

**HIGHLAND PARK PLANNING BOARD
MINUTES
MARCH 10, 2016 @ 7:30 P.M.
Council Chambers, Borough Hall
221 South Fifth Ave. Highland Park, NJ**

Call to Order

The March 10, 2016 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 7:32 pm; Ms. Hammond indicated the location of the fire exits.

Roll Call:

Present	Kim Hammond, Alan Kluger, Allan Williams, Paul Lanaris , Phil George, Scott Brescher, Judi Shade Monk, Rebecca Hand, Steve Nolan arrived at 7:47 pm
Absent	Stephany Kim, Padraic Millet
<u>Board</u>	Roger Thomas, Esq. Board Attorney
<u>Professionals</u>	Allen Schectel, Board Planner Bruce Koch, Borough Engineer

Unfinished or adjourned hearings

American Properties at Highland Park, LLC Cleveland Avenue Block 170, Lots 5 & 6	P2015-04 Preliminary Major Site Plan Approval Final Major Site Plan Approval Preliminary Minor Subdivision Approval Final Minor Subdivision Approval
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Ms. Hammond indicated that the American Properties hearing was being carried to the April 14, 2016 meeting and that no further notice will be provided.

Memorialization of resolutions

Resolution P2016-01	Recommend Amendment to Highland Park Redevelopment Plan for redevelopment of Block 173, Lots 36 and 37
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Ms. Hammond indicated that the Redevelopment Agency was before the Planning Board on February 11, 2016 and made a presentation about an amendment to the Redevelopment Plan and from there a sub-committee was formed and has since met with the Redevelopment Agency and now have a more formal proposal to present.

Rosanne Baruh, Chairperson of the Redevelopment Agency introduced the Agency Counsel Joseph Baumann, Esquire and the property owner Mr. Anton Popov. Mrs. Baruh said that their focus was on an amendment to the Redevelopment Plan related specifically related to Blocks 173, Lots 36 and 37 on Raritan Avenue just off of North 2nd Avenue, known as the International Foods Market and the lot next to it which is currently empty. She said that they are seeking an amendment to the Redevelopment Plan because the plan is about ten (10) years old and there are things on it that need to be updated in order for this project that Mr. Popov proposes to move forward. Mr. Popov proposes to build a building that is approximately twice as wide as it is currently and twice as high. She said that it would be a two story

building on the property. She said that the amendment as distributed to everyone the focus is specifically on parking requirements. A subcommittee of the Redevelopment Agency met with the subcommittee of the Planning Board and the language on page three as presented is intended to address issue of parking for this property in a place where there is in fact very little parking and the expectations and requirements which will be memorialized not only in the Redevelopment Plan which is the force of law but also in the Redevelopment Agreement which is also enforceable law in the State of New Jersey that will require them to provide one (1) parking space within a 1,000' of the property for each residential unit. There is an expectation that if Mr. Popov can move with this project there will be five (5) residential units, studio and one bedroom apartments intended primarily for the student market.

Joseph Baumann, Esq., McManimon Scotland and Baumann, attorney for the Redevelopment Agency said that the Redevelopment Agency, Council, Planning Board work together to pursue a redevelopment project in Highland Park, and the Agency's job is to find and assist redevelopment projects in Highland Park and primarily only redevelopment areas. As an Agency they have spoken to property owners and applicants and Mr. Popov had come to the agency and expressed his desire to expand his project to double its size and add five (5) residential units above. The plan that the owner has currently is not permitted under the existing Redevelopment plan, there are a couple bulk requirements in the existing plan that would prohibit the building of the project that the owner would like to build. He said that they took that information, prepared an amendment to the plan and sent that to the Mayor and Council. He said that they suggested to the Council a Plan amendment and the Mayor and Council then forwarded the amendment to the Planning Board. He said that in this instance unlike some of the other applicants before the Board, the Planning Board is serving as an advisory board to give the Mayor and Council your comments regarding the proposed Plan amendment as they presented it to you. The Plan was provided to the Board and a subcommittee was established to sword through what comments that the Planning Board might want to consider sending back to the Mayor and Council. As a result of that there was another meeting ending with the version of the amendment as presented to the Board which is different then what the Mayor and Council recommended to the Board. He said that if the black lined version is the version that the Board would like to recommend back to the Mayor and Council, the Mayor and Council's job would be to then take the black line version and decide if they agree or disagree with the Planning Board, if they agree they may adopt an Ordinance approving the plan amendments as recommended by the Planning Board and if they disagree they would explain on record why they disagree and adopt a plan that they deem appropriate. The role of the Planning Board in this instance is the Planning Board as the experts in this area having done this for many years. In this particular plan the back and forth among the committees involve many of the changes as distributed that evening and the goal is to try and get to a project that the Planning Board likes. He said that if this plan is adopted and Mr. Popov comes to the Planning Board with a plan that is consistent with the amended plan. He said that they were looking to move forward in a way that would make the Planning Board and the Mayor and Council comfortable. He said that after the Mayor and Council decide upon the Planning Board's input what the zoning will be through the Redevelopment Plan, the Agency will then negotiate with Mr. Popov a redevelopment agreement, a contractual obligation and not the legislation. The things that the Redevelopment Agency has to worry about are: Mr. Popov has to commit to beginning his project by a certain date, completing his project by a certain date, make certain promises about affirmative action and other things of that nature that

