

**HIGHLAND PARK PLANNING BOARD
HIGHLAND PARK BOROUGH HALL
221 South Fifth Ave.
Highland Park, NJ
MINUTES - - MARCH 9, 2017**

Call to Order

The March 9, 2017 regular meeting of the Highland Park Planning Board was called to order in accordance with the rules for the Open Public Meetings Act by Vice Chairperson Kim Hammond at 7:35 pm; Ms. Hammond indicated the location of the fire exits.

Roll Call

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

Hearing of new cases.

321 Donaldson Street LLC
321 Donaldson Street
Block 79, Lots 24-27

P2016-09
Minor Subdivision and Variances

Patrick Foley, Esq., 71 Patterson Street, New Brunswick, NJ sworn and affirmed, represents the applicant 321 Donaldson Street said that he traded e-mails with Ms. Santiago who advised that she had received proof of notice and publication. He said that it was his pleasure to be in front of the Board tonight with the application. He said that it is a very interesting and exciting application. He said that the applicant came to him in the fall of 2016 to subdivide the properties which conformed in all respects with exception of the steep slope variance that he would submit to the Board that would be required for virtually any development whether there was a subdivision or not. He said that the problem with that application is that it was very unattractive design but strove to comport in the design to minimize variances. The Board professionals received the application and did their due diligence and made suggestions about the plan. In the Fall the professionals came to his client and indicated that while they understood the intent of the plan they felt there were better alternatives. Suggestions were made to his client about alterations that could be made and while they do trigger variances that will be outlined in depth to the Board, the result will be a far more attractive, forward thinking and beneficial result to the Borough and the client. What the applicant proposes notwithstanding the bulk variances that are required and they will all be sought under C2 and flexible where the benefits far outweigh the detriments and minimized those detriments threw some creative planning with the help of the Board professionals Mr. Koch and Mr. Constantine. He said that he has testimony tonight from three individuals, Tim Burton, Licensed Architect, Bob Gazzale, Fisk Associates, Engineer, and John Chadwick, Planner.

Timothy Burton, Licensed Architect, Hamilton, NJ sworn and affirmed said 321 Donaldson Street, one lot removed from a corner lot, it is an oversized lot given the context of the neighborhood. The house presently on the lot is a ranch, oriented in a left to right direction, one story oversized for the area and was an opportunity we could do something more in character with the area. The new construction would be a wood frame construction, five bedroom, four bathhouse, and exterior materials

not unusual to what is seen in the area, asphalt shingles, hardy plank composite siding, or mastic vinyl siding, veneer of stone, unit windows either Pella or Anderson, performance ratings as far as energy conservation in line with the US Dept. of Energy, the area is approximately 2600 sq. ft. without the basement and without the garage.

Mr. Thomas said rendering A1P dated 11.28.2016 colorized rendering.

Mr. Burton said that there are two houses with roughly the same floor plan, entry at mid, first floor open floor plan, separate den and first plan bedroom or office, bathroom, or powder room, off the back, breezeway to a one-car garage in the back. He said that they did not want the houses to mirror each other so they changed the entry sequence, one is on the center of the building and the other is off center, the rooflines one has a gable in the front and the other on the side and the materials and the coloring is substantially different. The floor plan allows for that off set entry on one versus the other but essentially, it is the same floor plan. The original submission was similar but made it awkward with entry and the parking was in the front of the homes instead of the back of the homes, original was more like a townhouse. He showed everyone a copy of the original rendering A2, January 26, 2017 and represents the original submission in late Fall. The big difference was forward of the house or the front of the house having all of the parking lanes in the front of the houses. He said that he walked the neighborhood and believes that the new design is within character with the existing homes. He said that he had the opportunity to review the various professional reports submitted by Mr. Koch of CME and Mr. Constantine of LRK also the Environmental Commission and the Shade Tree Commission and from an architectural stand point one of the items was shutter size and we will probably use a standard shutter but other than that we have met all the major aspects.

Mr. Nolan asked about the dimensions of the structures and setbacks for the structures and how those dimensions compare to the neighborhood in other words would these two homes align with the neighbors.

Mr. Burton said that it would be aligned to what a house would sit on a lot of that width. He said he believes with the front they are generally on the same plane on that block. He said that he did not do a full-blown setback of everyone on that block; given the lot size and what we are proposing to subdivided to is a similar size lot to what everyone else has.

Mr. Nolan said that the lot you are proposing is similar to other lots on that block. Mr. Burton said yes. Mr. Nolan asked if the side setback similar to those other houses on that block. Mr. Burton indicated that he did not do an exhausted study to the side setbacks of the rest of the units.

Mr. Williams said that the building coverage requirement is 30% and for the two lots it is 35.68% and 36.44% and asked if anything was done to meet that coverage. Mr. Burton said that he would like to defer that to the Engineer.

Mr. Foley said that either Mr. Gazzale or Mr. Chadwick would be able to address that question because alot of the building coverage was driven by the pergolas, if they were removed, it would bring them closer to conformity they would still need a building coverage variance but it would be a very small percentage.

Ms. Hammond said that actual footprint of the house, the width being 30' but the depth of the main building is 51', which is much deeper. The frontage somewhat in keeping with the housing in Highland Park could there have reduction in the depth of the house to then have it conforming for the amount of coverage allowed.

Mr. Burton said the program for a house of this sort in today's market place has a certain compliment rooms and they have seen in other homes of similar size and location, definitely have a dining room, family room and kitchen and what has happened over the years and also with the codes is there has been a ratcheting up of what those minimum spaces are and there is a real estate market preference this is what sells a house, a bedroom can no longer be 10x10 and if it is it is challenging marketability. He said market driven, smaller homes with smaller rooms just are not built as much anymore or they are built privately.

