

Minutes
 Highland Park Planning Board
 Council Chambers, Borough Hall
 221 South Fifth Ave. Highland Park, NJ
 Regular Meeting–December 17, 2015

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.

Ms. Hammond introduced Jennifer Santiago as the Board’s new Board Clerk.

Roll Call

Present	Kim Hammond, Allan Williams, Alan Kluger at 7:37 p.m., Philip George, Padraic Millet, Steve Nolan, Judi Monk
Absent	Paul Lanaris, Stephany Kim
Board Professionals	Roger Thomas, Esq. Board Attorney, Scott Brescher, Code Enforcement Official, Allen Schectel, Board Planner Bruce Koch, CME Engineering Board Engineer

Hearing of New Cases

Chelsea Builders LLC
 316 & 320 Lawrence Ave.
 Block 161, Lot(s) 25, 26

P2015-05
 Preliminary and Final Minor Subdivision
 Approval

Patrick Foley, New Brunswick on behalf of Chelsea Builders LLC, introduced his client Robert Gazzale, Professional Engineer testifying on behalf of the applicant and Michael Amorim, President of Chelsea Builders LLC. The applicant is in front of the Board seeking minor subdivision, two lots are present, applicant is seeking to create a third lot, it is a fully conforming lot, no variances associated with the application. Mr. Gazzale will testify to the particulars.

Robert Gazzale, Fisk and Associates, 631 Union Ave, Middlesex NJ affirmed and indicated that he has a bachelor of science in civil engineering, a licensed professional engineer and land surveyor. Mr. Thomas asked Mr. Gazzale if he has been qualified in Planning, Zoning and land use boards in the past. Mr. Gazzale said yes numerous boards. Mr. Thomas said that Mr. Koch, Borough Engineer is familiar with his work and had no additional questions.

Robert Gazzale, presented a set of plans prepared by Fisk and Associates for a minor subdivision for property known as Block 161, Lots 25 & 26, 320 Lawrence Avenue, Highland Park, New Jersey. The property is located in the RA Zone dealing with two (2) lots, Lot 25 one in from the corner is 50’ wide by 167 ft. deep lot and 8,333 sq. ft. and Lot 26 is located on the corner, 50’ of frontage on Lawrence Avenue, 169’ off Madison Avenue, the rear line in the Southeast clears out to 83’ wide and contains 11,070 sq. ft. Both lots are currently occupied by single family dwellings, driveway, and detach garage. The applicant is proposing to create a third lot, taking the rear 50’ from both lots 25 and 26, the new lot would be 50’ wide and contain 6,463 sq. ft., half of the remaining Lot 25 would be 5,800 sq. ft. and Lot 26 would be 7,130 sq. ft., all the lots are conforming to the requirement of the RA zone. Lawrence Avenue and Madison Avenue are both fully improved curb with sidewalk, public utilities exist in the street, gas, water, electric and storm sewer after the subdivision all those utilities are available with developing new lot with the exception of storm sewer that it located approximately 125 feet at the intersection of Lawrence Avenue. The current geography of the site the front of lots drain towards Lawrence and drain towards an inlet at the intersection of Lawrence and Madison, the rear of the lot drains directly towards Madison and down to the same inlet. The surrounding lots are higher than this particular property. The proposal is to construct the single family home that would conform to

all of the requirements have a detach garage located in the rear, would be no deviation of the zoning ordinance, drainage would continue to maintain the same pattern. There are a few variances that will result as a part of the subdivision. Lot 25 has a front yard variance, 20ft is required, 17 ft. is existing, side yard 10ft is required, 8.3 is existing, and the detach garage in the rear a 5ft side yard is required and 2.25 ft. exists, Lot 26 – front yard 20 ft. is required, 13 ft. exists, side yard 10 ft. is required 4.8 ft. exists and the garage a 5 ft. side yard is required, 3.2 ft. exists, they are all existing variances, in which none will be intensified by the build.

Mr. Gazzale indicated that he was in receipt of Mr. Koch's memos dated November 23, 2015 and December 16, 2015 and all requests can be complied with as stated in the Borough Engineer's report regarding Stormwater Management. He indicated that he did prepare a report; Mr. Koch would like them to investigate whether the soils on site are permeable enough to support an infiltration device and if possible to install a dry well. They will be performing that test and as part of that test it will determine the ground water elevation for the basin.

