

HIGHLAND PARK PLANNING BOARD
Highland Park Borough Hall-Council Chambers
221 So. 5th Ave.
Highland Park, NJ 08904
MEETING DATE – June 21, 2018 7:30 P.M.

Call to Order

The June 21, 2018 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 7:36 pm; Ms. Hammond indicated the location of the fire exits.

Roll Call:

Present	Kim Hammond, Rebecca Hand, Paul Lanaris, Padraic Millet , Judi Shade Monk, Allan Williams, Susan Welkovits
Absent	Scott Brescher, Alan Kluger, Stephen Nolan
Agency Professionals	Bruce Koch, Engineer, Jim Constantine, Planner and Roger Thomas, Esq.

Hearing of new cases.

Cuie He
 405 South 5th Avenue
 Block 43, Lots 1 & 2

P2017-02
 Minor Subdivision and Bulk Variances

Jessica Sweet, Esquire, Sweet & Bennet said she was representing Cuie He who was currently in China visiting family. She said that this was an application to adjust the lot line to create two new residential lots, she noted that the lot was extremely oversized for the zone and by shifting the dividing lot line between the two lots just 3.5' to the west to create two oversized lots, meeting all of the dimensional requirements for the RA zone. She said that the lots are undersized with respect to the depth. There are four variances required; a minimum lot depth for both new lots, a front and side yard setback variance with the proposed lot with the existing house, they are existing conditions and a new variance on the proposed rear lot for the accessory building set back and the garage. She introduced Stephen Buzbee who worked with Engineer/Surveyor to prepare the subdivision plan as submitted.

Ms. Hammond noted that Mr. Buzbee was a former member of the Highland Park Planning Board.

Stephen Buzbee, Architect, 401 South 2nd Avenue, Highland Park NJ, sworn and affirmed indicated that this would not be a cookie cutter development, and try to do something that fits in the town. The lot that fronts on South 5th Avenue, Lot 1, is an oversized lot with a ranch style home on it; the lot is approximately 8,189 sq. ft. The existing property is a double lot that was at some point massively regraded to create a flat lot from 5th Avenue toward 6th Avenue, such as when you get to the rear of the lot it currently slopes heavily down nine feet from the top of the current lot down to the street. In developing the rear section of the lot to return the topography to a more nature state, and provide sidewalk down Mansfield where there currently is none. In the right of way between the property and the street is regrading to create the sidewalk, create a more gently sloped lot up to the house, lowering the top grade of the lot in rear to the existing grade of the lot behind it which is approximately 2' lower than it currently is. He said that they would grade gently from the building front down to the sidewalk to avoid having any retaining walls along the front of the property. He worked with Mr. Paul Fletcher Engineer (not present) on the grading plan, as to layout and design.

Mr. Koch asked for confirmation on the Block and Lot of the application. Mr. Buzbee indicated it was Block 43, Lots 1 and 2, and the municipality owns lots 3, 4 and 5. Mr. Koch said that he just wanted clarification because the Borough lots are mentioned and there is grading on the Borough lots, the plan is not accurate and that would require permission from the Borough, which is an action of the Governing Body, but more importantly, the plans indicate lots 1-5 and it is actually just lots 1 and 2. Mr. Koch mentioned that the feedback shows lots 1-5 and should be 1 and 2.