Ms. Hammond asked if the homes have to be of that size could you put house on that lot versus the two houses.

Ms. Welkovits asked what the size of a couple of the bedrooms were.

Mr. Burton said minimal bedroom is 10x12, family room 18x15 with similar on the kitchen, foyer would be 8x10, 2nd floor smallest is 10x10.5, master 18x13 with master bath.

Ms. Hammond said that she noticed on the drawings there were a few specs one was the 400 series on the Anderson windows and another was a 6" hardy board siding and now in testimony you indicated Pella or Anderson and hardy board or vinyl.

Mr. Burton said that there is a company Masta and what they have done is created a unique more environmentally sensitive because it is recycled plastic and come in a lot of the traditional colonial profiles and they have combination of colors. He said that by no means have they made a decision.

Ms. Hammond said that she just wanted to understand not so much with the windows but with the siding why it said hardy plank and the testimony, vinyl was mentioned. Mr. Burton said that it has stacks that match clapboard and colors they have really customized this, that it not the decision right now but was in that range.

Mr. Foley said that his applicant is looking to produce a high-end product and that is why he asked Mr. Burton when he was designing to ensure he made notes about what the applicant intended. There are not going to be pre-fab homes they are going to be higher end, with higher end finishes.

Ms. Hammond asked if there was anything else he could speak to make your case, in terms of anything he could share for example, could you do away with the foyer and be able to compress. She said that it seems that they have gone to the outer limits of every setback and then the amount of coverage so if there was anything in particular he wanted to share with the Board.

Mr. Burton said with setting and having the deck and the pergola off the back is that at whatever size you could produce a house in this marketplace you are going to have a back yard and what the garage enabled was have small courtyard, and he thinks that enables there to be a backyard of sorts. He said that he would not want to change much more of the footprint of the house because the rooms are decent at the size that they are in today's marketplace. He said that he thinks that they have the best solution for having two homes next to each other as that neighborhood would have and having privacy.

Mr. Hammond asked if the driveways were 10' wide. Mr. Burton said yes.

Ms. Hammond said the decision to have the pergola and the deck and the front porches, it looks like from the front elevations the house is not very high on the property but the deck is off the back.

Mr. Burton said that typically when engineered 6" out of the first floor of the house out on to the deck and the deck does not want to be anything more than 30" so you do not need handrails, so it is just a platform.

Mr. Nolan asked if the covered breezeway was just a deck without a railing. Mr. Burton said that the breezeway in the back is a pergola, 2x10's every two feet, open slates.

Mr. Nolan said if he walks up the driveway to the end, aside from going into the garage could he go anywhere else. Mr. Burton said right before the doors you can step right onto the deck under the pergola. He said it creates a sense of space and connects the house to the garage.

Mr. Burton showed the Board the garage plan and elevations, exhibit A3 dated November 28, 2016. He said that the garage would have the unifying stone between both buildings, the buildings would have different colors and the garage ties them together, the pergola ties the houses to the garage. The garage would be primarily stone up to the roofline.

Ms. Hammond opened up to the public to ask questions of Mr. Burton regarding his testimony.

Shelley Schwartz, 338 Graham Street indicated that he was deaf and asked that Mr. Burton explain something to him. He said that the property tilts and asked if they were cutting the whole back of the property out and building a wall. He asked if there was 5' between the properties and asked if he truly walked around, those houses presented look like the rest of houses on that street. He said he did not know what street he was walking up and down but these houses were built in 1946 they are basically all the same houses and none of them look like the ones being presented. He said that he has to look at the back of this garage, and the top of someone's house, there is a nice little ranch there now and has been there since he moved in 1970. He asked if the person doing this are they doing this to sell the properties to someone else or are they doing this to live there themselves.

Ms. Hammond said that the Engineer would speak to the grading and how this may interrupt.

Mr. Burton said that he was going to defer to the Engineer to talk about grade, when he said that it was of similar character, you go to the next block and Fox and Foxx did a similar development. He said that the new homes built within the last 10 years are not different then what his client is proposing.

Mr. Schwartz said that the house sits in the middle of the block and there is only one house on the corner that looks anywhere not like it on that section.

Mr. Burton said that the Ordinance which does an analysis of all these cases, so the houses that were looked at were not just on that one block. He said he went around for several blocks and new development is not unlike what is being proposed.

Ms. Hammond said for clarification Mr. Burton's testimony is you are not saying it captures the character of the neighborhood it is similar to new development in that neighborhood.

Mr. Burton said neighborhoods are always changing and what they are seeing is the evaluation of a neighborhood and what this is no different than other people are proposing for that new evaluation of homes in the neighborhood.

Mr. Foley said that he did not know if it was relevant, but his client is a developer and he intends to sell these homes to single families. There is no other agenda, they will not be sold to groups and they will not be rented.

Janice Spozdiao, 338 Graham Street said that Graham Street is all small capes and Valentine is mostly ranches. She reviewed the plans from the previous home and would setback to their property line 34', if she is reading the new plans correctly the setback is changing to 18' and the garage is 5' from their property line and 34' to 5' is a big difference. She said that it was indicated that the setbacks are compliant and that is not true, if you go in the background there is no building that is 5' from a property line on Valentine. She said that it was going to be 34' for her and 34' for him and the garage is going to be split between their two properties 5' from their property line. She said that they were also concerned about the water issue. She said that they are not happy about this.

Mr. Nolan asked if they were seeking a variance for the setback for the accessory structure. Mr. Foley said yes. Mr. Nolan asked if his required setback for the side yard is 10', and you want zero. Mr. Foley said that is because the garages are attached. Mr. Nolan said rear yard is a required 20' and you are asking for 5.2'. Mr. Foley said for an accessory structure they would comply but because the pergola connects it to the main building they have to get the variance for the 20' setback, if they took the pergola away they would not need the setback for the garage because the setback requirement for the garage is 5' so the only thing that drives that variance is the pergola.