Mr. Gazzale indicated that he was in receipt of Mr. Schectel's report dated October 25, 2015 and the applicant is able to comply with the contents of the Borough Planner's report.

Ms. Hammond said that Mr. Gazzale understood the tree replacement section of Mr. Schectel's report and asked Mr. Gazzale if he would be actually planting the trees or that one or the other would be done.

Mr. Gazzale said that he understands that they are required to either plant them or pay for them, and does not know which one the owner would be doing.

Ms. Hammond said that in terms of the water draining there is an odd condition. Where the house that is currently on the corner, the basement must take on a lot of water and they were doing an illegal type of pumping out which the Borough does not allow. She believes that there has been a remedy to that, but perhaps in that area there is a creek running back where all the basements are and there is maybe there is a lot of water on that corner. During the winter months both the sidewalk along Madison Avenue and the street is a sheet of ice, its horrible situation and could only be made worse if the situation is not handled in the most serious way.

Mr. Koch said that the basements were put in and there was not a sufficient distance above the ground water, and when the sump pumps were put in and they continually pump and they pump out the liquid it forms into ice which is why he made the comment about the testing and if they are going to have a basement set it above ground and put a drain system if necessary and also investigate the infiltration.

Ms. Hammond asked if the water level is 5 feet below grade they couldn't have a basement? Mr. Koch said essentially yes, you don't want to create homes that have problems.

Ms. Hammond asked if the developer's intention was to have a basement. Mr. Gazzale indicated that it was their intention to have a basement in the new home.

Mr. Koch said that they would make that determination, if the Board takes favorable action, and the developer does the testing we will have to revisit the architecture to see if they can meet the height in the building and still get above or make another decision to whether or not to eliminate the basement.

Mr. Nolan asked what the front set back of the new house going to be, is the rear garage detach and the driveway is on the left or right of the house. Mr. Gazzale said they have it at 20.1 ft. to the porch, the garage is detached and the driveway is to the right of the home right next to the drive of the current home.

Public Comment

Marilyn Blabher-Reich, 224 Lincoln Avenue, affirmed and asked what was happening to the existing homes.

Mr. Gazzale said that the existing homes would remain the same with some renovations.

Ms. Blabher-Reich indicated that the house on the corner does have a water problem, and major issues.

Mr. Michael Amorim, President of Chelsea Builders LLC, 31 Ten Eyck Pl, Edison, NJ, affirmed and said that the two existing homes will have basic renovations while maintaining the current style and façade of the existing homes and has built homes in Highland Park and purchased the two homes knowing that there were existing water issues.

Ms. Blabher-Reich said that she was very concerned with the sidewalk on Madison Avenue, it is dangerous there, it gets icy and asked that the developer or the Borough address this issue because it is very dangerous.

Mr. Gazzale indicated that Mr. Koch addressed that issue with the sidewalk and curbing and communicated that the developer would comply. He indicated that his client was also a concrete mason and the sidewalk issues would be taken care of.

Mr. Thomas indicated that in Mr. Koch's report dated December 16, 2015, item 4 - that the applicant be required to reconstruct sections of the existing concrete, curb and/or sidewalk that are in disrepair.

Mr. Koch said that he would be willing to sit with Mr. Gazzale and the applicant if they would like to in order to discuss a resolution that everyone could agree upon.

Mr. Nolan asked about the renovations of the two existing homes, are the exteriors going to remain the same, just a cleaning up. Mr. Michael Amorim said that the two existing homes would remain the same. Mr. Nolan asked if the style of the new home was going to be the style of the neighborhood. Mr. Michael Amorim said that he had elevation plans prepared by Mr. Winkle dated August 2015 that showed the new home.

Ms. Hammond indicated that no one had seen those plans and asked that the applicant distribute to the members.

Ms. Gianolio, 323 Lawrence Avenue, affirmed and said that she just wanted to check that each home will maintain a driveway and a garage. At the corner of Lawrence and Madison there is a stop sign so it renders the street in front of 320 Lawrence as no parking.

Ms. Hammond said that the plans do not indicate a change in the terms the length of the driveway, the garages are remaining and any improvements that they do they would have to come into Borough Hall for permits. One of the requirements is that for a four bedroom home you would have to provide a number of off street parking spots.

