

**HIGHLAND PARK PLANNING BOARD  
MINUTES  
MAY 12, 2016 @ 7:30 P.M.  
Council Chambers, Borough Hall  
221 South Fifth Ave. Highland Park, NJ**

**Call to Order**

The May 12, 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 7:33 pm; Ms. Hammond indicated the location of the fire exits.

**Roll Call:**

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

Ms. Hammond recused herself for this portion of the meeting.

**Memorialization of resolutions**

**Resolution P2016-02**

American Properties at Highland Park, LLC  
Cleveland Avenue Preliminary Major Site Plan Approval  
Block 170, Lots 5 & 6 Final Major Site Plan Approval  
Preliminary Minor Subdivision Approval  
Final Minor Subdivision Approval

Mr. Kluger said that everyone received a draft copy of the Resolution. He indicated that there were some additional comments and clarifications from the applicant. He indicated that there was a red-lined copy and asked Mr. Williams if he would go through those changes and forward that to Roger Thomas for correction and ensure it gets to the applicant.

Mr. Williams recited the following corrections to the American Properties resolution: page 4 - RSIS was added and ordinance was removed; bottom of page 5 trichloroethylene (TCE) was added tetrachloroethylene was removed; bottom of page 6 offsite site property owner and its LSRP. ~~for Mid Atlantic Properties;~~ page 7 • Crushed concrete and imported structural fill material and existing material from the utility trenches will be placed on the site to establish appropriate base site grading.; page 8 remediation was replaced with remedial; page 9 first full paragraph “It was agreed by the Applicant that they will monitor the air quality as needed under the oversight of their LSRP and use appropriate measures to mitigate fugitive dust.; page 9 third paragraph last sentence: . The process will be accomplished on a section by section or building by building basis and is not required for the entire site at once.; page 9 last paragraph the word for was removed in the first sentence; page 10 glazed glass was replaced with insulated glass; page 10 at the bottom of the page 20018 was replaced with 2018 and are currently was replaced with would be; page 11 top of page was at was replaced with would be at; page 11 mid page “The Applicant agreed that they would monitor the dust problems as needed at the direction of their LSRP.

Mr. Kluger indicated to Mr. Koch that this was the one they had a question on. Mr. Koch indicated that he spoke to Mr. Shimanowitz about. He said that if the residents are calling Borough Hall with a complaint and he did not want that permission to come from an LSRP for the contractor to power wash a home or something of that nature. Since he is monitoring the air quality we should know whether there is any hazardous dust in the air and he asked Mr. Shimanowitz if he and his client had an opportunity to speak.

Mr. Shimanowitz said that they did speak and were fine with the addition of as per the Borough Engineer as well. Mr. Koch indicated that it would read the LRSP or the Borough Engineer or whatever wording everyone is comfortable with. He indicated that there was no reason to get an LSRP involved if someone says that their windows are dirty.

Mr. Kluger asked if the dust issue was really an LSRP issue or more of a factual issue, either there is a dust problem or there isn't a dust problem, and did not understand why it is stated that they will monitor the dust problem as needed.

Mr. Koch said that from his perspective it is a safety net because if he indicates that there has been an air quality and we think there should be some involvement, we want to ensure that everyone is safe and nothing drops off on their property and if there is not an issue and there has not been an air quality problem then perhaps it could be handled more expeditiously. He indicated that he would refer to the board but that was where he was coming from on it.

Mr. Kluger asked if the words "as needed" were necessary and just indicate that they will monitor the dust problem at the direction of the LSRP and the Borough Engineer. Mr. Koch said it is whatever everyone is comfortable with.

Mr. Kluger said that he wants it to be made clear that this is an issue that needs to be dealt with and it is not just an "as needed" issue.

Mr. Williams continued with the amendments to the Resolution: page 16 the Board does find that the design of the interior roadways is of a driveway type and therefore find that the standards under RSIS do not apply and sidewalks on any one side of the roadway is appropriate".

Mr. Kluger indicated to Mr. Williams that there was a change on page 13, in the middle paragraph the word no was taken. He said that it should read there will be passive mitigation systems as opposed to there will be no passive mitigation systems.

Mr. Williams continued with page 16, bottom, said map is dated August 28, 2015, revised to October 23, 2015; under conditions of approval, page 19, item 13 – the addition of "The plan shall be submitted prior to initiation of site work by applicant.

Mr. Williams said under the first whereas asked for clarification on the application date. Mr. Kluger said looking at the application itself it was not actually dated at the top, it was signed by the applicant on September 9, 2015, and the zoning permit application was received September 9, 2015 also. He said that if they could not get an actual date they could just say September 2015. Mr. Shimanowitz agreed.