Mr. Hammond asked what the total height houses from grade. Mr. Burton said 30-31' to the ridge.

Harriet Gordon, 310 Donaldson Street said from Braun to 4th Avenue there are no two story houses, and from 4th to 5th there were no two-story houses until the two 2 new ones were put up. She said between 4th and 5th they are all cape cods, between 4th and Braun the lots are wider and bigger lots and this property is between 4th and Braun so putting two together like that so close is not keeping with character of the neighborhood because those lots are at least 75' wide between 4th and Braun. There is only one house on those lots, theirs is a ranch, and many are capes, so how do you say that this is keeping with the character.

Mr. Burton said again as neighborhoods evolve, a different type of structure comes in and you're seeing that. The house right next to this property on the corner is a two story home.

Ms. Gordon asked what the space was between that house and the two new homes. Mr. Burton said there is 10'.

There being no further questions from the public for Mr. Burton, public portion was closed.

Robert Gazzale, Licensed Engineer with Fisk Associates, 631 Union Avenue, Middlesex NJ sworn and affirmed said the existing structure is a ranch home, concrete porch that connects it to a garage and there is an asphalt driveway. He said that he was engaged by the applicant almost a year ago to design a plan for a subdivision, he designed a plan to minimize the need for any variances and that plan was ultimately submitted to the Board and reviewed by the Board professionals. He referenced the colorized rendering that he originally designed for the applicant Exhibit A2, and that plan would trigger one variance for steep slope. He said that the grading was essentially the same, the lot falls

with a 7-8' change in grade, the last 5' of change in grade happens within 35' of the curb line and that is where the steep slope exists. As far as grading is concerned the original application and this application are essentially the same, the major difference between the two there were no garages, there was just the homes themselves. He said that they originally proposed concrete wheel strips for parking in front of the house and that was not well received.

Mr. Foley said as a result of significant interactions with Board Professionals, the applicant and our professionals the plans were revised fairly substantially and the other colorized rendering A1P is the current site plan proposed by the applicant.

Mr. Gazzale said that the obvious main difference is there is a garage proposed to go with the common driveway, the garage is straddling the property line, has a zero set back and it is served by a paver driveway. The driveway is approximately 1200 sq. ft. of added impervious coverage which was not in the original submittal, and that was the primary driver for the need for an impervious coverage variance. The setback on the garage if not connected to the pergola the garage would conform. The applicant's current proposal conforms to the RSIS standards.

Mr. Foley said that he would like to talk about the impervious coverage variances, Mr. Constantine and Mr. Koch both addresses. Mr. Constantine addressed it in a memo dated January 25, 2017 described what he felt would be appropriate mitigating techniques and one of those involved the changing the composition of the driveway to aid in the effect in lowering the effect of the impervious variance.

Mr. Gazzale said he did submit a drainage report, which Mr. Koch has reviewed, the runoff increase generated by the proposal is really an insignificant amount of runoff, its .2 cfs that would never trigger a requirement for a detention. The other thing is the soils on this site are mapped as what is called a D soil, which indicates that virtually no runoff is infiltrating into the soil. He said that changed the proposed asphalt driveway to a dry laid paver driveway providing some infiltration and added rain barrels at the down spouts to control runoff from the smaller storms and allow the homeowner to use those for irrigation around the property.

Mr. Gazzale said that garage would sit on the existing grade, which is the highest point on the property, and then the driveway will ramped up to meet that elevation. There will not be any filling nor excavation along the rear of the property. The site currently drains towards Donaldson; the driveway will be pitched away from the dwellings so the water runs down the center and along the foundation and go out to Donaldson Avenue. They will create swells along either side of the homes to direct that water out to Donaldson Avenue and there will be no negative impact on the surrounding properties.

Mr. Gazzale said that the houses themselves will comply with the bulk requirements, the front setback is required at 20' the houses will comply with that, the rear set back is also 20' the houses will comply with that, the sides are a minimum of 10' and they will also comply with that and exceed it. Variances are needed for the proposed garage since it is attached technically to the principal building it becomes a part of that structure and is subject to those same set back requirements so the garage would also require 20' rear setback and 10' side setbacks since it is attached. The applicant is proposing 5.2' and 0' for the side, if it were a detached garage the 5' is the minimum required for a rear yard and we would comply with that, and only 0' side yard setback.

Mr. Thomas asked for clarification, he indicated that in testimony it was stated that because this is an attached garage it becomes a part of the principal structure and the requirement is 20' but then there is

another referencing accessory structures and the requirement for rear yard and it says 20' but know it's being stated that it is different and would like clarification.

Mr. Lanaris said that it is 5' for an accessory structure but as that pergola attaches to the garage it becomes a principal structure.

Mr. Constantine said that it does not become principal structure, the principal structure setbacks are applied to the accessory structure. He said that they could remove pergola and the rear setback is in compliance.

Mr. Gazzale said at the rear line elevations are 108, at the curb line it is approximately 100 so there is an 8' change in grade from back to front, 5' of that change of grade occurs in the first 20' of the lot from Donaldson Street applicant is going to install concrete sidewalk along Donaldson Avenue, there is also a need for a steep slope disturbance and the steep slope is within the front setback line because that is where all the change in grade occurs, it is a disturbed area with a maintained lawn. He said that they are going to reduce that slope making it less steep because of the application, the driveway cuts through the slope and does not require a retaining wall because they will change the grade to follow the driveway. The other things that disturb the slope are front sidewalk from the public sidewalk to be constructed to each dwelling, the water, gas and sanitary sewer utilities will run through that steep slope area, so we are requesting a variance to disturb that and restore it in a less steep condition.

