

**HIGHLAND PARK PLANNING BOARD
MINUTES
SEPTEMBER 8, 2016 @ 7:30 P.M.
Council Chambers, Borough Hall
221 South Fifth Ave. Highland Park, NJ**

Call to Order

The September 8, 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 Vice Chairperson Alan Kluger at 7:39 pm; Mr. Kluger indicated the location of the fire exits.

Roll Call:

Present	Kim Hammond arrived at 7:46 pm, Alan Kluger, Allan Williams, Phil George, Stephany Kim, Judi Shade Monk, Rebecca Hand
Absent	Paul Lanaris, Padraic Millet, Stephen Nolan, Scott Brescher, Bruce Koch, Borough Engineer
<u>Board Professionals</u>	Roger Thomas, Esq., Board Attorney, Jim Constantine, Borough Planner

Approval of minutes of previous meetings

April 14, 2016

It was MOVED by Mr. George and seconded by Mr. Williams to approve the April 14, 2016 with a voice vote from all present the minutes were approved.

May 12, 2016 Regular Session

It was MOVED by Mr. George and seconded by Mr. Williams to approve the May 12, 2016 Regular Session with a voice vote from all present the minutes were approved.

May 12, 2016 Executive Session

It was MOVED by Mr. Kluger and seconded by Mr. George to approve the May 12, 2016 Executive Session with a voice vote from all present the minutes were approved.

July 14, 2016

It was MOVED by Mr. George and seconded by Ms. Monk to approve the July 14, 2016 with a voice vote from all present with abstention from Mr. Kluger, Mr. Williams, Mr. Kim, and Ms. Hand, the minutes were approved.

Mr. Williams said that Jennifer did a great job since he was not present, and reflects accurately what was said but there were some factual errors in the discussion. He said that the timing for periodic examination is now 10 years and is no longer 6 years. Mr. Thomas indicated that was correct.

Mr. Williams said that in the Municipal Land Use Law it says that the absence of the adoption of the Planning Board of a reexamination report pursuant to section 76 PL 1975 c291 (C40:55D-89) shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable. He said that it sounds like to him that what the Municipal Land Use states the Borough needs to do a reexamination and it has to be a written report and approved by the Planning Board. Mr. Thomas indicated that was the case and the one thing that you do not want to have happen is to have him go into Court on behalf of the Borough without that presumption of validity. He said that they need to end up doing it within the time period prescribed.

Mr. Williams said that the Master Plan is so far out of date with so many additions, corrections and changes it would seem to him the Borough should allocate monies so we can get started in 2018. Mr. Thomas said that what Mr. Williams seems to be suggesting is not just simply a reexamination but possibly undertaking a brand new Master Plan. Mr. Williams agreed. Mr. Thomas said that in his experience it will take some considerable time and unfortunately for the Borough a considerable amount of assets so it will be something that needs to be allocated for the Planning Board by informing the Governing Body.

Mr. Williams agreed and asked Mr. George to bring to the Governing Body.

Ms. Hammond asked if the Planning Board would need to make a formal request to the Council.

Mr. George indicated that he made a note to have that discussion and has also raised it several times with Council in the Conference Sessions even before the amendment to the law. He said that he had made mention of the reexamination in light of the redevelopment plan which was only references in the last version of the plan. Changes in town especially with the litigations regarding Affordable Housing probably mandated a closer look. He said that he would bring this up at the next Council Conference meeting.

Ms. Hammond asked if the Planning Board was making a formal request to the Council or is Mr. George just bringing it up to the Council. Mr. George indicated that he would bring it up to Council with hopes of starting the planning sooner rather than later and start the allocation of funding, look at the timeline, and reexamination vs. an entirely new Master Plan.