Mr. Buzbee said that there is an existing brick ranch with a single car garage with a small sunroom off the back, the existing home likely violates the setbacks for the current zoning ordinance. He said that they plan to remove the back sunroom for conformity. There is preexisting non-conforming condition with regards to the front yard setback on the existing on Mansfield, 20' is required and it is currently 19.9' and the other nonconforming issue is the side yard setback where 10' is required and the existing is 8.4'. For existing lot 2, which functions, as the back yard to the house, is 4957 sq. ft. There is two shed existing on lot 2, a planter and some asphalt paving. The one shed is 10x10, the other is 12x14, one shed sits to close to the lot line for current ordinances, and the other would be legal if left but that will be removed. There is no sidewalk currently along the Mansfield Street frontage. The lot depth requirement is 100' in the RA Zone, the existing lot depth is narrow, lot 1 frontage from Mansfield to the opposite lot line is 84', 82.3' for lot 2 at its narrowest point. There are constraints by an existing lot on one side with a home, so they could not go deeper, if we were to subdivide there is no way to 100' depth and have the lots be of equal size. The new site improvements are proposed to move the dividing line between the two lots several feet, which makes both lots a proper size and gives a space to develop the new property. The new dividing lot line would create 20' from the existing house. The new lots meet the dimensional requirements and will be able to meet the setback requirements. In order to maintain the house on lot 1 with change with the section of the home in the rear, existing is 9.71' as opposed to the existing 8.4' and the requirement is 10'. With respect to lot 2.01 in the rear of lot is proposed a four bedroom single-family house with a single car detach garage at the rear of the lot to avoid a front facing garage, a wraparound porch at the front, a craftsman style home. Because it is proposed to do a garage in the rear it necessitates a long driveway and not wanting to have a problem with impervious coverage, the installation of pervious pavers but are not included in the lot coverage calculations because we calculated them as non-impervious coverage as done in past applications in Highland Park. This issue is address in the Planner's memo.

Mr. Buzbee said that there was one new variance created by the proposed lot layout, the accessory building side yard setback for the garage. It is proposed that a row of buffer trees situated on the 5th Avenue property to buffer the garage. It is being proposed that 10 trees be removed, most being removed are in the right of way to install the sidewalks and that is what is necessitating the tree removal. They are proposing to remove a few trees and do some regrading on the town property with permission, in order to get the topography to appear nature it would look better if the slope was brought into the town's property. There are also a few trees that appear to outside of the northern property line in the municipal right of way along Mansfield Street and the purpose of the removal would be to install a sidewalk as discussed with the Borough Planner. It is proposed to plant 35 replacement trees, eight red maples along 5th and Mansfield, twenty-six spruce trees between the

two properties and on the rear of the property of the proposed house and two callery pear trees in the front yard of each house. There will be new foundation plantings glossy abelia around both the houses as well.

Mr. Buzbee addressed some of the Board Engineer's report dated May 1, 2018: the client agrees to comply with the following: submission of a drainage report; a test pit performance in order to determine the estimated seasonal high water table for the proposed dwelling on lot 2.01; request permission from the Borough for Lot 3 for the grading and removal of trees; investigate sanitary sewer system along South Fifth Avenue and South Sixth Avenue. Mr. Koch said that they will have to extend the sanitary sewer along the street from the intersection of 6th with a main and a manhole, so it can be jetted, and the lateral would come out into the main, he mentioned that he could contact Public Works to take a look at where or how deep the sewer line is. He said that this could be a very expensive proposition and does not know if the project anticipated that.

Ms. Sweet indicated that some of the Board Planner's comments in his memo dated April 27, 2018 memo reported discrepancies and agreed to correct those discrepancies. The memo also asked if any of the trees along the Mansfield Street frontage could be saved by wrapping the sidewalk around them. Mr. Buzbee indicated that there was not adequate space because there is currently a 30-degree slope and if you flatten that slope to install sidewalks you will be exposing the root structure of the trees that are there and they would die. Mr. Koch agreed.

Mr. Buzbee said that they could revise the plans to move around the 13" tree in the rear of the lot in the path of the sidewalk because the grading is not that bad and is possible to move around that tree. With the landscaping, the additional plantings will be done and another species will be included.

Ms. Hammond asked if someone has gone out to access the trees. Mr. Koch suggested as a condition of approval that the Borough tree expert go out, look, and determine the type and condition of those trees and the root system.