Mr. Foley said that he wanted to direct everyone's attention to Mr. Constantine's report dated March 1, 2017 and note that he addresses steep slopes on page 5-6, he addresses steep slopes and he indicates that the proposed grading appears to be slightly lower in pitch than the existing grading and given the introduction of the number of trees that the applicant has proposed those improvements will actually improve the stability of the steep slopes and it is critical that the soils are properly compacted during the course of construction. He asked Mr. Gazzale if he agreed with that statement. Mr. Gazzale said that he did agree with that statement.

Mr. Foley said that Mr. Gazzale spoke to the Board about parking and noted at the end of Mr. Constantine's report he discusses the location of air conditioning units, refuse containers and exterior lighting, assuming you do not have placement will you agree to comply with whatever Borough professionals feel is appropriate placing for those items. Mr. Gazzale agreed and the screening that goes along with that.

Mr. Gazzale said that they were taking down a total of eight (8) trees based on the Borough on the Borough's tree replacement ordinance, there are certain factors based on the diameter of the tree, so they are taking down eight (8) and replacing nine (9) they are twenty-one (21) short so the applicant will make a contribution in lieu of planting for the deficit.

Mr. Foley noted that Mr. Constantine does actually commend the applicant for sparing some trees including a 38" Oak tree on the left of the property, which they actually are designing the sidewalk around so it does not have to be removed.

Mr. Foley said that there were two (2) memorandums from Mr. Koch, Engineer from CME and asked if there were anything in those memorandums which create an issue for the applicant or for which the applicant cannot comply. Mr. Gazzale said no, the applicant could comply with all of the comments.

Mr. Foley asked about compliance with Mr. Constantine's memo dated March 9, 2017. Mr. Gazzale said that there was nothing in Mr. Constantine's memos that they could not comply with.

Ms. Hammond asked to clarify what is being kept and what the new plantings are and their size. Mr. Gazzale said that on page 2 of the plan set, you would see the existing trees are outlined and are not shaded in and the proposed trees are shaded in. The existing trees to be removed have a light X through them. There are 4 trees added to the property on the right, 3 added to the property on the left and maintaining three (3) of the old growth trees. The street trees they are proposing are red maples, Mr. Constantine noted in his memo that we defer to the Shade Tree Commission. HE said that they are also proposing river birch, dogwood, sheet 2 shows foundation plantings which would consist of boxwoods, junipers and stick laurel along the foundation.

Mr. Foley noted that on page 6 and page 9 of Mr. Constantine's March 1, 2017 report paragraph he bolds that if the application should be approved it is recommended that the landscaping plan be approve and the landscaping approved by his office as a condition of approval and as indicated the applicant has no objection to that.

Mr. Lanaris said with respect to the steep slope, there is going to be a lot of water pushing on this rear foundation wall. Other than the swells is there any will there be any other waterproofing.

Mr. Gazzale said that there would be water proofing by building code up to the finished grade. The house are 20' from the rear line and does not expect any pressure against the foundation wall.

Mr. Lanaris asked if swells are used as a retro fit or something after the structure has already been built and underground-corrugated piping is usually used in new construction. Mr. Gazzale said possibly for footing drainage swells are a surface feature and they would typically be installed as the final grading is being done and either seeded or sod is done.

Mr. Lanaris said that the swells would be on one side away from the foundation wall and on the other side into the driveway. Mr. Gazzale said they run down the outside of both proposed homes and the driveway will be pitched towards the center.

Mr. Lanaris said how much impervious coverage on one side of the driveway and the distance where this swell will direct the water. You have a swell coming off the back of the house and direct water around the house but not onto the driveway, so how much distance from where that swell will direct the water to the driveway. From the garage or pergola, that is where the concave slope down the middle of the driveway. Mr. Gazzale agreed.

Ms. Hammond said that it was testified about the rain barrels and the changing of materials on the driveway, if this project is built and when the first papers are signed that there are rain barrels on that property does mean that the rain barrels in perpetuity on this property or that the driveway that is now done in this carefully selected material given consideration to impervious coverage is then going to be replaced in 10 years with asphalt or something. Mr. Koch said that they would have to an easement with mutual egress and ingress at least for the portion that is 10' wide the cars would have encroach on the neighboring property at least for that.

Ms. Hammond said that if you are saying that the mitigation for water runoff is a rain barrel, there needs to be some insurance that over time that rain barrel exists. Mr. Constantine indicated that could be made a condition of approval.

Mr. Thomas said it is a binding condition; conditions are in fact enforceable whether they occur within 6 months of the Certificate of Occupancy or 6 years. The question becomes where will that get picked up, the rain barrel is a bit more problematic because he is assuming that the zoning officer is not going to around to check the back of the house to see if there are rain barrels are there. A condition of approval runs with the land and if it turns out that the trees is going to mitigate against someone's adverse view and those tree die in 6 years you have the obligation to replant them even though the landscapers guarantee is long since gone, it is irrelevant.

Mr. Lanaris said the driveway, the first 10' are an easement, then it becomes individual ownership of those driveways. Mr. Koch said yes, he thinks it should otherwise if two neighbors do not like each other, if it is mutual egress and egress on both he would park on the other side and say I have the right to be in front of your garage door.

Mr. Lanaris said that unit B could change their driveway without consulting unit A. Mr. Constantine said that if it is approved as proposed with a texture paver, which is part of what was recommended to offset the coverage at a higher quality material not asphalt that should also be tied in as binding.