Action on Any Other Business and Work Session

Area in Need of Rehabilitation

Mr. George indicated that what they hope to do is introduce to the Board, although in some of the Board Chair's meeting and some of the Economic Development meetings it has been discussed, it has been a topic on the public meetings and the Redevelopment Agency since April. He said that he thinks it is important to understand the genesis of it, over the last couple of years the Redevelopment Agency and himself as liaison have been looking at the Redevelopment Plan as it is now over 10 years old, and looking at the changes in the economy and the recession during 2007-2008 and how that impacted housing, the changes in demographics in Highland Park, the increasing emphasis on what the local industries are, the University, the Medical and Technical that have a different type of person coming in, the rise of millennials, and the

Redevelopment Plan needs some attention. One thing that was pointed out by several members of the Redevelopment Agency is that we have a scattered Redevelopment Plan which means we did not have single block and lot tracks where they can be redeveloped as a unit. The Borough has a lot of small properties scattered throughout the redevelopment area where in some cases a single sight and are intersected with properties that are not in the redevelopment area. The findings after several meetings there are land owners in town that want to do some development but would say they have a building and picked up the building next door and maybe be able to work with the owner of the building next to that to redevelop and would like a redevelopment plan and can build mix uses and so on but one of the properties is redevelopment and is subject to the RSIS and the commercial zoning and with one of the properties they would like to use and can't even do that. He said that was the genesis of discussion in several meeting in Redevelopment Agency, it was discussed with many off-line. The Redevelopment Agency created a sub-committee to explore this and in April the Redevelopment Counsel circulated a memorandum the basic process for declaring an area in need of rehabilitation which is similar to an area in need of redevelopment but has different criteria for designation, and has significant limitations as opposed to redevelopment. Condemnation cannot be used in an area in need of rehabilitation and any pilot agreement is limited to five (5) years. A pilot agreement is a payment in lieu of taxes, it is a tax device to incentive a develop by saying that a developer shall pay any, or all or a part of taxes that might be due or owing under a given formula that is agreed to within the guidelines of the statutes. It is a tax incentive to try and get the building off the ground. He said that in some projects that he has done, which starts at zero and year one to allow the developer to absorb some soft costs and up to 20% every year for up to five years and then a full taxation. There are slightly different criteria although the criteria needed for an area in need of redevelopment which was done in 2005 is the old "blighted" area standards, area in need of redevelopment focuses a little bit more on a general need. One of the factors that Highland Park significantly qualifies for is that infrastructure of water, sewer, utilities, roads, sidewalks is more than 50 years old and basically the presumption that it is in need of repair. As result of several studies done and the Capital Improvement Task Force that Dr. Andrews headed that finished its work in February a lot of the Borough's infrastructures are 100-110 years' old, the underground installations for water and storm sewer in most areas of the town are 100 years old plus. The sections of the Capital Improvement Plan that relates to infrastructure aging out, a lot of the Borough's streets were originally paved in the 1920's and that is the primary criteria that Highland Park is looking at to declare and area in need of rehabilitation. The benefit of it is that specifically you can apply and the Borough Council has specifically discussed that the standards that are already present in the Redevelopment Ordinance would be adopted for the area in need of rehabilitation as not to reinvent the wheel. He said that it took two years and a tons of people working hard to get that plan together and it is workable except for the piano key redevelopment plan, the black keys are in redevelopment but the white keys are not so you could never get a melody playing downtown. Originally the proposal was to extend it into commercial areas down Route 27 up to Woodbridge to at least 11th Avenue where the redevelopment district ends currently and ultimately a discussion to go all the way to Duclos Lane and include all of Highland Park as well as the current redevelopment area. He said that the discussion became more and more and especially when Mr. Constantine came on board why not make the entire Borough an area in need of rehabilitation and he was not in favor of that at first but it became apparent that the area in need of rehabilitation designation for the town would not supersede the