Mr. Shimanowitz indicated that he just realized that the second word of the resolution is Heritage at Highland Park and it is actually American Properties at Highland Park LLC

Mr. Williams asked what date should be used as far as the application. Mr. Kluger said to use September 2015 and have Mr. Thomas look into that for a better date if there is one.

Mr. Williams said that on page 4 it talks about lighting, the applicant shall provide lighting plan to provide assurance, he suggested making this a condition of approval.

Mr. George said that he has one minor change on page 20, item 13 the applicant shall submit a construction traffic plan to be submitted and reviewed by the Borough Engineer and Police Department. He indicated that that was an accurate condition but when that discussion took place the applicants witness' agreed that would be submitted before any actual site work was undertaken and with everyone's agreement he would like that clarified. Mr. Shimanowitz agreed.

Mr. Kluger said that he didn't see anywhere within the Resolution where the settlement agreement is incorporated by reference and believes that was a requirement of the settlement agreement itself and asked to have that added. Mr. Shimanowitz agreed that it should be acknowledged within the Resolution as a whereas.

Mr. Kluger asked if anywhere in the Resolution was a reference to the applicant working with the Borough Engineer regarding the wording on the signage related to hazardous materials and suggested making that condition 24; heavy construction traffic would be limited to the temporary access drive off of Cleveland Avenue would be condition 25.

Mr. Shimanowitz said that the heavy construction would come in off of Cleveland and the vertical or lighter construction would come off of Janeway.

It was MOVED by Mr. George and seconded by Mr. Williams to adopt the Resolution as amended.

ROLL CALL: Ayes – Mr. Kluger, Mr. Williams, Mr. George, Ms. Hand, Ms. Monk, Mr. Brescher  
Nays – None

There being six (6) ayes and no nays, the Resolution as amended is approved.

**Approval of minutes of previous meetings**

February 11, 2016

Ms. Hammond indicated that the minutes of February 11, 2016 would be tabled for further review. All in attendance were in agreement.

**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.

**Appointment of Professionals**

Planner  
Board Attorney  
Engineer

Ms. Hammond said that back in January the Planner, Board Attorney and Engineer will appointed for a three (3) month appointment.

**Resolution R2016-03** Executive Session – Board Professionals, Planner, Engineer and Board Attorney

It was MOVED by Mr. George and seconded by Mr. Williams to go into executive session to discussion professionals for the Planning Board with no other subjects to be discussed and the minutes would be released when necessary and appropriate under the open public meetings act.

ROLL CALL: Ayes – Mr. Kluger, Mr. Williams, Mr. George, Ms. Hand, Ms. Monk, Mr. Brescher  
Nays – None

There being six (6) ayes and no nays, the motion was approved.

The Board went into closed session at 7:58 p.m.

8:12 p.m. A motion was made by Mr. George seconded by Mr. Williams to return into open session, no other subjects were discussed but the selection of a Planner for the remaining term of 2016 effective immediately, there were no other topics discussed and the minutes will be released when necessary and appropriate under the open public meetings act.

Ms. Hammond indicated that at this time they will make the appointment of the professionals to the Planning Board and recommended for the remainder of 2016 the re-appointment of Roger Thomas and Board Counsel, CME Associates as Board Engineer and Looney Kiss Jim Constantine as Board Planner effective immediately through December 31, 2016.

It was MOVED by Mr. George and seconded by Mr. Williams to appoint Roger Thomas as Board Counsel, CME Associates as Board Engineer and Looney Ricks Kiss as Board Planner for the remainder of 2016.

ROLL CALL: Ayes – Mr. Kluger, Mr. Williams, Mr. George, Ms. Hand, Ms. Monk, Mr. Brescher  
Nays – None

There being six (6) ayes and no nays, the motion passes.

**Correspondence and Reports.**

Ms. Hammond said in regards to the Sustainable NJ Plan and making sure they stay on a time table, because things that the Planning Board is going to aid in. She said that they would make a recommendation to the Borough Council that the Board believes these things should happen, then the



Borough Council recommends in to the Planning Board to review and then it is sent back. She said that Judi Monk is going to walk the Board through the few pieces that would be changes to the Borough Ordinances.

Ms. Monk said that she would like to go through the action items first that are recommended that the Borough undertake. She said those include a Sustainable Landuse Pledge Resolution which is a priority item for the Sustainable NJ effort, a Green Building Policy Resolution, Green Building training, Green Building education, and upgrade in retro fit for light pollution or mitigation of light pollution and to create a green development checklist. She said that four of the items require adoption by the Borough Council. All of the items have been preliminarily reviewed and recommended the adoption of the models proposed in the Sustainable NJ Certification for the Sustainable Landuse Pledge Resolution, Green Building Policy Resolution, the Green Building Policy Resolution would also be an enabling Ordinance for the adoption of a Green Building and Development checklist and recommends adoption of that as well. The upgrade and retro fit for light pollution is a pretty thick and difficult issue to review and she did not any substantive outdoor lighting Ordinances by the Board.