Mr. Lanaris said that if these driveways become separate ownership but as part of the runoff they have marry together in order to provide the proper runoff and somebody could change their driveway without the permission of the other person you could run into a water problem.

Mr. Foley suggested that if it is a binding condition as being proposed, the party that was not changing their driveway could come to Borough hall and say I have this resolution and it says our driveways would have to be pavers and my neighbor engaged a contractor to put macadam down and he thinks they could stop them.

Mr. Lanaris said lets stick to the pavers; they could change the pavers and thereby changing the pitch. Mr. Foley said that they have to conform to what the Board approvals, if they do not it is a violation.

Mr. Lanaris said that when one of them changes the pavers, they would have to provide that information to the contractor, because the contractor would not naturally make a driveway to conform to the neighbor's driveway understanding that there is a runoff issue and that they have to make the driveway so that the runoff issue stays complete.

Mr. Koch said that they could put an easement over it to the two Counselors or an encumbrance that requires certain conditions but does not give mutual egress and ingress beyond the point.

Ms. Hammond said that this driveway material is to be this paver therefore where is it being connected. Mr. Koch said that it is the same; they are both treated as impervious whether it was pavers, concrete, or asphalt.

Ms. Hammond said so it is being counted as such, was it a concession because although they are all connected the same it actually is a little kinder than the asphalt for the runoff. Mr. Koch said esthetically it is a great treatment but when you have a 12% slope and an 8% slope does not know that a whole lot is going to soak it.

Mr. Foley noted that Mr. Koch is clear in that in his memorandum on paragraph 4, he did the drainage calculations indicated that they were negligible but he did not say that because we have a rain barrel and pavers instead of macadam, the applicant knows that those were to whatever mitigation and esthetics.

Ms. Hand said that based on the testimony so far it seems that the breezeway is designed for esthetic appeal and some shade as you walk from the garage to the home and there seems to be some implied argument if not for the breezeway there would be conformance with all the setback requirements for an accessory building but the breezeway is changing that, and her concern in the future as the residents in Highland Park are inclined to, someone may want to enclose the breezeway having already received approval for the bulk variance and no longer worried about the lot setback. If this plan were approved she would be concerned about a future homeowner wanting to enclose the breezeway and make that additional living space even though right now it is planned as an esthetic opening.

Mr. Foley said that if the Board would like to make a condition that the pergola shall remain a pergola and shall not be enclosed or covered or whatever language the Board prefers; his client would be agreeable to that condition. He said that he also shares Mr. Thomas' concern of enforceability.

Ms. Hammond asked if the drive with pergola is for esthetics. Mr. Foley said esthetics and a little shade.

Ms. Welkovits asked to see the façade, she said that she was concerned with the height she read in one of the documents that it is 2 ½ stories and it looks like a three story.

Ms. Hammond asked about the attic space, its accessibility, and head clearance and could that be made into a third floor.

Mr. Burton said that the access to the attic meets code, it is a 30x40 hatch, which is a pulldown stairs and that is what is required for mechanical access, because of the pitch of the roof it goes from zero and maybe as much as 10' at the ridge.

Ms. Hammond opened up to the public to ask questions of Mr. Gazzale regarding his testimony.

Karen McManus-Smith, 612 South 4th Avenue, said that she missed opening and asked how big the homes were. She said that the first drawing proposed did not have the pergola so without the pergola you would not need the garage, and asked why the pergola and garage which is now encroaching on their property line.

Ms. Hammond said that the testimony that you heard, the initial proposal there was no garage, the driveways were not on the side of the property, and essentially the driveways were the entire front lawn. They have a requirement that the applicant needs to meet for their off street parking, for a house this size with this many bedrooms they have to provide two (2) off-street and because it was completely conforming to do it that way, where they could have the house and the front lawn essentially to get the two cars on that property and that is where the project started.

Ms. McManus-Smith asked if it was possible to still have the parking in the front and take down the garage and pergola and just put parking in the back.

Mr. Foley said anything could be done but would seriously question whether resident would rather have cars uncovered in the back yard area as opposed to a garage which will serve to shield the activity in the driveway and again but for the connection the garage is conforming clearly the Borough Ordinance anticipates that garages could be as close as 5' to the property line.

Shelley Schwartz, 338 Graham Street, said that on the right hand corner floods, did you know that. If you are going to do some, type of leveling, are you sending it into his property to flood or into your property?

Mr. Gazzale said that they are going take everything on their property to Donaldson Avenue. Mr. Schwartz said so that corner when it floods it is going to flood down your property.

Mr. Gazzale said that he was not going to grade onto Mr. Schwartz's lot. Ms. Hammond said that swell is like a valley and it will be pitched down towards the road.

Mr. Schwartz said that no one ever talked about that there is a flood zone on that corner and it floods deep. Ms. Hammond said that is why it is nice when residents do come out because there are those types of conditions.

Mr. Schwartz said in reference to the garage, and you indicated you walked the neighborhood can you tell me how many houses in a two block radius has a 2 car garage you put the cars in middle of the

houses where everyone else parks, use the driveway and get rid of the garage. Why is the garage needed, you have a driveway.

Mr. Gazzale said that RSIS requires three (3) off-site parking spaces for house of this size and a garage is a nice amenity. Mr. Schwartz said that it was not a nice amenity by his house.

Mr. Schwartz said it was a dual driveway and asked if you could park cars on either side. Mr. Gazzale said yes.

Mr. Schwartz asked where the pitch of the driveway start to where is levels off. Mr. Gazzale said that the garage is level; it starts to pitch down at the garage.

Ms. Hammond said that there was testimony that from the back of the house to the front of the house there is about 3' grade change and from the front of the house to the street is another 5' grade change. Mr. Gazzale said that is the existing, the grading proposed now it would drop 4' from the garage to the front of the house which is 50' and another 4' over 30' to the curb. The property is 110' to the curb.