zoning ordinances except as it might be designated in the commercial areas where it would be governed by the Redevelopment Plan in place. It would have obviated a lot of the issues that the Borough spent a lot of money litigating with regard to some of the residential projects because they could have been done without litigation and on a place to place basis. He said that he thinks it is workable and his plan is to not go through an exhausted process of variances, micro-managing variances, they have seen applications like that and as liaison to the zoning board they have been seeing more and more variance applications. Some of the projects as he understands it in the residential areas the zoning does not change in the residential areas, in fact the zoning does not change in any area unless and until the Borough takes that step, once we get to that point where the Borough would amend the Ordinance to say that the area in need of rehabilitation for the commercial district will follow the redevelopment plan. The mechanism is rather than come in with the no you can't unless approach. For instance, trying to go up against the Zoning Ordinance, where there is a significant use change for a project that might work otherwise, can actually be negotiated with the Redevelopment Agency and the Planning Board as the agency's that actually do the negotiations that reach a Redevelopment agreement which includes taxation, educational component contribution, amendments to parking or projects that may not require two or three cars per unit because of the nature of the audience especially if we have to cooperation of New Brunswick if we get approval of at least some sections in town to be incorporated in New Brunswick's transit village designation. The Borough Council does recommend that the Board does take that step in the designation and this will help Highland Park move forward without micromanaging all of the zoning ordinances but it does dovetail directly with the redevelopment area to otherwise change it to allow projects to start happening, right now developers are walking away from projects or just to daunted, most of the downtown is not in an area of redevelopment and is therefore subject to the old RSIS and commercial standards. He said that one of the towns that took that step in doing that was Hightstown Borough, he went down there about ten (10) days ago but was not able to meet with some of the Borough Officials because everyone was on vacation and that is why he was there because he was on vacation. In looking at the area and looking at their map, Hightstown has a downtown that is very historical, mid to late Victorian, much older than Highland Park and looks to him like they have been able to preserve those areas but also to incorporate some smaller scale modern redevelopment and keep it with in keeping with the tenner with the downtown. He said that he found it very interesting that the downtown cross roads, Route 571 and Main Street is all Victorian businesses. The factor that the Borough is looking is factor no. 1 "Area in Need of Rehabilitation" statute which is the aging infrastructure, some of the other criteria may not apply to Highland Park because we don't have the big industrial base and one of the factors specifically goes back to the old redevelopment standard of blighting which requires a whole new redevelopment plan which the Borough is not interested in doing. He said that he had a meeting with a developer on-site last week and he indicated that he was going to wait a little while and see if the Borough adopts this because he would like to sit down and negotiate his project but right now has a rather daunting task and huge soft cost. Mr. George distributed those sections of Capital Improvement Plan that specifically relate to all the infrastructure problems which is the main basis for the designation.

Ms. Hammond asked that Mr. George be more specific on what action Council has taken and what it is that the Planning Board is supposed to do at this point.

Mr. George said that the process is identical to a Zoning Ordinance amendment. We would either pass a Resolution or an Ordinance on first reading and it is then sent to the Planning Board for their review and comment within 45 days. The Resolution of referral was adopted on Tuesday, September 6, 2016 but he was unable to attend.

Mr. Kluger asked if that was what they had before them tonight, he indicated that he was not sure of the Council process at all, but the last paragraph indicates that the Planning Board has reviewed and recommended its adoption and the designation of the Borough as an area in need of rehabilitation and then under the now therefore it indicates that the Resolution is adopted and in effect immediately.

Mr. George said that the Borough Council could have adopted the Resolution and disbanded the Planning Board, he said that he just saw that language and it is his understanding that the Resolution regardless of the language was the resolution of referral which is required to go to the Planning Board.

Mr. Thomas indicated that his concern is like in a zoning statute the requirement for time limits which he believes is 35 days. He said he does not recall with the statute for rehabilitation what referral period is. He said that he would like a representation, Mr. George, that in fact while this has been referred to the Planning Board, you and the Council are not asking for anything that is to be done at this meeting.

Mr. George indicated that he was not at the meeting, his understanding is that the Resolution was adopted to refer it to the Planning Board but his understanding of the redevelopment and the rehabilitation act is that the time line is different in that more public hearings are contemplated because of the nature of the designation as opposed to changing the roofing requirements for R2 zones.

Mr. Thomas said that he understands that but his concern is that the Board is not put in an untenable position. He said that he does not want it to be said that it was referred to the Planning Board and they took no action so we can ignore them and that is not his understanding of the intent.

Mr. George indicated that was not his understanding of the intent, his understanding of the intent was to get the process moving.

Ms. Hammond asked what the action was to be taken and what is the timeline?

Mr. George said that the action was to refer it to the Planning Board.