will be a part of the agreement. He said challenge for the site is Mr. Popov would like to have five residential units on the second floor and where are they going to park, once he makes his project larger and takes up the entire site there will be no parking on the site which was the Planning Board concern. The plan as amended will require Mr. Popov to find one space per residential unit somewhere within 1000 feet of the project in order to have his project move forward and he has to have to have that in order for his project to go forward. He said that the Agency's goal is have a plan amendment that will enable Mr. Popov to complete his project. He said that a lot of discussion went into the design standards as well, the current Redevelopment Plan has about 6-7 pages of design standards in addition to the bulk standards that may or may be not required for the project, the leading cause to the agreement says that the Planning Board can waive the design standards but some of the design standards talk as they are permissive so it is not clear. He said that it was originally suggested that the design standards could be dealt with in the redevelopment agreement so the Redevelopment Plan would say that the design standards in the Redevelopment Plan would not apply and the Redevelopment Agency would be in charge of trying to negotiate with Mr. Popov the actual design standards. He said that it was important to the Redevelopment Agency at the time.

Mr. Baumann indicated that the version of the amendment as distributed today would be the amendment that would presumably vote on today, you would advise the Mayor and Council that you had received their plan and suggested certain changes and Mayor and Council would either adopt the plan as recommended by the Planning Board or they would disagree

Mr. Thomas said that it was his understanding based on what was said that in addition to the parking that the design standards that the following be deleted: 1. The B. General Design Guidelines as set forth in the current Redevelopment Plan (pages 17 through 26) shall not apply. Rather, design standards shall be established in the redevelopment agreement to be entered into by and between the designated redeveloper of the property and the Highland Park Redevelopment Agency. He asked if it was possible and appropriate that the design standards for this particular lot language that would indicate that the design standards will be determined by the Redevelopment Agency rather than eliminating that language.

Mr. Nolan said that they were retaining the design standard portion of the plan itself and that was going to delete that section of the plan. He said that they felt uncomfortable just totally deleting it.

Ms. Hammond suggested that the sub-committee speak to the Board on their recommendation based on their work within the sub-committee.

Mr. Nolan said that they had the opportunity to meet with a representative from the Agency about this particular project which is a very small portion of the development area. It is the International Foods and an empty lot next to it. There is a proposal to do something there and the developer/owner expressed an interest in getting some certainty in terms of parking so they could feel comfortable before putting a lot of money into the project. The offer was if they were able to find off street parking somewhere else because the site itself does not have it and would that be okay and the reaction was that that would be done anyway as a planning board but if that is needed up-front and there is a need to put

numbers on it and the Board was comfortable with the numbers that they came up with. He said that he has no problem with making this compromise for this limited project to help it move forward.

Mr. Thomas asked that Mr. Nolan give the Board some commentary with regards to the whole issue with design standards, where it was, where the Redevelopment Agency was and where he is at this point.

Mr. Nolan said that the Redevelopment Plan itself has a pretty extensive section of design guidelines, some are guidelines and some are mandatory and that was developed for all of the redevelopment areas within the Borough. The applicant felt if they could negotiate those design elements with the Redevelopment Agency it would help to streamline things further. The applicant proposed that we just delete those standards and have it negotiated with the Agency and his concern with doing that was getting backed into something and not having the opportunity to sort of air it and it has always been a collaborative process and no one is looking to stop it but there is a concern about things not being done here in the open. He said that this was his opposition to it as a concept and not just this application but just as a concept.

Mr. Kluger said that the only way to look at it is as a concept because it is not like there are any plans or what exactly Mr. Popov is intending on doing and as mentioned by Mr. Nolan based on history the Board has worked very well and often with small owners all along Raritan Avenue. He said that Mr. Popov has made mention that since the Redevelopment Plan was in place that no applications have come before the Board with respect to the Redevelopment Plan and that is not the case. He said that there had been at least 4-5 that have come before the Board and two (2) which were small property owners who the Board worked with very well to get their properties approved and there were parking issues and maybe some small design issues but the Board and the applicant worked very well together and they were approved. He indicated to Mr. Popov that the Board wanted him to succeed and the Board will work with you but they are not at a point where they are ready to hand over the keys entirely to the Redevelopment Agency binding the Board to whatever is in that agreement. He said that he would come back to the Board in any case but they would like him to succeed and want this to work and look forward to working with Mr. Popov to help him accomplish his goals. He said that they were not ready at this point to say that the design guidelines that were put in, for a reason, and they are not saying they are married to every single line in the agreement but want to work with you on the project and not just say we are taking all of the design guidelines out for this project, there are concerns that this may set an unofficial precipice in other situations when applicants come before the Agency or the Town and say that we waived all of the design guidelines for this applicant and we now have to do it for them as well.