Ms. Gianolio said that there is no parking in front of 320 Lawrence as it currently stands because of the stop sign, and doesn't know what the parking is on Madison Avenue so there is no parking that she is aware of on the side of the house where the front of the new home would be and there is no parking in front of the existing home. It makes three homes with basically no street parking.

Mr. Schectel indicated that the driveway will go the full length of the home.

Ms. Monk asked the applicant if he was going to be making exterior improvements to existing structures and asked if he was planning on changing the existing exterior to vinyl or maintain the character of the existing homes?

Mr. Michael Amorim indicated that he was planning on maintaining the character of the homes, but will not know until he sees what the condition of the existing exterior is in.

Ms. Hammond asked if the improvements to the existing home would include additions, such as increasing the size of the homes?

Mr. Amorium indicated that they have not looked into that yet.

Carol Mitchell, 226 Lincoln Avenue said that the former owner of 320 Lawrence was planning on renovating the kitchen including bumping it out.

Mr. Thomas said that it sounds like if that is going to happen the applicant will have to go before the Zoning Board and there is notice requirement so property owners within 200' are concerned they will get a notice in the mail about that modification.

Ms. Gianolio, 323 Lawrence Avenue said that functionally any home with two or more driver's, people are shuffling cars to get in and out of the driveway and ultimately end up parking on the street. She thinks that parking in the area is still an issue because of the way that it will get used. She felt that there would be more cars on to Lawrence Avenue and while the plans accommodates that, the way people will use it will cause more traffic congestion. She said that she has a problem backing out onto Madison Avenue from her driveway because if a lawn company comes they will often park in front of the person's driveway which makes it difficult or impossible to back out of the driveway.

Mr. Gazzale indicated that there would be a turnaround area at the back of the property.

Ms. Hammond said that on the back end of the driveway in what would be the new construction home. For the purposes of this Board, the Board would require that they meet the parking standard, and appreciates that it could complicate parking and we will ensure that they do comply with the requirement.

Mr. Thomas indicated that if there are no further comments and suggested a favorable resolution incorporating Mr. Schectel's report of October 25, 2015 particularly section c, tree replacements 1, 2, and 3, as well as Mr. Koch's report of December 16, 2015 those items that he has outlined 1-11 and with regard to item no. 4 that it be expanded so that the Borough Engineer's office and the applicants Engineer shall investigate the sidewalks to lower and improve safety.

There was moved by Mr. Millet with a seconded by Mr. George to deem the application complete, as stipulated by the Board Attorney.

Roll Call

Aye	Alan Kluger, Mr. Williams, Mr. George, Mr. Millet, Mr. Nolan, Ms. Monk, Ms. Hammond
Nay	None
Abstain	None
Absent	Mr. Lanaris, Ms. Kim

Motion approved

Memorialization of Resolutions

Rite Aid
330-334 Raritan Avenue
Block 31, Lot(s) 17, 18, 19, 20, 21, 22, 23

P2015-03
Preliminary and Final Site Plan

Mr. Thomas said that since the distribution of the Resolution he has had some discussion with regard to that with Mr. Harrison, concerns were raised regarding timing of some of the conditions and yesterday received an e-mail from Mr. Harrison and proposed that certain modifications, specifically conditions 2 and 3 which is the as-built lighting plan and proposed lighting plan respectively subject to the revisions that the applicant would adjust the lighting abutting Lot 7 in accordance with the recommendations of the Borough Engineer and will incorporate new side shields as recommended by the Borough Engineer and that now is the same except that that it is proposed that it be accomplished by January 29, 2016.

Ms. Hammond said that a lot of this has to do with lighting, South 4th Avenue, etc., and so the Board wanted to put a time line of those things so that things did not roll on because right now that corridor is incredibly dark on South 4th.

Mr. Thomas said that continuing with condition 3 the applicant will also work with the Borough Engineer to reduce wattage of lighting where appropriate and improve shielding of the house side lights and that will also be the same date of January 29, 2016. With regard to item no. 4 that has to do with contractual arrangement with the applicant and the Rutgers Mason school that will be accomplished by January 29, 2016; condition 7 agreement to do bike racks and seating along Main Street to be accomplished by the 31st of May or June 1st, condition 12 – there are existing light fixtures on the building at the corner of Raritan and South 4th and applicant has agreed to install those on or before the 31st of December, relocate the existing evergreen tree on South 4th in a location agreeable by the Shade Tree Commission by May 31, 2016. Those are the suggested modifications.