Ms. Sweet indicated that it was suggested by Borough Planner that the applicant consider narrowing the driveway to a width of 10 to 12 feet at the sidewalk, and then flare out to the current width of the driveway. The reduced driveway width enhances pedestrian safety and improves aesthetics of the streetscape. Mr. Buzbee said that they could but was not sure how that would affect the parking requirement, making it difficult to get two cars to be able to park on the asphalt driveway area.

Ms. Hammond said that you would just be reducing the curb cut; the driveway would still be wide enough to receive two cars. Mr. Constantine said that in a community that stands behind complete streets and safe sidewalks, it is safer for pedestrians to choke down the driveway apron. You limit the exposure for young children, and seniors crossing the width of the driveway, so the driver does have to pay a little more attention.

Mr. Buzbee said that there was never conversation with the client about replacing the driveway on the existing property, it was planned to leave it as is. Mr. Thomas said that that he understands that their clients were not present and given the fact that variances are requested that it is a reasonable request

especially in light of Mr. Constantine's testimony indicating that this is not something he made up for you but rather it has been in existence for a considerable period of time.

Mr. Millet said if you look at the existing house, the wall on the left is at 42.2, which is the obvious longer wall, but the shorter wall is 50.7 and was not sure if the numbers were flipped. Mr. Buzbee said that was not correct and he believes when the Engineer took off the back room he did not recalculate the new number.

Mr. Buzbee said that there are four bedrooms in the existing home with a single car attached garage, the current driveway, and three parking spaces for that lot and meets the RSIS requirement. The new homes will also have four bedrooms, with a 2.5 parking space requirement under RSIS which will be satisfied with a one car detached garage and 2 parking spaces in the driveway.

Ms. Sweet said that in comment 10 it talks about putting an additional walkway on lot 2.01 from the garage to the dwelling. She said that it would increase the impervious coverage if there were a concern with the paver driveway. Mr. Koch said that the soil in town which are generally run with shale pecculation is generally nil, so the reality is the infiltration from that will be minimal and suggested if you like the plan and the application and if you take favorable action to grant a variance for that coverage because they are building it with the garage in back.

Ms. Hammond said that she understood the guidance as it would not matter if it was pervious pavers or an asphalt driveway and to include that additional pathway footage and she would prefer to require that it be this pervious material and still include the pathway. Mr. Koch said that he would just grant them the variance and not acknowledge the fact that they are trying to but the reality is down the line. If you put a bed of stone under it and it works and provides some relief that is great, and by granting the variance, it will preclude further expansion on the lot of other impervious down the road.

Mr. Buzbee said that the with respect to the ground level AC units and generators those be on the eastern face of the house along the side and not adjacent to any other structures other than the house. He said that the plans would be revised to show the AC units. He said that refuse would be located along the side of the garage in the back of the lot with landscaping to buffer or in the garage depending on what the client prefers. There is no objection to rain barrels to harvest rainwater. He said that there was currently no exterior lighting plan but certainly will fully cut off fixtures in compliance with the town. He said that they revised the plans to lower the first floor elevation by several feet and consistent with neighboring homes.

Ms. Sweet said that she wanted to ensure that the correct impervious coverage figures were on record. Mr. Thomas said that based on what was expressed by the Borough Engineer, if the Board is inclined to grant a variance for impervious taking into account that the pervious pavers are in fact included in the impervious but not withstanding that the Board won't accept the proposed impervious as outlined on the map and as calculated as part of the revised plan. Ms. Sweet agreed.

Mr. Koch suggested carrying to the next meeting with a refined plan, the can look into the sewer and complete their testimony at the next meeting.

Mr. Constantine said that the applicant has been very cooperative, they are doing things that are in the public interest like extending sidewalks beyond their property enhancing the edge of Backwoods, it was suggested as well if the Borough grants permission to do some grading they will clean up some of the dead trees and garbage that is in there today so this public space looks better. You have the opportunity to make sure that at least the house and yard are livable and asked that the deck be within in size and scale of the home. Ms. Hammond asked why if the applicant wanted this they not included this in their plan.