Mr. Thomas said that he is always worried about a timeline and as long as he can have the Council representative indicating that the Board is not being asked by the Council to act this evening and then if the Board does not that the timeline for rehabilitation will be considered voided. He said that with the Board's approval he will contact the Borough Attorney Schmierer just to ensure we are all on the same page.

Mr. George said that he was sorry he could not answer that question he was not at the meeting but it is his understanding that this is a referral to the Planning Board for further review and that the process that is involved is similar to a zoning ordinance amendment but is not the same process

Mr. Thomas said that it is 35 days for a referral from the Council to the Planning Board for a zoning ordinance.

Mr. Kluger said that the Resolution is written as though it was already referred to the Planning Board.

Mr. George said that he will represent and believes that the wrong form of Resolution was adopted and was done on a relatively short basis. Mr. Thomas indicated that helps.

Mr. Thomas indicated that he would be more than happy tomorrow to contact the Borough Attorney and clarify where the Board stands and will report back to the chair and she can report to the Board members. He said that he wants the record clear that the Board is not being asked to do anything and that if we fail to do something we give up our rights. He said that he did not want the town in a position such as the Township of Dover vs. Dover Twp. Planning Board.

Mr. George said that he can represent to the Board, his understanding and his recommendation over the last several Council meetings was to get the process started. He indicated that he did not want this done during the summer because he wanted full and open hearings on this because traditionally when something is done in the summer. He said that he can represent that Council wants this done but can't represent that at the meeting it was insisted upon that it be done by the next meeting.

Ms. Hammond said that there was nothing indicating that this needed to be rushed.

Mr. George said that there was a planning meeting with regard to several unofficial public presentations, a meet and greet at the end of September, a presentation in Arts in Park so it certainly is not being rushed. He said that he would like to see it done this year so that projects could happen.

Ms. Hammond said that she just wanted something to understand what had already taken place.

Ms. Hammond asked Mr. Constantine to explain the benefits versus the risks involved if there are any.

Mr. Constantine, Borough Planner, said that it was his understanding that it was targeted for adoption in late October, he said there are two public information opportunities, one with bullet point exhibits available at Arts in Park and on Tuesday, September 27th at the Senior Center there will be a 3-hour open house. The good thing is that it puts some of the public communication and outreach within a couple of days of each other, and two different events so before it goes

back to Council in late October there is a chance to at least disseminate it in a manner that is not stiff presentations and public forums.

Mr. Kluger said that he believed there was some discussion at the pre-meeting that Ms. Hammond, himself and Mr. George were at, that after the two public sessions would be followed up by the Board's October meeting at which would be fully noticed for the public to come and have another public presentation and it would at that meeting that action would be taken.

Mr. Thomas said that information should be shared with Jen so she can then share it with all of us. He said that he would think that it would be important for each member to get a packet so at the October meeting it's not a matter of did you look at the web-site.

Mr. Kluger said that some of the concerns that were raised at the meeting was how the public would feel about designating the downtown as an area in need of rehabilitation but doing it abroad the entire town as an area in need of rehabilitation and what that means to an individual homeowner who may think that now they cannot sell their home, or can't add on to his house, what does this do to the value of my home, those types of potential negative reactions would try to be remedied at these public sessions and then again at the Board's hearing as well.

Mr. Constantine agreed and the format through communication should help. The Redevelopment law does allow for municipalities to determine whether certain parcels of land or the entire municipality constitute areas in need of rehabilitation. It can extend to the entire municipality, South Orange and Hightstown are just two of the municipalities that have done, he indicated that he was going to find out which other municipalities have done it as well so there is a complete list. He said that it does require it to be referred to the Planning Board. There are several criteria that can be applied, the one that has been selected will need a substantiating memorandum from the Engineer. Basically if the majority of the water and sanitary sewer lines are more than 50 years old and are in need of repairs and substantial maintenance that older infrastructure meets the criteria. There are other criteria related to the condition, the age and condition of housing and he recommended that the Borough did not need to deal with that criteria you would probably meet the criteria because a majority of the housing is over 50 years old but if you stick with infrastructure its more objective and straight forward and that needs to be documented and believes that Mr. George was working on having that memo supplied.