Mr. Schwartz said that if you look at that property out his back window it is flat; it is flat all the way to the front of the house. Mr. Gazzale said that it is not flat.

Ms. Hammond said that sometimes a property does look flat and it is not, and suggested that we leave that to the professionals. Mr. Schwartz said that he knows what a 4' pitch looks like.

Pat McBride, 318 Donaldson Street, said she lives directly across from this property and has concerns with runoff, which was talked a lot about, the way it is set up on this driveway and its pitch that is going to run right to her house. She is concerned about and wants to know if something can be done, if not by the developers, by the town to make sure that there is extra sewer drainage put in or something. When she sees that, she sees it coming right at her house.

Mr. Gazzale said that there is a narrow strip of land between the two houses that is going to carry water, the lawn is going to spread and disperse the water towards the streets and there are swells on

either side. The increased runoff from the site is negligible; water is not going to be cascading across the centerline of the road and going down the other side.

Mr. Koch said he believes that their concern is that where everything flows down is going to concentrate to two swells and if there is a significant upstream drainage area that generally flows in a southeasterly direction when it hits those swells it is going to come straight out, across and down, although the numbers reflect that it is a marginal increase the concentration is significant.

Ms. Hammond said there is more concentration because instead of it coming down entire slope it is being pitched into these three areas, if it was spread out it might go into the ground before it hit the street and that now we are creating little pathways or little rivers.

Mr. Koch said that he believes what needs to be looked at first is what is the upstream drainage area going across this, which was not an initial focus. He said it needs to be looked at, what is the capacity of the swells, how deep they are going to flow and with that then there is information that we render a professional option on, but at this point the calculations do not really reflect that. He said that there is a crown in the road that is meant to push the water to the two (2) gutters but only if it was a significant flow would it and come down with enough velocity and crest over it.

Ms. Hammond asked if it makes a difference on how the roofs are guttered, does it control where it goes such as the swells vs. the driveway. Mr. Koch said that there is a time of concentration factor which is increased by the installation of impervious but the rain barrels would take the roof flow and put it into the barrels unless there were back to back to storms in which the rain barrels were full and over flow and come down.

Ms. McBride said that she would let them know if those rain barrels disappeared.

Frank Decicco, 330 Graham Street said from the previous rendering to the current, we are here because of impervious ground coverage and variances and it is his understanding it is a parking requirement for the number of cars to park on the property, without a garage how wide is the shared driveway. MR. Gazzale said that there is 21' between the buildings.

Mr. Decicco asked if that was ample for cars to go in and out. Mr. Gazzale said between the buildings yes then it narrows down. Mr. Decicco said that the location of the garage is very close to the back of the home, so are car pulling in would have to back out or back in; there is only one way in and one way out. Mr. Gazzale said yes. Mr. Decicco said if there were a car in my neighbor's driveway and a car in my driveway and his wife wasn't home and he did not have the key to get into her car in the driveway and his neighbor wasn't home, he would be home bound and there was an

emergency he couldn't get out of his driveway. He said that he does not see any way of being able to go into the garage and turn around, pull out, and do it safety. He said that if the rendition on the right had the parking spaces in front and the remedy to that was moving the house footprint what would stop a small parking pad in front of the home so that there could be two cars parked on this parking pad where the driveway is, is that something that would be thought of or a possibility. He said then there would be no impervious ground coverage, no variance for the garage, there would be no pergola's it would be like most of the homes that in are in the general that don't have garages and only have a half driveway. He said that they could park one in the driveway and one on the street like everyone else. He said that the remedy caused more of an issue then just redoing what they already have done in the first rendition.

Harriet Gordon, 310 Donaldson Street asked about the sidewalks, if you walked all around Donaldson from Braun to 5th she believe there is only one house that has sidewalks and that house was owned by a mason and now the two new houses at the other end. She asked why they were putting in sidewalks and what will that do to the rest of the homeowners on Donaldson Street.

Mr. Gazzale said that sidewalks were being installed at the request of Board professionals, and he does not think it does anything to the rest of the houses on Donaldson other than if they were to be redeveloped they would also put sidewalks in and eventually the Borough will move towards having more sidewalks in place.

Ms. Hammond said that idea is to get people from out of the street and on to a sidewalk so if they are doing an improvement, and this has been done with other residential projects, so if they are doing an improvement we do want people to put in a sidewalk. She said that it may not connect to something right now but over time, it will get people out of walking in the street and give them a proper place to walk.

Ms. Gordon said that Donaldson Street has a lot of deer all of the time, and putting in deer proof landscaping.

Mr. Nolan said with the pitch of the driveway and the change of moving the water to basically 3 concentrated areas he has concerns with the rate of flow and what is going to happen during a big storm and he is in favor of people being able to buy and develop homes but we have to think about impact on neighbors and would not be fair to the lady across the street if she has a basement full of water and now she has to deal with this and the people across the street say they don't know anything about it.

Mr. Gazzale said that he did not have any information on the upstream drainage area that Mr. Koch suggested he certainly can work with Mr. Koch to establish the limits of that and attempt to quantify the flow through the swells and see if there is an issue there.

Mr. Lanaris said it was possible to put in some underground drainage pipe. Mr. Gazzale said that there was nowhere to take it that he is aware of, he said it used to be that the towns would let you roof leaders out through the curb, they do not like that anymore because it freezes. He said if there was a storm sewer that would be obvious easy solution to tie into that. Mr. Koch said that they could look down at the corner.

Mr. Foley said that they would agree that Mr. Gazzale would work with Mr. Koch on that issue, they certainly do not want to create an issue for anyone on Donaldson Street and if there is an obvious solution that will address the problem his client will do and would agree to that being a condition. Ms. Hammond called for a break at 9:38 PM. The meeting resumed at 9:48 PM.