Ms. Monk asked if the Borough had dark sky requirements. Mr. George said that the Borough did and a lot of that was discussed during the Rite-Aid application as a result from comments from the residents and the Borough found that they did have those Ordinances in place.

Ms. Hammond asked if this would require that the Ordinance hold the light levels to a certain point. Ms. Monk said yes, held to a certain point, pointed in a certain direction, new municipal installations conform to dark sky, things that do not contribute to sky glow or glare or intrusion onto adjacent properties and are task focused. She asked for assistance in locating the Ordinance so she could see if the Borough's existing Ordinance is in conformance. Mr. George said that he would send that information to her.

Ms. Hammond said that in the past when changes to Ordinances already on the books were spoke about it gets complicated because things are sited over and over in several places and Sustainable NJ gives models.

Ms. Monk said but not in the case of lighting but they do reference other municipalities that have Ordinances but would defer to those who have been residents longer to talk to the applicability of their sensibilities to Highland Park.

Ms. Hammond asked if the light section was truly a section or was it something that was referenced over and over. Ms. Monk indicated that it has its own section.

Mr. George said that one of the problems when he has worked on Ordinance changes, you do have to go back through the code. He said in order for the Planning Board to get the credit on the Sustainable NJ checklist the Planning has to act to make these recommendations as if we were reviewing an Ordinance and making a recommendation to Council and asked Ms. Monk if they could adopt all of the recommendations and pass those resolutions in essence as a recommendation and subject to putting into a formal form.

Ms. Hammond indicated that what she thought they were seeking is for the Council to review all of those.

Ms. Monk indicated that she had started some pretty intense comments especially in the green building and development checklist and some lighter comments in the other Ordinances because they are far more general but would like to have those up for discussion with the Planning Board to talk about incorporation.

Mr. George asked what the time line was so that they could ensure that is done. Ms. Monk said that as long as the action is moving forward they could submit the model Ordinance for the preliminary June date and then have the final settled on by August or September. She said that she hoped to have her review done for the Board's next meeting.

Ms. Hammond asked for clarification, she asked if there were three different items, Landuse pledge, green building policy that includes the checklist and what else.

Ms. Monk said that lighting and the lighting was the most challenging, the lighting would be an Ordinance.

Ms. Hammond asked if the second would be done through Ordinance or is that just a change that we would include the checklist.

Ms. Monk said that the green building checklist is incorporated through the adoption of the green building policy resolution and then the Sustainable Landuse pledge which is already in existence it just needs to be reviewed.

Ms. Hammond asked if that was something that would go to Council and then be referred back to the Planning Board, or should the Board tonight indicate that they would like the Council to review.

Ms. George indicated that the Sustainable NJ program asks for a Resolution from the Planning Board to formerly request that the Borough take the action as recommended.

Ms. Monk said that what she has it that the Planning Board is to review draft resolution to see if it is worth adopting that would then go through Mr. George and then Council.

Ms. Hammond asked if Ms. Monk would be circulating documents for the Board to review. Ms. Monk said that she thought it worked that she would tell Mr. George that this was worth Council consideration and assumes that there is a review and distribution from the Council.

Ms. Hammond asked Mr. George asked if there was anything that the Board needed to act on tonight to have the Council formally review this or is he going to bring it to the Council.

Mr. George indicated that he would bring to the Council but thinks to submit the Board's points pledge to Sustainable NJ to put it in a Resolution to recommend himself as the Council designee to the Planning Board to take that to the Borough Council and he will get it on the green agenda.



Ms. Hammond said so the Planning Board will create a resolution.

Mr. Williams said that the Environmental Commission approved a proposed change to the water conservation ordinance and recorded it in the minutes. They recommended to the Council that the ordinance changes should be implemented.

Ms. Hammond said that they were going to formally acknowledge that the Planning Board is requesting the Council to review the Landuse pledge, green building policy and the lighting ordinance and that Mr. George will work as Council designee to put those things together and get it on the Council agenda.

Ms. Hammond asked when the next Council was scheduled for. Mr. George said May 17, 2016 but they were short for time because of the summer months but would try and move that along for the June meeting.


Ms. Hammond asked if they were short because they would not have their minutes done by then. Mr. George said that he was still going to bring and it is memorialized in the minutes.

Ms. Monk said that she would forward the models to Mr. George along with her strategy and what she would like to have incorporated within. Mr. George agreed.

Ms. Hammond said that Scott Brescher would be sending the lighting.

There was a motion to adjourn from Mr. George with a second from Mr. Williams at 8:27 pm the meeting was adjourned.

Respectfully submitted,

  
Jennifer Santiago  
Board Clerk