Ms. Hammond said that the timelines seem reasonable, and suggested some language changes within the Resolution. Page 2, second paragraph refers to their 2000 resolution as being a construction project while it was actually a renovation project, page 3 at the bottom it states that they needed to put the clinic by the door and the pharmacy and believes it was desired or best practice; and starting on page 4 throughout the rest of the document South 4th is called street and it's South 4th Avenue, page 5 says garbage should say garbage removal; page 9 says something out the sale of alcohol is limited to 10pm and suggested that it say shall cease at 10 p.m.; page 10 should say Main Street Design Committee and page 15 says something about limiting the alcohol says to 10 p.m., item 11 suggested the wording cleaned and maintained, page 16, item 12 suggested it read installation and maintain light bulbs.

Mr. Schectel said that the hours that the clinic is open is inconsistent throughout.

Mr. Williams said that on page 5 the first paragraph it says the clinic will staffed by a nurse assistant.

Mr. Thomas suggested it read appropriate health care provider.

Mr. Thomas said that he would make all the changes.

There was moved by Mr. George and seconded by Mr. Nolan to approve the resolution, with the amendments.

Roll call

Aye	Mr. Kluger, Mr. Williams, Mr. George, Mr. Millet, Mr. Nolan, Ms. Monk, Ms. Hammond
Nay	None
Abstain	None
Absent	Mr. Lanaris, Ms. Kim

Motion approved

Approval of minutes

November 12, 2015

Mr. Williams suggested the following changes throughout the minutes, that “The proposed health clinic will operate between the hours of 8:00 am to 7:30 pm and maybe extended based on demand.”

There was moved by Mr. Millet and seconded by Mr. Williams to approve the November 12, 2015 with revisions to approve the minutes from the November 12, 2015 regular Planning Board Meeting and with a voice vote from all present the minutes were approved. Mr. Kluger. Mr. Williams, Mr. George, Mr. Millet, Mr. Nolan, Ms. Monk and Ms. Hammond.

Ms. Hammond excused herself from the meeting due to a conflict and Alan Kluger would be taking over as chair to discuss American Properties.

American Properties

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

Mr. Kluger said tentatively on the agenda for January 14, 2016 was the American Properties at Highland Park LLC and wanted to discuss the issue of completeness. According to the Boards Rules and Regulations the Board is supposed to make the determination on completeness, with smaller applications the Board will take the recommendation of the professionals and probably deem it complete when application is started, but given the size of the application and some of the issues that are in the application thought it would be a good idea to talk tonight and raise some questions on whether it should be deemed complete at this time and technically the professionals have recommended that it be deemed complete but there were a few items that came up and wanted to present them to the Board as a whole.

Mr. Williams said that apparently the professional had gotten more documentation than the Environmental Commission did because Mr. Koch sent an e-mail commenting that he had seen a plan for the Stormwater Management, and the Board did not but was in receipt of the Stormwater Management Plan now. The Freeholder Soil Conservation indicating that they thought that there were some incomplete things about procedures about maintaining the detention basin. Mr. Koch said that during the process things will change.

Mr. Williams said that Mr. Koch did not address the 4 page LSRP report. Mr. Koch said that if you get something it’s like getting a grading plan but the grading plan really isn’t sufficient but technically they are complete and in his report he indicated that the LSRP on record shall provide a detailed report, they are proposing to remediate as part of the development unlike Pulte who took all the contaminated dirt out and put all the new dirt and then developed, they are going to have provide a very specific plan, having something from them is sufficient to trigger it and the letter from Menlo that said that they

would be complying. He believes sufficient to deem but certainly not sufficient for him to feel comfortable for the Board taking favorable action but there is information that allows you to check that off.

Mr. Williams said that one thing in the LSRP report indicated that from external site there was TCE going onto the applicant's site and it had levels of 88,000 ppb, the LSRP's have to get together and figure out what they are going to do before you can build on that section. Mr. Koch agreed with Mr. Williams comments.

Mr. Nolan indicated that you can have something that is complete and yet not acceptable. Mr. Thomas agreed.

