet; with regard to the subdivision map to be filed with the County, the Applicant shall incorporate those items requested in the report of Mr. Koch dated March 11, 2019, items 3(a) through 3(j); the Applicant shall be subject to obtaining either approval or waiver from the Middlesex County Planning Board; and the plans shall show all existing utility services to ensure that they are not crossing proposed subdivision lines.

It was MOVED by MILLET and seconded by WILLIAMS that the application be approved as stated.

ROLL CALL: Ayes – Brescher, Hand, Kluger, Lanaris, Millet, Monk, Nolan, Perlman,
Williams, Hammond
Nays – None

There being ten (10) ayes and no nays, motion passes.

Correspondence and reports: None

Zoning/Building Officer report – Scott Brescher - None

Rehabilitation Screening Committee report - Kim/Judi – None

Master Plan Prep report

Mr. Nolan said that the Master Plan Committee met with members of the community and they are on track for some public sessions.

Mt. Laurel status updates - Roger/Jim – Executive Session Discussion

Fair Share Housing Obligation report - Jim/chair of FSHO committee– Executive Session Discussion

The Board went into Executive Session to discuss Mt. Laurel and Fair Share Housing Obligations at 9:50 PM to 10:07 PM.

It was MOVED by MILLET and seconded by PERLMAN to go into executive session.

ROLL CALL: Ayes – Brescher, Hand, Kluger, Lanaris, Millet, Monk, Nolan, Perlman,
Williams, Hammond

Nays – None

There being ten (10) ayes and no nays, motion passes.

Action on any other business and work session.

Public comment on any item not on the agenda.

Ms. Hammond opened the floor to the public. No one appearing Ms. Hammond closed the public discussion.

Adjournment

There was a motion to adjourn from MILLET with a second from PERLMAN and at 10:07 PM the meeting was adjourned.

Respectfully submitted,


Jennifer Santiago, Board Clerk