Mr. Constantine indicated that there were some statutory criteria that references that this would to try and prevent deterioration of the overall development of the Borough, that is statutory language in the Resolutions that he reviewed from South Orange and Hightstown. He said that he did not believe that it was needed to speak to that at public communication that is just what the statute states. He said that the big things here were how does this relate to the Master Plan, it promotes the goals and objectives of the Master Plans in the following ways: it will ensure a vibrant downtown and commercial corridors, some of the reasons that Mr. George had mentioned and the reason why the Redevelopment Agency is advancing adopting this. Adopting this will help expand opportunities for mixed uses in the downtown, in part because there is this checkerboard, I'm in or I'm out and the challenges with trying to sell land that doesn't get caught

REVISED 11/8/2016

between the redevelopment plan and the normal zone. It promotes the goals of the Master Plan by encouraging in-fills, this is important to the Planning Board that is compatible to scale of density and designed with the Borough's existing residential neighborhoods and historical development patterns. The ability to come in and deal with very specific design and development concepts in sort of a site specific redevelopment plan that this allows you to do, that cannot be done under normal zoning. This will promote the Master Plan because it will help to preserve and enhance character and small town feel of the community and it does this by helping to address unanticipated proposals for in-fill. He said that he would guess that many residents of the Borough would say that some of the in-fill's that have been built, we never saw them coming it is changing the character of the neighborhood. He said that he was not suggesting that there were any mistakes made but this would give the Borough more tools to help address future ones that may be coming that cannot be anticipated. He said that it is not going to change the existing zoning in any neighborhood for any typical homeowner and does not involve condemnation, it cannot, so properties are not going to be taken. The additional planning tools that this helps provide to the municipality are as follows: 1. can be used to help provide greater control over unanticipated proposals for in-fill development. He said that most older Borough's this was one of the challenges that they face, someone all of a sudden assembles a series of lots that nobody ever thought could be put together and because the land assemblage is larger, the proposal is larger, its magnitude and impacts are larger. The additional tools that this allows you to deal with this, that is outside of conventional zoning because if not they are either going to come in with something conforming to zoning and more likely in some of those unanticipated in-fill applications they are going to get kicked to the zoning board as a use variance. He said that they might be the right type of thing but now your also left without a lot of tools to shape it. This would allow in those situations for the preparation of a detailed plan, where you can specify use, density, form, scale, height, building types, layouts, streetscape relationships, yards, set-backs, landscape treatments, and other design characteristics to help develop a specific site match and compliment and better in the character of its context, so that would the immediate neighbor up the block or a couple of blocks away and potentially allows for the Borough to payment in lieu of taxes and that is a part of an application to help facilitate development projects that are a bit challenged but could also be used to apply for monies to upgrade infrastructure for the public realms some improvements that may be needed in the area of the development that may be a little bit of a stretch as an off-tract improvement. He said that could all be built into a process that has community engagement at the front end before an application appears before the Board. He said that those were the tools it brings that you would not have available if you sat back and allowed for unanticipated in-fill to occur and in many cases would be kicked to the zoning board for a use variance. He said that you could try and end up doing all of those things in the use variance process but it is a little bit harder and this allows for site specific development concepts and design tools to shape things, it is an option and you don't have to do it and leave the normal zoning in place.

Mr. Kluger said that you could almost have mini-rehabilitation plans for certain blocks or areas, where in the process would this happen, is it done up front. He said that once a developer is ready to come in he could go to the zoning board or planning board or do you say to him let's sit down first and develop rehabilitation plan or concept plan.

Mr. Constantine said that if someone comes to the Zoning Board you're in a reactive review mode, this would give you the chance to say to applicant this is a way to proceed in a proactive approach, it's going to allow for community involvement, it will allow us to shape the project better the way we would like and it is not locking you in to do it because you go not have to adopt the site specific plan and it is called the redevelopment plan and the statute indicates that you can develop a redevelopment plan for any site. He said it gives you that tool and he is aware of at least one situation that may be brewing out there that will tract to the Zoning Board, not sure if it will develop or not but if it does this would be an absolute application for this sort of thing.

