

**HIGHLAND PARK PLANNING BOARD  
MINUTES  
OCTOBER 11, 2018 @ 7:30 P.M.  
Council Chambers, Borough Hall  
221 South Fifth Ave. Highland Park, NJ**

**Call to Order**

Chairperson Kim Hammond called the October 11, 2018 regular meeting of the Highland Park Planning Board to order in accordance with the rules for the Open Public Meetings Act at 7:37 pm; Ms. Hammond indicated the location of the fire exits.

**Roll Call:**

Present	Kim Hammond, Scott Brescher, Rebecca Hand, Alan Kluger, Padraic Millet, Judi Shade Monk, Susan Welkovits arrived at 7:43 pm, Allan Williams
Absent	Paul Lanaris, Stephen Nolan, Jeffrey Perlman, Bruce Koch, Engineer, Jim Constantine, Planner
<u>Board Professionals</u>	Roger Thomas, Esq. Board Attorney

**Approval of minutes of previous meetings.**

August 9, 2018

It was MOVED by MILLET and seconded by WILLIAMS that the August 9, 2018 minutes be approved and with a voice vote from all present seven (7) ayes and one (1) abstention from Mr. Kluger the minutes were approved.

September 13, 2018

It was MOVED by MILLET and seconded by WILLIAMS that the September 13, 2018 minutes be approved and with a voice vote from all present the minutes were approved.

**Public Hearing – Fair Share Housing Element Plan**

Ms. Hammond said that there was a full presentation at the last Planning Board about the Fair Share Housing Element Plan.

Mr. Thomas opened the Public Hearing for an Element of the Master Plan, which is known as the Housing Element and Fair Share Plan, in furtherance of the Affordable Housing Obligation. There was a presentation made by Mr. Hauben, Affordable Housing Planner, and asked that he confirm the presentation was made and that the document was on file and there were no substantial changes. The presentation was made a month ago and it was asked at that time modifications or suggestions be forwarded within a week, the document was finalized and made available 10 days in advance of this hearing for members of the public in accordance with law. He asked Mr. Hauben if there were any substantive changes to the Plan that the Board should be aware of.

Mr. Daniel Hauben, Affordable Housing Planner, Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ sworn and affirmed confirmed there was a full presentation made at the last Board meeting and there were no substantial changes; a couple appendices were added subsequent to the presentation which included the Spending Plan and the Affirmative Marketing Plan, which will be approved by the Council by Resolution at the same that they endorse they adopted housing plan.

Ms. Hammond noted that the changes were made well in advance of this meeting and have been distributed. Mr. Hauben said that was correct and filed more than 10 days prior today's public hearing. Ms. Hammond asked the Board if there were any questions for Mr. Hauben. There were no questions.

It was MOVED by MILLET and seconded by WELKOVITS that the Third Round Housing Element and Fair Share Plan be adopted.

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

There being eight (8) ayes and no nays, the Third Round Housing Element and Fair Share Plan was adopted.

**Memorialization of Resolutions.**

**Resolution P2018-06** Action on Third Round Housing Element and Fair Share Plan

It was MOVED by MILLET and seconded by WILLIAMS that Resolution P2018-06 be approved.

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

There being eight (8) ayes and no nays, Resolution P2018-06 was approved.

**Review of Development Fee Ordinance**

Ms. Hammond said that as a part of the Fair Share Housing Plan included an Affordable Housing Ordinance which speaks to future projects and the requirements the town would make of those projects. The Board will now review said Ordinance.

Mr. Thomas said that this was a public hearing because what was being asked of the Board was to review the Ordinance for consistency with the Master Plan, which now includes the Housing Element and Fair Share Plan. The Ordinance was introduced at the last Borough Council meeting and the Board will be asked at the end of the presentation by Mr. Hauben to determine whether or not this Ordinance was consistent with the Master Plan.

Mr. Hauben said that the Ordinance was consistent with the Master Plan and the Housing Element and Fair Share Plan, which is an element of the Master Plan. The Ordinance included the basic language for regulating any new, and to a certain extent existing, Affordable Housing within the Borough; the Ordinance includes the language of development fees, which allows the Borough to collect development fees for non-residential developments and fund Affordable Housing activity.