Mr. Buzbee said there was always the intention to have a deck shown and in the application and the Engineer did not show it. Ms. Sweet said that in August Mr. Buzbee prepared a plot and grading plan showing the proposed subdivision, and we were unable to get the plan complete based on Mr. Buzbee's plan which is why we were instructed by Mr. Koch to go and have an Engineer prepare this plan. She said that they do have a copy and it was filed with the Board dated August 22, 2017 and it does show the deck in the rear yard and does not know why it was not transferred to this plan. She said that Mr. Buzbee could testify to the size of the proposed deck. Ms. Hammond asked if the deck was included in the impervious coverage calculations.

Ms. Hammond said at 8:50 AM that they would take a five-minute recess so the applicant can take their time to present the calculations properly and will reconvene at 8:55 PM.

Mr. Thomas said that he agreed with Mr. Koch in terms of calculations and the initial submission, and asked Mr. Koch to comment on the calculations as discussed such as what the calculations are for the pervious pavers, the potential for the deck and any other modifications that appear to be a discrepancies those could be cleared up by calculations by Mr. Buzbee. Mr. Koch agreed.

Mr. Thomas addressed the Board indicating that the applicant is willing to assume that responsibility and in order to get all of the calculations accurately done and presented to the Board accurately and are willing to defer the action for one month and the matter will be carried and they will submit those calculations to the Board and professionals and then action can be taken with a clear understanding. All agreed.

Mr. Thomas indicated that this application would be carried without further notice until July 12, 2018 @ 7:30 pm, no further notice will be provided.

Mr. Williams asked the applicant to provide the diameter of trees that are being taken down. Applicant agreed.

Approval of minutes of previous meetings.

February 27, 2018 Regular/Executive Session

It was MOVED by WILLIAMS and seconded by WELKOVITS that the February 27, 2018 Regular/Executive Session minutes be approved and with a voice vote from all present six (6) ayes and one (1) abstention from Mr. Millet the minutes were approved.

Memorialization of Resolutions.

Resolution P2018-01

ANT Realty LLC, 139 Raritan Avenue, Preliminary & Final
Major Site Plan, Block 173, Lots 36 & 37 – P2018-01

Ms. Hammond said at the bottom of page two it says Redevelopment Committee should state Redevelopment Agency. It also states that it suggests that there be five parking spots, and the Planning Board had already made a recommendation to the Redevelopment Plan and to clarify that the five spots are a stipulation and not a suggestion. On page four, it talks about the parking spaces and it states there was a proposal to provide the spaces within a 1,000' radius but it is not a proposal. Under number four it indicates verifying this arrangement and somewhere else when it talks about this arrangement it talks about a lease holder maybe it should state or also by a lease holder or by contract. Page nine it states that the applicant shall be required to attempt to work with the rear property owners and feels it should state that the applicant shall be required to work with the rear property owner. It states also that the applicant will provide vegetation on the proposed wall and there is no mention of the fence. Page 7 it states that with regard to the parking variance the Board finds that the alternative arrangements to allow for one parking stall per apartment unit keeping with the policy of the Master Plan of the Borough to allow for a walkable downtown Highland Park but doesn't the Redevelopment Plan supersede the Master Plan and Code. Page 5, it takes about the planting and agreement from the neighbor for that planting bed and if unable will be required to do planting on site and should indicate required to provide like planting. On the last page, it states that the applicant shall be required to provide drywell deficient and should be sufficient. All agreed.

Ms. Monk said that on page, paragraph nine it states hardy board and would like it to be more specific about and indicate fiber cement material. All agreed

It was MOVED by WELKOVITS and seconded by MILLET that Resolution P2018-01 be approved, with changes.

ROLL CALL: Ayes- Hand, Millet, Monk, Welkovits, Hammond

Nays – none

Abstention – Lanaris, Williams

There being five (5) ayes, no nays, and two (2) abstentions Resolution P2018-01 was approved.