Mr. Kluger asked if the Borough Council had the ability to stop a developer and indicate they are in an area of rehabilitation this way we can stop you and force you to come to the table to do a redevelopment plan.

Mr. Constantine said that they best approach would to try and be cooperative with the person who has assembled the property and tracking to come into town. He said that you could do it without their cooperation and some Attorney's representing a lot of redevelopment work including here, he has heard them say they didn't know of a situation where people have challenged the redevelopment plan, once you move forward you put it in place. It also completely changes the dynamics of a use variance.

Mr. Thomas said that if it isn't done this way then, a developer will be coming to the Zoning Board with a use variance standard designed by the statute to be the hardest to obtain. He said that he does not know of any developers that would say that would be the route they would want to go, most rational developers are going to say let's talk with the town and unless the town in their mind is so totally unreasonable they are going to want to end up getting a plan either in terms of rehabilitation or redevelopment that will be more suitable to what their needs are, as opposed to a "D" variance that requires certain definitive standards and five (5) affirmative votes which is not the easiest thing in the world to get which is by design.

Mr. Constantine said that if you're an applicant putting something together, and thinks this applies on a larger scale in small incidences doesn't make sense.

Mr. Kluger said that that was what he has been playing devil's advocate with. The above average homeowner feels as though the town Council can stop it because they don't like what your building. He said the intention is much larger where someone is trying to get some lots together and doing some kind of in-fill development but it should be made clear that the intention is not to impact a single family home.

Mr. Thomas agreed and what ends up happening is a single family homeowner that decides that they want to put on an addition because the lot is under sized they in fact will go to the Zoning Board.

Mr. Constantine said that information is probably best communicated at the public information sessions. He said that when he weighed putting in some of the language when he explored he did not want to indicate that this will not impact a single family homeowner because if there was a large in-fill development coming even using these tools it may impact the homeowner, good or bad. He suggested being careful with the expectation setting and believes that the public information formats will be helpful.

Mr. Thomas asked Mr. Constantine if he would agree that under that circumstance that would be something the developer comes in and indicates that they would like to assemble a group of lots to be able to develop in a different way and then the Borough would not be in a position to condemn those properties rather it would be an arm's length transaction between the property owner's and proposed developer.

Mr. Constantine agreed. He said let's just say that the in-fill proposal is logical, makes sense, transitions well in the neighborhood but the existing zoning does not permit it and it actually calls for something that was a great idea 50 years ago, you could send it to Council for re-zoning and now we are talking about re-zoning one property, people raise questions about spot zoning, and this would allow you to go in and not only deal with the zoning, but what it is going to look like, how it is going to feel across the street, whether that street needs some public realm upgrades, wider and completely enhanced sidewalk and that is where a pilot may come into play because you want to apply monies to fix a problem intersection and make it safer and that would require a little more money than what zoning board could do.

Mr. Thomas said that he believes that the concern that Mr. Kluger was raising is that the members of the public do not have to be concerned under a rehabilitation plan, to say that if Mr. Jones who owns that single family lot does not want to sell that the Borough will come in and condemn it under the rehabilitation program they cannot. It's a matter of negotiation by a developer with individual property owners if that to get assemblage and if they cannot get that it won't happen. Mr. Constantine said that was correct.

Mr. Constantine said that the benefit with this is, as Mr. George had mentioned before, the Borough has had challenges with the redevelopment plan, part of it is because certain properties are in, certain are out. He said as the new Planner when he looks at it and see the wonderful opportunities and they are outside the line and have been in meetings with perspective redevelopers who have one property in and one property out and it is his understanding that this has happened many times. He said that real challenge of assemblage and trying to work under one set of rules and what this will do is properties could be assembly along Raritan Avenue without being injured and hampered by these artificial lines and allow for all of this to fall into a single redevelopment plan for that tract, utilizing the existing redevelopment plan but really adjusting it particularly the next lot that transitions towards the neighborhood and you want to get that right. He said that he knows that there was some logic behind the lines that were out there but that does not always align with real world assemblage of properties. There are opportunities there to give the redevelopment plan some legs, where it has basically tripped over itself and prevented it from advancing and moving forward.