Mr. Foley indicated that he spoke to his applicant and they will be removing the pergola from the plan and keep the deck that he believes reduces the need for a variance for the garage, we would be down to one variance for the garage for side yard.

Mr. Koch asked if the deck could be changed to just a sidewalk. Mr. Foley said that would be fine.

Mr. Thomas said that he now agreed that there is no variance for the garage other than the side yard.

John Chadwick, Professional Planner, 3176 Route 27, Kendall Park NJ sworn and affirmed said that there is an oversized lot that can be divided into two conforming lots, no variances involved in that. The proposed homes not unlike two homes on Donaldson Street, in terms of their size and scale larger than the older homes and as you move closer to Main Street, and Raritan Avenue you get homes along 4th Avenue, some older some newer so the scale of the house in terms of the neighbor not just opposite this house is in keeping. The reason he is present is because of the two variances, building coverage and impervious and you have heard descriptions by the architect and the engineer as to what it does and what it's functions are, this is a C2 planning variance. They think exhibit A1 is preferable to exhibit A3 and the A1 is the proposed common driveway and garage and A2 is zone compliant, it would comply with all of the setback, coverages, and criteria and have no variances. They feel A1 is a far more superior plan and it does what most of the neighborhood areas have attached/detached garages, there are very specific standards in the ordinance on how they will be placed, the setbacks but it was common denominator to many of the homes in Highland Park to have garages and he thinks it does a lot of things for the functionality for the two properties and the neighbors. He said that it will put a garage 5' off the back of one the gentleman appearing but it will also provide for a separation of his activities in his yard and the activities of the two homes impart. In terms of function, it allows all the occupants in the new homes to potentially park off street and keep that section of Donaldson open. Both A1 and A2 keep the cars off the street but A2 does it by putting the cars in the front yard. He asked them to look at the degree of the variances; first, the building coverage variance is reduced by 2% for each lot because of the elimination of the breezeway, which became a pergola that has now been withdrawn. The coverage variance, we agreed as opposed to the deck it would be a sidewalk from the back door to the garage, which is a lot smaller than the 12x14 deck so overall impervious is now becoming a de minimis variance. The conclusion is we clearly meet the special purposes of zoning, we are complying with the standards for bulk and we are complying with sound engineering standards in terms of drainage, in terms of complying with improvement standards of the Borough we have not asked for a waiver of sidewalks he agrees with the policy you have to start someplace and putting sidewalks in time will serve the neighborhood. They have agreed to provide finishes and improvements to the exterior with specific detail in terms of the quality and the nature of these homes. The negative issues that involved with this, from an engineering stand point they have agreed to comply with all of the requests of the Board Engineer; landscaping and esthetics they have agreed to comply with the Borough's various commissioners and the recommendations of Mr. Constantine, we have also eliminated the whole issue with the placement of the garage to the rear of the property and we are now in compliance. The overall assessment is exhibit A1 versus exhibit A2 a better plan.

Mr. Nolan said that it was stated that the applicant is willing to deal with the Borough Engineer with regard to the ponding of the water at the back of the lot, does that also including dealing with the change in flow in terms of the intensity in the swell area and ensuring that it will not negatively impact the neighbors across the street. Mr. Chadwick said absolutely, he has worked with the Borough as a consulting planner quite a few years ago, some of these areas were still in fill and if you look at the street systems, they are all dams they are running right along the contours all the way down to Donaldson Park, but you're not dealing with large volumes.

Ms. Hammond said that some neighbors have talked about how their property aligns with this property, and asked about creating barriers between this property and other properties through landscaping or fencing. Mr. Chadwick referred to exhibit A1 the garage creates a private space to part of the rear, the landscaping has drawn not does not provide screening but the applicant has agreed with Mr. Constantine to adjust landscaping for certain areas and certainly can include a private screening.

Ms. Hammond asked if there was going to be fencing in the back. Mr. Chadwick said no.

Ms. Hammond asked if there was anyone from the public wishing to ask Mr. Chadwick questions, seeing no one public portion closed.

Mr. Thomas said that there is a steep slope variance, with plan A2 there would still be a variance it is not a totally conforming lot because of the fact there would still be the steep slope variance, building and impervious coverage variance although that has been reduced, side yard variance for garage and no longer have the rear yard variance and agrees with the sidewalk and the removal of the pergola and decking underneath the pergola and would indicate that it is an accessory structure.

Ms. Hammond opened the floor for public discussion.

Karen McManus-Smith, 612 South 4th Avenue sworn and affirmed said that you have taken off the pergola but you have left the garage, which is still only 5' from the property line. Mr. Thomas said that is correct, that is the proposal that the applicant is making recognizing that with the removal of pergola and decking the garage is no longer an attached garage making it apart of the principal building and becomes what it called an accessory structure then that says under the Ordinance there is only a need to be 5' front rear yard.

Karen McManus-Smith said on the side, which abuts her property what is the setback. Ms. Hammond said that there is 10' side yard from the house setback on that which they are obeying.

There being no one further, public discussion was closed.

Mr. Foley said that he wanted to state that the applicant submitted a plan that would have been very difficult for the Board to deny, and thinks that the professionals would agree and the feedback received would recognize that and they also made the claim that they did not like it and they didn't feel it was the direction that Highland Park should be going in and the applicant responded to that. They are proposing what they feel is a far superior plan and one which will take the Borough in a new direction and the Board has granted similar variances in the past and asked the Board to look at the benefits of the application vs. deterrents and respectfully that they approve the application with the conditions that have been agreed to.