Mr. Thomas said that in the legal mind it is complete, when something is submitted that does not been that it is satisfactory and in many cases it is not. So far what he has heard is that all of the items have been satisfied or they are submitted and therefore up to this point he recommended that the application deemed complete even though it is deficient in terms of any approval, that is what the hearing process is about.

Mr. Koch said that he has to allow the process to unfold it is already in the agreement and they have already agreed to have to do all of those things and that will be listed blindly and whereby they have to provide the Board with that and then there will be opportunities to review and ask questions and in the end it will have fallen into place.

Mr. Nolan said that moving forward we would want to see a more clear definitive plan so the Board could approve. He wanted to ensure that was the direction that the Board was going in. Mr. Koch said that this was his greatest concern as well. Ms. Nolan said that the applicant would have to show that when they are doing section B and have that completed and capped, that they will protect section B when they go into section C and keep whatever they are disturbing in that area or under that area. Mr. Koch said that he believes this is the most important aspect of the application.

Mr. Kluger asked if there were any benefit for the Borough to say given the importance of this issue we want it to be addressed up front and not get lost in the overall application.

Mr. Thomas said that the Board controls the application process, so far as what he has heard from the Borough Engineer everything that he has said he concurs with in terms of the issue of completeness. That being said at this point would recommend that the application be deemed complete. He said that the Board does have the right to indicate and it can be done through the Board Secretary, Borough Engineer or himself and maybe should be in combination of the Borough Engineer and himself to indicate that the application has been deemed complete but there were certainly concerns with regard to remediation and that the Board is going to be very interested in hearing those solutions early on in the process.

Mr. Nolan asked that at no time during the process of the settlement it was constantly made clear to them that they would have to conform and go through the standard process of going before the Boards and other than the density and other types of specific issues there was no kind of leverage that they had.

Mr. Thomas said that during settlement negotiations that safety was a major concern and that the Borough Engineer is very concerned about that and he is sure that he will take great pains to make sure that those issues are reviewed thoroughly, and suspect that the Environmental Commission will do so as well.

Mr. Koch said that if the Board is not comfortable with that, then at the January meeting make it a completeness hearing and they can they can ask you formally for a waiver of a couple of things that haven't submitted like the retaining wall design and then let them know about your environmental concerns.

Mr. Thomas said that his concern with that is that this is not a standard application; it is part of a settlement involving a builder's remedy lawsuit it's not the time to start doing that type of thing. He said that he did believe that it should be made clear either by letter or other communications and also at the first meeting that the Board has expressed serious concerns as has its consultants with regards to safety issues and they need to be prioritized and the Board can ask them. Mr. Thomas will get in contact with the applicants attorney, to let him know these concerns were raised and he will be expected to give some indication after he consults with his client as to when these items will be addressed, whether it's going to be at the first meeting or the second meeting but there has to be a clear understanding that they will be addressed clearly.

Mr. Williams indicated that on November 24, 2015 the Environmental Commission sent a letter to Diane Reh, copied to the Board and professionals asking for whatever reports are available, and have not heard anything back.

Mr. Thomas said that he was sure that if Mr. Williams would check with Jennifer to ensure he has all the reports that she has.

Mr. Kluger said that he would agree with Mr. Thomas on deeming the application complete and through communications making it clear the importance of this issue and that we want to deal with it up front so as not to get lost in the overall bigger picture.

It was moved by Mr. Williams and seconded by Mr. Nolan to deem the application for American Properties complete.

Roll call

Aye	Ms. Kluger, Mr. Williams, Mr. George, Mr. Millet, Mr. Nolan, Ms. Monk,
Nay	None
Abstain	None
Absent	Mr. Lanaris, Ms. Kim, Ms. Hammond

Motion approved

Mr. Williams said that for the last memorialization when changes are made could changes be marked in yellow so that they are easily found. Mr. Thomas said that he was sure his secretary could do that.

Mr. Kluger said that Diane had distributed proposed meeting dates and if anyone has any questions please address them before the January meeting so that the full calendar could be set for the year.

Mr. Williams made a motion to adjourn, seconded by Mr. George and by a voice vote the meeting was adjourned at 8:39 pm.

Respectfully submitted

Jennifer Santiago
Interim Board Clerk