Resolution P2018-02

Recommend Amendments to the Highland Park Downtown
Redevelopment Plan for 130-134 Raritan Ave

Ms. Hammond asked Mr. Constantine to quickly walk the Board through the bullet points.

Mr. Constantine said that this project was on Raritan Avenue between the former Sunoco and Jack's Hardware. It is two lots that were actually assembled and a part of a site plan approval by the Board many years ago for a three story mixed use building conforming to the Redevelopment Plan; it had the unique attribute of access via Park Place at the rear with parking behind in a three story mixed use building. The applicants approached the Borough and asked for a potentially taller building on the site,

5 stories that is taller than what is permitted under zoning or the redevelopment plan. After a couple of meetings and meetings with the Rehabilitation and Redevelopment Screening Committee this became a terraced upper floor with lighter materials used to try and create less of a sense. Everyone on the Screening Committee was clear that the extra height seemed to be able to be accommodated in this particular insistence that led to discussion about amending the Redevelopment Plan and that is what is being presented tonight to the Board. The amendments are as follows: Principal Uses: In addition to those permitted uses already identified on pages 13-14 of the Redevelopment Plan, principal permitted uses shall include four residential units located on the second floor above the ground floor non-residential space fronting on Raritan Avenue, where such residential units are also located on the ground floor in relation to the parking lot at the rear of the building. Bulk Requirements: The maximum number of stories identified on page 15 of the Redevelopment Plan, shall permit a maximum of four (4) stories, although a building may have an additional story provided the fifth floor is set back a minimum of ten (10) feet from the front façade and may include an outdoor terrace for use by residents. Building Orientation Requirements: The provision allowing no side yard setbacks identified on page 15 of the Redevelopment Plan, shall be modified to require side yard setbacks in order that both sides of the building shall have windows. Parking Requirements: The parking requirement identified on page 16 of the Redevelopment Plan, shall be amended to require one parking space for each residential unit located on site and parking for employees of the ground floor non-residential uses located on or off site, if such employee parking spaces are within 1,000 feet of the property line. Affordable Housing: Three (3) of the sixteen (16) residential units shall be provided as affordable housing units, reflecting a set-aside of 18.75%.

Ms. Hammond asked when the neighbors were going to be notified in good faith of what was about to happen in their backyards. Mr. Constantine said although it is not required by statute, the applicant has been informed that once this amendment is adopted and before they file there will be a neighborhood meeting and will go beyond the 200' limit on Park Place and the developer is working cooperatively.

It was MOVED by MILLET and seconded by WILLIAMS that Resolution P2018-02 be approved.

ROLL CALL: Ayes – Hand, Lanaris, Millet, Monk, Welkovits, Williams, Hammond
Nays – None

There being seven (7) ayes and no nays, Resolution 2018-02 was approved.

Correspondence and reports.

Zoning/Building Officer report – Scott Brescher – None.

Rehabilitation Screening Committee report – Kim Hammond/Judi Monk – None.

Mt. Laurel status update/Fair Share Housing Obligation report - Jim/Padraic Millet - Executive Session Discussion

Master Plan Prep report – Steve Nolan – None.

Sustainable NJ – Judi Monk – None.

Action on any other business and work session.

Mr. Constantine indicated to the Board that at the July meeting there would be an amendment to the Redevelopment Plan for 31 River Road.

Council Liaison Welkovits noted that Highland Park was in the NJ Dept. Transportation bicycle pedestrian technical assist grant and the kick off meeting was on Monday and the NJDOT was present and consultants. She noted that there will be several other meetings with other committees and a lot more outreach with other community groups and will keep everyone posted. There is also a survey and interactive map of you look at the e-news and asked everyone to take the survey.

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 Mr. Millet with a second from Mr. Lanaris and with a voice vote by all present; the meeting was adjourned at 9:53 PM.

Respectfully submitted,


Jennifer Santiago, Board Clerk