Ms. Hammond said if someone was assembling lots in the downtown, when you say a new redevelopment plan you are basically crafting a new plan based on what makes the most sense for that and really could leave the redevelopment plan behind and you're looking at what makes the most sense for this assemblage. In terms of the guides for that, is that overseen by the Redevelopment Agency in terms of the standards and guidelines.

Mr. Constantine said you could look at the Redevelopment Plan, the Redevelopment Agency itself is already identified some of the provisions in there that they have gotten feedback from prospective developers are challenging. He said that he has testified on behalf of a citizen group before this Board asking to uphold the principals and design standards of your Redevelopment Plan, that are generally and absolutely the right thing to do. Sometimes you hit a specific situation and you need to have the ability to adjust and believes you have that if you move forward with this. He said that where it is really at play is where you have these tracts where some of the properties are in the redevelopment area and some are not and this brings it all under one set.

Ms. Hammond confirmed that you would use the guidance of the Redevelopment Agency. Mr. Constantine said he thinks you would, why you wouldn't along Raritan whether you're in the redevelopment area or not those principals are what you want to have governed.

Mr. Thomas said the rehabilitation area would take into account the principals of the redevelopment but would expand it to areas that are not included in redevelopment so you can take the checker board and consolidate it so that it becomes part of rehabilitation using the principals of redevelopment.

Ms. Hammond asked if they would still come before the Planning Board. Mr. Constantine indicated yes and many States have a specific area plan statute which allows them to go in and deal with a site or neighborhood specific redevelopment plan. There are planning tools that sort of model this and are used in other places as well. There are some states that allow PUD's to be applied as for as small as a single lot, which he had seen a lot in some of the western states. He said that this could help you with in-fill because it allows you to craft planned unit development, New Jersey was always seen on larger sites but you can go smaller. He said that it was rare but that these were tools that you see parallel the same intent. There may be some advantage in having this designation if at some point the Borough is applying for State assistance related to construction improvements.

Ms. Monk said that a lot of positives were spoken about and asked if there were any negatives or draw backs or any tools that we currently have that we would be precluded from using.

Mr. Constantine said that this would give you additional tools beyond your conventional zoning.

Ms. Monk asked if this was absolutely only an expansion of tools and options. Mr. Constantine indicated that there were no restrictions and no loss of existing zoning. He said that at any point the Borough could pull the plug on this and let the existing zoning stand.

Ms. Monk said that this should make it easier and have more options and be proactive instead of reactive.

Mr. Constantine said that you could have for the redevelopment plan for the site specific you could have a neighborhood engagement component to that and there is an empowerment to the community through some of that process. He said that the statute does not call for the engagement that is something he would recommend be done.

Mr. George indicated that there was one limitation and it was mentioned before a payment in lieu of taxes in a rehabilitation plan can only be five years so there is somewhat of a limitation as opposed to the thirty-year in a redevelopment area.

Mr. Constantine said that although that is a tool there is nothing in the statute that says you have to have pilot and this is usually negotiated after the plan has been approved and there is often negotiation involved the municipality and the developer which does not involve the Board.

Mr. Williams said that Buck woods, Upper and Lower Meadows were previously determined as areas in need of redevelopment and asked what this did to those areas.

Mr. Thomas said that he does not think that it has any impact what so ever because again this tool is being used in terms of development to the extent that there is already a limitation and it is not going to change that. He said that a developer cannot come in and change it to development, that is where the control is, the Borough continues to maintain control and the Borough has the right to say no we are not going to do that. This tool does not weaken the power of the government to say what is going to happen it just gives flexibility. This is absolutely a discussion that needs to take place at a public meeting so that the public can hear what the Planner has to say to eliminate some of the fears that are there.

Mr. Kluger indicated that there were two towns that had done this, did you see if there were any towns that considered it and did not do it and why aren't other people doing this.

Mr. Thomas indicated that it is hard to prove a negative and there are certain towns that are uniquely applicable to this kind of development, there are many many towns in the state because of home rule that this really does not apply. He said that many of the towns that he represents this would not work because they are much more rural and this is an opportunity town that could use this, doesn't mean you have to but could be a benefit.