Mr. Nolan said that he recognizes the neighborhood is changing, and his concern is the water but knows that the applicant has agreed to work with the Borough Engineer and he prefers the second plan.

Ms. Hand said there was a lot of public comment about the garage, some perturbation expressed about it blocking peoples view, its existence in general, other homes in the neighborhood not having garages but wanted to put on the record that as our town grows and houses are modified garages are a positive addition not only are they used for car storage they are used for snow blowers, lawn mowers, bicycles. She said that she thinks there is a place in our town's growth for accessory buildings that store large items that are used for overall maintenance and thinks that it is a positive decision to add a garage to the plan over parking that takes over the front lot. She said that even though there has been many negative comments about the garage and concepts of removing the garage to meet the impervious requirements she thinks the garage is a better use of space rather than more grass in this particular plan.

Ms. Welkovits said she wanted to thank the Borough Planner for working on improving this plan because it is very different in her opinion than the first plan that would have put that parking in the front. She appreciates the new sidewalk as well, we are working really hard to make this as much of a walkable and bicycling community as well and this second design is so much better for those reasons. A shared driveway might be a problem; maybe not hopefully everyone will be good neighbors. In general she has a concern, she sees the new buildings that go up tend to be bigger than the older buildings, taking up the whole lot size and it's not just happening in Highland Park, people apparently want bigger house size versus yards, and agreed with Ms. Hand's comments about the use of the garage in this case to store equipment. Given that the Borough Engineer will be working with the applicant to ensure that, the neighbors are not negatively impacted by any run off or flooding and appreciates the new design.

Ms. Hammond said that she agrees it is obviously a better plan than the original plan and appreciates the considering elements that the town welcome over things like parking cars on the front lawn and some of the exceptions. The only one that sticks with her is the overall coverage because they are big houses and it seems that they could have been shrunken 2% to make that coverage and then it would have been the perfect application.

It was MOVED by NOLAN and seconded by WILLIAMS that the approval of the subdivision and variances that are currently outstanding including inclusion of the comments that have been made by Mr. Constantine report of March 1, 2017, Mr. Koch's report of March 6, 2017 together with the additional conditions: ensure maintenance of the pavers for driveway, maintenance of the rain barrels in the rear, evaluation between the applicant's Engineer and the Borough Engineer with regards to the issues of runoff as it relates the ponding issue but also runoff in terms of the concentration to ensure that there will be no adverse impact which may include requirement for drainage calculations that are necessary for upstream impacts, include the representation that has made that in fact the pergola and decking underneath will be removed and replaced by a sidewalk which indicates that the garage is an accessory structure, mutual ingress and egress on the lower portion of the driveway, be approved.

ROLL CALL: Ayes – Mr. Brescher, Ms. Hand, Mr. Lanaris, Mr. Nolan, Ms. Welkovits,
Mr. Williams, Ms. Hammond
Nays – None

There being seven (7) ayes and no nays, the motion passes.

Approval of minutes of previous meetings.

Ms. Hammond indicated that the minutes of November 10, 2016 and December 8, 2016 would be carried to the next meeting.

Correspondence and reports.

Ms. Hammond said that she had a question regarding an approval the Board gave to a subdivide on the corner of Lawrence and Madison. The two houses were restored, the third house is a new building that is going in and the foundation/basement went in the foundation must stand 10' above grade. She said that she knows it has to be above the waterline and it brought to her attention that these ideas can come into conflict with one another, if they do that test and they find that the water table is only 3' below where they are, so they start their basement at that point it is literally 10' above grade. It is conforming to whatever was asked but they should not have had a basement, so they should have to build on a crawl or something else.

Mr. Koch said that he would catch with Scott on that and go out and look at it.

Mr. Thomas said you have a maximum building height but in order to measure the building height you have to do the average of the four corners and it is 10' above doesn't that effect the height. Mr. Koch said it does and he did those calculations for this application tonight and it was 33.5' and we have to be below 35' so they can be very tall and still get approval as long as they are 1' above the ground water so it is a tricky balance.

Ms. Hammond said they can't max over the overall height of 35' they have to stay a 1' above the water table and the sill on every other house on this block is 2' off the ground and this one is 8' off the ground it is absurd. Mr. Koch said that the Ordinance allows it, so what happens is you have to flatten the slope on the roof in order to compensate for that.

Mr. Thomas said that maybe there could be a change in the Ordinance to take into account not just height but the distance between the average ground level and the first floor so then you end up not having that 8-10', whatever the reasonable number is. He said that that should be something that is not to terribly difficult to add which would give the ability of not having to worry about every particular application that comes before you. He said that he and Mr. Koch could work that out.

Mr. Nolan said that in this case they offered us the bad and not so bad and said you choose, and he was surprised that they were able to present conforming plan that allowed parking like a used car lot and is that is something that can be looked at in terms of altering our code to remove parking in your front yard as an option. Mr. Thomas said that if there is not already something in place, you could restrict parking in the front yard.

Ms. Welkovits said that when Mansfield was repaved NJDOT standards were was not used and curb ramps we not installed so in front of Bartle School there is a curb, you can't get a stroller, or bicycle or wheelchair so that should be in the Ordinance if you use NJDOT monies you have to ADA compliant and asked if it could be this kind of curb cut to tie in or use some complete streets language.

Ms. Hammond said so instead of saying you cannot park on the front lawn, you would say a curb cut could not be wider than 15' or something. Mr. Thomas said you could absolutely do that but would be more direct to say no parking in the front yard.

Action on any other business and work session: None

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 being no further business a motion was made to adjourn from Mr. Nolan with a second from Mr. Williams and at 10:35 PM the meeting was adjourned.

Respectfully submitted,


Jennifer Santiago, Board Clerk