Mrs. Baruh indicated that the Agency had the same concerns and in looking at the Plan and Mr. Popov's project it indicates that 75% of the ground floor shall be transparent and is sure that it not exact what is meant. She said that the Agency will have to obviously have to come back and she knows that it is not the intention to have 75% of the ground floor transparent but that in fact is what is written.

Ms. Hammond said that what Mr. Kluger is saying is that in good faith and the intent is that 75% of the façade and what that is speaking to is a characteristic of transparency in a retail business and as Mr.

Kluger also expressed is that as much trepidation the Agency may have about the Board being to ridged, the Board is in a position where they are regularly work with an applicant to be very reasonable to welcome these types of projects.

Mr. Baumann said that the suggestion was to Mayor and Council it may be time to look at the Plan and he would strongly suggest that.

Ms. Hammond said that she thought that was a great idea and welcomed that idea but the concern was sort of spot zoning and looking lot by lot and not looking at an inclusive plan and based on the comments from the sub-committee she would be happy to move forward with the recommendation the way it's been revised.

Mr. George said that he knows that the Redevelopment Agency has been working with the applicant for a while to make this plan happen, this would be a follow-up development to some of other re-development but also moving that particular block heading down towards River Road. He said that the sub-committees have done a great job in coming up with the compromise which locks in the parking requirement. He said that he tried to negotiate on the Borough's behalf on some additional parking and that it may be sort of a stretch but it is also required and thinks that this is a good compromise.

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.

Mr. Thomas suggested to the Board that a motion to make a favorable recommendation with regard to the final version that has been submitted to the Board entitled "An Amendment to the Highland Park Downtown Redevelopment Plan" dated September 13, 2005 as amended and supplemented. He suggested that the Redevelopment Agency provide the Board with a copy that indicates revised through March 10, 2016.

Mr. Baumann suggested sending the black line back to the Mayor and Council so that they can clearly see the changes.

Mr. Thomas indicated that is why he recommended that the Agency ensure that the revised version indicated as amended and supplemented through March 10, 2016. Mr. Baumann agreed.

Ms. Hammond asked for a motion.

It was MOVED by GEORGE and seconded by KLUGER to make a favorable recommendation with regard to the final version that has been submitted to the Board entitled "An Amendment to the Highland Park Redevelopment Plan" dated September 13, 2005 as amended and supplemented through March 10, 2016.

Approval of minutes of previous meetings**January 14, 2016 – Regular Meeting**

Steve Nolan had the following changes to the January 14, 2016 Regular meeting minutes: his name is spelled with a “ph”; page 6 summary of agreement, believes that Alan Kluger made those comments; Janeway is not Jane Way in a few places; there was a questions about worker safety was made by Phil George; there was a conversation with Fred Coco about the feasibility of connecting the project to Janeway he thought that may have been him but it may have been Mr. Lanaris as well.

Ms. Hammond asked if that should be attributed to the both of you or leave it as stated. Mr. Nolan said that it could read that it was both himself and Mr. Lanaris because they both did ask those questions.

Mr. Nolan said that on page 37 there were some questions attributed to Mr. Millet and thought they were his questions.

Mr. Williams said that there were some typographical errors throughout that were forwarded to the Secretary for correction.

It was MOVED by NOLAN and seconded by GEORGE that the January 14, 2016 minutes be approved with the revisions and with a voice vote from all present the minutes were approved.

Ms. Hammond said that they had an application that they thought might be an informal review for someone who was interested in doing a project on Raritan Avenue but will first be going to the Zoning Board.

Mr. Thomas said that since the last meeting there had been some discussions internally with regard to issues that were brought up by one or two board members with some of the environmental questions, they are currently being reviewed. It was felt that it was best that those questions be addressed and see if they could be resolved and if so they will be presented at the Board meeting on the 14th of April.

Mr. Kluger said that if any of the Board members have questions or issues that they would like to be addressed to e-mail them to him directly and himself and Allen Williams can get them to the applicant before the April 14th Board meeting.

Mr. Williams asked Mr. Thomas about the memo he had created for the reports and asked if that could be sent to the members of the Board. Mr. Thomas said that there will be some discussion with regards to that and it would be helpful to have the discussion first and then release to all the Board members.

Mr. Williams asked what the date of the Settlement Agreement was. Mr. Thomas said that he did not have that information with him. Mr. Kluger indicated that he had an electronic version and would forward that to Mr. Williams.

Mr. Williams said that Councilman George and he were talking to the Mayor about some of their concerns and she set up a meeting with Honeywell which will occur on March 23, 2016 @ 4 p.m. at the Environmental Education Center. He indicated that he would take minutes at the meeting.

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. George a second from Mr. Williams at 8:15 pm the meeting was adjourned.

Respectfully submitted,

Jennifer Santiago
Board Clerk