Mr. George said that in some of the works that he has done and some of the workshops it seems that the designation has been around for a while but were always done in towns that might have considered a redevelopment or downtown. The trend of overlaying an entire town in some cases the downtown was already developed like Highland Park, only Highland Parks is 90 years' old and more and more the trend is to apply it as an overlay to the entire town because times have changed.

Presentation by PSE&G

Ms. Hammond said that the Presentation by PSE&G which was unclear on whether that was going to happen at this meeting or a subsequent meeting. She said that it was her understanding that this will take place at the October meeting at the earliest.

Mr. Williams asked if that was going to be a summary presentation or will that be the actual application.

Ms. Hammond said she thought it was a summary/presentation about what is going to happen but Mr. George may know more about that.

Mr. George said that the Council has taken action to move forward with an agreement with PSE&G for the solar farm and as a part of that the Council thought that the broader the presentations on the project the better. He said that ultimately he believed it required Planning Board approval.

Ms. Hammond said that ultimately they will come with an application but it was her understanding this was just a presentation.

Mr. George said that they did a presentation to administration and Council at one of the Council with regards to the actual plan itself not just a general idea but what they were proposing to do, how it would work, the sustainability, the resilience of the project and he believed that they wanted to present that to the Planning Board so there is another public presentation before the application.

Ms. Hammond said that they could find that out before the next meeting.

Mr. Thomas asked if this was an application to be made by PSE&G for a solar facility. Mr. George said that was correct. Mr. Thomas asked if it was a permitted use for whatever zone they are in and if it is not, is there a provision that authorizes it and he would more than happy to look into that because it is possible that we may be dealing with an application that could require a "D" variance and if that is the case Planning Board is not the right board. Mr. Thomas asked who he could contact regarding this. Mr. George suggested he speak with Bruce Koch, the Borough Engineer and that he would get a copy of the Resolution from Council as well.

Correspondence and reports: None

Public Comment:

Ms. Hammond opened the meeting for public discussion and called upon all those wishing to speak to identify themselves.

Craige Ambrach, 106 North 6th Avenue, he said that he wanted to comment about the solar project at the Meadows, he is a volunteer, this will impact the lower meadows and there will be a

significant number of trees being removed. He said that he would be in discussions with PSE&G but wanted to ensure that as volunteers and stewards of this place and wanted to emphasize that they want to be involved. He said that he is associated with the Environmental Commission and in his volunteer work he does literally mowing the trail, and has been successful in applying for grants. As he was walking through the Meadows this week he noticed a significant amount of work had been done with regard to the solar project, a lot of trees had been marked with ribbons, numbering of the trees, with size and species and different colored dots were spray painted on the trees. He noticed that there were some errors such as species were miss-identified, and there are wetlands on the east side of the properties and there are no markings. He wanted to ensure that they were involved in the process.

Ms. Hammond indicated that the information provided is very important and would like to understand and asked that he attend the meeting that PSE&G is present, it is difficult to say someone came to a later meeting etc., and asked that he attend when PSE&G was present to connect the pieces.

Mr. Ambrach indicated that he would absolutely be attending the meeting when PSE&G is present.

Mr. Williams indicated when the site plans are received at the Environmental Commission they will get the volunteers in.

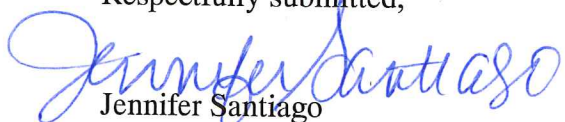
Ms. Hammond asked Mr. Ambrach is he was volunteering through the Environmental Commission.

Mr. Ambrach indicated that he was with the Environmental Commission and emphasized that he would like to be involved as a volunteer. Ms. Hammond indicated that the Board welcomes public input.

There being no one further, Ms. Hammond closed public discussion.

There was a motion to adjourn from Mr. George with a second from Mr. Kluger at 9:01 pm the meeting was adjourned.

Respectfully submitted,



Jennifer Santiago
Board Clerk