Ms. Hammond asked the Board if they had any questions.

Mr. Kluger asked if the non-residential fee was required under COAH or case law or was this something the town decided to do and was it common in most, some or all towns to have a development fee. Mr. Hauben said that in the municipal landuse law there is a statewide non-residential development fee requirement, which states that non-residential developments are required to pay a fee of 2.5% of the equalized assessed value. The developer pays the 2.5% fee to the State Treasurer and if the municipality wants to collect fees for the creation of Affordable Housing from residential development or at all, it has to collect from non-residential as well. All municipalities collect redevelopment fees for Affordable Housing and have to include non-residential fee at 2.5%, it is also required by the Settlement Agreement with Fair Share Housing Center, and the Court Master's report to include a spending plan which requires the Borough to include a development fee ordinance which in this case was decided to do just non-residential.

It was MOVED by KLUGER and seconded by WILLIAMS that in the matter of consistency review of Ordinance No. 18-1972 pursuant to NJSA 40:55D-26 the Board does hereby determine the Ordinance is consistent with the Master Plan of the Borough of Highland Park and the Housing Element and Fair Share Plan.

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

There being eight (8) ayes and no nays, motion passed.

**Correspondence and reports.**

Zoning/Building Officer report – Scott Brescher

Ms. Hammond said that there were two houses on Valentine that were approved for a subdivide, the homes seemed to be very tall, and there was a also ranch next door that was re-built and seemed to be even taller. Mr. Brescher indicated that the homes were within code and that the height was the first thing that was looked at, there had been several that came in over 35', and they were asked to go back and revise their plans to meet code.

Mr. Kluger asked what was meant by “doesn’t fit in the neighborhood”, different people have different options and that could be a slippery slope in terms of what fits in a neighborhood and asked who had a role to say that. He indicated that if something meets the zoning requirement they should be allowed to build what they want as long as it fits within the zoning, it may not be liked, whether looks or size but some people have small families, some have large families and suggested moving cautiously

Ms. Welkovits said that in 2019 that would be looked into and apologized if it sounded too subjective. She said the whole idea was that things could be modified for example when someone comes to the zoning board with a beautiful little bump out because they want to enclose their front stope they have to go through zoning and wait months and endure more costs and try to make that process a little easier for people. Mr. Kluger agreed.

Ms. Hammond said that she attending some of those meetings with Mr. Constantine, and believes this was born out of, what were most people coming in and asking for, what were some of the elemental issues in Highland Park such as garages, was the current Ordinance working for the town. She believed Mr. Constantine’s goals with the towns direction, was to look at the last several years of people coming in to do what type of project and what are the biggest issues and could they somehow be streamlined. She said that the most important question was who is going to be looking at this and who was going to vet it, and who decides it is a good idea or not.

Mr. Brescher also reported that there have been several complaints about the international food market. He indicated that he is working on the retaining wall and his water tie-ins so he was moving along.

Ms. Hammond mentioned that there was a potential subdivide coming to the Board on Elbert Court.

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

Mt. Laurel status update/Fair Share Housing Obligation report - Jim/Padraic Millet - None

Master Plan Prep report – Steve Nolan - None

Sustainable Highland Park – Judi Monk - None

**Action on any other business and work session.** – None

Ms. Hammond indicated that Jennifer Santiago at Ms. Welkovits direction had distributed to the Board the resolution and agreement for the conditional redeveloper for 31 River Road and yes the potential developer are paying to clarify some of the questions and concerns from the last Board meeting.

Ms. Hammond reminded everyone to complete the Stormwater Video and to report to let Allan Williams know it had been completed.

**Public comment on any item not on the agenda.** - None

**Public Comment:**

Ms. Hammond opened the meeting for public discussion and called upon all those wishing to speak to identify themselves. There being no one, Ms. Hammond closed public discussion.

There was a motion to adjourn from Mr. Millet with a second from Mr. Perlman at 8:11 pm the meeting was adjourned.

Respectfully submitted,



Jennifer Santiago  
Board Clerk